NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY
Office of the Executive Director
Post Office Box 339, Window Rock, AZ 86515
Telephone (928) 871-7692, Fax (928) 871-7996

OCT 7 2008

Deborah Jordan, Director
Air Division
US EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Subject: Final Title V Permit for El Paso Natural Gas Company Window Rock Compressor Station

Dear Ms Jordan:

Enclosed is a copy of the Final Permit and Statement of Basis for El Paso Natural Gas Company-Window Rock Compressor Station, located at W 1/2 NE 1/4 Section 34, Township 26-N, Range 30-E, 22 miles West of Gallup, NM, Arizona on the Navajo Nation. Navajo Nation EPA (NNEPA) intends to issue this permit in accordance pursuant to the Delegation Agreement between EPA Region IX and NNEPA, dated October 15, 2004. In accordance with the provisions of Title V of the Clean Air Act, 40 CFR Part 71, Navajo Nation Operating Permit Regulations, and all other applicable rules and regulations, the Permittee, El Paso Natural Gas Company (EPNG) - Window Rock Compressor Station, 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.

Notice of the draft permit was published in several local newspapers beginning on January 28, 2008 and ending on February 28, 2008. NNEPA also sent out Affected State letters to Arizona Department of Environmental Quality, New Mexico Environment Department, Ute Mountain Ute Indian Tribe, and Southern Ute Indian Tribe. NNEPA also posted the draft permit on Navajo Nation EPA website. NNEPA received no request for public hearing and two sets of comments during this period; a copy of the comments and responses is attached.
A copy of the final permit will be on file with the Operating Permit Program and on NNEPA's website at: www.navajonationepa.org/airqty/permits.

If you have any questions or comments regarding this action, please contact Charlene Nelson at 928-729-4247.

Stephen B. Etsitty
Executive Director
Navajo Nation Environmental Protection Agency

Cc: Gerardo Rios, US EPA Region IX

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Dr. Joe Shirley, Jr.
PRESIDENT

Ben Shelly
VICE PRESIDENT

TITLE V PERMIT TO OPERATE

PERMIT #:	FACILITY NAME:	LOCATION:	COUNTY:	STATE:
NN OP 05-009	EL PASO NATURAL GAS COMPANY - WINDOW ROCK COMPRESSOR STATION	WINDOW ROCK	APACHE	AZ

ISSUE DATE:	EXPIRATION DATE:	AFS PLANT ID:	PERMITTING AUTHORITY:
10/07/2008	10/07/2013	04-001-N0611	NNEPA

ACTION/STATUS: PART 71 OPERATING PERMIT

Sam A. Armenta, Albuquerque Division Director
El Paso Natural Gas Company (EPNG) - Window Rock Compressor Station
3801 Atrisco Blvd., NW
Albuquerque, New Mexico 87120

Re: Issuance of Title V Operating Permit to El Paso Natural Gas Company (EPNG) - Window Rock Compressor Station

Dear Mr. Armenta:

This permit is being issued and administered by the Navajo Nation EPA ("NNEPA") pursuant to the Delegation Agreement between EPA Region IX and NNEPA, dated October 15, 2004. In accordance with the provisions of Title V of the Clean Air Act, 40 CFR Part 71, Navajo Nation Operating Permit Regulations, and all other applicable rules and regulations, the Permittee, El Paso Natural Gas Company (EPNG) - Window Rock Compressor Station, 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 same meaning as assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by NNEPA and by EPA, as well as by citizens, under either or both the Navajo Nation Clean Air Act and the Clean Air Act, as applicable. If all proposed control measures and/or equipment are not installed and/or 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 (5) years after the date of issuance unless a timely and complete renewal application has been submitted at least 6 months but not more than 18 months prior to the date of expiration. The permit number cited above should be referenced in future correspondence regarding this facility.

OCT 7 2008
Date

Stephen B. Etsitty
Executive Director
Navajo Nation Environmental Protection Agency

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
CEMS	Continuous Emission Monitoring System
CFR	Code of Federal Regulations
CMS	Continuous Monitoring System
CPMS	Continuous Parameter Monitoring System
EIP	Economic Incentives Program
gal	gallon
HAP	Hazardous Air Pollutant
hp	horse power
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
NSCR	Non-Selective Catalytic Reduction
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
RICE	Reciprocating Internal Combustion Engine
RMP	Risk Management Plan
SNAP	Significant New Alternatives Program
SO_2	Sulfur Dioxide
TSP	Total Suspended Particulate
U.S. EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

TABLE OF CONTENTS

I. Source Identification

- Parent Company Name: El Paso Natural Gas Company
- Parent Company Mailing Address: 2 North Nevada Avenue
  Colorado Springs, Colorado 80903
- Plant Name: El Paso Natural Gas Company – Window Rock Compressor Station
- Plant Location: W 1/2 NE 1/4 Section 34, Township 26-N, Range 30-E, 22 miles West of Gallup, NM, Arizona
- County: Apache, Arizona
- EPA Region: 9
- Reservation: Navajo Nation
- Tribe: Navajo
- Company Contact: Richard Duarte Phone: (505) 831-7763
- Responsible Official: Sam A. Armenta Phone: (505) 831-7772
- EPA Contact: Roger Kohn Phone: (415) 972-3973
- Tribal Contacts: Eugenia Quintana Phone: (928) 871-7800
  Charlene Nelson Phone: (928) 729-4247
- SIC Code: 4922
- AFS Plant Identification Number: 04-001-N0611
- 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
A-01 through A-06	Six (6) natural gas-fired engines, Worthington SUTC-1610	19.0 MMBtu/hr 2,500 hp (each)	1958	N/A
A-07	One (1) natural gas-fired simple-cycle turbine, Solar Centaur 50-T5502. This unit is equipped with a NOx CEM.	42.3 MMBtu/hr 4,530 hp	1992	Dry Low-NOx combustion
B-01	One (1) natural gas-fired engines, Worthington SUTC-1610	19.0 MMBtu/hr 2,500 hp	1959	N/A
B-02 and B-03	Two (2) natural gas-fired engines, Worthington SUTC-1610	19.0 MMBtu/hr 2,500 hp (each)	1960	N/A
B-04	One (1) natural gas-fired engine, Worthington SUTC-1610	19.0 MMBtu/hr 2,500 hp	1964	N/A
B-05	One (1) natural gas-fired engine, Worthington SUTC-1610	20.5 MMBtu/hr 2,700 hp	1964	N/A
B-06	One (1) natural gas-fired engine, Worthington ML-10	21.3 MMBtu/hr 2,800 hp	1966	N/A
AUX-01 through AUX-03	Three (3) natural gas-fired engines for auxiliary power, Ingersoll-Rand PSVG-10	5.8 MMBtu/hr 680 hp (each)	1958	N/A

II. Requirements for Specific Units

II.A. PSD Permit Requirements

The following requirements apply to the operation, maintenance, and testing of turbine A-07:

1. The permittee shall not discharge or cause the discharge into the atmosphere NOx (as NO_2) in excess of the more stringent of 6.1 lb/hr or 42 ppmvd of NOx at 15% O_2 (3-hour rolling average, ISO conditions) from the stack venting gas turbine A-07. [PSD permit AZP 90-1 Condition IX.D; 40 CFR 60.332(a)(2)]

2. The permittee shall not discharge or cause the discharge into the atmosphere CO in excess of the more stringent of 5.10 lb/hr of 50 ppmvd at 15% O_2 (3-hour rolling average) from the stack venting gas turbine A-07. [PSD Permit AZP 90-1 Condition IX.D]

3. The permittee shall not discharge or cause the discharge into the atmosphere any gases with an opacity in excess of 10% (six-minute rolling average) from the stack venting the Solar Centaur H gas transmission turbine (unit A-07). [PSD permit AZP 90-1 Condition IX.D]

Work Practice and Operational Requirements

4. The permittee shall install and continuously operate a dry low NOx combuster for control of NOx emissions from gas turbine A-07. [PSD permit AZP 90-1 Condition IX.B]

Monitoring and Testing Requirements

5. Annually, and at such other times as specified by NNEPA, the permittee shall conduct performance tests for NOx and CO emissions from gas turbine A-07 and furnish NNEPA and U.S. EPA a written report of the results of such tests. The tests for NOx and CO shall be conducted at the maximum operating capacity of the facility being tested. Upon written request from the permittee, NNEPA and U.S. EPA may approve the conducting of performance tests at a lower specified production rate. Also, after initial performance tests and upon written request from the permittee, NNEPA and U.S. EPA may approve the deletion of a specific annual test for the combustion units. [PSD permit AZP 90-1 Condition IX.C.1.a and b]

6. Performance tests for the emissions of NOx and CO from gas turbine A-07 shall be conducted and the results reported in accordance with the test methods set forth in 40 CFR 60, Part 60.8 and Appendix A. These performance tests shall be conducted using EPA Methods 1-4, 7E and 19. [PSD permit AZP 90-1 Condition IX.C.2]

7. U.S. EPA shall be notified in writing at least 30 days prior to such tests to allow time for the development of an approvable performance test plan and to arrange for an observer to be present at the test. Such prior approval will minimize the

possibility of U.S. EPA rejection of test results for procedural deficiencies. In lieu of the above mentioned test methods, equivalent methods may be used with prior written approval from U.S. EPA. [PSD permit AZP 90-1 Condition IX.C.2]

NNEPA shall be notified in writing at least 30 days prior to such tests to allow time for the development of an approvable performance test plan and to arrange for an observer to be present at the test. In lieu of the above mentioned test methods, equivalent methods may be used with prior written approval from NNEPA. [NNEPA §302(I)]

8. For performance test purposes, sampling ports, platforms, and access shall be provided by the permittee on the combustion exhaust system in accordance with 40 CFR 60.8(e). [PSD permit AZP 90-1 Condition IX.C.3]

9. The permittee shall install, certify, maintain, operate, and quality-assure a continuous emission monitoring system (CEMS) to monitor NOx, CO, O_2, and stack gas volumetric flow rates on gas turbine A-07. The CEMS shall be installed, certified, maintained and operated as follows:

   Each CEMS must be installed and certified according to performance specifications 2 and 3 (for diluent) of 40 CFR 60 Appendix B, except the 7-day calibration drift is based on unit operating days, not calendar days. Appendix F, Procedure 1 is not required. The relative accuracy test audit (RATA) of the NOx and diluent monitors may be performed individually or on a combined basis, i.e., the relative accuracy tests of the CEMS may be performed either:

   (a) on a ppm basis (for NOx) and a percent O_2 basis for oxygen; or
   (b) on a ppm at 15 percent O_2 basis; or
   (c) on a ppm basis (for NOx) and a percent CO_2 basis (for CO_2 monitor that uses the procedures in Method 20 to correct the NOx data to 15 percent O_2. [40 CFR 60.334(b)(1) and 60.334(c); PSD Permit AZP 90-1 Condition IX.E.1.a, b]

10. The permittee shall perform a RATA for the CEMS on the gas turbine A-07 at least once every four successive operating quarters. An operating quarter is defined as a calendar quarter in which the gas turbine A-07 operates at least 438 hours (i.e., operation 20% of the time). A calendar quarter that does not qualify as an operating quarter shall be excluded in determining the deadline for the next RATA. No more than eight successive calendar quarters shall elapse after the quarter in which a RATA was last performed without a subsequent RATA having been conducted. [40 CFR 71.6(a)(3)(i)]

11. Upon submittal of a minimum of one (1) year of simultaneous onsite CEMS and alternative compliance monitoring data prior to the retrofit of the dry low NOx combustor, and one (1) year minimum of simultaneous onsite CEMS and alternative continuous monitoring data after the retrofit of the dry low NOx combustor, the permittee shall have the opportunity to demonstrate that, at this site, the alternative continuous monitoring system is equivalent to the CEMS required above. After the above demonstration has been made to the satisfaction of NNEPA and U.S. EPA Region 9 (Att: AIR-5), and upon written approval from

NNEPA and U.S. EPA Region 9, the permittee may replace the CEMS with the alternative continuous monitoring systems [PSD Permit AZP 90-1 Condition IX.E.2]

12. The permittee shall maintain a quality assurance project plan for the certification and operation of the CEMS. Such a plan shall conform to the quality assurance procedures set forth in 40 CFR 60 Appendix F, "Quality Assurance Procedures" [PSD Permit AZP 90-1 Condition IX.E.6].

Recordkeeping Requirements

13. 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 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. [PSD permit AZP 90-1 Condition IX.E.7, 40 CFR 71.6(a)(3)(ii), 40 CFR 60.7(f)]

Reporting Requirements

14. The permittee shall submit a written report of all excess emissions to NNEPA and U.S. EPA (Attn: AIR-3) for every calendar quarter. The report shall include the following [PSD permit AZP 90-1 Condition IX.E.3]:

    a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factors(s) used, and the date and time of commencement and completion of each time period of excess emissions.

    b. Specific identification of each period of excess emissions that occur during start-ups, shutdowns, and malfunctions of any compressors. The nature and cause of any malfunction (if known) and the corrective action taken or preventative measures adopted shall also be reported.

    c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

    d. When no excess emissions have occurred or the continuous monitoring system has not been inoperative, repaired, or adjusted, such information shall be stated in the report.

    e. Excess emissions shall be defined as the following:
    (1) Any three-hour period during which the average emissions of NOx and/or CO, as measured by the continuous monitoring system or by a performance test, exceed the maximum emission limits set forth for each of the pollutants in Condition II.A.1 and II.A.2 above.

f. Excess emissions indicated by the CEM system shall be considered violations of the applicable emission limits for the purposes of this permit.

15. In the event of any changes in control or ownership of the facility, PSD permit AZP 90-1 is binding on all subsequent owners and operators. The permittee shall notify the owner and operator of the existence of PSD permit AZP 90-1 and its conditions by letter, a copy of which shall be forwarded to NNEPA and US EPA Region 9 [PSD permit AZP 90-1 Condition VI].

II.B. NSPS General Provisions

The following requirements apply to the operation, maintenance, and testing of turbine A-07 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 (NNEPA) pursuant to 40 CFR Part 60 shall be submitted in duplicate to the NNEPA and U.S. EPA Region 9 office at the following addresses [40 CFR § 60.4(a)]:

   Navajo Nation Environmental Protection Agency
   Air Quality Control Program
   P.O. Box 529
   Fort Defiance, AZ 86504

   and

   EPA Region 9
   Director, Air Division (Attn: AIR-1)
   EPA Region IX
   75 Hawthorne Street
   San Francisco, CA 94105

2. Any owner or operator 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. The availability to the public of information provided to, or otherwise obtained by, the EPA Administrator under this permit shall be governed by 40 CFR § 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. 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), PSD Permit AZP 90-1 Condition III].

5. 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 § 60, nothing in 40 CFR § 60 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)].

6. 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 with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere [40 CFR § 60.12].

7. With respect to compliance with all New Source Performance Standards (NSPS) of 40 CFR § 60, the permittee shall comply with the "General notification and reporting requirements" found in 40 CFR § 60.19 [40 CFR § 60.19].

8. 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), in accordance with 40 CFR § 60.7 [40 CFR § 60.7(a)].

II.C. NSPS Requirements

Emission Limits

1. The permittee shall not burn any fuel in gas turbine A-07 which contains sulfur in excess of 0.8 percent by weight. [40 CFR 60.333(b)]

2. Gas turbine A-07 shall be exempt from the NOx standard in 40 CFR 60.332(a)(2) when being fired with an emergency fuel. For the purpose of this requirement, the term "emergency fuel" means a "fuel fired by a gas turbine only during circumstances, such as natural gas supply curtailment or breakdown of delivery system, that make it impossible to fire natural gas in the gas turbine." [40 CFR 60.332(k), 40 CFR 60.331(r)]

Monitoring and Testing Requirements

3. The permittee has elected not to monitor the total sulfur content of the gaseous fuel combusted in the turbine by combusting only the natural gas which meets the definition of natural gas in §60.331(u). The permittee shall use one of the following sources of information to make the required demonstration [40 CFR 60.334(h)(3)]:

   (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 grains/100 scf. At a minimum, the amount of fuel sampling data specified in section 2.3.1.4 or 2.3.2.4 of appendix D to part 75 of this chapter is required.

4. As specified in 40 CFR 60.13(e)(2), during each full unit operating hour, the CEMS on the gas turbine A-07 must complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each 15-minute quadrant of the hour, to validate the hour. For partial unit operating hours, at least one valid data point must be obtained for each quadrant of the hour in which the unit operates. For unit operating hours in which required quality assurance and maintenance activities are performed on the CEMS, a minimum of two valid data points (one in each of two quadrants) are required to validate the hours. [40 CFR 60.334(b)(2) and 60.334(c)]

5. For purposes of identifying excess emissions, CEMS data must be reduced to hourly averages as specified in §60.13(h).

   (i) For each unit operating hour in which a valid hourly average, as described in paragraph (b)(2) of this section, is obtained for both NO_X and diluent, the data acquisition and handling system must calculate and record the hourly NO_X emissions in the units of the applicable NO_X emission standard under §60.332(a), *i.e.* , percent NO_X by volume, dry basis, corrected to 15 percent O_2 and International Organization for Standardization (ISO) standard conditions (if required as given in §60.335(b)(1)). For any hour in which the hourly average O_2 concentration exceeds 19.0 percent O_2, a diluent cap value of 19.0 percent O_2 may be used in the emission calculations.

   (ii) A worst case ISO correction factor may be calculated and applied using historical ambient data. For the purpose of this calculation, substitute the maximum humidity of ambient air (Ho), minimum ambient temperature (T_a), and minimum combustor inlet absolute pressure (P_o) into the ISO correction equation. [40 CFR 60.334(b)(3) and 60.334(c)]

6. For performance tests conducted as required by this permit, sampling traverse points are to be selected following Method 20 or Method 1, (non-particulate

procedures) and sampled for equal time intervals. The sampling shall be performed with a traversing single-hole probe or, if feasible, with a stationary multi-hole probe that samples each of the points sequentially. Alternatively, a multi-hole probe designed and documented to sample equal volumes from each hole may be used to sample simultaneously at the required points. [40 CFR 60.335(a)(4)]

7. The permittee shall determine compliance with the applicable nitrogen oxides emission limitation in Condition II.A.2 and 40 CFR 60.332 and shall meet the performance test requirements of 40 CFR §60.8 as follows: [40 CFR 60.335(b)(1)]

   (a) For each run of the performance test, the mean nitrogen oxides emission concentration (NO_{Xo}) corrected to 15 percent O_2 shall be corrected to ISO standard conditions using the following equation. Notwithstanding this requirement, use of the ISO correction equation is optional for: Lean premix stationary combustion turbines; units used in association with heat recovery steam generators (HRSG) equipped with duct burners; and units equipped with add-on emission control devices:

   $$NO_X=(NO_{Xo})(P_r/P_o)^{0.5}\ e19\ (Ho-0.00633)(288°K/T_a)^{1.53}$$

   Where:

   NO_X= emission concentration of NO_X at 15 percent O_2 and ISO standard ambient conditions, ppm by volume, dry basis,

   NO_{Xo}= mean observed NO_X concentration, ppm by volume, dry basis, at 15 percent O_2,

   P_r= reference combustor inlet absolute pressure at 101.3 kilopascals ambient pressure, mm Hg,

   P_o= observed combustor inlet absolute pressure at test, mm Hg,

   H_o= observed humidity of ambient air, g H_2O/g air,

   e = transcendental constant, 2.718, and

   T_a= ambient temperature, °K.

8. The 3-run performance test required by §60.8 must be performed within ±5 percent at 30, 50, 75, and 90-to-100 percent of peak load or at four evenly-spaced load points in the normal operating range of the gas turbine, including the minimum point in the operating range and 90-to-100 percent of peak load, or at the highest achievable load point if 90-to-100 percent of peak load cannot be physically achieved in practice. If the turbine combusts both oil and gas as primary or backup fuels, separate performance testing is required for each fuel. Notwithstanding these requirements, performance testing is not required for any emergency fuel. [40 CFR 60.335(b)(2)]

II.D. NESHAP Requirements

Emission Limits

1. Units AUX-01, AUX-02, and AUX-03 must comply with one of the following emission limitations from Table 1a of this subpart [40 CFR 63.6600(a)]:

   (a) Limit the concentration of formaldehyde in the stationary RICE exhaust to 350 ppbvd or less at 15 percent O_2, or

   (b) Reduce formaldehyde emissions by 76 percent or more.

Operational Requirements

2. Units AUX-01, AUX-02, and AUX-03 must comply with the operating limitations in Table 1b of this subpart [40 CFR 63.6600(a)]:

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

   (b) Maintain the temperature of your stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 750 °F and less than or equal to 1250 °F.

3. Units AUX-01, AUX-02, and AUX-03 must be in compliance with the emission limitations and operating limitations in this subpart that apply at all times, except during periods of startup, shutdown, and malfunction. [40 CFR 63.6605(a)]

4 The permittee must operate and maintain the units AUX-01, AUX-02, and AUX03, including air pollution control and monitoring equipment, in a manner consistent with good air pollution control practices for minimizing emissions at all times, including during startup, shutdown, and malfunction. [40 CFR 63.6605(b)]

Initial Performance Testing Requirements

5. The permittee must conduct the initial performance test or other initial compliance demonstrations in Table 4 of this subpart that apply within 180 days after June 15, 2007 and according to the provisions in §63.7(a)(2). [40 CFR 63.6610(a)]

6. When conducting the initial performance test to show compliance with the requirement to limit formaldehyde emissions in the exhaust per Condition II.1.3(a), the permittee must [40 CFR 63.6610(a), Table 4]:

   (a) Select the sampling port location and the number of traverse points; using Method 1 or 1A of 40 CFR Part 60 appendix A §63.7(d)(1)(i)(a). If using a control device, the sampling site must be located at the outlet of the control device.

   (b) Determine the O_2 concentration of the stationary RICE exhaust at the sampling port location; using Method 3 or 3A or 3B of 40 CFR Part 60, Appendix A. Measurements to determine O_2 concentration must be made at the same time as the measurements for formaldehyde concentration.

   (c) Measure moisture content of the stationary RICE exhaust at the sampling port location; using Method 4 of 40 CFR Part 60, Appendix A, or Test Method 320 of 40 CFR Part 63, Appendix A, or ASTM D 6348–03. Measurements to determine moisture content must be made at the same time and location as the measurements for formaldehyde concentration.

   (d) Measure formaldehyde at the exhaust of the stationary RICE using Method 320 or 323 of 40 CFR Part 63, Appendix A; or ASTM D6348–03[2], provided in ASTM D6348–03 Annex A5 (Analyte Spiking Technique), the percent R must be greater than or equal to 70 and less than or equal to 130. Formaldehyde concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.

7. When conducting the initial performance test to show compliance with the requirement to reduce formaldehyde emissions per Condition II.D.1(b), the permittee must [40 CFR 63.6610(a), Table 4]:

   (a) Select sampling port location and the number of traverse points in a manner consistent with the requirements of Method 1 or 1A of 40 CFR Part 60 Appendix A at 40 CFR 63.7(d)(1)(i). Sampling sites must be located the inlet and outlet of the control device.

   (b) Measure O_2 at the inlet and outlet of the control device using Method 3 or 3A or 3B of 40 CFR part 60, appendix A. Measurements to determine O_2 concentration must be made at the same time as the measurements for formaldehyde concentration.

   (c) Measure moisture content at the inlet and outlet of the control device using Method 4 of 40 CFR Part 60, Appendix A, or Test Method 320 of 40 CFR

Part 63, Appendix A, or ASTM D 6348-03 (a). Measurements to determine moisture content must be made at the same time and location as the measurements for formaldehyde concentration.

(d) Measure formaldehyde at the inlet and the outlet of the control device using Method 320 or 323 of 40 CFR part 63, appendix A; or ASTM D6348- 03, provided in ASTM D6348-03 Annex A5 (Analyte Spiking Technique), the percent R must be greater than or equal to 70 and less than or equal to 130. Formaldehyde concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.

8. An owner or operator is not required to conduct an initial performance test on units for which a performance test has been previously conducted, but the test must meet all of the conditions described in paragraphs (a) through (e) of this section. [40 CFR 63.6610(d)]

(a) The test must have been conducted using the same methods specified in this subpart, and these methods must have been followed correctly.

(b) The test must not be older than 2 years.

(c) The test must be reviewed and accepted by the Administrator.

(d) Either no process or equipment changes must have been made since the test was performed, or the owner or operator must be able to demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process or equipment changes.

(e) The test must be conducted at any load condition within plus or minus 10 percent of 100 percent load.

Periodic Performance Testing Requirements

9. After the initial performance testing, subsequent performance tests to show compliance with the formaldehyde limit in Condition II.D.1(a) must be performed semiannually. [40 CFR 63.6615, Table 3]

10. After the permittee has demonstrated compliance with the formaldehyde limit in Condition II.D.3(a) for two consecutive tests, the permittee may reduce the frequency of subsequent performance tests to annually. If the results of any subsequent annual performance test indicate the stationary RICE is not in compliance with the CO or formaldehyde emission limitation, or the permittee deviates from any operating limitations, then the permittee must resume semiannual performance tests. [40 CFR 63.6615, Table 3]

11. No periodic performance testing is required for the formaldehyde reduction requirement in condition II.D.1(b) for the engines with capacities less than 5,000 horsepower. [40 CFR 63.6615, Table 3]

Performance Test Method Requirements

12. The permittee must conduct each performance test in Tables 3 and 4 of this subpart that applies. [40 CFR 63.6620(a)]

13. Each performance test must be conducted according to the requirements in 40 CFR §63.7(e)(1) and under the specific conditions listed in Conditions 9 and 10(Table 4). The test must be conducted at any load condition within plus or minus 10 percent of 100 percent load.

14. The permittee may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in 40 CFR §63.7(e)(1).

15. The permittee must conduct three separate test runs for each performance test required in this section, as specified in 40 CFR §63.7(e)(3). Each test run must last at least 1 hour.

16. The following equations must be used in demonstrating compliance with 40 CFR 63 Subpart ZZZZ [40 CFR 63.6620(e)]:

    (a) The permittee must use Equation 1 of this section to determine compliance with the percent reduction requirement:

$$\frac{C_i - C_o}{C_i} \times 100 = R \qquad \text{(Eq. 1)}$$

    Where:
    Ci = concentration of formaldehyde at the control device inlet,
    Co = concentration of formaldehyde at the control device outlet, and
    R = percent reduction of formaldehyde emissions.

    (b) The permittee must normalize the formaldehyde concentrations at the inlet and outlet of the control device to a dry basis and to 15 percent oxygen, or an equivalent percent carbon dioxide (CO_2). If pollutant concentrations are to be corrected to 15 percent oxygen and CO_2 concentration is measured in lieu of oxygen concentration measurement, a CO_2 correction factor is needed. Calculate the CO_2 correction factor as described in the following sections:

        (i) Calculate the fuel-specific Fo value for the fuel burned during the test using values obtained from Method 19, section 5.2, and the following equation:

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

        Where:
        Fo = Fuel factor based on the ratio of oxygen volume to the ultimate CO_2 volume produced by the fuel at zero percent excess air.

0.209 = Fraction of air that is oxygen, percent/100.
Fd = Ratio of the volume of dry effluent gas to the gross calorific value of the fuel from Method 19, dsm3/J (dscf/106 Btu).
Fc = Ratio of the volume of CO_2 produced to the gross calorific value of the fuel from Method 19, dsm3/J (dscf/10< 6 Btu).

(ii) Calculate the CO_2 correction factor for correcting measurement data to 15 percent oxygen, as follows:

$$X_{co_2} = \frac{5.9}{F_o} \qquad \text{(Eq. 3)}$$

Where:
Xco2 = CO_2 correction factor, percent.
5.9 = 20.9 percent O2−15 percent O_2, the defined O_2 correction value, percent.

(iii) Calculate the NOx and SO_2 gas concentrations adjusted to 15 percent O_2 using CO_2 as follows:

$$C_{adj} = C_d \frac{X_{co_2}}{\%CO_2} \qquad \text{(Eq. 4)}$$

Where:
%CO_2 = Measured CO_2 concentration measured, dry basis, percent.

17. The engine percent load during a performance test must be determined by documenting the calculations, assumptions, and measurement devices used to measure or estimate the percent load in a specific application. A written report of the average percent load determination must be included in the notification of compliance status. The following information must be included in the written report: the engine model number, the engine manufacturer, the year of purchase, the manufacturer's site-rated brake horsepower, the ambient temperature, pressure, and humidity during the performance test, and all assumptions that were made to estimate or calculate percent load during the performance test must be clearly explained. If measurement devices such as flow meters, kilowatt meters, beta analyzers, stain gauges, etc. are used, the model number of the measurement device, and an estimate of its accurate in percentage of true value must be provided. [40 CFR 64.6620(i)]

Monitoring, Installation, Operation, and Maintenance Requirements

18. If required to install a continuous parameter monitoring system (CPMS) as specified in Table 5 of this subpart, the permittee must install, operate, and maintain each CPMS according to the requirements in 40 CFR §63.8. [40 CFR 63.6625(b)

19. For engines complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust and using oxidation catalyst or NSCR, initial compliance has been demonstrated if the following requirements are satisfied: [40 CFR 63.6625(b), Table 5]

    (a) The average formaldehyde concentration, corrected to 15 percent O_2, dry basis, from the three test runs is less than or equal to the formaldehyde emission limitation; and

    (b) The permittee has installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in 40 CFR 63.6625(b); and

    (c) The permittee has recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.

Initial Compliance Requirements

20. During the initial performance test, the permittee must establish each operating limitation in Tables 1b and 2b of this subpart that apply. [40 CFR 63.6630(b)]

21. The permittee must submit the Notification of Compliance Status containing the results of the initial compliance demonstration according to the requirements in 40 CFR 63.6645, listen in Condition II.D.39. [40 CFR 63.6630(c)]

Continuous Compliance Requirements

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

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

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

23. The permittee must demonstrate continuous compliance with each emission limitation and operating limitation in Tables 1a and 1b and Tables 2a and 2b of 40 CFR 63 Subpart ZZZZ (Conditions II.D.1 through II.D.4) that apply to the permittee according to the methods specified in Conditions II.D.29 [40 CFR 63.6640(a)]

24. For each engine complying with the requirement to limit the concentration of formaldehyde in the exhaust per Condition II.D.1(a) and using oxidation catalyst

or NSCR, the permittee must demonstrate continuous compliance by: [40 CFR 63.6640(a), Table 6]

(a) Conducting semiannual performance tests for formaldehyde to demonstrate that the permittee's emissions remain at or below the formaldehyde concentration limit;

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

(c) Reducing these data to 4-hour rolling averages.

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

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

25. For each engine complying with the requirement to reduce formaldehyde emissions per Condition II.D.3(b) and using NSCR, the permittee must demonstrate continuous compliance by [40 CFR 63.6640(a), Table 6]:

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

(b) Reducing these data to 4-hour rolling averages;

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

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

26. Per the September 21, 2007 approval letter from the US EPA, the following alternative monitoring method is approved:

If an engine does not operate during a given calendar month or does not achieve 100 percent load (+/- 10 percent) for a given month, the permittee will forego start-up of the engine, or increase in the load solely for the purpose of recording pressure drop. On such occasion, the permittee will record the pressure drop the first time the engine is started and operates in the specified load range for at least 24 hours. [40 CFR 63.8(f)(2)]

27. For semiannual testing required by Condition II.D.6 and II.D.7 (if applicable), after the permittee has demonstrated compliance for two consecutive tests, the permittee may reduce the frequency of subsequent performance tests to annually. If the results of any subsequent performance test indicate the stationary RICE is not in compliance with the formaldehyde emission limitations, the permittee must resume semiannual performance tests. [40 CFR 63.6640(a), Table 6, Note 1]

28. The permittee must report each instance in which the permittee did not meet each emission limitation or operating limitation in Tables 1a and 1b and Tables 2a and 2b of 40 CFR 63, Subpart ZZZZ (Conditions II.D.1 through II.D.4) that apply to the permittee. These instances are deviations from the emission and operating limitations in 40 CFR 63, Subpart ZZZZ. These deviations must be reported according to the requirements in 40 CFR 63.6650. If the permittee changes the catalyst, the permittee must reestablish the values of the operating parameters measured during the initial performance test. When the permittee reestablish the values of the operating parameters, the permittee must also conduct a performance test to demonstrate that the permittee is meeting the required emission limitation applicable to the permittee's stationary RICE. [40 CFR 63.6640(b)].

29. Consistent with 40 CFR 63.6(e) and 63.7(e)(1), deviations from the emission or operating limitations that occur during a period of startup, shutdown, or malfunction are not violations if the permittee demonstrates to the U.S. EPA Administrator's satisfaction that the permittee was operating in accordance with the startup, shutdown, and malfunction plan. For new, reconstructed, and rebuilt stationary RICE, deviations from the emission or operating limitations that occur during the first 200 hours of operating from engine startup (engine burn-in period) are not violations. Rebuilt stationary RICE means a stationary RICE that has been rebuilt as the term is defined in 40 CFR 94.11(a). [40 CFR 63.6640(d)]

30. The permittee must also report each instance in which the permittee did not meet the requirements in Table 8 of 40 CFR 63 Subpart ZZZZ (Attachment 1) that apply to the permittee. If you own or operate any stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions (except new or reconstructed 4SLB engines greater than or equal to 250 and less than or equal to 500 brake HP), a stationary RICE located at an area source of HAP emissions, or any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the requirements in Table 8 to this subpart: An existing 2SLB stationary RICE, an existing 4SLB stationary RICE, an existing CI stationary RICE, an existing emergency stationary RICE, an existing limited use emergency stationary RICE, or an existing stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis. If you own or operate any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the requirements in Table 8 to this subpart, except for the initial notification requirements: a new or reconstructed stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, a new or reconstructed emergency stationary RICE, or a new or reconstructed limited use stationary RICE. [40 CFR 63.6640(e)]

Reporting Requirements

31. The permittee must submit all of the notifications in 40 CFR 63.7(b) and 63.8(e), (f)(4) and (f)(6), 63.9(b) through (e), and (g) and (h) that apply to the permittee by the dates specified. [40 CFR 63.6645(a)]

32. If the permittee is required to submit an Initial Notification but is otherwise not affected by the requirements of Condition III, in accordance with 40 CFR 63.6590(b), the permittee's notification should include the information in 40 CFR 63.9(b)(2)(i) through (v), and a statement that the permittee's stationary RICE has no additional requirements and explain the basis of the exclusion (for example, that it operates exclusively as an emergency stationary RICE). [40 CFR 63.6645(f)]

33. If the permittee is required to conduct a performance test, the permittee must submit a Notification of Intent to conduct a performance test at least 60 days before the performance test is scheduled to begin as required in 40 CFR 63.7(b)(1). [40 CFR 63.6645(g)]

34. If the permittee is required to conduct a performance test or other initial compliance demonstration as specified in Tables 4 and 5 to 40 CFR 63, Subpart ZZZZ, the permittee must submit a Notification of Compliance Status according to 40 CFR 63.9(h)(2)(ii). [40 CFR 63.6645(h)]

    (a) For each initial compliance demonstration required in Table 5 of 40 CFR 63 Subpart ZZZZ that does not include a performance test, the permittee must submit thee Notification of Compliance Status before the close of business on the 30th day following the completion of the initial compliance demonstration.

    (b) For each initial compliance demonstration required in Table 5 of this subpart that includes a performance test conducted according to the requirements in Table 4 of this subpart, the permittee must submit the Notification of Compliance Status, including the performance test results, before the close of business on the 60th day following the completion of the performance test according to 40 CFR 63.10(d)(2).

35. The permittee must submit a compliance report semiannually according to the requirements in 40 CFR 63.6650(b) containing the following: [40 CFR 63.6650(a), Table 7]

    (a) If there are no deviations from any emission limitations or operating limitations that apply, a statement that there were no deviations from the emission limitations or operating limitations during the reporting period. If there were no periods during which the CMS, including CEMS and CPMS, was out-of-control, as specified in §63.8(c)(7), a statement that there were not periods during which the CMS was out-of-control during the reporting period; or

    (b) If the permittee had a deviation from any emission limitation or operating limitation during the reporting period, the information in §63.6650(d). If there were periods during which the CMS, including CEMS and CPMS, was out-of-control, as specified in §63.8(c)(7), the information in §63.6650(e); or

(c) If the permittee had a startup, shutdown or malfunction during the reporting period, the information in §63.10(d)(5)(i).

(d) Per 40 C.F.R. 63.8(f)(2) and the September 21, 2007 approval letter from the U.S. EPA, the semi-annual report required in 40 CFR 60.6650 will identify the operational status to substantiate the basis of any calendar month for which the pressure drop was not measured due to the operational limitations described in Condition II.D.29. The operational status information will include the engine run time and maximum load for engines that ran at less than 90% load.

36. The permittee must submit an immediate startup, shutdown, and malfunction report if actions addressing the startup, shutdown, or malfunction were inconsistent with your startup, shutdown, or malfunction plan during the reporting period. The reporting must be consistent with the following requirements: [40 CFR 63.6650(a), Table 7]

(a) Actions taken for the event must be submitted by fax or telephone within 2 working days after starting actions inconsistent with the plan.

(b) The information in §63.10(d)(5)(ii) must be submitted by letter within 7 working days after the end of the event unless you have made alternative arrangements with the permitting authorities. (§63.10(d)(5)(ii)).

37. Annually, according to the requirements in §63.6650, the permittee must report: [40 CFR 63.6650(a), Table 7]

(a) The fuel flow rate of each fuel and the heating values that were used in the calculations, and the permittee must demonstrate that the percentage of heat input provided by landfill gas or digester gas, is equivalent to 10 percent or more of the gross heat input on an annual basis; and

(b) The operating limits provided in your federally enforceable permit, and any deviations from these limits; and

(c) Any problems or errors suspected with the meters.

38. Unless the Administrator has approved a different schedule for submission of reports under §63.10(a), the permittee must submit each report by the dates listed according to the following requirements: [40 CFR 63.6650(b)]

(a) The first Compliance report must cover the period beginning on the compliance date that is specified for the affected source in §63.6595 and ending on June 30 or December 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for your source in §63.6595.

(b) The first Compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date follows the end of the first calendar

half after the compliance date that is specified for the affected source in §63.6595.

(c) Each subsequent Compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.

(d) Each subsequent Compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period.

(e) For each stationary RICE that is subject to permitting regulations pursuant to 40 CFR part 70 or 71, and if the permitting authority has established dates for submitting semiannual reports pursuant to 40 CFR 70.6 (a)(3)(iii)(A) or 40 CFR 71.6 (a)(3)(iii)(A), the permittee may submit the first and subsequent Compliance reports according to the dates the permitting authority has established instead of according to the dates in paragraphs (a) through (d) of this section.

40. The Compliance report must contain the following information: [40 CFR 63.6650(c)]

(a) Company name and address.

(b) Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report.

(c) Date of report and beginning and ending dates of the reporting period.

(d) If the permittee had a startup, shutdown, or malfunction during the reporting period, the compliance report must include the information in §63.10(d)(5)(i).

(e) If there are no deviations from any emission or operating limitations that apply, a statement that there were no deviations from the emission or operating limitations during the reporting period.

(f) If there were no periods during which the continuous monitoring system (CMS), including CEMS and CPMS, was out-of-control, as specified in §63.8(c)(7), a statement that there were no periods during which the CMS was out-of-control during the reporting period.

41. For each deviation from an emission or operating limitation that occurs for a stationary RICE where the permittee is not using a CMS to comply with the emission or operating limitations in this subpart, the Compliance report must contain the information in Conditions II.D.44(a) through II.D.44(d) and the following information. [40 CFR 63.6650(d)]

(a) The total operating time of the stationary RICE at which the deviation occurred during the reporting period.

(b) Information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.

42. For each deviation from an emission or operating limitation occurring for a stationary RICE where the permittee is using a CMS to comply with the emission and operating limitations in this subpart, the permittee must include information in Conditions II.D.44(a) through II.D.44(d) and the following information [40 CFR 63.6650(e)]:

(a) The date and time that each malfunction started and stopped.

(b) The date, time, and duration that each CMS was inoperative, except for zero (low-level) and high-level checks.

(c) The date, time, and duration that each CMS was out-of-control, including the information in §63.8(c)(8).

(d) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of malfunction or during another period.

(e) A summary of the total duration of the deviation during the reporting period, and the total duration as a percent of the total source operating time during that reporting period.

(f) A breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown causes.

(g) A summary of the total duration of CMS downtime during the reporting period, and the total duration of CMS downtime as a percent of the total operating time of the stationary RICE at which the CMS downtime occurred during that reporting period.

(h) An identification of each parameter and pollutant (CO or formaldehyde) that was monitored at the stationary RICE.

(i) A brief description of the stationary RICE.

(j) A brief description of the CMS.

(k) The date of the latest CMS certification or audit.

(l) A description of any changes in CMS, processes, or controls since the last reporting period.

43. Each affected source that has obtained a title V operating permit pursuant to 40 CFR part 70 or 71 must report all deviations as defined in this subpart in the semiannual monitoring report required by 40 CFR 70.6 (a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A). If an affected source submits a Compliance report pursuant to Table 7 of this subpart along with, or as part of, the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), and the Compliance report includes all required information concerning deviations from any emission or operating limitation in this subpart, submission of the Compliance report shall be deemed to satisfy any obligation to report the same deviations in the semiannual monitoring report. However, submission of a Compliance report shall not otherwise affect any obligation the affected source may have to report deviations from permit requirements to the permit authority. [40 CFR 63.6650(f)]

Recordkeeping Requirements

44. If the permittee must comply with the emission and operating limitations, the permittee must keep the records described in paragraphs (1)(a) through (1)(c), (2)(a) through (2)(c) and (3) of this section. [40 CFR 63.6655(a)]

    (a) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirement in §63.10(b)(2)(xiv).

    (b) The records in §63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction.

    (c) Records of performance tests and performance evaluations as required in §63.10(b)(2)(viii).

45. For each CEMS or CPMS, you must keep the records listed in paragraphs (2)(a) through (c) of this section. [40 CFR 63.6655(b)]

    (a) Records described in §63.10(b)(2)(vi) through (xi).

    (b) Previous (*i.e.,* superseded) versions of the performance evaluation plan as required in §63.8(d)(3).

    (c) Requests for alternatives to the relative accuracy test for CEMS or CPMS as required in §63.8(f)(6)(i), if applicable.

46. The permittee must keep the records required in Table 6 of 40 CFR 63 Subpart ZZZZ to show continuous compliance with each emission or operating limitation that applies. [40 CFR 63.6655(d)]

47. The permittee's records must be in a form suitable and readily available for expeditious review according to §63.10(b)(1). [40 CFR 63.6660(a)]

48. As specified in §63.10(b)(1), the permittee must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. [40 CFR 63.6660(b)]

49. The permittee must keep each record readily accessible in hard copy or electronic form on-site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1). The permittee can keep the records off-site for the remaining 3 years. [40 CFR 63.6660(c)]

II.E. Operational Flexibility

1. Clean Air Act Section 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 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. permittee

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 IV) 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)]

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 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 (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. 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, 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) 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 3 valid test runs, unless otherwise specified.

6. Source test reports shall be submitted to 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 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.

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 § 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)]

1. The permittee shall submit to NNEPA and U.S. EPA Region 9 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**,** except that the first reporting period shall cover the period from the effective date of this Part 71 permit through June 30, 2008. All reports shall be submitted to NNEPA and U.S. 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 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 § 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 paragraph 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 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:

(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 compliance assurance plan (40 CFR § 64), occurs.

2. The permittee shall promptly report to the 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 paragraph 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 paragraph III.C(4) of this permit section must be submitted within 10 working days of the occurrence. All deviations reported under this section

must also be identified in the 6-month report required under paragraph III.C(1) of this section.

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 § 82]

1. The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR § 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 pursuant to 40 CFR § 82.108.

   c. The form of the label bearing the required warning statement must comply with the requirements pursuant to 40 CFR § 82.110.

   e. 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 § 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" as defined at 40 CFR § 82.152)

e. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 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.

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 § 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 § 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 § 82, Subpart G.

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

III.F. Compliance Schedule [40 CFR §§ 71.5(c)(8)(iii) and 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.

III.G. Permit Shield [40 CFR §§ 71.6(f)] [NNOPR 302(J)]

Compliance with the terms and conditions of Section II.A. and Conditions II.B.4., IV.S., IV.T., and IV.U. of this permit shall be deemed compliance with the requirements of PSD Permit AZP 90-1, as of the date of permit issuance.

IV. Title V Administrative Requirements

IV.A. Fee Payment [NNOPR Subpart VI] [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. [NNOPR Subpart VI §§ 603(A) and (B)]

    a. The permittee shall pay the annual permit fee by September 1 of each year.

    b. Fee payments shall be in remitted in the form of a money order or certified check made payable to the Navajo Nation Environmental Protection Agency.

    c. The permittee shall send fee payment to:

    Navajo Nation EPA 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 September 1 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. [40 CFR § 71.6(a)(7) and § 71.9(e)(1)] [NNOPR Subpart VI § 603(A)]

3. The fee calculation worksheet shall be certified by a responsible official consistent with 40 CFR § 71.5(d). [40 CFR § 71.6(a)(7) and § 71.9(e)(3)]

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 Subpart VI §§ 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 Subpart I § 102(5)].

b. Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data [40 CFR § 71.6(a)(7) and § 71.9(e)(2)].

c. If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures [40 CFR § 71.6(a)(7) and § 71.9(e)(2)].

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

e. The term "regulated air pollutant" is defined in NNOPR Subpart I § 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 Subpart VI § 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 5 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) [40 CFR § 71.6(a)(7) and § 71.9(i)].

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 Subpart VI § 603(C).

7. When notified by NNEPA of underpayment of fees, the Permittee shall remit full payment within 30 days of receipt of notification [40 CFR § 71.9(j)(2)].

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 [40 CFR §§ 71.6(a)(6)(i) and (ii), and Sections 113(a) and 113(e)(1) of the Clean Air 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. [Section 113(a) and 113(e)(1) of the Clean Air Act, 40 CFR § 51.212, § 52.12, § 52.33, § 60.11(g), and § 61.12]

IV.C. Compliance Certifications [40 CFR § 71.6(c)(5)] [NNOPR § 302(I)]

1. The permittee shall submit to NNEPA and U.S. EPA Region 9 a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, postmarked by January 30 and covering the previous calendar year, except that the first reporting period shall cover the period from December 26, 2007 through June 30, 2008 and shall be postmarked by July 30, 2008, and the second reporting period shall cover the period from July 1, 2008 through December 31, 2008 and shall be postmarked by January 30, 2009. 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 permittee shall submit to NNEPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, postmarked by July 30 and covering the previous six (6) months, except that the first reporting period shall cover the effective date of this Part 71 permit through June 30, 2008. 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. This condition is enforceable by NNEPA only. [NNOPR § 302(I)].

3. 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 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), 40 CFR § 71.5(b)] [NNOPR § 301(E)]

The permittee shall furnish to NNEPA and U.S. EPA Region 9, within a reasonable time, any information that NNEPA and U.S. EPA Region 9 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 and U.S. EPA Region 9 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 § 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 NNOPR Subpart VI Sections 702 and 703 [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 NNEPA and U.S. EPA Region 9:

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

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, 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)] [NNOPR § 406]

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 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 the 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 the 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 subparagraphs (1) through (5).

IV.I. Minor Permit Modifications [40 CFR § 71.7(e)(1)] [NNOPR § 405(D)]

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 Title I; and

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

   e. Are not modifications under any provision of Title I of the Clean Air Act.

   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:

   (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.

4. The permittee may make the change proposed in its minor permit modification application immediately after it files such application. After 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. However, if the permittee fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

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

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

1. Group processing of modifications by EPA may be used only for those permit modifications:

   a. That meet the criteria for minor permit modification procedures under paragraphs IV.I.1 of this permit; and

   b. That collectively are below the threshold level of 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in 40 CFR § 71.2, or 5 tons per year, whichever is least.

2. An application requesting the use of group processing procedures shall be submitted to EPA, shall meet the requirements of 40 CFR § 71.5(c), and shall include the following:

   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 group processing procedures and a request that such procedures be used.

   d. A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under Condition IV.(J)(1)(b) above.

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

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

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

IV.K. Significant Permit Modifications [40 CFR § 71.7(e)(3)] [NNOPR § 405(E)]

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. 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 [See 40 CFR §§ 71.7(e)(3)(ii) and 40 CFR § 71.5(a)(2)].

IV.L. Reopening for Cause [40 CFR § 71.7(f)] [NNOPR § 406]

NNEPA shall reopen and revise the permit prior to expiration under any of the following circumstances:

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

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

3. NNEPA 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.

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

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 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.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.

e. 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 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 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;

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

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.R. Permit Expiration and Renewal [40 CFR Sections 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 upon the earlier occurrence of the following events:

   a. up to twelve (12) years elapses from the date of issuance to a solid waste incineration unit combusting municipal waste subject to standards under section 129 of the Clean Air Act; or

   b. for sources other than those identified in subparagraph IV.R(1)(a) above, five (5) years elapses 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 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 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.

4. The permittee's failure to have a 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 form.

The following administrative requirements apply only to gas turbine A-07:

IV.S. Malfunction [PSD permit AZP 90-1 Condition IV]

The Director of the Air Division shall be notified by telephone within 48 hours following any failure of air pollution control equipment, process equipment, or of a process to operate in a normal manner which results in an increase in emissions above any allowable emissions limit stated in Section II of this permit. In addition, the Director of the Air Division shall be notified in writing within fifteen (15) days of any such failure. This notification shall include a description of the malfunctioning equipment or abnormal operation, the date of the initial failure, the period of time over which emissions were increased due to the failure, the cause of the failure, the estimated resultant emissions in excess of those allowed under Section II of this permit, and the methods utilized to restore normal operations. Compliance with this malfunction notification provision shall not excuse or otherwise constitute a defense to any violations of this permit or of any law or regulations which such malfunction may cause.

IV.T. Other Applicable Regulations [PSD permit AZP 90-1 Condition VIII]

The permitee shall construct and operate this facility in compliance with all other applicable provisions of 40 CFR Parts 52, 60 and 61 and all other applicable federal, state and local air quality regulations.

IV.U. Agency Notifications [PSD permit AZP 90-1 Condition X]

All correspondence as required by PSD permit AZP 90-1 shall be forwarded to:

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

2. Director, Environmental Protection Agency
   Navajo Nation
   P.O. Box 308
   Window Rock, AZ 86515

3. Director, Office of Air Quality
   Arizona Department of Environmental Quality
   2005 Central Avenue
   Phoenix, AZ 85004