United States Environmental Protection Agency
Region 5
Air Programs Branch
Air & Radiation Division
77 West Jackson Boulevard
Chicago, Illinois 60604

AIR POLLUTION CONTROL
TITLE V PERMIT TO OPERATE

Permit No.: V-LL-2706100011-09-02 *Expiration Date:*

Issue Date: *Effective Date:*

In accordance with the provisions of Title V of the Clean Air Act and 40 C.F.R. Part 71 and applicable rules and regulations,

Great Lakes Gas Transmission Limited Partnership

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:

Deer River Compressor Station No. 4
31641 Great Lakes Road
Deer River, Minnesota 56636

Compressor Station No. 4 is located on privately-owned fee land within the exterior boundaries of the Leech Lake Band of Ojibwe Indian Reservation.

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

Walter W. Varvel for
Bharat Mathur, Acting Regional Administrator
U.S. EPA - Region 5

7/8/09
Date

Cheryl L. Newton
Cheryl L. Newton, Director
Air and Radiation Division
U.S. EPA - Region 5

7/8/09
Date

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Abbreviations and Acronyms

ASTM	American Society for Testing and Materials
CAA	Clean Air Act [42 U.S.C. § 7401, *et seq.*]
CFR	Code of Federal Regulations
CO	Carbon Monoxide
COM	Continuous Opacity Monitor
DRE	Destruction and removal efficiency
EPA	United States Environmental Protection Agency, Region 5
EU	Emission Unit
Facility	Great Lakes Gas Deer River Compressor Station No. 4
gal	gallon
g	grams
Great Lakes	Great Lakes Gas Transmission Limited Partnership
HAP	Hazardous Air Pollutant
hr	hour
kg	kilogram
kpa	kilo pascals
lb	pound
MACT	Maximum Achievable Control Technology
Mg	megagram
MMBtu	million British Thermal Units
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO_x	Nitrogen Oxides
NSPS	New Source Performance Standard
NSR	New Source Review
Operator	Great Lakes Gas Transmission Company
Permittee	Great Lakes Gas Transmission Limited Partnership
PM	Particulate Matter
PM_{10}	Particulate matter less than 10 microns in diameter
ppm	parts per million
ppmv	parts per million by volume
PSD	Prevention of Significant Deterioration
Psi	Pounds per square inch
PTE	Potential to Emit
SO_2	Sulfur Dioxide
scf	Standard Cubic Feet
VOC	Volatile Organic Compounds

1.0 Source Identification and Unit-Specific Information

(A) General Source Information

Parent Company: Great Lakes Gas Transmission Limited Partnership
5250 Corporate Drive
Troy, Michigan 48098

Facility: Deer River Compressor Station No. 4
31641 Great Lakes Road
Deer River, Minnesota 56636

County: Itasca County

Tribe/Reservation: Leech Lake Band of Ojibwe Indian Reservation

SIC Code: 4922

AFS Plant Identification Number: 27 061 00011

Description of Process: Compressor No. 4 adds pressure to natural gas in Great Lakes' pipeline causing it to flow to the next compressor station. Deer River Station No. 4 is composed of two natural gas-fired turbine/compressors and one natural gas-fired standby electrical generator. The pipeline normally operates continuously, but at varying loads, 24 hours per day and 365 days per year.

(B). Source Emission Points

The emissions units located at the facility at the time of permit issuance are:

Emission Unit	Description	Manufacturer /Model	Date of Construc-tion	Heat Input (MMBtu/hr)
EU 001	Natural Gas-fired Turbine	Rolls Royce Avon 101G	1971	187.2
EU 002	Natural Gas-fired Turbine	General Electric LM 1600	1993	184.0
EU 003	Natural Gas-fired Standby Electrical Generator	Waukesha Motor Co. L36GL (low emission unit)	1997	7.2

2.0 UNIT-SPECIFIC OPERATING REQUIREMENTS

(A). Emission Limitations and Standards [40 C.F.R. § 71.6(a)(1)]

The Permittee shall comply with the following requirements:

1. Nitrogen Oxide NSPS Limitations.

   Total NO_x emissions from EU 002 shall not exceed 196 ppmv at 15 percent oxygen and on a dry basis. [40 C.F.R. § 60.332(a)(2)]

2. Sulfur Dioxide NSPS Limitations.

   EU 002 shall not burn any fuel which contains sulfur in excess of 0.8 percent by weight. [40 C.F.R. § 60.333(b)]

3. Good Air Pollution Control Practice. [40 C.F.R. § 60.11(d)]

   At all times, including start-up, shut-down, and malfunction, the Permittee shall, to the extent practicable, maintain and operate all sources, including associated air pollution control equipment, regulated by this permit in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether the Permittee is using acceptable operating and maintenance practices is based on information which is available to EPA. This may include monitoring results, review of operating and maintenance procedures, and inspections of the facility. In addition, the Permittee shall comply with the following requirements:

i. Develop and provide training to acquaint each facility plant operator with the applicable terms and conditions of this permit. The Permittee must maintain a log of the time, date, place, and list of attendees for each training session and a copy of the materials presented in the training sessions, and report to EPA, if requested. The records of the training shall be maintained at the facility and available for inspection by authorized representatives of EPA.

ii. Develop and implement standard operation and maintenance procedures for each emission unit listed in this permit. Keep a copy of the procedures available at a location within the facility that is readily accessible to operators of the sources and to authorized representatives of EPA.

(B). Monitoring and Testing [40 C.F.R. § 71.6(a)(3)(i)(A)]

1. In accordance with 40 C.F.R. § 60.334(h), the Permittee shall comply with the following requirements:

   i. The Permittee shall monitor the nitrogen content of the fuel combusted in the turbine, if the operator claims an allowance for fuel bound nitrogen (*i.e.*, if an F-value greater than zero is being or will be used by the owner or operator to calculate STD pursuant to 40 C.F.R. § 60.332). The Permittee shall determine the nitrogen content of the fuel using methods described in 40 C.F.R. § 60.335(b)(9). The Permittee may request EPA approval of an alternate method for determining nitrogen content of the fuel.

   ii. The Permittee has elected not to monitor the total sulfur content of the gaseous fuel combusted in the turbine, as allowed by 40 C.F.R. § 60.334(h)(1). The Permittee must demonstrate that the gaseous fuel meets the definition of natural gas in § 60.331(u). The Permittee shall make this demonstration through the use of gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20.0 grains/100 scf or less.

   2. In accordance with 40 C.F.R. § 60.334(i), the Permittee shall determine and record any applicable nitrogen content value of the gaseous fuel once per unit operating day.

3. Performance Testing: [40 C.F.R. §§ 60.335, 60.8, and 71.6(a)(3)(I)(A)]

   i. The Permittee shall perform periodic performance testing for NO_X for EU 002 every five calendar years, on or about the anniversary date of the initial compliance tests.

ii. As required in this permit or upon additional request by EPA, the Permittee shall conduct performance tests for NO_X using as reference methods and procedures the test methods in appendix A of 40 C.F.R. Part 60 and the methods and procedures in Section 2.0(B) (3) (iv) of this Permit.

iii. The Permittee shall determine compliance with the applicable nitrogen oxides emission limitation in 40 C.F.R. § 60.332 and shall meet the performance test requirements of 40 C.F.R. § 60.8 as follows: [40 C.F.R. § 60.335(b)]

For each run of the performance test, the mean nitrogen oxides emission concentration (NO_{Xo}) corrected to 15 percent O_2 shall be corrected to ISO standard conditions using the following equation.

$$NO_X = (NO_{Xo})(P_r/P_o)^{0.5}\ e^{19\,(Ho-0.00633)(288°K/T_a)^{1.53}}$$

Where:

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

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

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

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

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

e = transcendental constant, 2.718, and

T_a= ambient temperature, °K.

iv. (a) The owner or operator shall conduct the performance tests required in 40 C.F.R. § 60.8, using either

(1) EPA Method 20,

(2) ASTM D6522–00 (see 40 C.F.R. § 60.17), or

(3) EPA Method 7E and either EPA Method 3 or 3A in appendix A to 40 C.F.R. Part 60, to determine NO_X and diluent concentration.

(4) Sampling traverse points are to be selected following Method 20 or Method 1, (non-particulate procedures) and sampled for equal time intervals. The sampling shall be performed with a traversing single-hole probe or, if feasible, with a stationary multi-hole probe that samples each of the points sequentially. Alternatively, a multi-hole probe designed and documented to sample equal volumes from each hole may be used to sample simultaneously at the required points.

(5) Notwithstanding paragraph (a)(4) of this section, the Permittee may test at fewer points than are specified in Method 1 or Method 20 if the following conditions are met:

(i) The Permittee performs a stratification test for NO_X and diluent pursuant to the procedures specified in section 6.5.6.1(a) through (e) of appendix A to 40 C.F.R. Part 75.

(ii) Once the stratification sampling is completed, the Permittee uses the following alternative sample point selection criteria for the performance test:

(A) If each of the individual traverse point NO_X concentrations, normalized to 15 percent O_2, is within ±10 percent of the mean normalized concentration for all traverse points, then you may use 3 points (located either 16.7, 50.0, and 83.3 percent of the way across the stack or duct, or, for circular stacks or ducts greater than 2.4 meters (7.8 feet) in diameter, at 0.4, 1.2, and 2.0 meters from the wall). The 3 points shall be located along the measurement line that exhibited the highest average normalized NO_X concentration during the stratification test; or

(B) If each of the individual traverse point NO_X concentrations, normalized to 15 percent O_2, is within ±5 percent of the mean normalized concentration for all traverse points, then you may sample at a single point, located at least 1 meter from the stack wall or at the stack centroid.

(b) The 3-run performance test required by 40 C.F.R. § 60.8 must be performed within ±5 percent at 30, 50, 75, and 90-to-100 percent of peak load or at four evenly-spaced load points in the normal operating range of the gas turbine, including the minimum point in the operating range and 90-to-100 percent of peak load, or at the highest achievable load point if 90-to-100 percent of peak load cannot be physically achieved in practice. Notwithstanding these requirements, performance testing is not required for any emergency fuel (as defined in §60.331).

(c) Instead of using the equation in permit term 2.0(B)(3)(iii), the manufacturer may develop ambient condition correction factors to adjust the nitrogen oxides emission level measured by the performance test as provided in §60.8 to ISO standard day conditions.

(C). Recordkeeping and Reporting [40 C.F.R. §§ 71.6(a)(3) and 60.7]

1. The Permittee shall maintain the following records:

   i. The results of all performance tests performed in accordance with this permit;

   ii. Records of all trainings required by this permit;

   iii. Standard Operation and Maintenance Procedures for each emission unit;

   iii. The results of all fuel sulfur content analyses required in accordance with this permit; and

   iv. Records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

2. The Permittee shall notify EPA:

   i. If any sulfur analysis indicates noncompliance;

   ii. Of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted. This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.

3.0 FACILITY-WIDE PERMIT REQUIREMENTS

(A). **General Part 71 Recordkeeping** [40 C.F.R. § 71.6(a)(3)(ii)].

1. The Permittee shall keep records of required monitoring information that include the following:

i. The date, place, and time of sampling or measurements;

ii. The date(s) analyses were performed;

iii. The company or entity that performed the analyses;

iv. The analytical techniques or methods used;

v. The results of such analyses; and

vi. The operating conditions existing at the time of sampling or measurement.

2. The Permittee shall retain records of all required monitoring data and support information for a period of at least 5 calendar years from the date of the monitoring sample, measurement, report, or application. Support information includes, but is not limited to, all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

(B). **General Part 71 Reporting** [40 C.F.R. § 71.6(a)(3)(iii)].

1. The Permittee shall submit to EPA semi-annual reports of all required monitoring each six month reporting period from January 1 to June 30 and from July 1 to December 31, except that the first reporting period shall begin on the effective date of this permit and end on December 31. All reports shall be submitted to the EPA and shall be postmarked by the 30th day following the end of the reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with Condition 4.0(H)(1) of this permit. [40 C.F.R. § 71.6(a)(3)(iii)(A)].

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

(a). The company name and address;

(b). The beginning and ending dates of the reporting period;

(c). The emissions unit or activity being monitored;

(d). The emissions limitation or standard, including operational requirements and limitations (such as parameter ranges), specified in the permit for which compliance is being monitored;

(e). All instances of deviations from permit requirements whether demonstrated by referenced test method, monitoring, or through any other credible evidence, including those attributable to upset conditions as defined in this permit, and the date on which each deviation occurred;

(f). The total time when monitoring required by this permit was not performed during the reporting period and, at the source's discretion, either the total duration of deviations indicated by such monitoring or the actual records of deviations;

(g). All other monitoring results, data, or analyses required to be reported by the applicable requirement;

(h). The name, title, and signature of the responsible official who is certifying to the truth, accuracy, and completeness of the report.

ii. Any report required by an applicable requirement that provides the same information described in section 3.0(B)(1)(i)(a) through (h), above, shall satisfy the requirement under (B)(1).

iii. "Deviation" means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or record keeping established in accordance with 40 C.F.R. § 71.6(a)(3)(i) and (ii). For a situation lasting more than 24 hours, each 24-hour period is considered a separate deviation. "Deviations" includes, but is not limited to, any of the following: [40 C.F.R. § 71.6(a)(3)(iii)(C)]

(a). A situation when emissions exceed an emission limitation or standard;

(b). A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met; and

(c). A situation in which observations or data collected demonstrates noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit.

2. The Permittee shall promptly report to the EPA deviations from permit requirements, including those attributed to malfunction, emergency or other upset conditions, the probable cause of such deviations, and any corrective actions or preventive measures taken. "Prompt" is defined as follows: [40 C.F.R. § 71.6(a)(3)(iii)(B)]

   i. Any definition of "prompt" or specific timeframe for reporting deviations provided in an underlying applicable requirement (as identified in this permit); or

   ii. Where the underlying applicable requirement does not define prompt or provide a timeframe for reporting deviations, reports of deviations will be submitted based on the following schedule:

      (a). For emissions of a hazardous air pollutant or a toxic air pollutant(as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.

      (b). For emissions of any regulated pollutant excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.

      (c). For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report required in paragraph (1) of this section.

2. If any of the conditions in Condition 3.0(B)(2)(ii)(a) through (c) above are met, the source must notify EPA by telephone or facsimile based on the timetable listed. A written notice, certified consistent with Condition 4.0(H)(1), must be submitted within 10 working days of the occurrence. All deviations reported under this section must also be identified in the 6-month report required under paragraph (1) of this section.

(C). **Performance Testing** [40 C.F.R. § 71.6(a)(3)(I)]

The Permittee shall provide performance testing facilities that include the following:

1. Sampling ports adequate for the applicable test methods;

2. Safe sampling platform(s);

3. Safe access to sampling platform(s); and

4. Utilities for sampling and testing equipment.

4.0 PART 71 GENERAL REQUIREMENTS

(A). **Definitions** [40 C.F.R. § 71.2]

Terms and conditions have the meaning assigned to them in 40 C.F.R. part 71 unless other regulations or statutes are referenced.

(B). **Annual Fee Payment** [40 C.F.R. §§ 71.6(a)(7) and 71.9]

1. The Permittee shall pay an annual permit fee in accordance with the procedures outlined below. [40 C.F.R. § 71.9(a)]

2. The Permittee shall submit an annual report of its actual emissions for the preceding calendar year, a fee calculation work sheet (based on the report), and full payment of the annual fee each year. The Permittee shall submit the annual report and pay the annual permit fee each year on or before the anniversary date (3 months from the issuance of this permit) of its initial fee calculation work sheet.

   The Permittee shall submit the annual report to:

   Air Permits Section (AR-18J)
   Air and Radiation Division
   EPA Region 5
   77 West Jackson Boulevard
   Chicago, Illinois 60604

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

4. The Permittee shall send fee payment and a completed fee filing form to:

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

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 4.0(H)(2) of this permit. (The Permittee should note that an annual emissions report, required at the same time as the fee calculation worksheet by 40 C.F.R. § 71.9(h), has been incorporated into the fee calculation worksheet form as a convenience.)

6. Basis for calculating annual fee:

i. 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, including fugitive emissions by the presumptive emissions fee (in dollars/ton) in effect at the time of calculation.

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

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

(c). If actual emissions cannot be determined using the compliance methods in the permit, the Permittee shall use other federally recognized procedures. [40 C.F.R. § 71.9(e)(2)].

(d). The term "regulated pollutant (for fee calculation)" is defined in 40 C.F.R. § 71.2.

(e). Prior to the start of each calendar year, the EPA will revise for inflation and make available the presumptive fee amount.

ii. The Permittee shall exclude the following emissions from the calculation of fees:

(a). The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year [40 C.F.R. § 71.9(c)(5)(I)];

(b). Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation [40 C.F.R. § 71.9(c)(5)(ii)]; and

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

7. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official in accordance with section 4.0(H)(1). (The Permittee should note that the fee calculation worksheet incorporates a section to help meet this responsibility.)

8. The Permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for 5 years following submittal of fee payment. Emission-related data include, for example, emissions-related forms provided by the 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 C.F.R. § 71.6(a)(3)(ii). [40 C.F.R. § 71.9(I)]

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

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

11. A Permittee who believes that the EPA assessed fee is in error and who wishes to challenge such fee shall provide a written explanation of the alleged error to the EPA along with full payment of the EPA assessed fee. [40 C.F.R. § 71.9(j)(3)].

(C). **Compliance Statement** [40 C.F.R. § 71.6(a)(6)].

1. The Permittee must comply with all conditions of this part 71 permit. Any noncompliance with this permit constitutes a violation of the CAA and is grounds for: [40 C.F.R. § 71.6(a)(6)(I)]

i. Enforcement action;

ii. Permit termination, revocation and reissuance, or modification; or

iii. Denial of a permit renewal application.

2. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [40 C.F.R. § 71.6(a)(6)(ii)]

(D). **Compliance Certifications** [40 C.F.R. § 71.6(c)(5)].

1. The Permittee shall submit to EPA a certification of compliance with all permit terms and conditions, including emission limitations, standards, or work practices, each calendar year for the reporting period from January 1 to December 31, except the first reporting period shall begin on the effective date of this permit and end on December 31. All reports shall be submitted to the EPA and shall be postmarked by the 30th day following the end of the reporting period. The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official in accordance with section 4.0(H)(1) of this permit. The certification shall include the following:

i. Identification of each permit term or condition that is the basis of the certification;

ii. Identification of the method(s) or other means used for determining the compliance status of each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. If necessary, the Permittee also shall identify any other material information 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;

iii. The compliance status of each term and condition of the permit, including whether monitoring data is continuous and whether that data or any other credible evidence shows the compliance is continuous. The certification shall identify each deviation and take it into account in the compliance certification; and

iv. A statement indicating the compliance status of the source with any applicable enhanced monitoring and compliance certification requirements of the CAA.

(E). Schedule of Compliance [40 C.F.R. §§ 71.6(c)(3) and 71.5(c)(8)(iii)].

1. For applicable requirements with which the Permittee is in compliance, the Permittee will continue to comply with such requirements.

2. For applicable requirements that will become effective during the permit term, the Permittee shall meet such requirements on a timely basis.

(F) Duty to Provide and Supplement Information [40 C.F.R. §§ 71.6(a)(6)(v) and 71.5(b)].

1. The Permittee shall furnish to the EPA, within a reasonable time, any information that the EPA may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. Upon request, the Permittee shall also furnish to EPA copies of records that are required to be kept pursuant to the terms of this 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 C.F.R. part 2, subpart B.

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

(G)Enforceability [40 C.F.R. § 71.6(b)].

All terms and conditions in this permit, including any provisions designated to limit the source's potential to emit, are enforceable by the EPA and citizens in accordance with the CAA.

(H)Submissions [40 C.F.R. §§ 71.5(d), 71.6 and 71.9].

1. A responsible official of the Permittee shall certify as to the truth, accuracy, and completeness of any document required to be submitted by this permit. 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. Except as otherwise noted, the Permittee shall submit all documents required to be submitted by this permit to:

Air Enforcement and Compliance
Assurance Branch (AE-17J)

Air and Radiation Division
EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

2. The Permittee shall submit permit applications, applications for permit amendments, and other applicable permit information, which includes but is not limited to installation of control equipment, replacement of an emissions unit, fee calculation worksheets, and applications for renewals and permit modifications, to:

Air Permits Section,
Air Programs Branch (AR-18J)
EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

(I) Severability Clause [40 C.F.R. § 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.

(J) Permit Actions [40 C.F.R. § 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.

(K) Administrative Permit Amendments

The Permittee may request the use of administrative permit amendment procedures for a permit revision in accordance with 40 C.F.R. § 71.7(d).

(L) Minor Permit Modifications

The Permittee may request the use of minor permit modification procedures for those modifications that meet the requirements contained in 40 C.F.R. § 71.7(e)(1).

(M) Significant Permit Modifications

The Permittee must request the use of significant permit modification procedures for those modifications that meet the requirements contained in 40 C.F.R. § 71.7(e)(3).

(N) Reopening for Cause [40 C.F.R. § 71.7(f)].

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

1. Additional applicable requirements under the CAA become applicable to this source if the remaining permit term is 3 or more years.

2. 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.

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

(O) Property Rights [40 C.F.R. § 71.6(a)(6)(iv)].

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

(P) Inspection and Entry [40 C.F.R. § 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 as authorized by the CAA:

1. Enter upon the Permittee's premises where the part 71 source is located or emissions-related activity is conducted, or where records are kept under the conditions of the permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(Q) Emergency Provisions [40 C.F.R. § 71.6(g)].

1. In addition to any emergency or upset provision contained in any applicable requirement, the Permittee may seek to establish that

noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the Permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

i. An emergency occurred and that the Permittee can identify the cause(s) of the emergency;

ii. The permitted facility was at the time being properly operated;

iii. During the period of the emergency the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and

iv. The Permittee submitted notice of the emergency to EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements of section 3.0(B)(2) of this permit, concerning prompt notification of deviations.

2. In any enforcement proceeding, the Permittee attempting to establish the occurrence of an emergency has the burden of proof.

3. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

(R) Off Permit Changes [40 C.F.R. § 71.6(a)(12)].

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

i. Each change is not addressed or prohibited by this permit;

ii. Each change must comply with all applicable requirements and may not violate any existing permit term or condition;

iii. Changes under this provision may not include changes subject to any requirement of 40 C.F.R. parts 72 through 78 or modifications under any provision of Title I of the CAA;

iv. The Permittee must provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under 40 C.F.R. § 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;

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

vi. 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.

(S) Permit Expiration and Renewal [40 C.F.R. §§ 71.5(a)(1)(iii), 71.6(a)(11), 71.7(b), 71.7(c)(1)(i) and (ii), 71.8(d)].

1. Except as provided in section 4.0(S)(3), below, this permit shall expire five years from the effective date.

2. Expiration of this permit terminates the Permittee's right to operate unless the Permittee has submitted a timely and complete permit renewal application to the permitting authority at least six calendar months, but not more than eighteen calendar months, prior to the date of expiration of this permit.

3. If the Permittee submits a timely and complete permit application for renewal, consistent with 40 C.F.R. § 71.5(a)(1) and (2) and section 4.0(S)(2), above, but the permitting authority fails to issue or deny the renewal permit, then this permit shall not expire until the permitting authority has issued or denied a renewal permit. Any permit shield granted under section 4.0(U) of this permit may be extended during the period that the permitting authority fails to act on the renewal application.

4. If the Permittee has submitted a timely and complete application for renewal consistent with 40 C.F.R. § 71.5(a)(1) and (2) and section 4.0(S)(2), above,, the Permittee's failure to have a part 71 permit is not a violation of part 71 or the CAA until the permitting authority 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 the permitting authority.

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.

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.

(T) Operational Flexibility [40 C.F.R. § 71.6(a)(13)].

The Permittee may make changes within the permitted facility without a permit revision, including the addition of a new generator or replacement of an existing generator, provided the following conditions are met:

1. The changes are not modifications under any provision of Title I of the CAA;

2. The changes do not exceed the emissions allowed under this permit (whether expressed therein as a rate of emissions or in terms of total emissions); and

3. The Permittee notifies the EPA at least 7 days in advance of the proposed changes. The written notification shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(U) Permit Shield [40 C.F.R. § 71.6(f)]

1. i. Except as noted in section 4.0(U)(1)(ii), below, compliance with the conditions of this permit shall be deemed compliance, as of the date of permit issuance, with any applicable requirements that are specifically identified and included in this permit or that are specifically identified in this permit as not applying to the facility.

   ii. The permit shield shall not apply, and compliance with this permit shall not be deemed to be compliance with, parts C and D of Title I of the CAA or federal regulations that govern the permitting of major modifications to sources of air emissions.

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

i. The liability of the Permittee for any violation of applicable requirements prior to or at the time of permit issuance;

ii. The ability of EPA to obtain information under Section 114 of the CAA;

iii. The applicable requirements of the acid rain program, consistent with section 408(a) of the CAA; or

iv. The provisions of Section 303 of the CAA (emergency orders), including the authority of the Administrator under that section.

(V) Credible Evidence [62 Fed. Reg. 8314 (February 24, 1997); 42 U.S.C. § 7413].

Notwithstanding the conditions of this permit specifying compliance practices for applicable requirements, any person (including the Permittee) may also use other credible evidence to establish compliance or noncompliance with applicable requirements.