

ATTACHMENT 15



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

APR 1 2010

Mr. John Barth
Director
Western Clean Energy Campaign
2260 Baseline Road, Suite 205
Boulder, CO 80302

RE: Williams Four Corners, LLC – Final Permit Decision for Modification of Operating Permit, Los Mestenos Compressor Station, Part 71 Title V Permit Number R6NM-04-10R1M1 (replaces R6NM-04-09R1)

Dear Mr. Barth:

We are required by 40 Code of Federal Regulations (CFR) § 71.11(i), after close of the public comment period for permit modification, to issue a final permit decision, and notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. I am enclosing a copy of the final modified permit for the Williams Four Corners, LLC Los Mestenos Compressor Station, Part 71 Title V, Permit Number R6NM-04-10R1M1 action. Procedures for appealing the permit modification may be found at 40 CFR § 71.11(l), which says that within 30 days after a final permit decision has been issued, any person who filed comments on the draft permit action may petition the Environmental Appeals Board to review any condition of the permit decision.

Should you have any questions regarding the final permit modification, please feel free to contact Catherine Penland of my staff through e-mail at penland.catherine@epa.gov, or telephone (214) 665-7122.

Sincerely yours,

for Carl E. Edlund, P.E.
Director
Multimedia Planning and
Permitting Division

Enclosure

FEDERAL CLEAN AIR ACT TITLE V OPERATING PERMIT

FOR

WILLIAMS FOUR CORNERS, LLC

**LOS MESTENIOS COMPRESSOR STATION
RIO ARriba COUNTY, NEW MEXICO**

Based On
40 Code of Federal Regulations (CFR) Part 71
Federal Operating Permit Program
Promulgated July 1, 1996



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

FEDERAL CLEAN AIR ACT TITLE V OPERATING PERMIT

Issue Date: 4 / 1 / 2010

Permit Number: R6NM-04-10R1M1

Effective Date: 4 / 1 / 2010

Replaces Permit Number: R6NM-04-09R1

Expiration Date: 4 / 1 / 2015

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

Williams Four Corners, LLC
Los Mestenos Compressor Station
Rio Arriba County, New Mexico

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.

This source is authorized to operate in the following location:

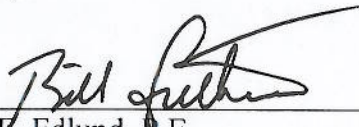
About 15 miles northwest of Gavilan Lat: 36° 27' 11" N; Lon: 107° 19' 7" W

Jicarilla Apache Reservation in New Mexico

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by the United States Environmental Protection Agency (EPA) and citizens under the Clean Air Act.

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

The permit number cited above should be referenced in future correspondence regarding this facility.



Carl E. Edlund, P.E.

Director

Multimedia Planning and Permitting Division

EPA Region 6

April 1, 2010
Date

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Terms, Abbreviations, and Acronyms

Source	Williams Four Corners, LLC, Los Mestenos Compressor Station
Facility	Williams Four Corners, LLC, Los Mestenos Compressor Station
CAA	Clean Air Act [42 United States Code Section 7401 <u>et seq.</u>]
CFR	Code of Federal Regulations
HAP	Hazardous Air Pollutant
hr	hour
ID. No.	Identification Number
MMBtu	Million British thermal units
mmscf/yr	million standard cubic feet per year
NO _x	Nitrogen Oxides
PM ₁₀	Particulate matter less than 10 microns in diameter
SO ₂	Sulfur Dioxide
EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds
MBTA	Migratory Bird Treaty Act
IC engine	internal combustion engine – formerly referred to as reciprocating engine
NHPA	National Historic Preservation Act
ESA	Endangered Species Act
ES	Endangered Species
FWS	Fish and Wildlife Service (Department of Interior)

List of Tables

Table 1.	Source Emission Points
Table 2.	Potential to Emit in Tons per Year
Table 3.	Applicable Regulations
Table 4.	Maximum Allowable Emission Rates For Solar Saturn Turbine
Table 5.	Fuel Sulfur Monitoring Frequency

1. Source Identification and Unit Specific Information

1.1. General Source Information

Owner and Operator: Williams Four Corners, LLC

Plant Name: Los Mestenos Compressor Station

Plant location: 24 kilometers northwest of Gavilon, New Mexico
Lat: 36° 27' 11" N Lon: 107° 19' 7" W

EPA Region: 6

State: New Mexico

Tribe: Jicarilla Apache

County: Rio Arriba

Reservation: Jicarilla Apache Indian Reservation

Plant mailing address: 188 County Road 4900
Bloomfield, NM 87413

Responsible Official: Mr. Don Wicburg
Director, Four Corners Area
Williams Four Corner, LLC
188 County Road, 4900 Bloomfield NM 87413
Phone: (505) 632-4628

Plant Contact: Mr. Aaron Dailey
Environmental Specialist
188 County Road 4900
Bloomfield, NM 87413
Phone: (505) 632-4708

Standard Industrial Code (SIC) Code:
1389

Former Aerometric Information Retrieval System Facility System Plant ID. No.:
R6FOPP71-04

New Aerometric Information Retrieval System Facility System Plant ID No.:
R6NM-04-09R1

Description of Process: Williams Four Corners, LLC, with SIC Code 1389, is a natural gas compressor station that accepts produced natural gas gathered from various wellheads from the gas field surrounding the facility, and compresses this gas for delivery to natural gas processing facilities. This is done on a contractual basis.

1.2. Source Emission Points

Table 1: Emission Points

Unit No.	Type of Unit Serial No.	Manufacturer Model No. Design Heat Input	Operating Range or Size of Unit	Date of Installation	Primary Use	Control Equipment
1	Turbine SC-7895681	Solar Saturn 1200 10.84 MMBtu/hr	1136 hp 1200 hp	1989 ¹	Compressor drive	None
2	I/C Engine 49-C-200	Caterpillar G-399-TA 7.4 MMBtu/hr (6.9 MMBtu/hr local)	598 hp 750 hp	06/12/90	Compressor drive	None
T-1	Condensate Storage Tank 25428	Permian Tank N/A N/A	500 bbl	Unknown ²	Storage tank	Fixed roof
F-1	Valves, Flanges, Seals, etc. Unknown	N/A	N/A	Unknown	Piping component fugitive emissions	None

¹ Per records from original Streamline and General Compressor Permit Application and Notice of Intent to construct, Unit 1 was constructed and shipped by the Gas Co. of NM (GCNM) in July, 1979, but was not installed at Los Mestenos until 1989.

² Manufacture date was 1993.

Table 2: Potential to Emit in Tons per Year (tpy) for Williams Four Corners, LLC, Los Mestenos Compressor Station (See Table 4 for applicable enforceable limitations on PTE. (Only the unregulated PTE are for informational purposes only)

Unit ID.	NO _x	VOC	SO ₂	PM ₁₀	CO	Lead	HAP**
1, Solar Saturn 1200 Turbine, NGF	19.3 ¹	0.4 ¹	Neg.	Neg.	11.4 ¹	N/A	0.4
2, Caterpillar G-399-TA, NGF Engine	153	2.9	Neg.	Neg.	107	N/A	0.7
TK-1, Fixed roof storage tank	N/A	176.2	Neg.	Neg.	N/A	N/A	9.3
F-1, FUGVOC	N/A	3.5	N/A	N/A	N/A	N/A	0.7
TOTALS tpy	172.3 ²	183 ²	N/A	N/A	118.4 ²	N/A	11.1

** - mostly formaldehyde and n-Hexane

¹ Regulated emissions PTE (see Table 4)

² Source-wide PTE as combination of regulated and unregulated source PTEs

NO_x - nitrogen oxides

VOC - volatile organic compounds (non-HAP)

SO₂ - sulfur dioxide

PM₁₀ - particulate matter with a diameter 10 microns or less

CO - carbon monoxide

HAP - hazardous air pollutants (see CAA Section 112(b))

NGF - natural gas fired

2. Permit Shield [40 CFR Section 71.6(f)]

2.1. Nothing in this permit shall alter or affect the following:

- 2.1.1. The provisions of Section 303 of the CAA (emergency orders), including the authority of the Administrator under that section.
- 2.1.2. The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance; or
- 2.1.3. The ability of EPA to obtain information from a source under Section 114 of the CAA.

Williams Four Corners, LLC – Los Mestenios Compressor Station

- 2.2. Compliance with the terms and conditions of this permit shall be deemed in compliance with the applicable requirements specifically listed in this permit as of the date of permit issuance.

PERMIT TERMS AND CONDITIONS**3. Facility Wide Permit Conditions****3.1. Specific Permit Requirements**

The source will continue to comply with all applicable requirements. For applicable requirements that will become effective during the term of the permit, the source will meet such requirements on a timely basis. The permittee shall comply with all the applicable requirements of Federal Regulations. In particular, the permittee shall comply with the following:

Table 3: Applicable Regulations for Williams Four Corners, LLC, Los Mestenios Compressor Station

Citation	Requirement	Comment
40 CFR 71	Federal Operating Permits Program	
40 CFR 60, Subpart A	General Provisions	
40 CFR 60, Subpart GG	Stationary Gas Turbines	

The Williams Four Corners, LLC, Los Mestenios Compressor Station application was reviewed for compliance with the Part 71 Operating Permit Program. Based on the information provided by Williams Four Corners, LLC in their application, Los Mestenios Compressor Station would be subject to the following Generic permit requirements:

3.2. Operating Conditions

Conditions in this section apply to all emissions units located at the facility, including any units not specifically listed in Table 1.

- 3.2.1. Pollution control equipment installed at this facility shall be maintained and tested per the requirements and compliance measures of 40 CFR Part 60, Suparts A and GG.

3.2.2. The amount of natural gas burned in emission units shall not exceed the following:

Unit No. 1 - 99.9 MMSCF/yr;
Unit No. 2 - 46 MMSCF/yr.

3.2.3. The actual heat input for emission unit No. 2, Caterpillar Internal Combustion Engine shall not exceed 7.4 MMBtu/hr, adjusted to 6.9 MMBtu/hr for elevation.

3.2.4 Performance Tests

Performance tests on calculated and projected potential to emit (PTE's) for all pollutants with safety factors from units at this source will be conducted, using applicable EPA test methods established within 40 CFR Part 51, Appendix M, or as otherwise specified in the permit by applicable requirements, within 2 months of the effective date of the permit, as discussed below.

3.2.4.1. Initial Performance Tests¹ - Determining Potential to Emit (PTE):

3.2.4.1.1. An initial set of performance tests are required for the combustion turbine (Unit No. 1) for carbon monoxide (CO), Volatile Organic Compounds (VOC), and formaldehyde¹; and the IC engine (Unit No. 2) for nitrogen oxides (NOx), carbon monoxide (CO), Volatile Organic Compounds (VOC), and formaldehyde. The initial tests are to be scheduled for the first opportunity to test for seasonal conditions for Unit No. 2, but no later than 45 days from the effective date of the permit, and the tests to be conducted within 2 months of effective date of the permit. Unit No. 1 will be tested within the same testing event as Unit No. 2 (but not simultaneously). These tests are to be conducted using applicable EPA test methods established within 40 CFR Part 51, Appendix M.

3.2.4.1.2. A test protocol will be submitted to EPA for approval 15 days prior to the tests, and indicate whether the permittee will conduct the initial performance tests for Unit No. 2 using the EPA Methods only, as provided for in Condition 3.2.4.1.6, or together with the comparative portable analyzer tests, as provided for in Condition 3.2.4.1.4 of this permit.

¹ Testing on Unit No. 1 (Turbine), in accordance with the requirements of this Condition, meets the requirements for both a performance test and compliance test to demonstrate compliance with emission limitations established in Table 4 of the permit, for the 5 year period after issuance of this permit.

- 3.2.4.1.3. Emissions from individual units at this source will be corrected/calculated in units of the underlying applicable emission limitation or calculation method (grams per horsepower hour, pounds per MMBtu, pounds per hour, tons per year). Emission calculations resulting in either a greater than insignificant increase (> 2 tpy) or greater than 10% decrease estimated PTE from the levels established in this permit will be retested to verify results, using the methodology described in Condition 3.2.4.1.1 of this permit. If the difference remains either greater than an insignificant increase (> 2 tpy) or greater than a 10% decrease estimated PTE in this permit, the permittee will reapply for modification to this Title V permit, per Condition 3.2.4.3.
- 3.2.4.1.4. Concurrent with the EPA test methods required in Condition 3.2.4.1.1 of this permit, Unit 2 shall also be tested with a portable analyzer for NO_x and CO for comparison with the EPA test methods, unless otherwise provided for in Condition 3.2.4.1.6. The portable analyzer shall be operated in accordance with the Environmental Protection Agency's, Office of Air Quality Planning & Standards, Emission Measurement Center Conditional Test Method - Determination of Oxygen, Carbon Monoxide and Nitrogen oxides from Stationary Sources for Periodic Monitoring (Portable Electrochemical Analyzer Procedure) [CTM-034] (September 8, 1999). If the portable analyzer test results are consistent with the EPA test methods, then subsequent quarterly tests below may be accomplished using only the portable analyzer test procedures. The term "consistent" means data from the tests, using relevant EPA test methodologies and the portable analyzer, demonstrate equivalent emissions within permitted tolerance, per Condition 3.2.4.1.3.
- 3.2.4.1.5. At the time of the initial performance test, the permittee will record the following parameters: (1) heat input rate and heat capacity of the fuel used; (2) the engine speed (rpm), horsepower and load of the Units; (3) and all calculations required for the applicable EPA test methods.
- 3.2.4.1.6. The permittee may choose to conduct the subsequent tests on Unit No. 2, as required by Condition 3.2.4.2 below, using EPA test methods in lieu of portable analyzer tests. If the permittee chooses this option, then the comparative tests are not required,

and the subsequent tests under Condition 3.2.4.2 will be conducted using EPA test methods, as approved by EPA in the test protocol set forth in Condition 3.2.4.1.2.

3.2.4.2 Subsequent Performance Tests: Subsequent performance tests on Unit No. 2 will be conducted for CO and NOx, per quarter, per season, to provide an additional statistical set of three (3) data points, in addition to the initial performance test.

Tests will be conducted once per quarter for the rest of the initial year of renewed permit issuance, unless the unit has not operated for more than 48 continuous hours, prior to a planned test. If the unit has operated for less than 48 continuous hours in any given quarter for the year of tests, an alternative performance test will be conducted in a succeeding quarter, in addition to the planned test for that quarter. No two performance tests may be conducted within 2 months of each other. The intent of the subsequent performance tests is to test for emission variations under differing seasonal conditions. If Unit No. 2 does not operate for more than 48 continuous hours in more than two (2) quarters, the permittee will plan additional performance tests in the next nearest quarters of seasons that have not already been tested for make-up data sets to equal a total of four data sets of performance data for this unit, including the initial performance test done under Condition 3.2.4.1 of this permit.

3.2.4.2.1 If the test results of Condition 3.2.4.1 of this permit demonstrated consistency between the EPA test methods and the portable analyzer tests, then the subsequent quarterly tests may be conducted with portable analyzers, which shall be operated in accordance with the Environmental Protection Agency's, Office of Air Quality Planning & Standards, Emission Measurement Center Conditional Test Method - Determination of Oxygen, Carbon Monoxide and Nitrogen oxides from Stationary Sources for Periodic Monitoring (Portable Electrochemical Analyzer Procedure) [CTM-034] (September 8, 1999).

3.2.4.2.2 If the permittee has chosen to do the subsequent seasonal performance tests using EPA test methods rather than portable analyzer tests, pursuant to Condition 3.2.4.1.6 of this permit, then these tests shall be conducted in accordance with EPA Part 51, Appendix M test methods, and the EPA-approved test protocol set forth in Condition 3.2.4.1.2 of this permit.

3.2.4.2.3 At the time of each quarterly test, the permittee will record the parameters identified in Condition 3.2.4.1.5 of this permit.

3.2.4.2.4 If the emission unit is shutdown at the time when the performance testing is due to be accomplished, the permittee is not required to restart the unit for the sole purpose of performing the testing. Using electronic or written mail (using address from Condition 5.5 of this permit), the permittee shall notify the EPA's Air Enforcement Section of a delay in emission tests prior to the deadline for accomplishing the tests. Upon recommencing operation, the permittee shall accomplish the testing. If all seasonal testing is not accomplished by the end of the initial year of the renewed permit's issuance date, the permittee will be required to restart the unit to conclude seasonal performance testing by the end of the second year of the renewed permit's issuance date.

3.2.4.3 After four quarters of seasonal tests on the combustion IC engine (Unit No. 2), the permittee may apply for a change in emissions for this unit to reflect more accurate potential to emit (PTEs). Any increases above the PTEs of Table 2 may require additional ambient air quality modeling and evaluation under all applicable rules and regulations.

3.2.5 Monitoring

3.2.5.1 The fuel flow/consumption of Unit No. 1 and Unit No. 2 shall be monitored continuously and the average daily rate be recorded in a monthly report.

3.2.5.2 The actual heat input rate for emission unit No. 2 (IC engine) shall be monitored on a monthly basis, through records of heat capacity of fuel used.

3.2.5.2 Maintenance and repair activities for Unit No. 1 and Unit No. 2 shall be monitored.

3.2.6 Reporting/Recordkeeping

3.2.6.1 The permittee shall keep records of all tests and reports, as required by compliance requirements of this permit, for a period of at least five years from the date of testing.

- 3.2.6.2 The permittee shall keep records on all repair and maintenance activities performed on all emission units. These records shall identify the relevant emission unit and describe the work performed.
- 3.2.6.3 The permittee shall keep records of the serial numbers for each emission unit. The emission units and their serial numbers are listed in Table 1 above. A change in serial number should also be reflected in the reports required by Condition 3.2.6.7.
- 3.2.6.4 The records of fuel consumption shall be recorded on a monthly basis and maintained for Unit No. 1 and Unit No. 2.
- 3.2.6.5 The hours of operation for Unit No. 1 and Unit No. 2 shall be recorded and maintained on a monthly basis. This information, in conjunction with the monthly fuel consumption records and heat content analysis, shall be used to determine each unit's actual heat input rate for that month.
- 3.2.6.6 Retention of these records and supporting information shall be for a period of at least five years from the date of measurement, monitoring or report. Support information includes all calibration and maintenance records, all original strip-chart recordings or monitoring instrumentation and copies of all reports required by this permit.
- 3.2.6.7 The following reports/records shall be submitted to EPA within forty-five (45) days following every six months from the date of issuance of this permit:
 - 3.2.6.7.1 Fuel flow/consumption records for Unit No. 1 and No. 2 showing the monthly and rolling twelve-month average fuel usage in mmscf/hr and mmscf/yr; and
 - 3.2.6.7.2 The heat input records of Unit No.1 and Unit No. 2 showing the monthly and rolling twelve-month average heat input in MMBtu/hr.
 - 3.2.6.7.3 Repair and maintenance records of Unit No.1 and Unit No. 2.
 - 3.2.6.7.4 A report of the initial compliance test for Unit No. 1 and Unit No. 2 will be submitted within forty-five (45) days of conclusion of the initial test required by Condition 3.2.4.1 to EPA Region 6 at the addresses listed in Condition 5.5.

3.2.6.7.5 A report of each subsequent quarterly compliance test for Unit No. 2 will be submitted within forty-five (45) days of conclusion of each of the tests required by Condition 3.2.4.2 to EPA Region 6 at the addresses listed in Condition 5.5.

3.2.6.7.6 A summary report of the initial and subsequent quarterly compliance tests for Unit No. 1 Unit No. 2 will be submitted within forty-five (45) days of conclusion of all tests required by Condition 3.2.4.1 and Condition 3.2.4.2, to EPA Region 6 at the addresses listed in Condition 5.5.

3.2.6.8 Copies of these records shall also be sent, on the same schedule, to

Environment Director
Jicarilla Apache Reservation
P.O. Box 507, Dulce, NM 87528

4. Regulatory Requirements for Individual Emission Units

Information regarding applicable requirements, emission limits, operational limitations and requirements, work practices, and monitoring, testing and recordkeeping requirements are provided below for the Solar Saturn Turbine, Unit No. 1.

4.1 Standards of Performance for Stationary Gas Turbine: The Solar gas turbine (emissions unit No. 1) is subject to 40 CFR Part 60, Subpart GG, Standards of Performance for Stationary Gas Turbines, and shall comply with both the notification requirements in Subpart A and with the specific requirements of Subpart GG. In particular the following emission limitations apply:

4.1.1. The nitrogen dioxide (NO_x) concentration in the exhaust gas from the turbine shall not exceed 150 ppmv at 15 percent oxygen on a dry basis.

4.1.2. The sulfur dioxide concentration in the exhaust gas from the turbine shall not exceed 0.015 percent by volume at 15 percent oxygen (O₂) on a dry basis, or the fuel burned in the turbine shall not exceed 0.8 percent by weight.

4.2 Fuel fired in the turbine, identified as Emissions Unit No. 1, and other combustion points at this source, including the IC engine, identified as Emissions Unit No. 2, is limited to sweet natural gas of pipeline quality containing a maximum of 0.25 grains of H₂S per 100 cubic feet. Emission limits for the turbine (emission point No. 1), are listed in Table 4, based on these requirements.

Table 4 – Maximum Allowable Emission Rates For Solar Saturn Turbine, Subject to 40 CFR Part 60, Subpart GG, Standards of Performance for Stationary Gas Turbines

Unit No.	Unit Name	Hours of Operation (hr/yr)	NOx	CO	VOCs
1	Solar Saturn 1200 Turbine 1200 hp	8760	4.4 lb/hr 19.3 tpy	2.6 lb/hr 11.4 tpy	0.09 lb/hr 0.4 tpy

4.3 Emissions from the turbine and IC engine shall not exceed 5 percent opacity, as determined by EPA reference Method 9.

4.4 Compliance tests may be required by the permitting authority for nitrogen oxides (NOx) and sulfur dioxide (SO₂) for the turbine (emissions unit No. 1), to demonstrate compliance with 40 CFR Part 60, Subpart GG for permit requirement 4.1. Compliance tests may also be required by the permitting authority to determine actual emission rates from any other point for which an emission test method is established.

When testing is required, the tests shall be conducted in accordance with EPA Reference Methods contained in the 40 CFR Part 60, Appendix A, and with the requirements of Subpart A, General Provisions, 40 CFR § 60.6(f). Tests shall be conducted within ninety (90) days of written notice from EPA that a test is required. The results of the NOx tests shall be expressed as NO₂ using a molecular weight of 46 lb/lb mole in all calculations (each ppm of NO/NO₂ is equivalent to 1.194 lb/standard cubic foot).

For stationary gas turbines, Method 20 shall be used to determine NOx, SO₂, and O₂, concentrations, and method 10 shall be used for CO. Methods 1 through 4 shall be used for flow rate determinations as appropriate. To determine compliance with the applicable 40 CFR § 60.332 and § 60.333, the following tests shall be conducted in accordance with 40 CFR § 60.335 Test Methods and Procedures:

- 4.4.1 NOx concentrations in the turbine stack gas shall be determined by EPA reference test Method 20. No allowance for fuel bound nitrogen shall be allowed in establishing the NOx emission limit for stationary gas turbines.
- 4.4.2 The fuel sulfur content of the natural gas shall be determined by using one of the approved ASTM reference methods for the measurement of sulfur in gaseous fuels, or an approved alternative method. The reference methods are: ASTM D1072-80; ASTM D3031-81; ASTM D3246-81; and ASTM D4084-82 as referenced in 40 CFR § 60.335.

4.5 The percent oxygen (O₂) in the turbine stack gas shall be determined by using Method

20 specified in Appendix A of 40 CFR Part 60 for stationary gas turbines.

4.6 Compliance Testing Notification: The EPA shall be notified of the date and time of the compliance testing at least thirty (30) days in advance of such test, so EPA may have the opportunity to have an observer present during testing. The permittee shall arrange a pre-test meeting with EPA at least 45 days prior to the anticipated test date and shall observe the following pretesting and testing procedures:

4.6.1 The permittee shall provide, for EPA's approval, a written test protocol at least one (1) week prior to the anticipated pre-test meeting date. The protocol shall describe the test methods to be used (including sampling methods and calibration procedures); shall list the equipment or devices to be tested (including sample locations); and shall describe data reduction procedures. Any variation from established sampling and analytical procedures or from facility operating conditions shall be presented for EPA approval.

4.6.2 Sample ports of a size compatible with the tests methods shall be located on the stack of each turbine or other source in accordance with the provisions of EPA Method 1 of 40 CFR Part 60, Appendix A. The stack shall be of sufficient height and diameter so that a representative test of the emissions can be performed in accordance with EPA Method 1. The permittee shall also provide a one-quarter (1/4) inch stainless steel sampling line adjacent to the sampling ports and extending down to within four (4) feet above ground level to provide access for future audits. The line shall extend into the stack a distance of $\frac{1}{4}$ the stack diameter, but not less than one inch from the stack wall. The sampling line shall be maintained clear of blockage at all times.

4.6.3 During any turbine compliance tests, the turbine compressor RPM, fuel consumption, suction and discharge pressures (including exhaust static pressure), suction volume, and horsepower output shall be monitored and recorded. This information shall be included with the test report that is required to be furnished to EPA. The tests shall be conducted at each of the load conditions specified in 40 CFR § 60.335(c)(2), and all loads shall be corrected to ISO conditions using the appropriate equations supplied by the turbine manufacturer.

4.6.4 Where necessary to prevent cyclonic flow in the stack, flow straighteners shall be installed.

4.6.5 The compliance test report shall be submitted to EPA within sixty (60) days after the complete testing.

4.7 Monitoring, Recordkeeping, and Reporting: The permittee shall comply with all

applicable NSPS monitoring, recordkeeping, and reporting requirements, as specified in 40 CFR § 60.334 – Monitoring of Operations. In accordance with the custom schedule and approved alternative for monitoring requirements contained in 40 CFR § 60.334(b)(2), the permittee shall comply with the following nitrogen and sulfur content custom fuel monitoring schedule (CFMS), approved by EPA August 19, 1997:

- 4.7.1 Monitoring of fuel nitrogen content shall not be required while pipeline-quality natural gas is the only fuel fired in the gas turbine.
- 4.7.2 Monitoring of fuel nitrogen content shall be determined and recorded daily while firing a fuel other than pipeline-quality natural gas or while firing an emergency fuel as defined in 40 CFR § 60.331(r).
- 4.7.3 Should a nitrogen analysis, required for any reason other than firing an emergency fuel, demonstrate noncompliance with 40 CFR § 60.332, then the owner or operator shall immediately notify the Environmental Protection Agency (EPA) of the excess emissions, and the CFMS shall be re-examined by EPA. Nitrogen monitoring shall be conducted daily during the interim period when this CFMS is being re-examined.
- 4.7.4. If there is a change in fuel supply, the owner or operator must immediately notify EPA of such change for re-examination of this CFMS. A change in fuel quality, fuel makeup or fuel supplier shall be considered as a change in fuel supply. Nitrogen monitoring shall be conducted daily during the interim period when this CFMS is being re-examined.
- 4.7.5. Analysis for fuel sulfur content of the gas turbine fuel (natural gas or any other type of fuel) shall be conducted using the appropriate methods specified in 40 CFR § 60.335(d).
- 4.7.6. The “length of stain tube” method is approved as an alternative fuel sulfur test method for this CFMS, providing that the GAS Processors Association (GPA) procedures are followed and 100% pipeline-quality natural gas is the only fuel fired in the gas turbines. (GPA Standard 2377-86).
- 4.7.7. Monitoring of fuel sulfur content shall be determined and recorded daily while firing an emergency fuel as defined in 40 CFR § 60.331(r). Effective on the approval date of the CFMS the sampling and analysis frequency for fuel sulfur allowed under this CFMS fuel schedule shall be followed as represented in Table 5. If during the period of each phase, this monitoring shows little variability in the fuel sulfur content and demonstrates continuous compliance with the emission limits for Sulfur Dioxide contained in 40 CFR § 60.333, the company may then

proceed to the next sampling phase and provide the test results for the previous phase with written notice to EPA.

Table 5 - Fuel Sulfur Monitoring Frequency

Phase	Frequency	Period
I	Biweekly ¹	Six Months
II	Quarterly	Eighteen Months
III	Semiannually	Two years ²

¹ Biweekly means once every other week.

² This monitoring shall be conducted during the first and third quarters of each calendar year.

4.7.8. Should a sulfur analysis, required for any reason other than for firing emergency fuel, demonstrate non-compliance with the emission limits for Sulfur Dioxide contained in 40 CFR § 60.333, the owner or operator shall immediately notify EPA of such excess emissions, and sulfur monitoring shall be conducted daily during the interim period while this CFMS is re-examined.

4.7.9. If there is a change in fuel supply, the owner or operator must notify EPA of such change for re-examination of this CFMS. A change in fuel quality, fuel makeup or fuel supplier shall be considered as a change in fuel supply. Sulfur monitoring shall be conducted daily during the interim period when this CFMS is being re-examined.

4.8 Approval of the CFMS is based on the application submitted by the company, dated July 8, 1997, and the additional information supplied for the firing of 100% pipeline-quality natural gas. Any change in any representation made by the permittee in this application shall cause this CFMS to be suspended and re-examined by EPA. EPA shall be notified immediately if any such change occurs.

4.9 Required Analysis: All analysis required by the custom schedule shall be performed by a laboratory using the approved test methods.

4.10 Substitution of analytical method: The permittee may request that EPA allow for the substitution of any analytical method for another method specified in this CFMS. Any substitution will require the written approval of EPA.

4.11 Audit of fuel sampling program: EPA may request that an audit of the fuel sampling program be conducted at any time during the life of the custom schedule. This audit shall consist of daily sampling or both. The length of this audit shall be no less than two weeks. If noncompliance values are found, Conditions 4.7.3 and 4.7.8 of this permit shall govern.

- 4.12 Records** of sample analysis, fuel supplier, fuel supply, fuel quality, and fuel make-up pertinent to this custom schedule shall be retained for a period of five years to coincide with Title V records management requirements of 40 CFR § 71.6(a)(3)(ii)(B), and be made available for inspection by personnel of EPA.
- 4.13 Continuation of CFMS:** After the initial four year term of the CFMS, issued August 19, 1997, the custom schedule will continue using the same monitoring, recordkeeping and notification requirements as stipulated in Phase III of the schedule. However, EPA can choose to terminate the CFMS and require the permittee reapply for a CFMS. Termination of the CFMS will require that the company begin sampling, as required by 40 CFR § 60.334.
- 4.14 Compliance:** The permittee shall comply with all applicable NSPS monitoring, recordkeeping, and reporting requirements, as specified in 40 CFR 60.334 – Monitoring of Operations. In addition to recordkeeping requirements of permit Condition 4.12, the results of all stack tests conducted pursuant to permit Conditions 3.2.4.1, 3.2.4.2, and 4.4, and the results of all fuel sampling conducted pursuant to permit Condition 4.7 shall be maintained in a file by the holder of this permit for a period of 5 years to coincide with the recordkeeping requirements of Title V under 40 CFR § 71.6(a)(3)(ii)(B), and be made available for inspection by personnel of EPA.
- 4.15 Annual Report:** An annual report shall be submitted to the EPA Region 6 office (address in Administrative Condition 5.5 for Air Enforcement Section) by the holder of this permit. The report will contain the hours of operation of the facility, the calculated annual emissions for the pollutants listed in Table 4, and a summary of the periods of noncompliance. The report will be submitted to the EPA Region 6 office by April 1 for the previous calendar year's emissions.
- 4.16 Additional General Conditions:**
- 4.16.1 The permittee shall notify EPA in writing of any construction activity or change in the method of operation, prior to construction or change in the method of operation for evaluation under current applicable permit programs 40 CFR § 52.21 and proposed Tribal NSR Rule, governed by 40 CFR § 51.160-164.
- 4.16.2 Each emission point for which an emission test method is established in this permit shall be tested in order to determine compliance with the emission limitations contained herein when required by the permitting authority. The permittee shall notify the permitting authority of the scheduled date of compliance testing at least thirty (30) days in advance of such test. Compliance test results shall be submitted to the permitting authority within sixty (60) days after the complete testing. The

permittee shall provide: (1) sampling ports adequate for test methods applicable to such facility; (2) safe sampling platforms; (3) safe access to sampling platforms; and (4) utilities for sampling and testing equipment.

- 4.16.3 The permittee shall retain records of all information resulting from monitoring activities and information indicating operating parameters as specified in the specific conditions of this permit for a minimum of five (5) years from the date of recording to coincide with the recordkeeping requirements of Title V under 40 CFR § 71.6(a)(3)(ii)(B).
- 4.16.4 If, for any reason, the permittee does not comply with or will not be able to comply with the emission limitations specified in this permit, the permittee shall provide the permitting authority with the following information in writing within five (5) days of such conditions. Failure to provide the following information when appropriate shall constitute a violation of the terms and conditions of this permit. Submittal of this report does not constitute a waiver of the emission limitations contained within this permit.
- 4.16.4.1 Description of non-complying emission(s);
- 4.16.4.2 Cause of noncompliance;
- 4.16.4.3 Anticipated time the noncompliance is expected to continue or, if corrected, the duration of the period of noncompliance;
- 4.16.4.4 Steps taken by the permittee to reduce and eliminate the non-complying emission; and
- 4.16.4.5 Steps taken by the permittee to prevent recurrence of the non-complying emission.
- 4.16.5 Any change in the information submitted in the application regarding facility emissions or changes in the quantity or quality of materials processed that will result in new or increased emissions must be reported to the permitting authority by written notice, 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. If appropriate, changes may be made to the permit under Condition 5.16 of this permit. In no case are any new or increased emissions allowed that will cause a violation of the emission limitations specified herein, prior to receiving approval for such new or increased emissions from the permitting authority.

- 4.16.6 The emission of any pollutant more frequently or at a level in excess of that authorized by this permit shall constitute a violation of the terms and conditions of this permit.
- 4.16.7 In the event of any change in control or ownership of the source described in this permit, the permittee shall notify the succeeding owner of the existence of this permit by letter and forward a copy of such letter to the permitting authority.

5. Title V Administrative Requirements

5.1. Annual Fee Payment [40 CFR §§ 71.6(a)(7) and 71.9]

- 5.1.1. The permittee shall pay an annual permit fee in accordance with the procedures outlined below. [40 CFR § 71.9(a).]
- 5.1.2. The permittee shall pay the annual permit fee each year:
- The fee shall be received no later than July 20 of each year.
- 5.1.3. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of EPA.
- 5.1.4. The permittee shall send fee payment and a completed fee filing form to:

For regular US postal service mail
express mail

For non-US Postal Service

(FedEx, Airborne, DHL, and
UPS)

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

U.S. Bank
Government Lockbox 979078
US EPA FOIA & Misc. Payments
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

Contact: Craig Steffen 513-487-2091,
or Eric Volck 513-487-2105

Contact: 314-418-1028

For electronic payment (identify permit number for payment in form)

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
ABA: 051036706
Account Number: 310006
CTX Format Transaction Code 22 – checking

Environmental Protection Agency
808 17th Street, NW
Washington, DC 20074

Contact: Jesse White 301-887-6548

- 5.1.5. The permittee shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by the same deadline as required for fee payment to the address listed in Condition 5.5. of this permit. [Note that an annual emissions report, required at the same time as the fee calculation worksheet by 40 CFR § 71.9(h), has been incorporated into the fee calculation worksheet form as a convenience.]
- 5.1.6. Basis for calculating annual fee:
 - 5.1.6.1. The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all “regulated pollutants (for fee calculation)” emitted from the source by the emissions fee (in dollars/ton) in effect at the time of calculation.
 - 5.1.6.1.1. “Actual emissions” means the actual rate of emissions in tpy of any regulated pollutant (for fee calculation) emitted from a part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions unit’s actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. [See 40 CFR § 71.9(c)(6).]
 - 5.1.6.1.2. If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures. [40 CFR § 71.9(e)(2).]
 - 5.1.6.1.3. The term “regulated pollutant (for fee calculation)” is defined in 40 CFR § 71.2.

- 5.1.6.1.4. The permittee should note that the presumptive fee amount is revised each calendar year to account for inflation, and it is available from EPA prior to the start of each calendar year.
- 5.1.6.2. The permittee shall exclude the following emissions from the calculation of fees:
 - 5.1.6.2.1. The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tpy. See 40 CFR § 71.9(c)(5)(i).
 - 5.1.6.2.2. Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation. See 40 CFR § 71.9(c)(5)(ii).
 - 5.1.6.2.3. The insignificant quantities of actual emissions not required to be listed or calculated in a permit application pursuant to 40 CFR § 71.5(c)(11). [40 CFR § 71.9(c)(5)(iii).]
- 5.1.7. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official in accordance with 40 CFR § 71.5(d).
- 5.1.8. The permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for five years following submittal of fee payment. Emission-related data include, for example, emissions-related forms provided by EPA and used by the permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept in accordance with 40 CFR § 71.6(a)(3)(ii). [See 40 CFR § 71.9(i).]
- 5.1.9. Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with 40 CFR § 71.9(l).
- 5.1.10. The EPA will not act on applications for permit renewal or modification if the permittee fails to pay all fees, interest, and penalties owed in full. [See 40 CFR § 71.9(m).]
- 5.1.11. When notified by EPA of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of notification. [See 40 CFR § 71.9(j)(1) and (2).]

- 5.1.12. If the permittee thinks that the EPA-assessed fee is in error and wishes to challenge the fee, the permittee shall provide a written explanation of the alleged error to EPA along with full payment of the assessed fee. [See 40 CFR § 71.9(j)(3).]

5.2. Blanket Compliance Statement [40 CFR §§ 71.6(a)(6)(i) and (ii)]

- 5.2.1. The permittee must comply with all conditions of this Part 71 permit. Any permit noncompliance, including: violation of any applicable requirement; any permit term, limitation or condition; any fee or filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any regulation or order issued by the permitting authority pursuant to this part constitutes a violation of the CAA and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or 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. [§§ 71.6(a)(6)(i) and (ii).]
- 5.2.2. 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 of this permit; other credible evidence must be considered in such determinations. [Section 113(a) and 113(e)(1) of the CAA.]

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

The permittee shall submit to EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, fuel usage and heat input, annually within 45 days of the anniversary following the date of issuance of this permit. The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official consistent with 40 CFR § 71.5(d).

5.3.1. The certification shall include the following:

- 5.3.1.1. Identification of each permit term or condition that is the basis of the certification.
- 5.3.1.2. Identification of the method(s) or other means used for determining the compliance status with 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, e.g., operating hours records, that must be included in the certification to comply with Section 113(c)(2) of the

CAA, which prohibits knowingly making a false certification or omitting material information.

5.3.1.3. 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.

5.3.1.4. Any other requirements sufficient to assure or determine compliance, consistent with 40 CFR §§ 71.6(c)(5)(iii)(D) and 71.6(c)(6).

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

The permittee shall furnish to EPA, within a time specified by EPA, any information that EPA may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential should be accompanied by a claim of confidentiality according to the provisions of 40 CFR Part 2, Subpart B. The permittee, upon becoming aware that any relevant facts were omitted or that incorrect information was submitted in the permit application, shall promptly submit such supplemental 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.

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

Any document required to be submitted by 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 records, reports, test data, monitoring data, emissions-related data, notifications, and compliance certifications, shall be submitted to:

Air Enforcement Section, 6EN-A
1445 Ross Avenue
Dallas, TX 75202-2733

while the fee calculation worksheets, (that include the annual emissions worksheet and report), and applications for renewals and permit modifications shall be submitted to:

Air Permits Section, 6PD-R
1445 Ross Avenue
Dallas, TX 75202-2733

5.6. 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.

5.7. 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.

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

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

- 5.8.1. Corrects typographical errors;
- 5.8.2. 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;
- 5.8.3. Requires more frequent monitoring or reporting by the permittee;
- 5.8.4. Allows for a change in ownership or operational control of a source where EPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA;
- 5.8.5. Incorporates into this 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; and
- 5.8.6. Incorporates any other type of change which EPA has determined to be similar to

those listed above in subparagraphs 5.8.1. through 5.8.5. [Note to permittee: If these subparagraphs do not apply, please contact EPA for a determination as to similarity prior to submitting your request for an administrative permit amendment under this provision].

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

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

5.9.1.1. Do not violate any applicable requirement;

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

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

5.9.1.4. 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:

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

5.9.1.4.2. An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the CAA.

5.9.1.5. Are not modifications under any provision of title I of the CAA; and

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

5.9.2. Notwithstanding the list of changes eligible for minor permit modification procedures in paragraph 5.9.1. 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.

- 5.9.3. 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:
 - 5.9.3.1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
 - 5.9.3.2. The sources' suggested draft permit;
 - 5.9.3.3. 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
 - 5.9.3.4. Completed forms for the permitting authority to use to notify affected States as required under 40 CFR § 71.8.
- 5.9.4. 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 EPA 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.
- 5.9.5. The permit shield under § 71.6(f) may not extend to minor permit modifications. [See 40 CFR § 71.7(e)(1)(vi)].

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

- 5.10.1. Group processing of modifications by EPA may be used only for those permit modifications:
 - 5.10.1.1. That meet the criteria for minor permit modification procedures under paragraphs 5.9.1. of this permit; and
 - 5.10.1.2. 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 five tpy, whichever is least.

- 5.10.2. An application requesting the use of group processing procedures shall be submitted to EPA, shall meet the requirements of 40 CFR § 71.5(c), and shall include the following:
- 5.10.2.1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
 - 5.10.2.2. The source's suggested draft permit;
 - 5.10.2.3. Certification by a responsible official, consistent with § 71.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used;
 - 5.10.2.4. 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 subparagraph 5.10.1.2. above; and
 - 5.10.2.5. Completed forms for the permitting authority to use to notify affected States as required under 40 CFR § 71.8.
- 5.10.3. 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.
- 5.10.4. 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)].

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

- 5.11.1. The permittee must request the use of significant permit modification procedures for those modifications that:

- 5.11.1.1. Do not qualify as minor permit modifications or as administrative amendments.
- 5.11.1.2. Are significant changes in existing monitoring permit terms or conditions.
- 5.11.1.3. Are relaxations of reporting or recordkeeping permit terms or conditions.
- 5.11.2. Nothing herein shall be construed to preclude the permittee from making changes consistent with 40 CFR Part 71 that would render existing permit compliance terms and conditions irrelevant.
- 5.11.3. Permittees must meet all requirements of 40 CFR Part 71 including those for applications, public participation, and review by affected States as they apply to permit issuance and permit renewal. 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 71.5(a)(2).]

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

The EPA shall reopen and revise this permit under the following circumstances:

- 5.12.1. Additional applicable requirements under the CAA become applicable to a major Part 71 source with a remaining permit term of three or more years. Such a reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to 40 CFR § 71.7(c)(3).
- 5.12.2. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offsets plans shall be deemed to be incorporated into the permit.
- 5.12.3. The EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

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

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

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

5.14. 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 EPA or an authorized representative to perform the following:

- 5.14.1. 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;
- 5.14.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- 5.14.3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- 5.14.4. As authorized by the CAA, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

5.15. 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 EPA determines no other changes in this permit are necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA.

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

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

- 5.16.1. Each change is not addressed or prohibited by this permit;
- 5.16.2. Each change shall comply with all applicable requirements and may not violate any existing permit term or condition;
- 5.16.3. 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 CAA;
- 5.16.4. The permittee shall provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under § 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;
- 5.16.5. The permit shield does not apply to changes made under this provision;
- 5.16.6. 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.

5.17. Permit Expiration and Renewal

[40 CFR §§ 71.5(a)(1)(iii), 71.6(a)(11), 71.7(b), 71.7(c)(1)(i) and (ii), 71.8(d)]

- 5.17.1. This permit shall expire upon the earlier occurrence of the following events:
 - 5.17.1.1. Five years elapses from the date of issuance; or
 - 5.17.1.2. The source is issued a Part 70 permit by an EPA-approved permitting authority.
- 5.17.2. Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted at least six months, but not more than 18 months, prior to the expiration of this permit.
- 5.17.3. If the permittee submits a timely and complete permit application for renewal, consistent with 40 CFR § 71.5(a)(2), but the permitting authority has failed to issue or deny the renewal permit, 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.
- 5.17.4. The permittee's failure to have a Part 71 permit, where timely and complete

application for renewal was submitted, is not a violation of this part until EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.

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

5.17.6. 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.

5.18. Credible Evidence:

(40 CFR Part 70 and EPA's Credible Evidence Rule, 62 Fed. Reg. 8314 (Feb. 24, 1997))

Notwithstanding any other provisions of any applicable rule or regulation or requirement of this permit that state specific methods that may be used to assess compliance with applicable requirements, any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements, if the appropriate performance or compliance test or procedure had been performed, shall be considered for purposes of Title V compliance certifications. Furthermore, for purposes of establishing whether or not a person has violated or is in violation of any emissions limitation or standard or permit condition, nothing in this permit shall preclude the use, including the exclusive use, by any person of any such credible evidence or information.