



NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY
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Dr. Joe Shirley, Jr.
 PRESIDENT

Ben Shelly
 VICE PRESIDENT

TITLE V PERMIT TO OPERATE

<u>PERMIT #:</u>	<u>FACILITY NAME:</u>	<u>LOCATION:</u>	<u>COUNTY:</u>	<u>STATE:</u>
NN-ROP-05-07	FOUR CORNERS STEAM ELECTRIC STATION	FRUITLAND	SAN JUAN	NM
<u>ISSUE DATE:</u>	<u>EXPIRATION DATE:</u>	<u>AFS PLANT ID:</u>	<u>PERMITTING AUTHORITY:</u>	
08/01/2008	08/01/2013	35-045-NAV02	NNEPA	

ACTION/STATUS: PART 71 OPERATING PERMIT ISSUANCE

David L. Saliba, Plant Manager
 Four Corners Steam Electric Station
 P.O. Box 355, M.S. 4915
 Fruitland, New Mexico 87416-0355

Re: Issuance of Title V Operating Permit to Four Corners Steam
 Electric Station

Dear Mr. Saliba:

In accordance with the provisions of Title V of the Clean Air Act; 40 CFR Part 71; Navajo Nation Operating Permit Regulations §§ 404, 405(c)-(e), and subpart VI; 2004 Delegation Agreement § VI(1) and (7); 2006 Supplemental Delegation Agreement; and all other applicable rules and regulations, the Permittee, Four Corners Steam Electric 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 under the Clean Air Act by U.S. EPA, as well as by persons as defined in the Clean Air Act, and by NNEPA only as provided in the VCA.

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.

AUG - 1 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
COMS	Continuous Opacity Monitoring System
DC	Dust Collector
EIP	Economic Incentives Program
ESP	Electro Static Precipitator
FGD	Flue Gas Desulfurization
gal	gallon
HAP	Hazardous Air Pollutant
hr	hour
Id. No.	Identification Number
kg	kilogram
lb	pound
MACT	Maximum Achievable Control Technology
MVAC	Motor Vehicle Air Conditioner
Mg	megagram
MMBtu	million British Thermal Units
MW	Megawatts
mo	month
NESHAP	National Emission Standards for Hazardous Air Pollutants
NNEPA	Navajo Nation Environmental Protection Agency
NNOPR	Navajo Nation Operating Permit Regulations
NO _x	Nitrogen Oxides
NSPS	New Source Performance Standards
NSR	New Source Review
PM	Particulate Matter
PM-10	Particulate matter less than 10 microns in diameter
ppm	parts per million
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
psia	pounds per square inch absolute
QA/QC	Quality Assurance and Quality Control
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
VCA	Voluntary Compliance Agreement
VOC	Volatile Organic Compounds

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Attachment A

U.S. EPA Phase II Acid Rain Permit Renewal

I. Source Identification

- Parent Company name: Arizona Public Service Company (APS)*
- Parent Company Mailing Address: P.O. Box 53999
Phoenix, Arizona 85072-3999

*Note: Boilers B1, B2, and B3 at this source are owned by APS. Boilers B4 and B5 are co-owned by 6 entities. APS is listed as the parent company in this permit since they act as the facility operator, and have accepted the responsibility to obtain environmental permits for Four Corners Steam Electric Station, including an Acid Rain permit and Part 71 Permit. In addition to APS, the other 5 co-owners of boilers B4 and B5 are:

1. El Paso Electric Company
 2. Salt River Project
 3. Tucson Electric Power
 4. Public Service Company of New Mexico
 5. Southern California Steam Electric Station
- Plant Name: Four Corners Steam Electric Station
 - Plant Location: End of San Juan County Road 6675
Fruitland, New Mexico 87416
 - County: San Juan, New Mexico
 - EPA Region: 9
 - Reservation: Navajo Nation
 - Tribe: Navajo
 - Company Contact: Richard Grimes Phone: (505) 598-8210
 - Responsible Official: David L. Saliba Phone: (505) 598-8209
 - EPA Contact: Roger Kohn Phone: (415) 972-3973
 - Tribal Contacts: Eugenia Quintana Phone: (928) 871-7800
Charlene Nelson Phone: (928) 729-4247
 - SIC Code: 4911
 - AFS Plant Identification Number: 35-045-NAV02
 - Description of Process: The facility is a 2,060 Megawatts coal fired power plant.
 - Significant Emission Units:

Unit ID/ Stack ID	Unit Description	Maximum Capacity	Construction Date	Control Method
B1/ Stack S-1	One (1) pulverized coal-fired boiler, combusting natural gas for unit start-up and flame stabilization. B1 also burns a small amount of used oil for energy during the combustion of coal. Stack S-1 is equipped with SO ₂ and NOx CEMS.	2,551 MBtu/hr; 170 MW	1963	Low NOx burner B1-1N (1977); Venturi scrubbers B1-1AS and B1-1BS for PM control (1972); Retrofit for SO ₂ control (1979); and Improved SO ₂ control efficiency (2005).
B2/ Stack S-2	One (1) pulverized coal-fired boiler, combusting natural gas for unit start-up and flame stabilization. B2 also burns a small amount of used oil for energy during the combustion of coal. Stack S-2 is equipped with SO ₂ and NOx CEMS.	2,551 MBtu/hr; 170 MW	1963	Low NOx burner B2-2N (1998); Venturi scrubbers B2-2AS and B2-2BS for PM control (1972); Retrofit for SO ₂ control (1979); and Improved SO ₂ control efficiency (2005).
B3/ Stack S-3	One (1) pulverized coal-fired boiler, combusting natural gas for unit start-up and flame stabilization. B3 also burns a small amount of used oil for energy during the combustion of coal. Stack S-3 is equipped with SO ₂ and NOx CEMS.	3,387 MBtu/hr; 220 MW	1964	Low NOx burner B3-3N (1990); Venturi scrubbers B2-3AS and B3-3BS for PM control (1972); Retrofit for SO ₂ control (1979); and Improved SO ₂ control efficiency (2005).
B4/ Stack S-4	One (1) pulverized coal-fired boiler, combusting natural gas for unit start-up and flame stabilization. B4 also burns a small amount of used oil for energy recovery during the combustion of coal. Stack S-4 is equipped with SO ₂ and NOx CEMS, and a COM.	8,612 MBtu/hr; 750 MW	1969	Low NOx burner B4-4N (1989); Baghouse B4-4B (1982); FGD system B4-4S (1985); and Improved SO ₂ control efficiency (2005).
B5/ Stack S-5	One (1) pulverized coal-fired boiler, combusting natural gas for unit start-up and flame stabilization. B5 also burns a small amount of used oil for energy recovery during the combustion of coal. Stack S-5 is equipped with SO ₂ and NOx CEMS, and a COM.	8,612 MBtu/hr; 750 MW	1970	Low NOx burner B5-5N (1991); Baghouse B5-5B (1982); FGD system B5-5S (1985); and Improved SO ₂ control efficiency (2005).
Lime handling operations associated with the FGD systems				
EU57	One (1) truck unloading operation	25 tons/hr	1979	baghouses EU15-1L and EU15-2L
EU15	Four (4) lime storage silos for boilers B1 through B3	1,438 tons	1979	baghouses EU15-1L and EU15-2L
EU16	One (1) day tank	147 tons	1979	baghouses EU16-3L
EU17	One (1) day tank	361 tons	1979	baghouses EU17-4L
EU18	One (1) lime slurry preparation system	15 tons/hr	1979	vapor scrubber EU18-5L
EU19	One (1) lime slurry preparation system	15 tons/hr	1979	scrubber EU19-6L
EU 58	Two (2) truck unloading operations	50 tons/hr	1985	baghouse EU20-8L
EU20	One (1) lime storage silo for boiler B4	6,138 tons	1985	baghouse EU20-8L
EU59	Tow (2) truck unloading operations	50 tons/yr	1985	baghouse EU21-11L

Unit ID/ Stack ID	Unit Description	Maximum Capacity	Construction Date	Control Method
EU21	One (1) lime storage silo for boiler B5	6,138 tons	1985	baghouse EU21-11L
EU22	One (1) lime slurry preparation system for boiler B4	22.5 tons/hr	1985	scrubber EU22-6L
EU23	One (1) lime slurry preparation system for boiler B4	22.5 tons/hr	1985	scrubber EU22-7L
EU24	One (1) lime slurry preparation system for boiler B5	22.5 tons/hr	1985	scrubber EU24-9L
EU25	One (1) lime slurry preparation system for boiler B5	22.5 tons/hr	1985	scrubber EU25-10L
Dry fly ash handling operations for boilers B4 and B5*				
EU26	One (1) fly ash storage silo for boiler B4	848 tons	1982	baghouse EU26-12A
EU27	One (1) fly ash storage silo for boiler B5	848 tons	1982	baghouse EU27-13A
EU28	One (1) fly ash storage silo	848 tons	1982	baghouse EU28-14A
EU29	One (1) fly ash storage silo	848 tons	1982	baghouse EU29-15A
EU30	One (1) pug mill, mixing the fly ash from boilers B4 and B5 and the scrubber sludge from the FGD systems.	256 tons/hr	1982	scrubber EU30-17A
EU31	One (1) pug mill, mixing the fly ash from boilers B4 and B5 and the scrubber sludge from the FGD systems.	256 tons/hr	1982	scrubber EU31-18A
EU32	One (1) pug mill, mixing the fly ash from boilers B4 and B5 and the scrubber sludge from the FGD systems.	256 tons/hr	1982	scrubber EU32-19A
EU34	Fugitive emissions from plant decant cell road		1963	Water Suppression
EU39	Fugitive emissions from ash pond No. 6 road		1963	Water Suppression
EU40	Fugitive emissions from ash ponds Nos. 3, 4, and 5 road		1963	Water Suppression
EU43	Fugitive emissions from plant disposal area road		1963	Water Suppression
EU45	Fugitive emissions from evaporation ponds road		1963	Water Suppression
EU46	Fugitive emissions from Morgan Lake Dam road		1963	Water Suppression
EU47	Plant wide parts washers	1,980 gal/yr	1963	N/A
EU48	Miscellaneous surface coating operations	1,023 gal/yr	1963	N/A

*Note: The fly ash from boilers B1 through B3 is controlled by venturi scrubbers and is handled in a wet form.

II. Requirements for Specific Units

II.A. Federal Implementation Plan Requirements [40 CFR § 49.23]

1. **Definitions.** The following definitions apply to section II.A of this permit [40 CFR § 49.23(c)]:
 - a. Affirmative defense means, in the context of an enforcement proceeding, a response or defense put forward by a defendant, regarding which the defense has the burden of proof, and the merits of which are independently and objectively evaluated in a judicial or administrative proceeding.
 - b. Air pollution control equipment includes baghouses, particulate or gaseous scrubbers, and any other apparatus utilized to control emissions of regulated air contaminants which would be emitted to the atmosphere.
 - c. Business Day. Business day means a normal working day, excluding weekends and Federal Holidays.
 - d. Daily average means the arithmetic average of the hourly values measured in a 24-hour period.
 - e. Excess emissions means the emissions of air contaminants in excess of an applicable emissions limitation or requirement.
 - f. Heat input means heat derived from combustion of fuel in a Unit and does not include the heat input from preheated combustion air, recirculated flue gases, or exhaust gases from other sources. Heat input shall be determined in accordance with 40 CFR Part 75.
 - g. Malfunction means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions. This permit provides an affirmative defense to actions for penalties brought for excess emissions that arise during certain malfunction episodes. An affirmative defense is not available if during the period of excess emissions, there was an exceedance of the relevant ambient air quality standard that could be attributed to the emitting source.
 - h. Owner or Operator means any person who owns, leases, operates, controls, or supervises the Plant or any of the coal burning equipment designated as Units 1, 2, 3, 4, or 5 at the Plant.
 - i. Oxides of nitrogen (NO_x) means the sum of nitric oxide (NO) and nitrogen dioxide (NO₂) in the flue gas, expressed as nitrogen dioxide.
 - j. Plant-wide basis means total stack emissions of any particular pollutant from all coal burning equipment at the Plant.

- k. Regional Administrator means the Regional Administrator of the Environmental Protection Agency (EPA) Region 9 or his/her authorized representative.
- l. Shutdown means the cessation of operation of any air pollution control equipment, process equipment, or process for any purpose. Specifically, for Units 1, 2, or 3, shutdown begins when the unit drops below 40 MW net load with the intent to remove the unit from service. For Units 4 or 5, shutdown begins when the unit drops below 300 MW net load with the intent to remove the unit from service.
- m. Startup means the setting into operation of any air pollution control equipment, process equipment, or process for any purpose. Specifically, for Units 1, 2, or 3, startup ends when the unit reaches 40 MW net load. For Units 4 or 5, startup ends when the unit reaches 400 MW net load.
- n. 24-hour period means the period of time between 12:01 a.m. and 12 midnight.

2. Emissions Limitations and Control Measures [40 CFR § 49.23(d)]

- a. Sulfur Dioxide (SO₂). No owner or operator shall discharge or cause the discharge of sulfur dioxide (SO₂) into the atmosphere in excess of:
 - (i) 12.0 percent of the potential combustion concentration assuming all of the sulfur in the coal is converted to SO₂. This percent emitted is determined by a daily calculation of the plantwide heat input weighted annual average.
 - (ii) 17,900 pounds of total SO₂ emissions per hour averaged over any consecutive three (3) hour period, determined on a plant-wide basis.
- b. Particulate Matter (PM). No owner or operator shall discharge or cause the discharge of particulate matter from any coal burning equipment into the atmosphere in excess of 0.050 lb/MMBtu of heat input (higher heating value), as averaged from at least three sampling runs, each at minimum 60 minutes in duration, each collecting a minimum sample of 30 dry standard cubic feet.
- c. Dust. Each owner or operator shall operate and maintain the existing dust suppression methods for controlling dust from the coal handling and storage facilities. Within ninety (90) days after promulgation of 40 CFR § 49.23, the owner or operator shall submit to the Regional Administrator a description of the dust suppression methods for controlling dust from the coal handling and storage facilities, flyash handling and storage, and road sweeping activities. Within 548 days of promulgation of 40 CFR § 49.23 each owner or operator shall not emit dust with an opacity greater than 20

percent from any crusher, grinding mill, screening operation, belt conveyor, or truck loading or unloading operation.

- d. **Opacity.** No owner or operator shall discharge or cause the discharge of emissions from the stacks of Units 4 and 5 into the atmosphere exhibiting greater than 20% opacity, excluding uncombined water droplets, averaged over any six (6) minute period, except for one six (6) minute period per hour of not more than 27% opacity.
- e. **Oxides of nitrogen.** No owner or operator shall discharge or cause the discharge of NO_x into the atmosphere.
 - (i) From either B1 or B2 in excess of 0.85 lb/MMBtu of heat input per unit, and from either B3, B4, or B5 in excess of 0.65 lb/MMBtu of heat input per unit averaged over any successive thirty (30) boiler operating day period;
 - (ii) In excess of 335,000 lb per 24-hour period when coal burning equipment is operating, on a plant-wide basis; for each hour when coal burning equipment is not operating, this limitation shall be reduced. If the unit which is not operating is B1, B2, or B3, the limitation shall be reduced by 1,542 lb per hour for each unit which is not operating. If the unit which is not operating is B4 or B5, the limitation shall be reduced by 4,667 lb per hour for each unit which is not operating.

3. Testing and Monitoring [40 CFR § 49.23(e)]

Upon completion of the installation of continuous emissions monitoring systems (CEMS) software as required in Condition II.A(3), compliance with the emissions limits set for SO₂ and NO_x shall be determined by using data from a CEMS unless otherwise specified in Conditions II.A(3)(b) and II.A(3)(d). Compliance with the emissions limit set for particulate matter shall be tested annually, or at such other time as requested by the Regional Administrator, based on data from testing conducted in accordance with 40 CFR Part 60, Appendix A, Methods 1 through 5, or any other method receiving prior approval from the Regional Administrator. Compliance with the emissions limits set for opacity shall be determined by using data from a Continuous Opacity Monitoring System (COMS) except during saturated stack conditions (condensed water vapor). If the baghouse is operating within its normal operating parameters, the baghouse is not fully closed, and a high opacity reading occurs, it will be presumed that the occurrence was caused by saturated stack conditions and shall not be considered a violation.

- a. The owner or operator shall maintain and operate CEMS for SO₂, NO or NO_x, a diluent and, for boiler B4 and B5 only, COMS, in accordance with 40 CFR §§ 60.8 and 60.13, and Appendix B of 40 CFR Part 60. Within six (6) months of promulgation of this section [40 CFR § 49.23], the owner or operator shall install CEMS and COMS software which complies with the requirements of this section. The owner or operator of

the Plant may petition the Regional Administrator for extension of the six (6) month period for good cause shown. Completion of 40 CFR Part 75 monitor certification requirements shall be deemed to satisfy the requirements under 40 CFR §§ 60.8 and 60.13 and Appendix B of Part 60. The owner or operator shall comply with the quality assurance procedures for CEMS found in 40 CFR Part 75, and all reports required there under shall be submitted to the Regional Administrator. The owner or operator shall provide the Regional Administrator notice in accordance with 40 CFR § 75.61.

b. *Sulfur Dioxide.* For the purpose of determining compliance with the limits in Condition II.A(2)(a), the sulfur dioxide inlet concentration (in lbs/MMBtu) shall be calculated using the daily average percent sulfur and Btu content of the coal combusted. The inlet sulfur concentration and Btu content shall be determined in accordance with American Society for Testing and Materials (ASTM) methods or any other method receiving prior approval from the Regional Administrator. A daily fuel sample shall be collected using the coal sampling tower conforming to the ASTM specifications. The analyses shall be done on the daily sample using ASTM methods or any other method receiving prior approval from the Regional Administrator.

(i) The inlet sulfur dioxide concentration shall be calculated using the following formula:

$$I_s = 2(\%S_f)/GCV \times 10^4 \text{ English units}$$

Where:

I_s = sulfur dioxide inlet concentrations in pounds per million Btu;

$\% S_f$ = weight percent sulfur content of the fuel; and

GCV = Gross calorific value for the fuel in Btu per pound.

(ii) The total pounds of SO₂ generated by burning the coal shall be calculated by multiplying the SO₂ inlet concentration by the daily total heat input determined by the 40 CFR Part 75 acid rain monitoring. This will determine the pounds of SO₂ produced per day. The SO₂ emitted from the stacks shall be determined by adding the daily SO₂ emissions from each stack as determined by the 40 CFR Part 75 acid rain monitors. Compliance with the emission limit shall be determined for each day by adding that day's SO₂ emissions and that day's SO₂ produced to the previous 364 days and then dividing the 365 days of emissions by the 365 days of SO₂ produced. Compliance is demonstrated if this fraction, converted to a percent, is equal to or less than 12.0 percent. The data from the 40 CFR Part 75 monitors shall not be bias adjusted. If a valid SO₂ pounds per hour or heat input is not available for any

hour for a unit, that heat input and SO₂ pounds per hour shall not be used in the calculation of the annual plant-wide average.

- c. *Particulate Matter.* Particulate matter emissions shall be determined by averaging the results of three test runs. Each test run shall be sixty (60) minutes in duration and shall collect a minimum volume of thirty (30) dry standard cubic feet. Within six (6) months of promulgation of 40 CFR § 49.23, particulate matter testing shall be conducted annually and at least six (6) months apart, with the equipment within 90 percent of maximum operation in accordance with 40 CFR 60.8 and Appendix A to 40 CFR Part 60. The owner or operator shall submit written notice of the date of testing no later than 21 days prior to testing. Testing may be performed on a date other than that already provided in a notice as long as notice of the new date is provided either in writing or by telephone or other means acceptable to the Region 9 Enforcement Office, and the notice is provided as soon as practicable after the new testing date is known, but no later than 7 days (or a shorter period as approved by the Region 9 Enforcement Office) in advance of the new date of testing.
- d. *Oxides of nitrogen.* The total daily plant-wide oxides of nitrogen emissions in pounds of NO₂ per day shall be calculated using the following formula:

$$TE = \sum_{i=1}^n \sum_{j=1}^m (E_{ij} \times H_{ij})$$

Where:

- TE = total plant-wide nitrogen dioxide emissions (lb NO₂/day);
 E_{ij} = hourly average emissions rate of each unit (lb NO₂/MMBtu);
 H_{ij} = hourly total heat input for each unit (MMBtu);
 n = the number of units of coal burning equipment operating during the hour;
 m = the number of operating hours in a day, from midnight to midnight.

- e. Continuous emissions monitoring shall apply during all periods of operation of the coal burning equipment, including periods of startup, shutdown, and malfunction, except for CEMS breakdowns, repairs, calibration checks, and zero and span adjustments. Continuous monitoring systems for measuring SO₂, NO_x, and diluent gas shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. Hourly averages shall be computed using at least one data point in each fifteen minute quadrant of an hour. Notwithstanding this requirement, an hourly average may be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant in an hour) if data are unavailable as a result of performance of calibration, quality assurance, preventive maintenance activities, or backups of data from data acquisition and handling system, and recertification events. When valid

SO₂ pounds per hour, NO₂ pounds per hour, or NO₂ pounds per million Btu emission data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks, or zero and span adjustments, emission data must be obtained by using other monitoring systems approved by the EPA to provide emission data for a minimum of 18 hours in at least 22 out of 30 successive boiler operating days. If a parameter essential for determining either the SO₂ pound per hour or the heat input is not valid or unavailable, that hour for that unit shall not be used in calculating the percent emissions of SO₂ for the plant-wide limit. The necessary software for determining compliance with the SO₂ plantwide annual average shall be installed and operating within 180 days of the effective date of this rule. The first day for determining compliance with the plantwide SO₂ limit shall be 365 days after the successful installation of the software.

- f. The owner or operator shall maintain a set of opacity filters to be used as audit standards.
- g. Nothing herein shall limit EPA's ability to ask for a test at any time under Section 114 of the Clean Air Act, 42 U.S.C. 7414, and enforce against any violation.
- h. In order to provide reasonable assurance that the scrubbers for control of particulate matter from Boilers B1, B2, and B3 are being maintained and operated in a manner consistent with good air pollution control practice for minimizing emissions, the owner or operator shall comply with CAM requirements in Condition II.C(2) for Boiler B1, B2, and B3, pursuant to 40 CFR § 49.23(e)(8)(vii).

4. Reporting and Recordkeeping [40 CFR § 49.23(f)]

Unless otherwise stated all requests, reports, submittals, notifications, and other communications to the Regional Administrator required by this section shall be submitted, unless instructed otherwise, to the Executive Director, Navajo Nation Environmental Protection Agency, P.O. Box 339, Window Rock, Arizona 86515, (928) 871-7692, (928) 871-7996 (facsimile), and to the Director, Air Division, U.S. Environmental Protection Agency, Region IX, to the attention of Mail Code: AIR-5, at 75 Hawthorne Street, San Francisco, California 94105, (415) 972-3990, (415) 947-3579 (facsimile). For each unit subject to the emissions limitation in this section and upon completion of the installation of CEMS and COMS as required in this section, the owner or operator shall comply with the following requirements:

- a. For each emissions limit in Condition II.A(2), comply with the notification and recordkeeping requirements for CEMS compliance monitoring in 40 CFR § 60.7(c) and (d). For Boilers B4 and B5, periods of excess opacity due to water droplets shall be reported in the summary report required by 40 CFR 60.7(d).

- b. For each day, provide the 365-day percent SO₂ emitted, the total SO₂ emitted that day, and the total SO₂ produced that day. For any hours on any unit where data for SO₂ hourly pounds or heat input is missing, identify the unit number and monitoring device that did not produce valid data that caused the missing hour.

- c. Furnish the Regional Administrator with reports describing the results of the annual particulate matter emissions tests postmarked within sixty (60) days of completing the tests. Each report shall include the following information:
 - (i) The test date;
 - (ii) The test method;
 - (iii) Identification of the coal burning equipment tested;
 - (iv) Values for stack pressure, temperature, moisture, and distribution of velocity heads;
 - (v) Average heat input;
 - (vi) Emissions data, identified by sample number, and expressed in pounds per MMBtu;
 - (vii) Arithmetic average of sample data expressed in pounds per MMBtu; and
 - (viii) A description of any variances from the test method.

- d. Excess Emissions Report.
 - (i) For excess emissions (except in the case of saturated stack conditions), the owner or operator shall notify the Navajo Environmental Protection Agency Director and the U.S. Environmental Protection Agency Regional Administrator by telephone or in writing within one business day (initial notification). A complete written report of the incident shall be submitted to the Navajo Environmental Protection Agency Director and the U.S. Environmental Protection Agency Regional Administrator within ten (10) working days of the initial notification. This notification should be sent to the Director, Navajo Environmental Protection Agency, by mail to: P.O. Box 339, Window Rock, Arizona 86515, or by facsimile to: (928) 871-7996 (facsimile), and to the Regional Administrator, U.S. Environmental Protection Agency, by mail to the attention of Mail Code: AIR-5, at 75 Hawthorne Street, San Francisco, California 94105, by facsimile to: (415) 947-3579 (facsimile), or by e-mail to: r9.aeo@epa.gov. The complete written report shall include:

- (A) The name and title of the person reporting;
 - (B) The identity and location of the Plant and Unit(s) involved, and the emissions point(s), including bypass, from which the excess emissions occurred or are occurring;
 - (C) The time and duration or expected duration of the excess emissions;
 - (D) The magnitude of the excess emissions expressed in the units of the applicable emissions limitation and the operating data and calculations used in determining the magnitude of the excess emissions;
 - (E) The nature of the condition causing the excess emissions and the reasons why excess emissions occurred or are occurring;
 - (F) If the excess emissions were the result of a malfunction, the steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunction;
 - (G) For an opacity exceedance, the 6-minute average opacity monitoring data greater than 20% for the 24 hours prior to and during the exceedance for boilers B4 and B5; and
 - (H) The efforts taken or being taken to minimize the excess emissions and to repair or otherwise bring the Plant into compliance with the applicable emissions limit(s) or other requirements. For this reporting requirement, excess opacity due to saturated stack conditions is exempted.
- (ii) If the period of excess emissions extends beyond the submittal of the written report, the owner or operator shall also notify the Regional Administrator in writing of the exact time and date when the excess emissions stopped. Compliance with the excess emissions notification provisions of this section shall not excuse or otherwise constitute a defense to any violations of this section or of any law or regulation which such excess emissions or malfunction may cause.

5. Equipment Operations [40 CFR § 49.23(g)]

At all times, including periods of startup, shutdown, and malfunction, the owner or operator shall, to the extent practicable, maintain and operate the Plant including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be

based on information available to the Regional Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the Plant. With regard to the operation of the baghouses on Boiler B4 and B5, placing the baghouses in service before coal fires are initiated will constitute compliance with this condition. (If the baghouse inlet temperature cannot achieve 185 degrees Fahrenheit using only gas fires, the owner or operator will not be expected to place baghouses in service before coal fires are initiated; however, the owner or operator will remain subject to the requirements of this paragraph.)

6. Enforcement [40 CFR § 49.23(h)]

- a. Notwithstanding any other provision in this implementation plan, any credible evidence or information relevant to whether the Plant would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed, can be used to establish whether or not the owner or operator has violated or is in violation of any standard in the plan.
- b. During periods of startup and shutdown the otherwise applicable emission limits or requirements for opacity and particulate matter shall not apply provided that:
 - (i) At all times the facility is operated in a manner consistent with good practice for minimizing emissions, and the owner or operator uses best efforts regarding planning, design, and operating procedures to meet the otherwise applicable emission limit;
 - (ii) The frequency and duration of operation in start-up or shutdown mode are minimized to the maximum extent practicable; and
 - (iii) The owner or operator's actions during start-up and shutdown periods are documented by properly signed, contemporaneous operating logs, or other relevant evidence.
- c. Emissions in excess of the level of the applicable emission limit or requirement that occur due to a malfunction shall constitute a violation of the applicable emission limit. However, it shall be an affirmative defense in an enforcement action seeking penalties if the owner or operator has met with all of the following conditions:
 - (i) The malfunction was the result of a sudden and unavoidable failure of process or air pollution control equipment or of a process to operate in a normal or usual manner;
 - (ii) The malfunction did not result from operator error or neglect, or from improper operation or maintenance procedures;

- (iii) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;
- (iv) Steps were taken in an expeditious fashion to correct conditions leading to the malfunction, and the amount and duration of the excess emissions caused by the malfunction were minimized to the maximum extent practicable;
- (v) All possible steps were taken to minimize the impact of the excess emissions on ambient air quality;
- (vi) All emissions monitoring systems were kept in operation if at all possible; and
- (vii) The owner or operator's actions in response to the excess emissions were documented by properly signed, contemporaneous operating logs, or other relevant evidence.

II.B. Acid Rain Requirements [40 CFR Parts 72, 73, and 75; Phase II Acid Rain Permit]

The permittee shall comply with the requirements listed in the attached acid rain permit renewal (see Attachment A).

II.C. CAM Requirements [40 CFR 64]

PM emissions from boilers B1 through B5 are subject to the CAM requirements in 40 CFR 64 and shall comply with the following:

1. The permittee shall comply with the following requirements in 40 CFR 64.7:
 - a. The permittee shall conduct the CAM requirements within ninety (90) days after the issuance of this Part 71 permit.
 - b. At all times, the permittee shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.
 - c. Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permittee shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is in operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of 40 CFR Part 64, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The permittee shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not

reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

- d. Upon detecting an excursion or exceedance, the permittee shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to their normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.

Determination of whether the permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include, but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.

- e. After approval of monitoring under Part 64, if the permittee identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the permittee shall promptly notify the permitting authority and, if necessary, submit a proposed modification to the Part 71 permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

- 2. Boilers B1, B2, and B3, which are controlled by wet venturi scrubbers, shall comply with the following requirements listed in the CAM program:

- a. Indicator No. 1: Total Recycle Slurry Flow

- (i) Measurement Approach:

The permittee shall install a recycle transmitter to measure the total recycle slurry flow rate of the venturi scrubbers.

(ii) Indicator Range:

The total recycle slurry flow rate shall be maintained at or above 4,000 gallons per minute.

(iii) Data Representativeness:

The recycle flow transmitters shall be located between the recycle pump outlet and the top of the venturi scrubber vessel.

(iv) QA/QC Practice and Criteria:

The recycle flow transmitters shall be calibrated every six (6) months.

(v) Monitoring Frequency:

The recycle slurry flow rate of the scrubber shall be monitored continuously.

(vi) Data Collection Procedures:

A minimum of at least four (4) valid data points over an hour shall be used to calculate a one-hour average.

(vii) Averaging Period:

The one-hour average of the total recycle slurry flow rate shall be used to demonstrate compliance with the minimum flow rate specified in Condition II.C.(2)(a)(ii).

b. Indicator No. 2: Differential Pressure

(i) Measurement Approach:

The Permittee shall install a differential pressure transmitter to measure the pressure drop of the venturi scrubbers.

(ii) Indicator Range:

(A) The differential pressure of the scrubber shall be maintained at or above 7.5 inches of water for boilers B1 and B2.

(B) The differential pressure of the scrubber shall be maintained at or above 9.0 inches of water for boiler B3.

(iii) Data Representativeness:

The differential pressure transmitters shall be located at the same level as the venturi and are positioned as close to the vessel as practical.

(iv) QA/QC Practice and Criteria:

The differential pressure transmitters shall be calibrated every ninety (90) days.

(v) Monitoring Frequency:

The different pressure of the scrubber shall be monitored continuously.

(vi) Data Collection Procedures:

A minimum of at least four (4) valid data points over an hour shall be used to calculate a one-hour average.

(vii) Averaging Period:

The one-hour average of the differential pressure rate shall be used to demonstrate compliance with the differential pressure range specified in Condition II.C.(2)(b)(ii).

3. Boilers B4 and B5, which are controlled by baghouses, shall comply with the following requirements listed in the CAM program:

a. Indicator No. 1: Opacity

(i) Measurement Approach:

The permittee shall install a COMS to measure the opacity of the exhausts.

(ii) Indicator Range:

The opacity shall not exceed 10% based on three-hour average.

(iii) Data Representativeness:

Each COMS shall be certified per 40 CFR 60, Appendix B - Performance Specification 1: Specifications and Test Procedures for COMS in Stationary Sources.

(iv) QA/QC Practice and Criteria:

The permittee shall perform zero and span calibration error check daily. Adjustments shall be made if drifts greater than 4.0%

opacity are found.

(v) Monitoring Frequency:

The opacity shall be shall be monitored continuously.

(vi) Data Collection Procedures:

All valid six-minute opacity averages shall be used to calculate a rolling three-hour average.

(vii) Averaging Period:

A rolling three-hour average of the opacity reading shall be used to demonstrate compliance with the maximum opacity specified in Condition II.C.(3)(a)(ii).

II.D. Operational Flexibility

1. Clean Air Act Section 502(b)(10) Changes [40 CFR § 71.6(a)(13)(i)] [NNOPR § 404(A)]

- a. The permittee may make Clean Air Act Section 502(b)(10) changes without applying for a permit revision if those changes do not cause the facility to exceed emissions allowable under this permit (whether expressed as a rate of emissions or in terms of total emissions) and are not modifications under Title I of the Clean Air Act. 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. For each proposed § 502(b)(10) change, the permittee shall provide written notification to the Director and the Administrator at least 7 days in advance of the proposed change. Such notice shall state when the change will occur and shall describe the change, any resulting emissions change, and any permit terms or conditions made inapplicable as a result of the change. The permittee shall attach each notice to its copy of this permit.
- c. Any permit shield provided in this permit shall not apply to any change made under this provision.

III. Facility-Wide or Generic Permit Requirements

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

III.A. Testing Requirements [40 CFR § 71.6(a)(3)]

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 for particulate matter, 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 operating rates (90% to 110% of device design capacity).
3. Only regular operating staff may adjust the processes or emission control device parameters within two (2) hours before or during a compliance source test. All adjustments must be logged and a copy of the log submitted with the test report. No adjustments are to be made within two (2) hours before the start of the tests or during a test, if those adjustments are a result of consultation before or during the tests with source testing personnel, equipment vendors, or consultants. Such adjustments 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. Visible emissions.

- b. All parametric data which is required to be monitored in Section II for the emission unit being tested.
5. The permittee shall perform coal analysis tests on the coal used two (2) days prior to the stack testing and for the coal used on the day of stack testing, and report the results with the performance test results in accordance with Condition II.A.4.c.
6. 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.
7. Source test reports shall be submitted to NNEPA and U.S. EPA 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. In order to demonstrate compliance with Condition II.A.2.e(ii), the permittee shall keep records of the 24-hour period of total NO_x emissions from the entire plant. The NO_x emissions shall be calculated based on the equation specified in Condition II.A.3.d. [40 CFR § 71.6(a)(3)(ii)]

III.C. Reporting Requirements [40 CFR § 71.6 (a)(3)(iii)]

1. The permittee shall submit to NNEPA and 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. All reports shall be submitted to NNEPA and U.S. EPA and shall be postmarked by the 45th 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 and excursions 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 or an excursion, as defined in 40 CFR 64, occurs.
 - (v) Pursuant to 40 CFR § 64.1, exceedance means a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions (or opacity) are greater than the applicable emission limitation or standard (or less than the applicable standard in the case of a percent reduction requirement) consistent with any averaging period specified for averaging the results of the monitoring.
 - (vi) Pursuant to 40 C.F.R. § 64.1, excursion means values outside the CAM indicator ranges established for total recycle flow rate, differential pressure, or opacity in Condition II.C of this permit.
2. The permittee shall promptly report to the NNEPA and EPA Regional Office 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 by telephone, verbal, or facsimile communication 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 by telephone, verbal, or facsimile communication within 48 hours of the occurrence.
 - (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 NNEPA by telephone, facsimile, or electronic mail sent to charlenenelson@navajo.org, 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.
5. In order to demonstrate compliance with Condition II.A.2.e(ii), the permittee shall submit the 24-hour period NO_x emissions data to U.S. EPA and NNEPA in the semi-annual monitoring reports required by Condition III. C.1. [40 C.F.R. § 71.6 (a)(3)(iii)]

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

1. The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
 - a. All containers in which a class I or class II substance is stored or transported, all products containing a class I substance, and all products directly manufactured with a Class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR § 82.106.

- b. The placement of the required warning statement must comply with the requirements 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 Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B:
- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR § 82.156.
 - b. Equipment used during maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR § 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR § 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with recordkeeping requirements pursuant to 40 CFR § 82.166. ("MVAC-like appliance" 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 Part 82, Subpart A, Production and Consumption Controls.
4. If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the MVAC, the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC"

as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.

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

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

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

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.

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 April 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 the 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 April 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 U.S. 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 U.S. EPA 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)]

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 February 14 of each year and covering the previous calendar year. The compliance certification shall be certified as to truth, accuracy, and completeness by the permit-designated responsible official consistent with Section III.C.4. of this permit [40 CFR § 71.6(c)(5)].
2. The certification shall include the following:
 - a. Identification of each permit term or condition that is the basis of the certification.
 - b. Identification of the method(s) or other means used for determining the compliance status of each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data.

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

- c. The compliance status of each term and condition of the permit for the period covered by the certification based on the method or means designated above. The certification shall identify each deviation and take it into account in the compliance certification.
- d. Whether compliance with each permit term was continuous or intermittent.

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

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

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

Any document required to be submitted with this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. All documents required to be submitted, including reports, test data, monitoring data, notifications, compliance certifications, fee calculation worksheets, and applications for renewals and permit modifications shall be submitted to 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)]

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 implement the changes outlined in subparagraphs (1) through (5) below immediately upon submittal of the request for the administrative revision. 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.
 - (v) If the requested permit revision would affect existing compliance plans or schedules, related progress reports, or certification of compliance requirements, an outline of such effects.
 4. The permittee may make the change proposed in its minor permit modification application immediately after submittal of such application. After the permittee makes the change allowed by the preceding sentence, and until the Director takes any of the actions specified in NNOPR § 405(D)(6) (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 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 NNEPA 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 NNEPA, 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)]

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 the permittee 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 proceeding 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)] [NNEPA § 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 §§ 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 elapse 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 elapse from the date of issuance; or
 - c. the source is issued a Part 70 permit by NNEPA, provided that EPA has granted the Navajo Nation treatment as a state and primacy for a Part 70 program and that NNEPA issues the permit consistent with the VCA.
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 that 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.

IV.S. Additional Permit Conditions [Voluntary Compliance Agreement, Article 6]

This permit is issued pursuant to the Voluntary Compliance Agreement between the permittee and the Navajo Nation. The permittee shall comply with the terms of this permit and shall be subject to enforcement of the permit by the Navajo Nation EPA, pursuant to the terms of the Voluntary Compliance Agreement. The permittee's agreement to comply is effective upon the permittee's written acceptance of the permit and expires at the end of the permit term, unless the permit is renewed. The permittee's agreement to comply may be withdrawn during the permit term only if the Voluntary Compliance Agreement is terminated or expires as provided in that Agreement.

IV.T. Part 71 Permit Enforcement [Voluntary Compliance Agreement, Section 5.4.5; 40 CFR § 71.12]

1. The Navajo Nation has the authority to:
 - a. Develop compliance plans and schedules of compliance;
 - b. Conduct compliance and monitoring activities, including review of monitoring reports and compliance certifications, inspections, audits, conducting and/or reviewing stack tests, and issuing requests for information either before or after a violation is identified; and
 - c. Conduct enforcement-related activities, including issuance of notices, findings, and letters of violation, and development of cases up to, but not including, the filing of a complaint or order.
2. Violations 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 are violations of the Act and are subject to full Federal enforcement authorities available under the Act.

Attachment A

Phase II Acid Rain Permit Renewal