

1. Applicable Requirements – Part III of the permit identifies that the source is subject to NSPS, NESHAP, and PSD requirements; however, those requirements have either not been included in the permit or have not been specifically identified.¹ As required by District Rule 1203(D)(1)(b) and 40 CFR 70.6(a)(1), the permit must be revised to specifically include all emissions limitations and standards which assure compliance with the applicable requirements (as that term is defined in District Rule 1201(G) and 40 CFR 70.2). In the case of overlapping conditions (e.g. multiple NO_x limits), the permit may be streamlined, with the applicant's consent, if the statement of basis includes a justification that demonstrates the streamlined requirements will still assure compliance.
2. Origin and Authority – As required by District Rule 1203(D)(1)(b) and 40 CFR 70.6(a)(1)(i), the title V permit must contain the origin and authority for each applicable requirement. Part III of the permit identifies all conditions as resulting from Rule 204. District Rule 204 gives the District the authority to set permit conditions. While it is appropriate to generally include this in the title V permit, the District must also identify the origin of the permit conditions. Examples of the origin for permit conditions include existing District construction permit conditions, EPA issued permit conditions, NSPS or NESHAP requirements, or local District rule requirements. The title V permit must be revised to include the origin and authority of permit conditions.
3. For the combustion turbines, the permit identifies several conditions that apply to initial commissioning and startup. The title V permit needs only to include applicable requirements that apply at the time the permit is issued or that will become effective during the term of the permit. The inclusion of these requirements implies the equipment has not completed initial commissioning and startup and the permit must be revised accordingly.
4. If applicable, the title V permit is required by 40 CFR 70.6(a)(3)(i)(A) to include monitoring that meets the requirements of 40 CFR Part 64 – Compliance Assurance Monitoring (CAM). Currently the permit does not contain any references to Part 64 and the statement of basis does not provide an analysis demonstrating that CAM does not apply.² The statement of basis must be revised to include a CAM analysis, and for any emission limitations, including work practice standards, subject to CAM the permit must be revised to incorporate the requirements of CAM.
5. The statement of basis or permit do not discuss the applicability of 40 CFR 60 Subpart GG versus 40 CFR 60 Subpart KKKK. The statement of basis needs to identify the basis for determining which regulation is applicable to the combustion turbines at this facility (e.g. date construction commenced). In addition, the statement of basis needs to discuss the applicability of 40 CFR 63 Subpart YYYY, the NESHAP for combustion turbines (see 40 CFR 63.6095(d)).

¹ In contrast, the statement of basis identifies the source as not being subject to NSPS or NESHAP standards.

² See Comment 8 regarding a potentially erroneous reference to Part 64 in the Acid Rain Permit. The exemption of Acid Rain limits to CAM can be included in the CAM analysis in the statement of basis.

6. Neither the permit nor the statement of basis appears to identify a source specific District rule as applying to the combustion turbines. The statement of basis should identify the potential applicability of Rules 1158 – Electric Power Generating Facilities and 1159 – Stationary Gas Turbines. If applicable, the permit must also be revised to include the applicable requirements of these regulations.
7. The facility has three emergency engines listed in the permit. Each engine is subject to 40 CFR 63 Subpart ZZZZ and potentially subject to 40 CFR 60 Subpart IIII or 40 CFR 60 Subpart JJJJ. The permit must be revised to include the applicable requirements of these regulations. If Subpart IIII and JJJJ do not apply to these units, then the statement of basis must provide an analysis for this determination.
8. Acid Rain Permit -
 - a. As required by 40 CFR 72.50(1), the Acid Rain permit is required to contain the information required for an Acid Rain permit application under 40 CFR 72.31, including identifying which units at the facility are subject to the Acid Rain Program. Please revise the permit to identify the affected units under the Program.
 - b. There are a couple of references in the Acid Rain Permit that need to be updated for the current permit:
 - i. "...which is pending at the time of the initial Title V Permit Application submittal" page VI-45
 - ii. "...upon the date of issuance of the initial Title V permit" page VI-45
 - c. The Acid Rain Permit makes several references to NO_x emission limits and monitoring of NO_x emissions. However, because the affected units are not coal-fired units they are not subject to any NO_x emission limits under the Acid Rain Program. Please revise the permit to alleviate any potential confusion that this source is subject to NO_x emission limits under the Acid Rain Program.
 - d. Section 2 – SO₂ Allowances states: "The facility is subject to the Acid Rain Program requirements of (§64.2(b)(1)(iii), because of NO_x, and will be subject to emission limitations or standards for which the Part 70 permit will specify continuous compliance determination method (§64.2(b)(1)(vi)) for CO." This is a confusing statement and it is not clear what its purpose is under the SO₂ Allowances section. Please evaluate the intention of this statement and revise for clarity.

To aid in addressing EPA's comments the following information is provided. If the District has questions regarding this information or the comments above please contact Lisa Beckham at (415) 972-3811 or Beckham.Lisa@epa.gov.

1. EPA Region 3's Title V Permit Writer's Tips (including information on how to streamline requirements):
http://www.epa.gov/reg3artd/permitting/title_v_tips.htm
2. EPA's CAM Guidance Documents: <http://www.epa.gov/ttn/emc/cam.html>.
The 2004 PowerPoint slides provide an overview of the rule and the 1998 documents can be helpful in finding specific examples.
3. EPA's NESHAP webpage for RICE (Subpart ZZZZ):
<http://www.epa.gov/ttn/atw/rice/ricepg.html>. Under the heading Implementation Information (near the bottom of the page) there is an Excel document (3/18/2011) that summarizes the Subpart ZZZZ requirements.