



**NAVAJO NATION ENVIRONMENTAL PROTECTION
AGENCY**

**Navajo Nation Operating Permit Program
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P.O. Box 529, Fort Defiance, AZ 86504**



Detailed Information

Permitting Authority: NNEPA

County: Coconino

State: Arizona

AFS Plant ID: 04-005-N0423

Facility: Navajo Generating Station

Document Type: RESPONSES TO COMMENTS

RESPONSES TO COMMENTS

**on the Part 71 Permit Renewal to Operate
Navajo Generating Station**

Permit No. NN-ROP-05-06

On January 9, 2008, the Navajo Nation Environmental Protection Agency (NNEPA) had a notice published in the Navajo Times of Window Rock, Arizona, the Lake Powell Chronicle of Page, Arizona, and the Arizona Daily Sun of Flagstaff, Arizona stating that Navajo Generating Station, located 5 miles east of Page, Arizona, had applied for a Part 71 Operating Permit renewal to operate a coal-fired power plant. The notice also stated that NNEPA proposed to issue a permit for this operation and provided information on how the public could review the proposed permit and other documentation. Finally, the notice informed interested parties that they would have thirty (30) days to provide comments on whether or not the permit should be issued as proposed.

On February 8, 2008, Navajo Generating Station submitted comments on the proposed Part 71 Operating Permit. These comments are listed as Comments 1 through 20. On February 21, 2008, US EPA, Region 9 submitted comments on the proposed Part 71 Operating Permit. These comments are listed as Comments 21 through 27. This Response to Comment document provides responses to all of these comments. When permit language is included in the response, bolded language indicates additions to the permit and language with a line through it has been deleted from the permit.

Comments from the Permittee (Comments 1 through 20)

Comment 1:

For the Cover Letter: Section 5.4.3 of the VCA specifies which provisions of the Navajo Nation Operating Permit Regulations (NNOPR) are to be incorporated into the permit.

Therefore, the second sentence of the first paragraph of the transmittal letter after Action/Status should be revised so that the language is consistent with that VCA provision, as follows:

In accordance with the provisions of Title V of the Clean Air Act, 40 CFR Part 71, Navajo Nation Operating Permit Regulations §§ 404, 405 (c)-(e) and Subpart VI, and all other applicable rules and regulations, the Permittee, Navajo Generating Station, 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.

Similarly, the reference to the Navajo Nation Clean Air Act without any limitation in the second paragraph after Action/Status is inconsistent with the VCA and should be deleted from this Part 71 permit, which implements federal requirements.

Section 9.6 of the VCA provides as follows:

Citizen suits may be commenced or maintained in federal court as authorized under Section 304 of the Clean Air Act to enforce any permit issued pursuant to this Agreement. . . . The Navajo Nation EPA shall not incorporate into any permit offered to an Operating Agent under this Agreement either Section 306 of the Navajo Nation Clean Air Act, 4 N.N.C. § 1156, or any other provision allowing suits in tribal court by third parties against the Operating Agent.

To be consistent with the VCA, the second sentence of the second full paragraph after Action/Status should therefore be deleted.

Response to Comment 1:

NNEPA agrees that more specificity is desirable regarding the rules and agreements that establish NNEPA's authority to issue the permit. The language of the first paragraph on the cover page has been revised to clarify that this permit is being issued pursuant to the Title V Operating Permit rules, the delegation agreements with U.S. EPA, and certain portions of the Navajo Nation operating permit regulations, as follows:

...

~~This permit is being issued and administered by the Navajo Nation EPA ("NNEPA") pursuant to the Delegation Agreement between EPA Region IX and NNEPA, dated October 15, 2004.~~ In accordance with the provisions of Title V of the Clean Air Act; 40 CFR Part 71; Navajo Nation Operating Permit Regulations **§§ 404, 405(c)-(e), and subpart VI; 2004 Delegation Agreement § VI(1) and (7); 2006 Supplemental Delegation Agreement;** and all other applicable rules and regulations, the Permittee, Navajo Generating Station, 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.

...

NNEPA also is clarifying the enforcement language in the second paragraph of the cover page, as follows:

...

Terms and conditions not otherwise defined in this permit have the same meaning as assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable **under the Clean Air Act** by ~~NNEPA and by U.S. EPA~~, as well as by persons, as defined in the Clean Air Act, **and by NNEPA only as provided in the VCA**, ~~under either or both the Navajo Nation Clean Air Act and the Clean Air Act, as applicable~~. If all proposed control measures and/or equipment are not installed and/or properly operated and maintained, this will be considered a violation of the permit.

...

NNEPA is not deleting the second sentence in the second paragraph. VCA §9.6 prohibits NNEPA from providing for citizen suits or other actions in tribal court. Nothing in the second sentence provides for suits to be brought in tribal court.

In addition, a change has been made to the heading of Condition IV.S. so that it does not appear to imply that NNEPA is issuing this permit under the authority of the VCA instead of the authorities listed in the revised permit language quoted above. Although the VCA provides the conditions for NNEPA to issue permits for NGS, it does not provide NNEPA with the authority to do so:

IV.S. ~~Part 71 Permit Issuance~~ Additional Permit Conditions [Voluntary Compliance Agreement, Article 6]

Comment 2:

Condition I - Source Identification in the draft permit: Change the company contact name from "Robert Candelaria" to "Paul Ostapuk" and the corresponding phone number should be changed to "(928) 645-6577".

Response to Comment 2:

The requested change has been made to Condition I.

Comment 3:

Condition II.A - Acid Rain Requirements in the draft permit: The acid rain permit is being issued by the U.S. EPA since the Navajo Nation EPA has not sought primacy for

acid rain. As such, the following sentence should be added to Section II.A to indicate that this requirement is only federally enforceable:

The acid rain permit renewal and the acid rain permit application are subject to enforcement only by EPA. Violations of the acid rain permit will not be violations of this permit.

Response to Comment 3:

Although U.S. EPA is issuing the acid rain permit, the requirements of the acid rain permit are “applicable requirements” under Part 71, see 40 C.F.R. § 71.2, and so are enforceable through the Part 71 permit. Whether NNEPA has primacy for the acid rain program is irrelevant; for example, provisions of a FIP are applicable requirements enforceable through the Part 71 permit even though the FIP is promulgated by EPA and not by NNEPA.

In addition, Section VI of the 2004 Delegation Agreement, made applicable to NGS and Four Corners by the 2006 Supplemental Delegation Agreement, provides for NNEPA enforcement (up to the filing of a complaint or administrative order) for all “Part 71 sources,” as defined in 40 C.F.R. § 71.3(a), and this term includes affected sources under the acid rain program.

Thus, NNEPA is responsible for enforcement (as provided in the Delegation Agreement and the VCA) of the acid rain permit requirements, and the proposed language will not be added to the permit.

Comment 4:

Condition II.B.9 - Maintenance Scheduling in the draft permit: Change the reference from the "Western States Coordinating Council" to the "Western Electric Coordinating Council."

Response to Comment 4:

The requested change has been made to Condition II.B.9.

Comment 5:

Condition II.E.1 - Monitoring and Testing Requirements in the draft permit: The last sentence of this paragraph should be revised to account for EPA observations since this requirement is based on a federal rule, as follows:

... All observations of visible emissions by the permittee, US EPA, or NNEPA shall count toward the 12 month total...

Response to Comment 5:

The requested change has been made to Condition II.E.1.

Comment 6:

Condition III.D - Stratospheric Ozone and Climate Protection in the draft permit: The reference to "Climate Protection" should be removed from the title of this section since the cited regulation (i.e., 40 CFR §82) only applies to stratospheric ozone.

Response to Comment 6:

The title for Condition III.D has been revised to "Protection of Stratospheric Ozone".

Comment 7:

Condition IV.A - Fee Payment in the draft permit: This section should also include a reference to 40 CER § 71.9, which is an applicable federal requirement.

Response to Comment 7:

Condition IV.A has been revised as requested.

Comment 8:

Condition IV.A.2 - Fee Payment in the draft permit: The first sentence of this paragraph should be revised so that the submittal deadline is consistent with Condition IV.A.1.a, as follows:

The permittee shall submit a fee calculation worksheet form with the annual permit fee by ~~September~~ **April** 1 of each year.

Response to Comment 8:

The requested change has been made to Condition IV.A.2.

Comment 9:

Condition IV.A.4.a(1) - Fee Payment in the draft permit: This paragraph was prematurely cut off. Please add the missing language, as follows:

"Actual emissions" means the actual rate of emissions in tpy of any regulated pollutant (for fee calculation) emitted from a part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emission 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 CFR §71.6(a)(7) and §71.9(c)(6)].**"

Response to Comment 9:

Condition IV.A.4.a(1) has been revised as requested.

Comment 10:

Condition IV.A.4.a - Fee Payment of the draft permit: Please add the following paragraphs to this section since they are requirements that apply to NGS. SRP is proposing a date of March 1st as the date that NNEPA will make the fee amount available each year. This date still provides NGS one month to complete the fee calculation worksheet before fee payment is due.

- (2) *Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data [40 CFR § 71.6(a)(7) and § 71.9(e)(2)].*
- (3) *If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures [40 CFR § 71.6(a)(7) and § 71.9(e)(2)].*
- (4) *The term "regulated pollutant" (for fee calculation) is defined in NNOPR Subpart I § 102.50.*
- (5) *The permittee should note that the presumptive fee amount is revised each year to account for inflation, and it is available from NNEPA starting on March 1 of each year.*
- (6) *The total annual fee due shall be the greater of the applicable minimum fee and the sum of subtotal annual fees for all pollutants emitted from the source. [NNOPR Subpart VI § 602(B)(2)]*

Response to Comment 10:

NNEPA has reviewed the fee payment provisions in Condition IV.A of the permit. The 2004 Delegation Agreement, made applicable to NGS by the 2006 Supplemental Delegation Agreement, provides that NNEPA will collect permit fees "in a manner consistent with Subpart VI of the Navajo Operating Permit Regulations." 2004 Delegation Agreement § II(1). It provides further that EPA is waiving fees "in light of EPA's determination that the NNEPA has enacted laws and promulgated rules that, by their terms, adequately authorize NNEPA to collect fee revenue and that such fee revenue will be sufficient to administer the delegated Part 71 Program." Id. at § II(2).

The VCA § 5.4.3 similarly provides that "the Navajo Nation will incorporate into the Part 71 permit the following provisions identified in Section 5.4.1 (Existing USEPA Permit): . . . (b) provisions of Subpart VI of the Navajo Nation Operating Permit Rule regarding the

collection of annual permit fees.” VCA § 5.4.1(d) required NNEPA to modify the existing EPA permit “to incorporate the provisions of Subpart VI of the Navajo Nation Operating Permit Rule.”

NNEPA therefore is revising Condition IV.A.4 to incorporate the provisions of NNOPR Subpart VI, § 602(A) and (B). NNOPR § 602 uses several terms that either are not included in the federal regulations or are defined differently in the federal regulations: “actual emissions,” “fee pollutant,” and “regulated air pollutant.” These terms are defined in NNOPR Subpart I, § 102(5), (24), and (50). NNEPA interprets the provisions of the Delegation Agreement and VCA, which incorporate NNOPR Subpart VI, to include incorporation of these definitions by reference.

It also is necessary to incorporate the NNOPR definitions in order to prevent the fee calculation provision in the permit from being more stringent than the federal fee calculation. For example, the NNOPR provides for the 4,000 TPY emissions cap in its definition of “fee pollutant,” which is referenced in its definition of “actual emissions,” and not in the fee calculation provision itself. By using the NNOPR fee calculation provision in Subpart VI but not incorporating the NNOPR definitions of “fee pollutant” and “actual emissions” in Subpart I, there would be no cap on fee payments. Moreover, the NNOPR excludes insignificant emissions from the calculation of fees through the definitions of “fee pollutant” and “actual emissions” rather than in the fee calculation provision.

At the same time, the definition of “regulated air pollutant” under the NNOPR could be broader than the corresponding definition in the federal regulations, because it could incorporate Navajo NSPS or HAPs that are not included pursuant to federal regulations. Since this result would be contrary to the intent of the VCA, NNEPA is modifying the definition of “regulated air pollutant” for purposes of this permit only so that it is equivalent to the federal definition.

Therefore, Condition IV.A.4.a has been revised as follows:

IV.A. Fee Payment [NNOPR Subpart VI] [40 CFR § 71.6(a)(7) and §71.9]

1. ...

c. The permittee shall send **the** fee payment to:

...

4. Basis for calculating annual fee:

a. The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all ~~regulated~~ **fee** pollutants (~~for fee calculation~~) emitted from the source by the ~~presumptive~~ **applicable** emissions fee (in dollars/ton) in effect at the time of calculation. Emissions of any regulated air pollutant that already are

included in the fee calculation under a category of regulated pollutant, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM10, shall be counted only once in determining the source's actual emissions. [~~40 CFR § 71.6(a)(7) and § 71.9(e)(1)~~] [NNOPR Subpart VI §§ 602(A) and (B)(1)]

- (1)a. "Actual emissions" means the actual rate of emissions in tpy of any ~~regulated fee 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. **Actual emissions shall not include emissions of any one fee pollutant in excess of 4,000 TPY, or any emissions that come from insignificant activities** [~~40 CFR § 71.6(a)(7) and § 71.9(e)(6)~~] NNOPR Subpart I § 102(5)].
- b. **Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data** [40 CFR § 71.6(a)(7) and § 71.9(e)(2)].
- c. **If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures** [40 CFR § 71.6(a)(7) and § 71.9(e)(2)].
- d. **The term "fee pollutant" is defined in NNOPR Subpart I § 102(24).**
- e. **The term "regulated air pollutant" is defined in NNOPR Subpart I § 102(50), except that for purposes of this permit the term does not include any pollutant that is regulated solely pursuant to 4 N.N.C. § 1121 nor does it include any hazardous air pollutant designated by the Director pursuant to 4 N.N.C. § 1126(B).**
- f. **The permittee should note that the applicable fee is revised each year to account for inflation, and it is available from NNEPA starting on March 1 of each year.**
- g. **The total annual fee due shall be the greater of the applicable minimum fee and the sum of subtotal annual fees for all fee pollutants emitted from the source.** [NNOPR Subpart VI § 602(B)(2)]
- b. — The permittee shall exclude the following emissions from the calculation of fees: [~~40 CFR § 71.6(a)(7) and § 71.9(e)(5)~~]
- (1) — The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year;

- (2) ~~Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation; and~~
- (3) ~~The insignificant quantities of actual emissions not required to be listed or calculated in a permit application pursuant to 40 CFR § 71.5(e)(11).~~

Comment 11:

Condition IV.H.4.b - Administrative Permit Amendments in the draft permit: The reference to NNOPR § 301(D)(2) is not one of the sections authorized for inclusion under the VCA. Therefore, this requirement should be revised, as follows:

The new owners have submitted the application information required by NNOPR § ~~301(D)(2)~~ **405(C)**;

Response to Comment 11:

In order match the language in 40 CFR 71.7(d)(1)(iv), Condition IV.H.4.b has been removed from the permit and Condition IV.H.4 has been revised. The revisions to Condition IV.H.4 are indicated following the Response to Comment 27, in the list of additional changes that NNEPA has made to the permit (see item 4 on the list).

Comment 12:

Condition IV.K.3 - Significant Permit Modifications in the draft permit: Capitalize the first word of the paragraph.

Response to Comment 12:

"The" has been added to the first paragraph of Condition IV.K.3.

Comment 13:

Condition IV.R.1.c - Permit Expiration and Renewal in the draft permit: There is a spelling error in this paragraph - "reatment" should be "treatment."

Response to Comment 13:

The requested correction has been made to Condition IV.R.1.c.

Comment 14:

Section 1.b - Contact Information in the draft Statement of Basis (SoB): Change the facility contact name from "Robert Candelaria" to "Paul Ostapuk" and the corresponding phone number should be changed to "(928) 645-6577."

Response to Comment 14:

The requested changes have been made to Section 1.b of the SoB.

Comment 15:

Section 1.d - History in the draft SoB: Use of "Electro Static Precipitators" in the second paragraph should be corrected to read "Electrostatic Precipitators."

Response to Comment 15:

The requested change has been made to Section 1.d of the SoB.

Comment 16:

Section 1.1 - Potential to Emit after Issuance in the draft SoB: Change the NOx emissions value for the auxiliary boilers provided in the table from "441" to "442."

Response to Comment 16:

The requested change has been made to Section 1.1 of the SoB.

Comment 17:

Section 4(b)(3) - Federal Rule Applicability in the draft SoB: This paragraph and its associated table should be revised to remove all references to emission limits for calendar years 2000 through 2007 now that the permit will be issued in 2008.

Response to Comment 17:

The requested changes have been made to Section 4(b)(3) of the SoB and the associated table.

Comment 18:

Section 4(c) - Federal Rule Applicability in the draft SoB: On February 8, 2008, the U.S. Court of Appeals for the District of Columbia Circuit issued a decision that vacates the Clean Air Mercury Rule. As such, this entire section of the document should be removed.

Response to Comment 18:

The discussion in Section 4(c) of the SoB has been revised to reflect that the CAMR has been vacated.

Comment 19:

Section 4(r) - Federal Rule Applicability in the draft SoB: For the reason stated above, the reference to the Clean Air Mercury Rule should be removed from the table entitled: "Summary of Applicable Federal Requirements".

Response to Comment 19:

The requested change was made to Section 4(r) of the SoB.

Comment 20:

Section 9.a - Public Participation in the draft SoB: Revise the first paragraph of this section to remove references to Subpart IV of the Navajo Nation Operating Permit Regulations, as these regulations are not applicable per the Voluntary Compliance Agreement.

Response to Comment 20:

The references to NNOPR Subpart IV in Section 9.a of the draft SoB were deleted because they were references to the public comment provisions of the NNOPR, which are not applicable under the VCA.

Comments from U.S. EPA (Comments 21 through 27)

Comment 21:

Since the acid rain permit renewal that U.S. EPA will issue contains the facility's acid rain renewal application, Attachment B is not necessary. U.S. EPA recommends that NNEPA delete Attachment B from the permit. For the same reason, Condition II.A. should be revised to remove this language: "and the acid rain permit application (see Attachment B)."

Response to Comment 21:

Attachment B has been removed from the permit and Condition II.B has been revised as requested.

Comment 22:

Condition III.C.3. requires the permittee to report certain types of deviations to NNEPA by telephone, facsimile, or electronic mail. NNEPA should revise this condition to require that these deviations be reported to both NNEPA and U.S. EPA. The e-mail address for reporting to EPA is r9.aeo@epa.gov.

Response to Comment 22:

The requested changes have been made to Condition III.C.3.

Comment 23:

Since the facility is not voluntarily accepting any limits on its potential to emit (PTE) in this permit, its PTE will be the same before and after permit issuance. For greater clarity, we recommend that NNEPA delete the phrase "after issuance" in the heading "Potential to Emit after Issuance" in section 1.1 of the SoB.

Response to Comment 23:

Section 1.1 of the SoB has been revised as requested.

Comment 24:

Section(c) on page 12 of the SoB states that "fugitive emissions from this source are counted toward determinations associated with PSD review." Since the facility is currently a major source under the Prevention of Significant Deterioration program due to its PTE of criteria pollutants, and the facility is not making a physical change or a change in its method of operation, there is no need to address how fugitive emissions are evaluated for PSD applicability purposes. For greater clarity, U.S. EPA recommends deleting section (c).

Response to Comment 24:

Section 1.1(c) has been removed from the SoB as a result of this comment.

Comment 25:

The last two sentences of Section 3 of the SoB are misleading because they give the impression that NNEPA is currently making a PSD applicability determination for modifications the facility made in the past. In addition, PSD is triggered at an existing major source by a "significant" emission increase, as that term is defined in 40 C.F.R. 52.21, not by having a "potential to emit greater than the significant modification thresholds." For these reasons, and since the facility is not currently making a physical change or a change in its method of operation, the SoB language should be revised. U.S. EPA suggests the following changes:

The modifications that commenced in 1997 did not result in an emission increase above have potential to emit greater than the significant modification thresholds in 40 CFR 52.21. Therefore, the modifications that commenced in 1997 were not subject to the requirements of did not trigger PSD.

Response to Comment 25:

NNEPA has discussed this comment with U.S. EPA, which after further consideration, indicated that they recommended simply deleting the two sentences from the statement of basis. NNEPA agrees and has made this change.

Comment 26:

The description of Compliance Assurance Monitoring (CAM) applicability for PM/PM10 emissions from the limestone handling operations controlled by baghouses in section (n) on page 17 of the SoB should be revised. First, CAM applicability is based on an emission unit's pre-control PTE, not the PTE. The discussion should state that the pre-control PTE of baghouse DC-11 is less than the major source threshold, and that therefore DC-11 is not subject to CAM. The discussion should also state that the other two baghouses, DC-9 and DC-10, are used to control PM/PM10 emissions from truck dumping, an activity that is not subject to any emission limit from New Source Performance Standard (NSPS) Subpart OOO or any other applicable requirement, and therefore they are not subject to CAM.

Response to Comment 26:

NNEPA has made the proposed changes to Section 4(n) of the SoB. In addition, the discussion about the CAM exemptions for SO₂ and NO_x emissions from the existing boilers U1 through U3 has been revised.

Comment 27:

U.S. EPA stated that NSPS Subpart OOO should be listed in the table of applicable requirements on page 18 of the SoB.

Response to Comment 27:

The requested change has been made to the SoB.

Upon further review, NNEPA has decided to make the following additional changes to the permit:

1. For clarification purposes, Condition II.F.1.b has been revised. In addition, the provisions of II.F.1.c are not contained in any applicable federal requirements and so this paragraph has been deleted from the permit. Condition II.F.1 now reads as follows:

II.F. Operational Flexibility

1. **Clean Air Act Section 502(b)(10) Changes** [40 CFR § 71.6(a)(13)(i)] [NNOPR § 404(A)]

...

- b. For each proposed § 502(b)(10) change, the permittee shall provide written notification to the Director and the Administrator at least 7 days in advance of the proposed change. Such notice shall state when the change will occur and shall describe the change, any resulting emissions change, and the inapplicability of any permit term or condition **any permit terms or conditions made inapplicable as a result of the change**. The permittee shall attach each notice to its copy of this permit.
- e. ~~If the proposed change and the notice is sufficient, the permittee is not required to comply with the permit terms and conditions it has identified that restrict the change. If the change is determined not to qualify and/or the notice is not sufficient, the original terms of the permit remain fully enforceable.~~
- dc. Any permit shield provided in this permit shall not apply to any change made under this provision.

- 2. The following changes have been made to Condition III.A - Testing Requirements, to provide consistency with the changes made to the Part 71 Renewal Permit for Four Corners Steam Electric Station (Permit # NN-ROP-05-07):

III.A. Testing Requirements [40 CFR § 71.6(a)(3)]

...

- 3. Only regular operating staff may adjust the processes or emission control device parameters **within two (2) hours before or during a compliance source test. All adjustments must be logged and a copy of the log submitted with the test report.** No adjustments are to be made within two (2) hours **before** of the start of the tests ~~or. Any operating adjustments made during a source test, if those adjustments that~~ are a result of consultation **before or during the tests with source testing personnel, equipment vendors, or consultants. Such adjustments** may render the source test invalid.
- 4. During each test run and for two (2) hours prior to the test and two (2) hours after the completion of the test, the permittee shall record the following information:
 - a. ~~Fuel characteristics and/or amount of product processed (if applicable).~~
 - ba. Visible emissions.
 - eb. All parametric data which is required to be monitored in Section II for the emission unit being tested.

- d. ~~Other source-specific data identified in Section II such as minimum test length (e.g., one hour, 8 hours, 24 hours, etc.); minimum sample volume; other operating conditions to be monitored, correction of O₂, etc.~~

...

3. Condition IV.C.1 (Compliance Certifications) states that compliance certifications should be submitted "consistent with Section IV.E of this permit." Since Condition IV.E. merely provides contact information for submittals, this reference has been replaced by the reporting requirements in III.C.4. Therefore, Condition IV.C.1 has been revised as follows:

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

1. The permittee shall submit to NNEPA and US EPA Region 9 a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, postmarked by January 30 of each year and covering the previous calendar year. The compliance certification shall be certified as to truth, accuracy, and completeness by the permit-designated responsible official consistent with Section ~~IV.E.~~**III.C.4** of this permit [40 CFR § 71.6(c)(5)].

...

4. Condition IV.H.4 has been revised as follows to match the language in 40 CFR 71.7(d)(1)(iv):

IV.H Administrative Permit Amendments [40 CFR § 71.7(d)] [NNOPR § 405(C)]

...

4. Allows for a change in ownership or operational control of a source where the NNEPA determines that no other change in the permit is necessary, provided that:
 - a. ~~A~~ **a** written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the NNEPA;
 - b. ~~The new owners have submitted the application information required in NNOPR § 301(D)(2);~~
 - e. ~~No grounds exist for permit reopening, revocation and reissuance, or termination pursuant to NNOPR § 406; and~~

- d. ~~The permittee has published a public notice of the change in ownership of the source in a newspaper of general circulation in the area where the source is located.~~

...

- 5. NNEPA has revised the language in Condition IV.T.2 as follows to reflect the precise provisions of 40 CFR 71.12:

IV.T. Part 71 Permit Enforcement [Voluntary Compliance Agreement, Section 5.4.5; 40 CFR § 71.12]

...

- 2. ~~U.S. EPA retains authority under Clean Air Act 113 for all enforcement-related activities, without limitation~~ **Violations of any applicable requirement; any permit term or condition; any fee or filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any regulation or order issued by the permitting authority pursuant to this part are violations of the Act and are subject to full Federal enforcement authorities available under the Act.**