



APR 24 2012

Andrew Roberston
Wellhead Power Gates, LLC
650 Bercut Drive, Suite C
Sacramento, CA 95814

**Re: Proposed Authority to Construct / Certificate of Conformity (Minor Mod)
District Facility # C-3843
Project # C-1120116**

Dear Mr. Roberston:

Enclosed for your review is the District's analysis of your application for Authority to Construct for the facility identified above. You have requested that a Certificate of Conformity with the procedural requirements of 40 CFR Part 70 be issued with this project. The modification consists of designating a 45.4 MW General Electric LM-6000 natural gas-fired simple cycle turbine engine as a compliant dormant emissions unit (DEU).

After addressing any EPA comments made during the 45-day comment period, the Authority to Construct will be issued to the facility with a Certificate of Conformity. Prior to operating with modifications authorized by the Authority to Construct, the facility must submit an application to modify the Title V permit as an administrative amendment, in accordance with District Rule 2520, Section 11.5.

If you have any questions, please contact Mr. Jim Swaney, Permit Services Manager, at (559) 230-5900.

Thank you for your cooperation in this matter.

Sincerely,



David Warner
Director of Permit Services

Enclosures
cc: Sajjad Ahmad, Permit Services

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585



APR 24 2012

Gerardo C. Rios, Chief
Permits Office
Air Division
U.S. EPA - Region IX
75 Hawthorne St
San Francisco, CA 94105

Re: **Proposed Authority to Construct / Certificate of Conformity (Minor Mod)**
District Facility # C-3843
Project # C-1120116

Dear Mr. Rios:

Enclosed for your review is the District's engineering evaluation of an application for Authority to Construct for Wellhead Power Gates, LLC, located at 39950 S Butte Ave in Huron, which has been issued a Title V permit. Wellhead Power Gates, LLC is requesting that a Certificate of Conformity, with the procedural requirements of 40 CFR Part 70, be issued with this project. The modification consists of designating a 45.4 MW General Electric LM-6000 natural gas-fired simple cycle turbine engine as a compliant dormant emissions unit (DEU).

Enclosed is the engineering evaluation of this application, a copy of the current Title V permit, and proposed Authority to Construct # C-3843-1-10 with Certificate of Conformity. After demonstrating compliance with the Authority to Construct, the conditions will be incorporated into the facility's Title V permit through an administrative amendment.

Please submit your written comments on this project within the 45-day comment period that begins on the date you receive this letter. If you have any questions, please contact Mr. Jim Swaney, Permit Services Manager, at (559) 230-5900.

Thank you for your cooperation in this matter.

Sincerely,

David Warner
for David Warner
Director of Permit Services

Enclosures
cc: Sajjad Ahmad, Permit Services

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San Joaquin Valley Air Pollution Control District

Dormant Emissions Unit

Facility Name: Wellhead Power Gates, LLC Date: April 16, 2012
Mailing Address: 650 Bercut Drive, Ste C Engineer: Sajjad Ahmad
Sacramento, CA 95811 Lead Engineer: Sheraz Gill

Contact Person: Andrew Robertson
Telephone: (559) 693-2494
Application #: C-3843-1-10
Project #: C-1120116
Complete: February 9, 2012

I. Proposal

Wellhead Power Gates, LLC is requesting an Authority to Construct (ATC) to designate the 45.4 MW General Electric LM-6000 natural gas-fired simple cycle gas turbine engine (permit unit C-3843-1) as a compliant dormant emissions unit (DEU). The applicant proposes to disconnect the fuel line to ensure that the equipment does not operate while dormant.

Pursuant to District GEAR Policy, this application is administrative and not subject to District Rule 2201, *New and Modified Stationary Source Review Rule*.

The operator proposes to defer the established source testing requirements while the unit is dormant.

Wellhead Power Gates, LLC received their Title V Operating Permit on January 31, 2004. This modification can be classified as a Title V minor modification pursuant to Rule 2520, Section 3.20, and can be processed with a Certificate of Conformity (COC). The facility has requested that this project be processed in that manner.

Since the facility has specifically requested that this project be processed in that manner, the 45-day EPA comment period will be satisfied prior to the issuance of the ATC and the facility must apply to administratively amend their Title V Operating Permit to include the requirements of the ATC issued with this project.

II. Applicable Rules

Rule 1070 Inspections (12/17/92)
Rule 2010 Permits Required (12/17/92)
Rule 2080 Conditional Approval (12/17/92)
Rule 2520 Federally Mandated Operating Permits (6/21/01)

III. Project Location

The project is located at Section 29, Township 20S, Range 17E, in Huron, CA.

IV. Process Description

The natural gas-fired simple cycle turbine engine unit operates an electrical generator to generate electricity.

V. Equipment Listing

Pre-Project Equipment Description

C-3843-1-7: 45.4 MW GENERAL ELECTRIC LM-6000 NATURAL GAS-FIRED SIMPLE CYCLE GAS TURBINE ENGINE WITH WATER OR STEAM INJECTION, SERVED BY SELECTIVE CATALYTIC REDUCTION (SCR) SYSTEM AND OXIDATION CATALYST

Proposed Modification

C-3843-1-10: MODIFICATION OF 45.4 MW GENERAL ELECTRIC LM-6000 NATURAL GAS-FIRED SIMPLE CYCLE GAS TURBINE ENGINE WITH WATER OR STEAM INJECTION, SERVED BY SELECTIVE CATALYTIC REDUCTION (SCR) SYSTEM AND OXIDATION CATALYST: DESIGNATE AS A COMPLIANT DORMANT EMISSIONS UNIT

Post-Project Equipment Description

C-3843-1-10: 45.4 MW GENERAL ELECTRIC LM-6000 NATURAL GAS-FIRED SIMPLE CYCLE GAS TURBINE ENGINE WITH WATER OR STEAM INJECTION, SERVED BY SELECTIVE CATALYTIC REDUCTION (SCR) SYSTEM AND OXIDATION CATALYST

VI. Emission Control Technology Evaluation

There are no proposed physical changes to the equipment or any change in permitted emissions. Therefore there is no need to evaluate the emission control technology.

VII. General Calculations

Since this project is not subject to Rule 2201, calculations are not required.

VIII. Compliance

- {1830} This Authority to Construct serves as a written certificate of conformity with the procedural requirements of 40 CFR 70.7 and 70.8 and with the compliance requirements of 40 CFR 70.6(c). [District Rule 2520] Y
- {1831} Prior to operating with modifications authorized by this Authority to Construct, the permittee shall submit an application to modify the Title V permit with an administrative amendment in accordance with District Rule 2520 Section 5.3.4. [District Rule 2520, 5.3.4] Y

While the equipment is dormant, the established source testing will not be required. Whenever the operator designates the equipment as active, the established source testing requirements will resume.

Nothing in this evaluation shall be construed to shield a unit that has operated out of compliance with any District, state or federal requirements. A unit designated as a DEU is subject to enforcement action for any and all violations.

The following conditions are listed on the permit to ensure compliance.

- {4561} While dormant, the fuel line shall be physically disconnected from the unit. [District Rule 2080]
- {4562} Permittee shall submit written notification to the District upon designating the unit as dormant or active. [District Rule 2080]
- {4560} While dormant, normal source testing shall not be required. [District Rule 2080]
- {4563} Upon recommencing operation of this unit, normal source testing shall resume. [District Rule 2080]
- {4564} Any source testing required by this permit shall be performed within 60 days of recommencing operation of this unit, regardless of whether the unit remains active or is again designated as dormant. [District Rule 2080]
- {4565} Records of all dates and times that this unit is designated as dormant or active, and copies of all corresponding notices to the District, shall be maintained, retained for a period of at least five years, and made available for District inspection upon request. [District Rule 1070]

IX. California Environmental Quality Act (CEQA)

CEQA requires each public agency to adopt objectives, criteria, and specific procedures consistent with CEQA Statutes and the CEQA Guidelines for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents. The San Joaquin Valley Unified Air Pollution Control District (District) adopted its *Environmental Review Guidelines* (ERG) in 2001.

The basic purposes of CEQA are to:

- Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- Identify the ways that environmental damage can be avoided or significantly reduced.

- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

Consistent with CEQA and CEQA Guidelines requirements, the District has adopted procedures and guidelines for implementing CEQA. The District's ERG establishes procedures for avoiding unnecessary delay during the District's permitting process while ensuring that significant environmental impacts are thoroughly and consistently addressed. The ERG includes policies and procedures to be followed when processing permits for projects that are exempt under CEQA.

The State Legislature granted a number of exemptions from CEQA, including projects that require only ministerial approval. Based upon analysis of its own laws and consideration of CEQA provisions, the District has identified a limited number of District permitting activities considered to be ministerial approvals. As set forth in §4.2.1 of the ERG, projects permitted consistent with the District's *Guidelines for Expedited Application Review* (GEARs) are standard application reviews in which little or no discretion is used in issuing ATC documents.

For the proposed project, the District performed an Engineering Evaluation (this document) and determined that the project qualifies for processing under the procedures set forth in the District's GEARs. Thus, as discussed above, this issuance of such ATC(s) is a ministerial approval for the District and is not subject to CEQA provisions.

X. Recommendation

Issue ATC C-3843-1-10 subject to the permit conditions listed on the attached draft ATC in Appendix C.

XI. Billing Information

Billing Schedule			
Permit Number	Fee Schedule	Fee Description	Fee Amount
C-3843-1-10	3020-08B-G	45.4 MW	\$10,215

Appendixes

- A: Current PTO
- B. Compliance Certification Form
- C: Draft ATC

Appendix A
Current PTO

San Joaquin Valley Air Pollution Control District

PERMIT UNIT: C-3843-1-7

EXPIRATION DATE: 12/31/2015

EQUIPMENT DESCRIPTION:

45.4 MW GENERAL ELECTRIC LM-6000 NATURAL GAS-FIRED SIMPLE CYCLE GAS TURBINE ENGINE WITH WATER OR STEAM INJECTION, SERVED BY SELECTIVE CATALYTIC REDUCTION (SCR) SYSTEM AND OXIDATION CATALYST

PERMIT UNIT REQUIREMENTS

1. The owner or operator shall install, certify, maintain, operate and quality-assure a Continuous Emission Monitoring System (CEMS) which continuously measures and records the exhaust gas NO_x and O₂ concentrations. The CEM shall meet the requirements of 40 CFR parts 60 and 75 and shall be capable of monitoring emissions during startups and shutdowns as well as during normal operating conditions. [40 CFR 60.334(b) and District Rule 4703, 6.2.1] Federally Enforceable Through Title V Permit
2. The CEMS shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period or shall meet equivalent specifications established by mutual agreement of the District, the ARB and the EPA. [40 CFR 60.334(b)(2) and District Rule 1080, 6.4] Federally Enforceable Through Title V Permit
3. The NO_x and O₂ CEMS shall meet the requirements in 40 CFR 60, Appendix F Procedure 1 and Part 60, Appendix B Performance Specifications 2 and 3, or shall meet equivalent specifications established by mutual agreement of the District, the ARB, and the EPA. [40 CFR 60.334(b)(1) and, District Rule 1080, 6.3, 6.5, 6.6, & 7.2] Federally Enforceable Through Title V Permit
4. The owner or operator shall, upon written notice from the APCO, provide a summary of the data obtained from the CEM systems. This summary of data shall be in the form and the manner prescribed by the APCO. [District Rule 1080, 7.1] Federally Enforceable Through Title V Permit
5. The owner or operator shall maintain records that contain the following: the occurrence and duration of any start-up, shutdown or malfunction, performance testing, evaluations, calibrations, checks, adjustments, any periods during which a continuous monitoring system or monitoring device is inoperative, maintenance of any CEM system that has been installed pursuant to District Rule 1080 (as amended 12/17/92), and emission measurements. [40 CFR 60.7(b) and District Rule 1080, 7.0, 2201, and 4703, 6.2.1] Federally Enforceable Through Title V Permit
6. Operators of CEM systems installed at the direction of the APCO shall submit a written report for each calendar quarter to the APCO. The report is due on the 30th day following the end of the calendar quarter and shall include the following: Time intervals, data and magnitude of excess emissions, nature and cause of excess (if known), corrective actions taken and preventive measures adopted; Averaging period used for data reporting corresponding to the averaging period specified in the emission test period used to determine compliance with an emission standard; Applicable time and date of each period during which the CEM was inoperative, except for zero and span checks, and the nature of system repairs and adjustments; A negative declaration when no excess emissions occurred. [40 CFR 60.334(j), (j)(5) and District Rule 1080, 8.0] Federally Enforceable Through Title V Permit
7. APCO or an authorized representative shall be allowed to inspect, as he or she determines to be necessary, the monitoring devices required by this rule to ensure that such devices are functioning properly. [District Rule 1080, 11.0] Federally Enforceable Through Title V Permit

PERMIT UNIT REQUIREMENTS CONTINUE ON NEXT PAGE

These terms and conditions are part of the Facility-wide Permit to Operate.

8. The owner or operator shall be required to conform to the compliance testing and sampling procedures described in District Rule 1081 (as amended 12/16/93). [District Rule 1081] Federally Enforceable Through Title V Permit
9. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101] Federally Enforceable Through Title V Permit
10. The sulfur content of each fuel source shall be documented in a valid purchase contract, a supplier certification, a tariff sheet, or a transportation contract. [40 CFR 60.334(h)(3) and District Rule 2520, 9.3.2] Federally Enforceable Through Title V Permit
11. If the unit is not fired on PUC-regulated natural gas, the sulfur content of the natural gas being fired in the turbine shall be determined using ASTM D1072-80, 90 (Reapproved 1994); D3246-81, 92, 96; D4468-85 (Reapproved 2000); or D6667-01. [40 CFR 60.335(10)(ii)] Federally Enforceable Through Title V Permit
12. Reduced load period is defined as the time during which a gas turbine is operated at less than rated capacity in order to change the position of the exhaust gas diverter gate. Each reduced load period shall not exceed one hour. [District Rule 4703, 3.23 and 5.3] Federally Enforceable Through Title V Permit
13. Startup shall be defined as the period of time during which a unit is brought from a shutdown status to its operating temperature and pressure, including the time required by the unit's emission control system to reach full operations. Shutdown shall be defined as the period of time during which a unit is taken from an operational to a non-operational status as the fuel supply to the unit is completely turned off. [District Rule 4703, 3.26, 3.29 and 5.3] Federally Enforceable Through Title V Permit
14. Excess emissions shall be defined as any operating hour in which 4-hour rolling average NO_x concentration exceeds applicable emissions limit and a period of monitor downtime shall be any unit operating hour in which sufficient data are not obtained to validate the hour for either NO_x or O₂ (or both). [40 CFR 60.334(J)(1)(iii)] Federally Enforceable Through Title V Permit
15. The owner or operator shall provide source test information annually regarding the exhaust gas NO_x and CO concentration corrected to 15% O₂ (dry). EPA Methods 7E or 20 shall be used for NO_x emissions. EPA Methods 10 or 10B shall be used for CO emissions. EPA Methods 3, 3A, or 20 shall be used for Oxygen content of the exhaust gas. [40 CFR 60.8(a) and District Rule 4703, 5.1, 6.3.1 and 6.4] Federally Enforceable Through Title V Permit
16. All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests. Verification of operational status shall, as a minimum, include completion of the manufacturer's written requirements or recommendations for installation, operation, and calibration of the device. [40 CFR 60.13(b)] Federally Enforceable Through Title V Permit
17. The owner or operator of a stationary gas turbine system shall maintain all records of required monitoring data and support information for inspection at any time for a period of five years. [District Rule 2520, 9.4.2, and 2201] Federally Enforceable Through Title V Permit
18. Results of the CEM system shall be averaged over a three hour period, using consecutive 15-minute sampling periods in accordance with all applicable requirements of CFR 60.13. [40 CFR 60.13 and District Rule 4703, 5.1 & 6.4] Federally Enforceable Through Title V Permit
19. The HHV and LHV of the gaseous fuel shall be determined by using ASTM D3588, ASTM 1826, or ASTM 1945. [40 CFR 60.332(a) and (b) and District Rule 4703, 6.4.5] Federally Enforceable Through Title V Permit
20. Compliance with permit conditions in the Title V permit shall be deemed compliance with the Fresno County Rule 406. A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit
21. Compliance with permit conditions in the Title V permit shall be deemed compliance with the following applicable requirements: 40 CFR 60.332 (a)(1), (a)(2), 60.333 (b); 60.334(b) (b)(1), (b)(2), (h)(3), (j), (j)(1)(iii), and (j)(5), and 60.335(a), (b)(7), (b)(3). A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit

PERMIT UNIT REQUIREMENTS CONTINUE ON NEXT PAGE

These terms and conditions are part of the Facility-wide Permit to Operate.

22. Compliance with permit conditions in the Title V permit shall be deemed compliance with the following applicable requirements: 40 CFR 60.7(b), 60.8, 60.13, and District Rules 1080 (as amended 12/17/92), Sections 6.3, 6.4, 6.5, 6.6, 7.1, 7.2, 7.3, 8.0, and 11.0; 1081(as amended 12/16/93), Sections 3.0, 6.0, 7.1, 7.2, and 7.3; and 4201 (as amended 12/17/92). A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit
23. All equipment shall be maintained in good operating condition and shall be operated in a manner to minimize emissions of air contaminants into the atmosphere. [District NSR Rule] Federally Enforceable Through Title V Permit
24. Gas turbine engine and generator lube oil vents shall be equipped with mist eliminators. Visible emissions from lube oil vents shall not exhibit opacity of 5% or greater except for up to three minutes in any hour. [District Rule 2201] Federally Enforceable Through Title V Permit
25. The CEMS shall be linked to a data logger which is compatible with the District's Data acquisition system. Upon notice by the District that the facility's CEM system is not providing polling data, the facility may continue to operate without providing automated data for a maximum of 30 days per calendar year provided the CEM data is sent to the District by a District-approved alternative method. [District Rule 1080, 7.1] Federally Enforceable Through Title V Permit
26. The exhaust stack shall be equipped with permanent provisions to allow collection of stack gas samples consistent with EPA test methods and shall be equipped with safe permanent provisions to sample stack gases with a portable NO_x, CO, and O₂ analyzer during District inspections. [District Rule 1081] Federally Enforceable Through Title V Permit
27. This unit shall be fired exclusively on natural gas as defined in 40 CFR 60.331(u) which has a total sulfur content of less than or equal to 1.0 gr/100 scf. [40 CFR 60.333(b), District Rule 4201 and Fresno County Rule 406] Federally Enforceable Through Title V Permit
28. Combined annual emissions from units C-3843-1 and -4 shall not exceed any of the following limits: 19,958 lb-NO_x/year, 4,409 lb-SO_x/year, 10,211 lb-PM₁₀/year, 20,731 lb-CO/year, and 4,022 lb-VOC/year. [District Rule 2201] Federally Enforceable Through Title V Permit
29. Maximum annual heat input for the natural gas-fired turbine engine shall not exceed 1,547,100 MMBtu/year, bases on HHV, measured on a calendar year period. [District Rule 2201] Federally Enforceable Through Title V Permit
30. Daily NO_x emissions from the natural gas-fired turbine engine shall not exceed 135.0 lb-NO_x/day, measured on a 24 hour rolling period. [District Rule 2201] Federally Enforceable Through Title V Permit
31. Except during periods of startup and shutdown, emission rates from the natural gas-fired turbine engine shall not exceed any of the following limits: 5.62 lb-NO_x/hour (as NO₂) equivalent to 3.5 ppmvd @ 15% O₂, 1.24 lb-SO_x/hour (as SO₂), 2.88 lb-PM₁₀/hour, 5.84 lb-CO/hour equivalent to 6.0 ppmvd @ 15% O₂, 1.13 lb-VOC/hour (as methane) equivalent to 2.0 ppmv @ 15% O₂, or 10 ppmv ammonia @ 15% O₂. All emission limits are based on one (1) hour rolling averages. [District Rules 2201, 4001, and 4703, 5.1.2 & 5.2] Federally Enforceable Through Title V Permit
32. During periods of startup and shutdown, emission rates from the natural gas-fired turbine engine shall not exceed any of the following limits: 20 lb-NO_x/hour (as NO₂), 1.24 lb-SO_x/hour (as SO₂), 2.88 lb-PM₁₀/hour, 5.84 lb-CO/hour, or 1.13 lb-VOC/hour (as methane), based on one (1) hour averages. [District Rules 2201, 4001, and 4703, 5.3] Federally Enforceable Through Title V Permit
33. The duration of each startup or each shutdown shall not exceed two hours. [District 4703, 5.3.1.1] Federally Enforceable Through Title V Permit
34. The emission control systems shall be in operation and emissions shall be minimized insofar as technologically feasible during startup and shutdown. [District Rule 4703, 5.3.2] Federally Enforceable Through Title V Permit
35. Compliance with ammonia slip limit shall be demonstrated by using the following calculation procedure: ammonia slip ppmv @ 15% O₂ = ((a-(bxc/1,000,000)) x 1,000,000/b), where a = ammonia injection rate (lb/hr)/17 (lb/lb. mol), b = dry exhaust gas flow rate (lb/hr)/29 (lb/lb. mol), and c = change in measured NO_x concentration ppmv at 15% O₂ across cataly. [District Rule 4102]

PERMIT UNIT REQUIREMENTS CONTINUE ON NEXT PAGE

These terms and conditions are part of the Facility-wide Permit to Operate.

36. Compliance testing to demonstrate compliance with the PM₁₀, NO_x (as NO₂), VOC, CO, ammonia emission limits, and fuel gas sulfur content requirements of this permit shall be conducted at least once every twelve months. [District Rules 2201, 4001, and 4703, 6.3.1] Federally Enforceable Through Title V Permit
37. Compliance demonstration (source testing) shall be District witnessed, or authorized and samples shall be collected by a California Air Resources Board certified testing laboratory. Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified 30 days prior to any compliance source test, and a source test plan must be submitted for approval 15 days prior to testing. The results of each source test shall be submitted to the District within 60 days thereafter. [District Rule 1081] Federally Enforceable Through Title V Permit
38. The following test methods shall be used PM₁₀: EPA Method 5 (front half and back half), NO_x: EPA Method 7E or 20, CO: EPA Method 10 or 10B, O₂: EPA Method 3, 3A, or 20, VOC: EPA Method 18 or 25, ammonia: BAAQMD ST-1B, and fuel gas sulfur content: ASTM D3246. Alternative test methods as approved by the District may also be used to address the source testing requirements of this permit. [District Rules 1081, 4001, and 4703, 6.4] Federally Enforceable Through Title V Permit
39. The permittee shall maintain the following records: hours of operation, fuel consumption (scf/hr and scf/rolling twelve month period), continuous emission monitor measurements, and calculated NO_x mass emission rates (lb/hr). [District Rules 2201 and 4703, 6.2] Federally Enforceable Through Title V Permit
40. The owner or operator shall maintain a stationary gas turbine system operating log that includes, on a daily basis, the actual local start-up and stop time, length and reason for reduced load periods, total hours of operation, type and quantity of fuel used. [District Rule 4703, 6.2.6] Federally Enforceable Through Title V Permit
41. Results of continuous emissions monitoring shall be reduced according to the procedure established in 40 CFR Part 51, Appendix P, paragraphs 5.0 through 5.3.3, or by other methods deemed equivalent by mutual agreement with the District, the ARB, and the EPA. [District Rule 1080] Federally Enforceable Through Title V Permit
42. Audits of continuous emission monitors shall be conducted quarterly, except during quarters in which relative accuracy and total accuracy testing is performed, in accordance with EPA guidelines. Audit reports shall be submitted along with quarterly compliance reports to the District. [District Rule 1080] Federally Enforceable Through Title V Permit
43. The owners and operators of each affected source and each affected unit at the source shall: (i) Operate the unit in compliance with a complete Acid Rain permit application or a superceding Acid Rain permit issued by the permitting authority; and (ii) Have an Acid Rain permit. [40 CFR 72] Federally Enforceable Through Title V Permit
44. The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75. [40 CFR 75] Federally Enforceable Through Title V Permit
45. The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program. [40 CFR 75] Federally Enforceable Through Title V Permit
46. The owners and operators of each source and each affected unit at the source shall: (i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)) not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide. [40 CFR 73] Federally Enforceable Through Title V Permit
47. Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act. [40 CFR 77] Federally Enforceable Through Title V Permit
48. Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program. [40 CFR 72] Federally Enforceable Through Title V Permit
49. An allowance shall not be deducted in order to comply with the requirements under 40 CFR part 73, prior to the calendar year for which the allowance was allocated. [40 CFR 73] Federally Enforceable Through Title V Permit

PERMIT UNIT REQUIREMENTS CONTINUE ON NEXT PAGE

These terms and conditions are part of the Facility-wide Permit to Operate.

50. An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or the written exemption under 40 CFR 72.7 and 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization. [40 CFR 72] Federally Enforceable Through Title V Permit
51. An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right. [40 CFR 72] Federally Enforceable Through Title V Permit
52. The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77. [40 CFR 77] Federally Enforceable Through Title V Permit
53. The owners and operators of an affected unit that has excess emissions in any calendar year shall: (i) Pay without demand the penalty required, and pay up on demand the interest on that penalty; and (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77. [40 CFR 77] Federally Enforceable Through Title V Permit
54. The owners and operators of the each affected unit at the source shall keep on site the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Administrator or permitting authority: (i) The certificate of representation for the designated representative for the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site beyond such five-year period until such documents are superceded because of the submission of a new certificate of representation changing the designated representative. [40 CFR 72] Federally Enforceable Through Title V Permit
55. The owners and operators of each affected unit at the source shall keep on site each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Administrator or permitting authority; (ii) All emissions monitoring information, in accordance with 40 CFR part 75; (iii) Copies of all reports, compliance certifications and other submissions and all records made or required under the Acid Rain Program; (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission that demonstrates compliance with the requirements of the Acid Rain Program. [40 CFR 75] Federally Enforceable Through Title V Permit
56. The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR 75 Subpart I. [40 CFR 75] Federally Enforceable Through Title V Permit

These terms and conditions are part of the Facility-wide Permit to Operate.

Appendix B
Compliance Certification Form

SAN JOAQUIN VALLEY
Air Pollution Control District

TITLE V COMPLIANCE CERTIFICATION FORM

I. TYPE OF PERMIT ACTION (Check appropriate box)

INITIAL TITLE V PERMIT

PERMIT RENEWAL

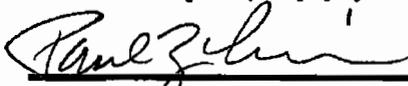
NEW TITLE V PERMIT

COMPANY NAME: Wellhead Power Gates, LLC	FACILITY ID: 3843
1. Type of Organization: <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Sole Ownership <input type="checkbox"/> Government <input type="checkbox"/> Partnership <input type="checkbox"/> Utility	
2. Owner's Name: Same as above	
3. Agent to the Owner: Scott Weaver	
4. Compliance Certifications will be submitted on: year 1: <u>12/15/2012</u> year 2: <u> </u> / <u> </u> / <u> </u> year 3: <u> </u> / <u> </u> / <u> </u> year 4: <u> </u> / <u> </u> / <u> </u> year 5: <u> </u> / <u> </u> / <u> </u> Other dates if required by regulations or compliance schedule:	

II. COMPLIANCE CERTIFICATION (Read each statement carefully and initial each circle for confirmation):

- Based on information and belief formed after reasonable inquiry, the source identified in this application will continue to comply with the applicable federal requirement(s) which the source is in compliance as identified in the Compliance Plan.
- Based on information and belief formed after reasonable inquiry, the source identified in this application will comply with applicable federal requirement(s) that will become effective during the permit term as identified in the Compliance Plan, on a timely basis.
- Based on information and belief formed after reasonable inquiry, the source identified in this application is not in compliance at the time of permit issuance with the applicable federal requirement(s), as identified in the Compliance Plan, and I have attached a compliance schedule.
- Corrected information will be provided to the District when I become aware that incorrect or incomplete information has been submitted.
- Based on information and belief formed after reasonable inquiry, information and statements in the submitted application package, including all accompanying reports, and required certifications are true accurate and complete.

I declare, under penalty of perjury under the laws of the state of California, that the forgoing is correct and true:


Signature of Responsible Official

Jan 3, 2012
Date

Paul Z Cummins

Name of Responsible Official (please print)

Vice President

Title of Responsible Official (please print)

Appendix C
Draft ATC

San Joaquin Valley
Air Pollution Control District

AUTHORITY TO CONSTRUCT

ISSUANCE DATE: DRAFT
DRAFT

PERMIT NO: C-3843-1-10

LEGAL OWNER OR OPERATOR: WELLHEAD POWER GATES, LLC.

MAILING ADDRESS: 650 BERKUT DRIVE STE C
SACRAMENTO, CA 95811

LOCATION: S-29,T-20S,R-17E
HURON, CA

EQUIPMENT DESCRIPTION:

MODIFICATION OF 45.4 MW GENERAL ELECTRIC LM-6000 NATURAL GAS-FIRED SIMPLE CYCLE GAS TURBINE ENGINE WITH WATER OR STEAM INJECTION, SERVED BY SELECTIVE CATALYTIC REDUCTION (SCR) SYSTEM AND OXIDATION CATALYST: DESIGNATE AS A COMPLIANT DORMANT EMISSIONS UNIT

CONDITIONS

1. {1830} This Authority to Construct serves as a written certificate of conformity with the procedural requirements of 40 CFR 70.7 and 70.8 and with the compliance requirements of 40 CFR 70.6(c). [District Rule 2201] Federally Enforceable Through Title V Permit
2. {1831} Prior to operating with modifications authorized by this Authority to Construct, the facility shall submit an application to modify the Title V permit with an administrative amendment in accordance with District Rule 2520 Section 5.3.4. [District Rule 2520, 5.3.4] Federally Enforceable Through Title V Permit
3. {4561} While dormant, the fuel line shall be physically disconnected from the unit. (Adjust as necessary) [District Rule 2080]
4. {4562} Permittee shall submit written notification to the District upon designating the unit as dormant or active. [District Rule 2080]
5. {4560} While dormant, normal source testing shall not be required. [District Rule 2080]
6. {4563} Upon recommencing operation of this unit, normal source testing shall resume. [District Rule 2080]
7. {4564} Any source testing required by this permit shall be performed within 60 days of recommencing operation of this unit, regardless of whether the unit remains active or is again designated as dormant. [District Rule 2080]

CONDITIONS CONTINUE ON NEXT PAGE

YOU MUST NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (559) 230-5950 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT. This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Seyed Sadredin, Executive Director YAPCO

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DAVID WARNER, Director of Permit Services

C-3843-1-10 : Apr 18 2012 9:56AM -- AHMADS : Joint Inspection NOT Required

8. {4565} Records of all dates and times that this unit is designated as dormant or active, and copies of all corresponding notices to the District, shall be maintained, retained for a period of at least five years, and made available for District inspection upon request. [District Rule 1070]
9. The owner or operator shall install, certify, maintain, operate and quality-assure a Continuous Emission Monitoring System (CEMS) which continuously measures and records the exhaust gas NOx and O2 concentrations. The CEM shall meet the requirements of 40 CFR parts 60 and 75 and shall be capable of monitoring emissions during startups and shutdowns as well as during normal operating conditions. [40 CFR 60.334(b) and District Rule 4703, 6.2.1] Federally Enforceable Through Title V Permit
10. The CEMS shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period or shall meet equivalent specifications established by mutual agreement of the District, the ARB and the EPA. [40 CFR 60.334(b)(2) and District Rule 1080, 6.4] Federally Enforceable Through Title V Permit
11. The NOx and O2 CEMS shall meet the requirements in 40 CFR 60, Appendix F Procedure 1 and Part 60, Appendix B Performance Specifications 2 and 3, or shall meet equivalent specifications established by mutual agreement of the District, the ARB, and the EPA. [40 CFR 60.334(b)(1) and, District Rule 1080, 6.3, 6.5, 6.6, & 7.2] Federally Enforceable Through Title V Permit
12. The owner or operator shall, upon written notice from the APCO, provide a summary of the data obtained from the CEM systems. This summary of data shall be in the form and the manner prescribed by the APCO. [District Rule 1080, 7.1] Federally Enforceable Through Title V Permit
13. The owner or operator shall maintain records that contain the following: the occurrence and duration of any start-up, shutdown or malfunction, performance testing, evaluations, calibrations, checks, adjustments, any periods during which a continuous monitoring system or monitoring device is inoperative, maintenance of any CEM system that has been installed pursuant to District Rule 1080 (as amended 12/17/92), and emission measurements. [40 CFR 60.7(b) and District Rule 1080, 7.0, 2201, and 4703, 6.2.1] Federally Enforceable Through Title V Permit
14. Operators of CEM systems installed at the direction of the APCO shall submit a written report for each calendar quarter to the APCO. The report is due on the 30th day following the end of the calendar quarter and shall include the following: Time intervals, data and magnitude of excess emissions, nature and cause of excess (if known), corrective actions taken and preventive measures adopted; Averaging period used for data reporting corresponding to the averaging period specified in the emission test period used to determine compliance with an emission standard; Applicable time and date of each period during which the CEM was inoperative, except for zero and span checks, and the nature of system repairs and adjustments; A negative declaration when no excess emissions occurred. [40 CFR 60.334(j), (j)(5) and District Rule 1080, 8.0] Federally Enforceable Through Title V Permit
15. APCO or an authorized representative shall be allowed to inspect, as he or she determines to be necessary, the monitoring devices required by this rule to ensure that such devices are functioning properly. [District Rule 1080, 11.0] Federally Enforceable Through Title V Permit
16. The owner or operator shall be required to conform to the compliance testing and sampling procedures described in District Rule 1081 (as amended 12/16/93). [District Rule 1081] Federally Enforceable Through Title V Permit
17. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101] Federally Enforceable Through Title V Permit
18. The sulfur content of each fuel source shall be documented in a valid purchase contract, a supplier certification, a tariff sheet, or a transportation contract. [40 CFR 60.334(h)(3) and District Rule 2520, 9.3.2] Federally Enforceable Through Title V Permit
19. If the unit is not fired on PUC-regulated natural gas, the sulfur content of the natural gas being fired in the turbine shall be determined using ASTM D1072-80, 90 (Reapproved 1994); D3246-81, 92, 96; D4468-85 (Reapproved 2000); or D6667-01. [40 CFR 60.335(10)(ii)] Federally Enforceable Through Title V Permit
20. Reduced load period is defined as the time during which a gas turbine is operated at less than rated capacity in order to change the position of the exhaust gas diverter gate. Each reduced load period shall not exceed one hour. [District Rule 4703, 3.23 and 5.3] Federally Enforceable Through Title V Permit

CONDITIONS CONTINUE ON NEXT PAGE

21. Startup shall be defined as the period of time during which a unit is brought from a shutdown status to its operating temperature and pressure, including the time required by the unit's emission control system to reach full operations. Shutdown shall be defined as the period of time during which a unit is taken from an operational to a non-operational status as the fuel supply to the unit is completely turned off. [District Rule 4703, 3.26, 3.29 and 5.3] Federally Enforceable Through Title V Permit
22. Excess emissions shall be defined as any operating hour in which 4-hour rolling average NO_x concentration exceeds applicable emissions limit and a period of monitor downtime shall be any unit operating hour in which sufficient data are not obtained to validate the hour for either NO_x or O₂ (or both). [40 CFR 60.334(J)(1)(iii)] Federally Enforceable Through Title V Permit
23. The owner or operator shall provide source test information annually regarding the exhaust gas NO_x and CO concentration corrected to 15% O₂ (dry). EPA Methods 7E or 20 shall be used for NO_x emissions. EPA Methods 10 or 10B shall be used for CO emissions. EPA Methods 3, 3A, or 20 shall be used for Oxygen content of the exhaust gas. [40 CFR 60.8(a) and District Rule 4703, 5.1, 6.3.1 and 6.4] Federally Enforceable Through Title V Permit
24. All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests. Verification of operational status shall, as a minimum, include completion of the manufacturer's written requirements or recommendations for installation, operation, and calibration of the device. [40 CFR 60.13(b)] Federally Enforceable Through Title V Permit
25. The owner or operator of a stationary gas turbine system shall maintain all records of required monitoring data and support information for inspection at any time for a period of five years. [District Rule 2520, 9.4.2, and 2201] Federally Enforceable Through Title V Permit
26. Results of the CEM system shall be averaged over a three hour period, using consecutive 15-minute sampling periods in accordance with all applicable requirements of CFR 60.13. [40 CFR 60.13 and District Rule 4703, 5.1 & 6.4] Federally Enforceable Through Title V Permit
27. The HHV and LHV of the gaseous fuel shall be determined by using ASTM D3588, ASTM 1826, or ASTM 1945. [40 CFR 60.332(a) and (b) and District Rule 4703, 6.4.5] Federally Enforceable Through Title V Permit
28. Compliance with permit conditions in the Title V permit shall be deemed compliance with the Fresno County Rule 406. A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit
29. Compliance with permit conditions in the Title V permit shall be deemed compliance with the following applicable requirements: 40 CFR 60.332 (a)(1), (a)(2), 60.333 (b); 60.334(b) (b)(1), (b)(2), (h)(3), (j), (j)(1)(iii), and (j)(5), and 60.335(a), (b)(7), (b)(3). A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit
30. Compliance with permit conditions in the Title V permit shall be deemed compliance with the following applicable requirements: 40 CFR 60.7(b), 60.8, 60.13, and District Rules 1080 (as amended 12/17/92), Sections 6.3, 6.4, 6.5, 6.6, 7.1, 7.2, 7.3, 8.0, and 11.0; 1081(as amended 12/16/93), Sections 3.0, 6.0, 7.1, 7.2, and 7.3; and 4201 (as amended 12/17/92). A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit
31. All equipment shall be maintained in good operating condition and shall be operated in a manner to minimize emissions of air contaminants into the atmosphere. [District NSR Rule] Federally Enforceable Through Title V Permit
32. Gas turbine engine and generator lube oil vents shall be equipped with mist eliminators. Visible emissions from lube oil vents shall not exhibit opacity of 5% or greater except for up to three minutes in any hour. [District Rule 2201] Federally Enforceable Through Title V Permit
33. The CEMS shall be linked to a data logger which is compatible with the District's Data acquisition system. Upon notice by the District that the facility's CEM system is not providing polling data, the facility may continue to operate without providing automated data for a maximum of 30 days per calendar year provided the CEM data is sent to the District by a District-approved alternative method. [District Rule 1080, 7.1] Federally Enforceable Through Title V Permit

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CONDITIONS CONTINUE ON NEXT PAGE

34. The exhaust stack shall be equipped with permanent provisions to allow collection of stack gas samples consistent with EPA test methods and shall be equipped with safe permanent provisions to sample stack gases with a portable NO_x, CO, and O₂ analyzer during District inspections. [District Rule 1081] Federally Enforceable Through Title V Permit
35. This unit shall be fired exclusively on natural gas as defined in 40 CFR 60.331(u) which has a total sulfur content of less than or equal to 1.0 gr/100 scf. [40 CFR 60.333(b), District Rule 4201 and Fresno County Rule 406] Federally Enforceable Through Title V Permit
36. Combined annual emissions from units C-3843-1 and -4 shall not exceed any of the following limits: 19,958 lb-NO_x/year, 4,409 lb-SO_x/year, 10,211 lb-PM₁₀/year, 20,731 lb-CO/year, and 4,022 lb-VOC/year. [District Rule 2201] Federally Enforceable Through Title V Permit
37. Maximum annual heat input for the natural gas-fired turbine engine shall not exceed 1,547,100 MMBtu/year, based on HHV, measured on a calendar year period. [District Rule 2201] Federally Enforceable Through Title V Permit
38. Daily NO_x emissions from the natural gas-fired turbine engine shall not exceed 135.0 lb-NO_x/day, measured on a 24 hour rolling period. [District Rule 2201] Federally Enforceable Through Title V Permit
39. Except during periods of startup and shutdown, emission rates from the natural gas-fired turbine engine shall not exceed any of the following limits: 5.62 lb-NO_x/hour (as NO₂) equivalent to 3.5 ppmvd @ 15% O₂, 1.24 lb-SO_x/hour (as SO₂), 2.88 lb-PM₁₀/hour, 5.84 lb-CO/hour equivalent to 6.0 ppmvd @ 15% O₂, 1.13 lb-VOC/hour (as methane) equivalent to 2.0 ppmv @ 15% O₂, or 10 ppmv ammonia @ 15% O₂. All emission limits are based on one (1) hour rolling averages. [District Rules 2201, 4001, and 4703, 5.1.2 & 5.2] Federally Enforceable Through Title V Permit
40. During periods of startup and shutdown, emission rates from the natural gas-fired turbine engine shall not exceed any of the following limits: 20 lb-NO_x/hour (as NO₂), 1.24 lb-SO_x/hour (as SO₂), 2.88 lb-PM₁₀/hour, 5.84 lb-CO/hour, or 1.13 lb-VOC/hour (as methane), based on one (1) hour averages. [District Rules 2201, 4001, and 4703, 5.3] Federally Enforceable Through Title V Permit
41. The duration of each startup or each shutdown shall not exceed two hours. [District 4703, 5.3.1.1] Federally Enforceable Through Title V Permit
42. The emission control systems shall be in operation and emissions shall be minimized insofar as technologically feasible during startup and shutdown. [District Rule 4703, 5.3.2] Federally Enforceable Through Title V Permit
43. Compliance with ammonia slip limit shall be demonstrated by using the following calculation procedure: ammonia slip ppmv @ 15% O₂ = ((a-(bxc/1,000,000)) x 1,000,000/b), where a = ammonia injection rate (lb/hr)/17 (lb/lb. mol), b = dry exhaust gas flow rate (lb/hr)/29 (lb/lb. mol), and c = change in measured NO_x concentration ppmv at 15% O₂ across catalyst. [District Rule 4102]
44. Compliance testing to demonstrate compliance with the PM₁₀, NO_x (as NO₂), VOC, CO, ammonia emission limits, and fuel gas sulfur content requirements of this permit shall be conducted at least once every twelve months. [District Rules 2201, 4001, and 4703, 6.3.1] Federally Enforceable Through Title V Permit
45. Compliance demonstration (source testing) shall be District witnessed, or authorized and samples shall be collected by a California Air Resources Board certified testing laboratory. Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified 30 days prior to any compliance source test, and a source test plan must be submitted for approval 15 days prior to testing. The results of each source test shall be submitted to the District within 60 days thereafter. [District Rule 1081] Federally Enforceable Through Title V Permit
46. The following test methods shall be used PM₁₀: EPA Method 5 (front half and back half), NO_x: EPA Method 7E or 20, CO: EPA Method 10 or 10B, O₂: EPA Method 3, 3A, or 20, VOC: EPA Method 18 or 25, ammonia: BAAQMD ST-1B, and fuel gas sulfur content: ASTM D3246. Alternative test methods as approved by the District may also be used to address the source testing requirements of this permit. [District Rules 1081, 4001, and 4703, 6.4] Federally Enforceable Through Title V Permit
47. The permittee shall maintain the following records: hours of operation, fuel consumption (scf/hr and scf/rolling twelve month period), continuous emission monitor measurements, and calculated NO_x mass emission rates (lb/hr). [District Rules 2201 and 4703, 6.2] Federally Enforceable Through Title V Permit

48. The owner or operator shall maintain a stationary gas turbine system operating log that includes, on a daily basis, the actual local start-up and stop time, length and reason for reduced load periods, total hours of operation, type and quantity of fuel used. [District Rule 4703, 6.2.6] Federally Enforceable Through Title V Permit
49. Results of continuous emissions monitoring shall be reduced according to the procedure established in 40 CFR Part 51, Appendix P, paragraphs 5.0 through 5.3.3, or by other methods deemed equivalent by mutual agreement with the District, the ARB, and the EPA. [District Rule 1080] Federally Enforceable Through Title V Permit
50. Audits of continuous emission monitors shall be conducted quarterly, except during quarters in which relative accuracy and total accuracy testing is performed, in accordance with EPA guidelines. Audit reports shall be submitted along with quarterly compliance reports to the District. [District Rule 1080] Federally Enforceable Through Title V Permit
51. The owners and operators of each affected source and each affected unit at the source shall: (i) Operate the unit in compliance with a complete Acid Rain permit application or a superceding Acid Rain permit issued by the permitting authority; and (ii) Have an Acid Rain permit. [40 CFR 72] Federally Enforceable Through Title V Permit
52. The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75. [40 CFR 75] Federally Enforceable Through Title V Permit
53. The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program. [40 CFR 75] Federally Enforceable Through Title V Permit
54. The owners and operators of each source and each affected unit at the source shall: (i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)) not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide. [40 CFR 73] Federally Enforceable Through Title V Permit
55. Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act. [40 CFR 77] Federally Enforceable Through Title V Permit
56. Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program. [40 CFR 72] Federally Enforceable Through Title V Permit
57. An allowance shall not be deducted in order to comply with the requirements under 40 CFR part 73, prior to the calendar year for which the allowance was allocated. [40 CFR 73] Federally Enforceable Through Title V Permit
58. An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or the written exemption under 40 CFR 72.7 and 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization. [40 CFR 72] Federally Enforceable Through Title V Permit
59. An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right. [40 CFR 72] Federally Enforceable Through Title V Permit
60. The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77. [40 CFR 77] Federally Enforceable Through Title V Permit
61. The owners and operators of an affected unit that has excess emissions in any calendar year shall: (i) Pay without demand the penalty required, and pay up on demand the interest on that penalty; and (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77. [40 CFR 77] Federally Enforceable Through Title V Permit

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62. The owners and operators of the each affected unit at the source shall keep on site the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Administrator or permitting authority: (i) The certificate of representation for the designated representative for the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site beyond such five-year period until such documents are superceded because of the submission of a new certificate of representation changing the designated representative. [40 CFR 72] Federally Enforceable Through Title V Permit
63. The owners and operators of each affected unit at the source shall keep on site each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Administrator or permitting authority; (ii) All emissions monitoring information, in accordance with 40 CFR part 75; (iii) Copies of all reports, compliance certifications and other submissions and all records made or required under the Acid Rain Program; (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission that demonstrates compliance with the requirements of the Acid Rain Program. [40 CFR 75] Federally Enforceable Through Title V Permit
64. The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR 75 Subpart I. [40 CFR 75] Federally Enforceable Through Title V Permit

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