

United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

TITLE V PERMIT TO OPERATE

Permit Number: V-FDL-2713700066-2016-03 Expiration Date: [DRAFT]

Issue Date: [DRAFT] Effective Date: [DRAFT]

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

**Cloquet Compressor Station No. 5
3741 Brandon Road
Cloquet, Minnesota 55720-3376**

Cloquet Compressor Station No. 5 is located in St. Louis County, within the Fond du Lac Band of Lake Superior Chippewa's Reservation.

All terms and conditions of the permit are enforceable by the U.S. Environmental Protection Agency and citizens under the Clean Air Act.



Edward Nam
Acting Director
Air and Radiation Division

11/23/18
Date

Abbreviations and Acronyms

ASTM	American Society for Testing and Materials
CAA	Clean Air Act [42 U.S.C. § 7401, <i>et seq.</i>]
C.F.R.	Code of Federal Regulations
CO	Carbon Monoxide
EPA	United States Environmental Protection Agency, Region 5
EU	Emission Unit
Facility	Cloquet Compressor Station No. 5 3741 Brandon Road, Cloquet, Minnesota 55720-3376
Fond du Lac Band	Fond du Lac Band of Lake Superior Chippewa Reservation
GLGT/Great Lakes	Great Lakes Gas Transmission Limited Partnership
HAP	Hazardous Air Pollutant
hp	horsepower
hr	hour
MMBtu	Million British Thermal Units
mm Hg	Millimeters of Mercury
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO _x	Nitrogen Oxides
NSPS	New Source Performance Standards
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
ppmvd	parts per million by volume, dry basis
PSD	Prevention of Significant Deterioration
RICE	Reciprocating Internal Combustion Engine
scf	Standard Cubic Feet
SO ₂	Sulfur Dioxide
SSM	Startup, Shutdown and Malfunction
VOC	Volatile Organic Compounds

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Section I: Source Identification

(A) General Source Information

Parent Company: Great Lakes Gas Transmission Limited Partnership
5250 Corporate Drive
Troy, Michigan 48098-2644

Facility: Cloquet Compressor Station No. 5
3741 Brandon Road
Cloquet, Minnesota 55720-3376

County: St. Louis County

Tribe/Reservation: Fond du Lac Band of Lake Superior Chippewa
1720 Big Lake Road
Cloquet, Minnesota 55720-9702

SIC Code: 4922

Description of Process:

Great Lakes Gas Transmission Limited Partnership (GLGT, or Great Lakes) operates nearly 2,000 miles of large diameter underground pipeline, which transports natural gas for delivery to customers in the mid-western and northeastern United States and eastern Canada. The pipeline's 14 compressor stations, located approximately 75 miles apart, operate to keep natural gas moving through the system. Compressors operated at these stations add pressure to natural gas in the pipeline causing it to flow to the next compressor station. The pipeline normally operates continuously, but at varying loads, 24 hours per day and 365 days per year.

The Cloquet Compressor Station No. 5 (CS #5 or "the facility"), is one of the GLGT compressor stations along the pipeline system. The facility is located approximately 8 miles west of the city of Cloquet, near the intersection of county roads 847 and 851, on privately-owned fee land within the exterior boundaries of the Fond du Lac Band of Lake Superior Chippewa's Reservation in St. Louis County, Minnesota (the Fond du Lac Band). The facility property occupies an area of approximately 20 acres and is owned by GLGT.

The primary function of CS #5 is to provide motive force for natural gas flowing through the pipeline. The facility operates three stationary natural gas-fired turbines, which in turn drive three natural gas compressors. In addition, one natural gas-fired emergency electrical generator provides electrical power for compressor station operations during periods of electrical power disruption. The generator does not participate in peak loading operations. Four buildings at the facility house these emission sources, three compressor buildings, and one warehouse building.

(B) Source Emission Points

Emission Unit (EU) ID	Description	Control Equipment
<p>EU 001 (GLGT Emission Unit No. 501)</p>	<p>Stationary natural gas-fired turbine Maximum Heat Input Rating: 251.1 MMBtu/hr Horsepower (hp) Rating: 33,700 hp Manufacturer/Model: General Electric LM 2500 Date of Construction / Last Modified: 1989 Stack: SV 001</p>	<p>None</p>
<p>EU 002 (GLGT Emission Unit No. 502)</p>	<p>Stationary natural gas-fired turbine Maximum Heat Input Rating: 166.4 MMBtu/hr Horsepower Rating: 16,000 hp Manufacturer/Model: Rolls Royce Avon 76G Date of Construction / Last Modified: 1969 Stack: SV 002</p>	<p>None</p>
<p>EU 003 (GLGT Emission Unit No. 503)</p>	<p>Stationary natural gas-fired turbine Maximum Heat Input Rating: 184.0 MMBtu/hr Horsepower Rating: 23,000 hp Manufacturer/Model: General Electric LM 1600 Date of Construction / Last Modified: 1992 Stack: SV 003</p>	<p>None</p>
<p>EU 004 (GLGT Emission Unit No. 504)</p>	<p>Stationary natural gas-fired emergency electrical generator Maximum Heat Input Rating: 4.8 MMBtu/hr Horsepower Rating: 600 hp Four-stroke, lean-burn engine Manufacturer/Model: Caterpillar SR-4 Date of Construction / Last Modified: 1993 Stack: SV 004</p>	<p>None</p>

Section II: Unit-Specific 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 (NO_x) New Source Performance Standards (NSPS) Limitations.

(a) EU 001

- (i) Total NO_x emissions from EU 001 shall not exceed 191 ppm by volume at 15 percent oxygen and on a dry basis. [40 C.F.R. § 60.332(a)(2) and Condition 2.0(A)(1)(i) of PSD-FDL-R50001-04-01]

(b) EU 003

- (i) NO_x emissions from EU 003 shall not exceed 160 ppm by volume at 15 percent oxygen and on a dry basis. [Condition 2.0(A)(3)(i) of PSD-FDL-R50001-04-01].

Compliance with Section II(A)(1)(b)(i) will also assure compliance with 40 C.F.R. § 60.332(a)(2), which requires that total NO_x emissions from EU 003 shall not exceed 196 ppm by volume at 15 percent oxygen and on a dry basis.

- (ii) Total NO_x emissions from EU 003 shall not exceed 68 pounds per hour at any time during operation. [Condition 2.0(A)(3)(ii) of PSD-FDL-R50001-04-01]

(2) Sulfur Dioxide NSPS Limitations.

(a) EU 001 and EU 003

- (i) EU 001 and EU 003 shall not burn any fuel which contains sulfur in excess of 0.8 percent by weight. [40 C.F.R. § 60.333(b) and Condition 2.0(A)(2) of PSD-FDL-R50001-04-01]

(3) Operational Limitations.

(a) EU 004

- (i) Total operating hours of EU 004 shall not exceed 3,000 hours per 12-consecutive month period. [Condition 2.0(A)(3)(iii) of PSD-FDL-R50001-04-01]

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

- (1) The Permittee shall install and continuously operate a device to measure and record the fuel consumption in EU 001 and EU 003. [Condition 2.0(B)(1) of PSD-FDL-R50001-04-01]
- (2) The Permittee must demonstrate that the gaseous fuel meets the definition of natural gas in § 60.331(u). The Permittee shall make this determination 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, or through representative fuel sampling data which shows that the sulfur content of the gaseous fuel does not exceed 20.0 grains/100 scf. [40 C.F.R. § 60.334(h)(3)]

(C) Testing Requirements

- (1) The Permittee shall perform periodic performance testing for NO_x for EU 001 and EU 003 every five calendar years, on or about the anniversary date of the initial compliance tests. [Condition 2.0(B)(4)(ii) of PSD-FDL-R50001-04-01]
- (2) As required in this permit or upon an additional request by EPA, the Permittee shall conduct performance tests for NO_x for EU 001 and EU 003 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 II(C)(3) and (4) of this Permit. [40 C.F.R. § 60.335(a)]
- (3) The Permittee shall determine compliance with the applicable NO_x 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_{x o}) corrected to 15 percent O₂ shall be corrected to ISO standard conditions using the following equation. . .

$$NO_x = (NO_{x o})(P_r/P_o)^{0.5} e^{19(H_o - 0.00633)}(288^\circ K/T_a)^{1.53}$$

Where:

NO_x = emission concentration of NO_x at 15 percent O₂ and ISO standard ambient conditions, ppm by volume, dry basis,

NO_{x_o} = 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, millimeters of mercury (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.

- (4) The owner or operator shall conduct the performance tests required in 40 C.F.R. § 60.8, using either Condition II(C)(4)(a), (4)(b) or (4)(c) [40 C.F.R. § 60.335(a)]:
- (a) EPA Method 20,
 - (b) ASTM D6522-00 (40 C.F.R. § 60.17(86)), or
 - (c) 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.
 - (d) Sampling traverse points are to be selected following EPA Method 20 or EPA 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.
 - (e) Notwithstanding Section II(C)(4)(d) of this Permit, the Permittee may test at fewer points than are specified in EPA Method 1 or EPA 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 O₂, 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 O₂, 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.
 - (5) 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).
 - (6) The Permittee may use the following as an alternative to the methods and procedures of this section: instead of using the equation in permit Section II(C)(c), the manufacturer may develop ambient condition correction factors to adjust the nitrogen oxides emission level measured by the performance test as provided in 40 C.F.R. § 60.8 to ISO standard day conditions.
- (D) Recordkeeping and Reporting [40 C.F.R. § 71.6(a)(3)]**
- (1) The Permittee shall maintain the following records:
 - (a) Fuel usage and operating hours of EU 003 in accordance with the approved EU 003 Monitoring Plan [Condition 2.0(C)(1)(i) of PSD-FDL-R50001-04-01];
 - (b) Pounds per hour of NO_x and pollutant emission rates (ppm at 15% O₂ on a dry basis calculated from hours and fuel use and the most recent approved performance test [40 C.F.R. § 60.7];

- (c) The results of all performance tests performed in accordance with this permit [Condition 2.0(C)(1)(ii) of PSD-FDL-R50001-04-01];
 - (d) All training records required in accordance with this permit [Condition 2.0(C)(1)(iii) of PSD-FDL-R50001-04-01];
 - (e) Standard Operation and Maintenance Procedures for each emission unit [Condition 2.0(C)(1)(iv) of PSD-FDL-R50001-04-01];
 - (f) EPA-approved EU 003 NO_x Monitoring Plan for determining NO_x mass emissions from EU 003 [Condition 2.0(C)(1)(v) of PSD-FDL-R50001-04-01];
 - (g) A current version of the Permittee's Federal Energy Regulatory Commission Gas Tariff [Condition 2.0(C)(1)(vi) of PSD-FDL-R50001-04-01];
 - (h) By the last day of each month the Permittee will calculate and record the number of operating hours from EU 004 for the previous calendar month and the number of operating hours the previous 11 month period (12-month rolling sum). [Condition 2.0(A)(3)(iii) and Condition 2.0(C)(1)(vii) of PSD-FDL-R50001-04-01]
 - (i) Records of the occurrence and duration of any startup, shutdown, or malfunction (SSM) in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative. [40 C.F.R. § 60.7(b)]
- (2) The Permittee shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records. [40 C.F.R. § 60.7(f)]

- (3) The Permittee shall notify EPA:
- (a) 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. [40 C.F.R. § 60.7(a)(4)]
 - (b) In writing, of any change to Section 8 (Quality) of the Permittee's Federal Energy Regulatory Commission Gas Tariff. [Condition 2.0(D) of PSD-FDL-R50001-04-01]
 - (c) Of any performance testing at least 30 days prior to the planned test date. If after 30 days notice for a scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the Permittee shall notify EPA as soon as possible, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a reschedule date with the EPA by mutual agreement. [40 C.F.R. § 60.8(d)]
- (E) **EU 004 - 40 C.F.R. Part 63, Subpart ZZZZ (National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE))**

Emission and Operating Limitations

- (1) The Permittee shall change the oil and filter every 500 hours of operation or annually, whichever comes first. [40 C.F.R. § 63.6603(a), 40 C.F.R. Part 65, Subpart ZZZZ, Table 2d.5]
- (2) The Permittee shall inspect spark plugs every 1,000 hours of operation or annually, whichever comes first, and replace as necessary. [40 C.F.R. § 63.6603(a), 40 C.F.R. Part 63, Subpart ZZZZ, Table 2d.5]
- (3) The Permittee shall inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary. [40 C.F.R. § 63.6603(a), 40 C.F.R. Part 63, Subpart ZZZZ, Table 2d.5]

- (4) The Permittee shall minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in 40 C.F.R. Part 63, Subpart ZZZZ, Table 2d apply. [40 C.F.R. § 63.6603(a), 40 C.F.R. § 63.6625(h), 40 C.F.R. Part 63, Subpart ZZZZ, Table 2d]
- (5) The Permittee shall operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop its own maintenance plan which must provide, to the extent practicable, for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. [40 C.F.R. § 63.6625(e)]
- (6) The Permittee must demonstrate continuous compliance with the applicable work or management practices of 40 C.F.R. Part 63, Subpart ZZZZ, Table 2d by operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions; or develop and follow its own maintenance plan which must provide, to the extent practicable, for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. [63.6640(a), 40 C.F.R. Part 63, Subpart ZZZZ, Table 6.9]
- (7) The Permittee shall install a non-resettable hour meter if one is not already installed. [40 C.F.R. § 63.6625(f)]
- (8) The Permittee may utilize an oil analysis program in order to extend the specified oil change requirement. The oil analysis must be performed at the same frequency specified for changing the oil. The analysis program must at a minimum analyze the following three parameters: Total Acid Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Acid Number increases by more than 3.0 milligrams of potassium hydroxide (KOH) per gram from Total Acid Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the Permittee is not required to change the oil. If any of the limits are exceeded, the Permittee must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the Permittee must change the oil within 2 business days or before commencing operation, whichever is later. The Permittee must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine. [40 C.F.R. § 63.6625(j)]

- (9) The Permittee shall operate emergency stationary RICE according to the requirements listed in this section. In order for the engine to be considered an emergency stationary RICE under 40 C.F.R. Part 63, Subpart ZZZZ, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as listed in this section, is prohibited. Emergency engines that do not operate according to the requirements in this section will not be considered an emergency engine under 40 C.F.R. Part 63, Subpart ZZZZ and must meet all requirements for non-emergency engines. [40 C.F.R. § 63.6640(f)]
- (a) There is no time limit on the use of emergency stationary RICE in emergency situations. [40 C.F.R. § 63.6640(f)(1)]
- (b) The Permittee may operate the emergency stationary RICE for any combination of purposes, specified below, for a maximum of 100 hours per calendar year. Any operation of non-emergency situations as allowed by 40 C.F.R. § 63.6640(f)(4) counts as part of the 100 hours allowed per calendar year. [40 C.F.R. § 63.6640(f)(2)]
- (i) Emergency stationary RICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state, or local government, the manufacturer, the vendor, the regional transmission organization, or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The Permittee may petition EPA for approval for additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the Permittee maintains records indicating that federal, state, or local standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year. [40 C.F.R. § 63.6640 (f)(2)(i)]
- (c) The Permittee may operate the emergency stationary RICE for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing provided in 40 C.F.R. § 63.6640(f)(2)(i). The 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity, except as provided in 40 C.F.R. § 63.6640(f)(4)(ii). The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met [40 C.F.R. § 63.6640(f)(4)]:

- (i) The engine is dispatched by the local balancing authority or local transmission and distribution system operator.
 - (ii) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.
 - (iii) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.
 - (iv) The power is provided only to the facility itself or to support the local transmission and distribution system.
 - (v) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.
- (10) The Permittee must be in compliance with the emission limitations, operating limitations, and other requirements for EU 004 in 40 C.F.R. Part 63, Subpart ZZZZ that apply to the Permittee at all times. [40 C.F.R. § 63.6605(a)]
- (11) The Permittee must operate and maintain EU 004, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution practices for minimizing emissions. The general duty to minimize emissions does not require the Permittee to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. [40 C.F.R. § 63.6605(b)]

Notifications, Reports, and Records

- (12) The Permittee shall keep records of the maintenance conducted on the stationary RICE in order to demonstrate that the Permittee has operated and maintained in the stationary RICE and after-treatment control device (if any) according to the Permittee's maintenance plan. [40 C.F.R. § 63.6655(e)]

- (13) The Permittee must report each instance in which they did not meet each emission limitation or operating limitation in Table 2d of 40 C.F.R. Part 63, Subpart ZZZZ that applies to them. These instances are deviations from the emission and operating limitations in 40 C.F.R. Part 63, Subpart ZZZZ. These deviations must be reported according to the requirements in 40 C.F.R. § 63.6650. [40 C.F.R. § 63.6640(b)]
- (14) The Permittee shall keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The Permittee must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engine is used for the purposes specified in 40 C.F.R. § 63.6640(f)(4)(ii), the Permittee must keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for these purposes. [40 C.F.R. § 63.6655(f)]
- (15) If EU 004 is operated for the purpose specified in 40 C.F.R. § 63.6640(f)(4)(ii), the Permittee must submit an annual report according to the following requirements [40 C.F.R. § 63.6650(a),(h), 40 C.F.R. Part 63, Subpart ZZZZ, Table 7.4]:
 - (a) The report must contain the following information [40 C.F.R. § 63.6650(h)(1)]:
 - (i) Company name and address where the engine is located. [40 C.F.R. § 63.6650(h)(1)(i)]
 - (ii) Date of the report and beginning and ending dates of the reporting period. [40 C.F.R. § 63.6650(h)(1)(ii)]
 - (iii) Engine site rating and model year. [40 C.F.R. § 63.6650(h)(1)(iii)]
 - (iv) Latitude and longitude of the engine in decimal degrees reported to the fifth decimal place. [40 C.F.R. § 63.6650(h)(1)(iv)]
 - (v) Hours spent for operation for the purpose specified in § 63.6640(f)(4)(ii), including the date, start time, and end time for engine operation for the purposes specified in § 63.6640(f)(4)(ii). The report must also identify the entity that dispatched the engine and the situation that necessitated the dispatch of the engine. [40 C.F.R. § 63.6650(h)(1)(vii)]
 - (b) Annual reports for each calendar year must be submitted no later than March 31 of the following calendar year. [40 C.F.R. § 63.6650(h)(2)]

- (c) The annual report must be submitted electronically using the 40 C.F.R. Part 63, Subpart ZZZZ specific reporting form in the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) (www.epa.gov/cdx). However, if the reporting form specific to 40 C.F.R. Part 63, Subpart ZZZZ is not available in CEDRI at the time that the report is due, the written report must be submitted to the Administrator at the appropriate address listed in 40 C.F.R. § 63.13. [40 C.F.R. § 63.6650(h)(3)]
- (16) The Permittee must report each instance in which they did not meet the applicable requirements in Table 8 to 40 C.F.R. Part 63, Subpart ZZZZ. [40 C.F.R. § 63.6640(e)]
- (17) The Permittee must comply with the applicable General Provisions in 40 C.F.R. §§ 63.1 through 63.15, as shown in Table 8 of Subpart 40 C.F.R. Part 63. [40 C.F.R. § 63.6665]
- (18) The records must be in a form suitable and readily available for expeditious review according to § 63.10(b)(1). [40 C.F.R. § 63.6660(a)]
- (19) As specified in 40 C.F.R. § 63.10(b)(1), the Permittee must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. [40 C.F.R. § 63.6660(b)]
- (20) The Permittee must keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to 40 C.F.R. § 63.10(b)(1). [40 C.F.R. § 63.6660(c)]

Section III: Facility-Wide Requirements

(A) Good Air Pollution Control Practice

- (1) At all times, including SSM, 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. The determination of whether the Permittee is using acceptable operating and maintenance practices will be made by EPA based upon all information which is available to EPA. This may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspections of the facility. In addition, the Permittee shall comply with paragraphs (a) and (b), below. [40 C.F.R. § 60.11(d) and Condition 2.0(A)(4) of PSD-FDL-R50001-04-01]
 - (a) 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.
 - (b) 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.
- (2) No owner or operator subject to the provisions of 40 C.F.R. Part 60 shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere. [40 C.F.R. § 60.12]

(B) Protection of Stratospheric Ozone [40 C.F.R. Part 82]

The Permittee shall comply with all applicable standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for motor vehicle air conditioners at 40 C.F.R. Part 82, Subpart B.

(C) General Recordkeeping Requirements [40 C.F.R. § 71.6(a)(3)(ii)]

- (1) Records required by this permit shall contain the following information, where applicable [40 C.F.R. § 71.6(a)(3)(ii)(A)]:
 - (a) The date, place as defined in this permit, and time of sampling or measurements;
 - (b) The date(s) analyses were performed;
 - (c) The company or entity that performed the analyses;
 - (d) The analytical techniques or methods used;
 - (e) The results of such analyses; and
 - (f) The operating conditions existing at the time of sampling or measurement.
- (2) The Permittee shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. [40 C.F.R. § 71.6(a)(3)(ii)(B)]

(D) General Reporting Requirements [40 C.F.R. § 71.6(a)(3)(iii)]

- (1) The Permittee shall submit to EPA and the Fond du Lac Band semi-annual reports of all required monitoring for 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 Section IV(H)(1) of this permit. [40 C.F.R. § 71.6(a)(3)(iii)(A)].
 - (a) A monitoring report under this section shall include the following:
 - (i) The company name and address;
 - (ii) The beginning and ending dates of the reporting period;
 - (iii) The emissions unit or activity being monitored;

- (iv) The emissions limitation or standard, including operational requirements and limitations (such as parameter ranges), specified in the permit for which compliance is being monitored;
 - (v) All instances of deviations from permit requirements whether demonstrated by reference test method, monitoring, or through any other credible evidence, including those attributable to upset conditions as defined in this permit, the date on which each deviation occurred, and either the total duration of deviations indicated by such monitoring or the actual records of deviations;
 - (vi) The total time when monitoring required by this permit was not performed during the reporting period;
 - (vii) All other monitoring results, data, or analyses required to be reported by the applicable requirement; and
 - (viii) The name, title, and signature of the responsible official who is certifying to the truth, accuracy, and completeness of the report.
- (b) Any report required by an applicable requirement that provides the same information described in Section III(D)(1)(a)(i) through (a)(viii), above, shall satisfy the requirement under Section III(D)(1).
- (2) The Permittee shall promptly report to the EPA and the Fond du Lac Band deviations from permit requirements, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. [40 C.F.R. § 71.6(a)(3)(iii)(B)].
- (a) Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. [40 C.F.R. § 71.6(a)(3)(iii)(B)]
 - (b) Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations shall be submitted to EPA based on the following schedule [40 C.F.R. § 71.6(a)(3)(iii)(B)]:
 - (i) For emissions of a HAP 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. [40 C.F.R. § 71.6(a)(3)(iii)(B)(1)]

- (ii) For emissions of any regulated air pollutant, excluding those listed 40 C.F.R. § 71.6(a)(3)(iii)(B)(1), that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours. [40 C.F.R. § 71.6(a)(3)(iii)(B)(2)]
 - (iii) For all other deviations from permit requirements, the report shall be contained in the report submitted in the semiannual monitoring report. [40 C.F.R. § 71.6(a)(3)(iii)(B)(3)]
 - (iv) This permit may contain more stringent deviation reporting requirements. [40 C.F.R. § 71.6(a)(3)(iii)(B)(4)]
 - (c) The Permittee shall notify EPA and the Fond du Lac Band by telephone or facsimile based on the deviation reporting timeframe. A written notice, certified consistent with 40 C.F.R. § 71.5(d), must be submitted within 10 working days of the occurrence. All reported deviations must also be identified in the semiannual monitoring report. [40 C.F.R. § 71.6(a)(3)(iii)]
- (3) “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 recordkeeping established in accordance with 40 C.F.R. § 71.6(a)(3)(i) and (ii). For a situation lasting more than 24 hours which constitutes a deviation, 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 where 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;
 - (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 this permit; or
 - (d) A situation in which an exceedance or an excursion, as defined in 40 C.F.R. Part 64, occurs.
- (4) The Permittee shall submit reports of deviations with the semiannual monitoring report required in Section III(D)(1). [40 C.F.R. § 71.6(a)(3)(iii)(A)]

(E) Performance Testing [40 C.F.R. §§ 60.8 and 71.6(a)(3)(i)]

- (1) Within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup, or at such other times as specified by 40 C.F.R. § 60.8, and at such other times as may be required by EPA under section 114 of the Clean Air Act (CAA), the owner or operator of such facility shall conduct performance test(s) and furnish EPA a written report of the results of such performance test(s).
- (2) Performance tests shall be conducted under such conditions as EPA shall specify to the Permittee based on representative performance of the affected facility. The Permittee shall make available to EPA such records as may be necessary to determine the conditions of the performance tests. Operations during periods of SSM shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of SSM be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.
- (3) The Permittee shall provide performance testing facilities that include the following:
 - (a) Sampling ports adequate for the applicable test methods;
 - (b) Safe sampling platform(s);
 - (c) Safe access to sampling platform(s); and
 - (d) Utilities for sampling and testing equipment.

Section IV: 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 the permit otherwise defines the terms, or references other regulations or statutes.

(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 fee each year, as outlined below, on or before November 15th of each year. [40 C.F.R. § 71.9(h)(1)]

The Permittee shall submit the annual report to:

U.S. EPA Region 5
Air and Radiation Division
Air Programs Branch (AR-18J)
Air Permits Section
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. [40 C.F.R. § 71.9(k)(1)]
- (4) The Permittee shall send fee payment and a completed fee filing form to [40 C.F.R. § 71.9(k)(2)]:

Address for Regular Mail through U.S. Postal Service

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

Address for Express Delivery

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

- (5) The Permittee shall send to the address listed in Section IV(B)(2) of this permit 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. The Permittee may use the fee calculation worksheet that incorporates an annual emissions report, which is required at the same time as the fee calculation worksheet by Section IV(B)(2) of this permit and 40 C.F.R. § 71.9(h).
- (6) Basis for calculating annual fee [40 C.F.R. § 71.9(c)]:
- (a) 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.
- (i) “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)]
- (ii) 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)]
- (iii) The term “regulated air pollutant (for fee calculation)” is defined in 40 C.F.R. § 71.2.
- (iv) Prior to the start of each calendar year, the EPA will revise for inflation and make available the presumptive fee amount.
- (b) The Permittee shall exclude the following emissions from the calculation of fees:

- (i) 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)];
 - (ii) 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
 - (iii) The quantity of actual emissions (for fee calculation) of insignificant activities as defined in 40 C.F.R. § 71.5(c)(11)(i) or of insignificant emission 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) The Permittee must certify the fee calculation worksheet as to truth, accuracy, and completeness by a responsible official.
 - (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 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 EPA of underpayment of fees, the Permittee shall remit full payment with 30 days of receipt of notification. [40 C.F.R. § 71.9(j)(1) and (2)]
 - (11) If the Permittee believes that the EPA-assessed fee is in error and wishes to challenge such fee, the Permittee shall provide a written explanation of the alleged error to 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)]:
 - (a) Enforcement action;

- (b) Permit termination, revocation and reissuance, or modification; or
 - (c) Denial of a permit renewal application.
- (2) Need to halt or reduce activity is not a defense. 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)]

The Permittee shall submit annually to EPA a certification of compliance with all permit terms and conditions, including emission limitations, standards or work practices, 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 EPA and shall be postmarked by the 30th day following the end of the reporting period. The compliance certification shall be certified as to the truth, accuracy, and completeness by a responsible official in accordance with Section IV:(H)(1) of this permit. The certification shall include the following [40 C.F.R. § 71.6(c)(5)]:

- (1) Identification of each permit term or condition that is the basis of the certification;
- (2) 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 making a false certification or omitting material information;
- (3) The source's compliance status with each term and condition of the permit, including whether monitoring data is continuous and whether the 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
- (4) 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. §§ 71.5(c)(8)(iii) and 71.6(c)(3)]

- (1) For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements.

- (2) For applicable requirements that will become effective during the permit term, the source shall comply as required by the terms of the applicable requirement.

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

- (1) The Permittee shall furnish to 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 it omitted from its application any relevant facts or submitted incorrect information 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 a 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, 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.
- (2) Except as otherwise specified in this permit, the Permittee shall submit all documents required to be submitted by this permit to:

U.S. EPA Region 5
Air and Radiation Division
Air Enforcement and Compliance Assurance Branch (AE-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604

- (3) 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:

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

(I) Severability [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 these 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)]

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 three or more years.
- (2) 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) 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:

- (1) Enter upon the Permittee's premises where a 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) 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.

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

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

- (1) The change is not addressed or prohibited by this permit;
- (2) The change must comply with all applicable requirements and may not violate any existing permit term or condition;

- (3) The change cannot be subject to any requirement of 40 C.F.R. Parts 72 through 78 or modifications under any provision of Title I of the CAA;
 - (4) The Permittee must provide contemporaneous written notice to EPA of the change, except if the change qualifies as insignificant activity under 40 C.F.R. § 71.5(c)(11). The written notice must describe the change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change;
 - (5) The permit shield does not apply to any change made under this provision; and
 - (6) The Permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.
- (R) 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) This permit shall expire upon the earlier occurrence of the following events:
 - (a) Five years elapses from the date of issuance; or
 - (b) The source is issued a Part 70 permit.
 - (2) Expiration of this permit terminates the Permittee's right to operate unless the Permittee has submitted a timely and complete permit renewal application at least 6 calendar months, but not more than 18 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)(2), but EPA 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 C.F.R. § 71.6(f) may be extended beyond the original permit term until renewal.
 - (4) If the Permittee has submitted a timely and complete application for renewal, the Permittee's failure to have a Part 71 permit is not a violation of Part 71 until the 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 the EPA.

- (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.

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

The Permittee may make changes within a permitted facility without a permit revision, provided the following conditions are met [40 C.F.R. § 71.6(a)(13)]:

- (1) The changes are not modifications under any provision of Title I of the CAA;
- (2) The changes do not result in emissions that 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.

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

- (1) Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:
 - (a) Such applicable requirements are included and are specifically identified in the permit; or
 - (b) EPA, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary of the determination.
- (2) Nothing in the permit shield or in this permit shall alter or affect the following:
 - (a) The provisions of Section 303 of the CAA (emergency orders), including the authority of the Administrator under that section.

- (b) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
- (c) The applicable requirements of the acid rain program, consistent with section 408(a) of the Act; or
- (d) The ability of EPA to obtain information under Section 114 of the CAA.

(U) Credible Evidence [62 Fed. Reg. 8,314 (Feb. 24, 1997)]

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