



DEPARTMENT OF AIR QUALITY & ENVIRONMENTAL MANAGEMENT

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FINAL ACTION REPORT
Nevada Power Company – Clark Station Source 7 Title V Permit
Renewal and Revision

Public Notice Review-Journal July 20, 2009.
Public Comment: July 20, 2009 to August 18, 2009
Comments Received:
 Nevada Power Company (NPC)
Public Hearings: None

Issuance date: November 3, 2009
Expiration date: November 2, 2014

DAQEM received comments from NPC. No comments were received from the EPA, the public, or any other agencies.

Copies of comments received and responses to those comments are part of this final action report. All responders shall receive an electronic copy of this report, the final Title V permit, and the final TSD.

COMMENTS RECEIVED FROM NPC (2/25/09):

NPC Comment #1:

Cover Page: Nevada Power Company is now doing business as NV Energy, not Nevada Energy. NVE respectfully requests the following edits to the Responsible Official section of the permit cover page:

Name: Kevin Geraghty
Title: Vice President, Generation, Nevada Energy NV Energy

DAQEM Response: DAQEM accepts this change.

NPC Comment #2:

Executive Summary: Based on our emissions estimates for hazardous air pollutants (HAP), the total HAP emissions from all emission units for which an ATC has been issued are 8.51 tpy. The detailed HAP emissions summary was included in Table 5-4 of the Title V permit revision application package, which was submitted to DAQEM on April 2, 2009, for the Clark Peakers. Therefore, NVE respectfully requests that DAQEM revise the total HAP emissions in the first table in the Executive Summary section from 7.27 tpy to 8.51 tpy.

DAQEM Response: DAQEM accepts this change.

NPC Comment #3:

Condition II-D-6: AQR Sections 19.4.1.3(c)(2)(a) and 25.2 require that upset, breakdown, or emergency conditions which cause excess emissions must be reported to the Control Officer within one hour of the onset of the event. Pursuant to AQR Section 19.4.1.3(c)(2), a deviation report must also be *promptly* submitted to the Control Officer, including the probable cause of deviations and any corrective actions or preventative measures taken. AQR Section 19.4.1.3(c)(1) requires *all* instances of deviations from the Part 70 permit requirements to be clearly identified in the quarterly reports. In accordance with AQR Section 19.4.1.3(c)(1), Condition III-F-3-c also requires that the quarterly reports shall include quarterly summaries of *any* permit deviations, their probable cause and corrective actions or preventative actions taken. In light of this and a presentation made by DAQEM personnel at a stakeholder meeting in January 2006 regarding deviation reporting, NVE understands that any deviation causing emissions in excess of permit limits should be reported within one hour, with a follow-up written report within ten days, and any other deviation should be reported in the quarterly report. Therefore, NVE respectfully requests that Condition II-D-6 be revised as follows for clarity purposes and consistency with relevant AQR sections:

“The Permittee shall promptly report to the Control Officer (500 Grand Central Parkway, Box 555210, Las Vegas, NV 89155) deviations specified in Condition II-D-7 from permit requirements as soon as practicable but not to exceed ten (10) calendar days of the deviation, including those attributable to upset conditions. Such reporting shall include the probable cause of such deviations and any corrective actions or preventative measures taken.”

DAQEM Response: DAQEM has updated the condition to state:

7. The Permittee shall report to the Control Officer (500 Grand Central Parkway, Box 555210, Las Vegas, NV 89155) any upset, breakdown, malfunction, emergency or deviation which cause emissions of regulated air pollutants in excess of any limits set by regulation or by this permit. The report shall be in two parts as specified below [AQR 25.2]:
 - a. within one (1) hour of the onset of the event, the report shall be communicated by phone (702) 455-5942, or by fax (702) 383-9994.
 - b. as soon as practicable but not exceeding ten (10) calendar days from the onset of the event, the detailed written report shall be submitted. Such reports shall include the probable cause of the excess emissions, emission calculations and any corrective actions taken.
8. The Permittee shall report to the Control Officer deviations that do not result in excess emission, with the quarterly reports. Such reports shall include the probable cause of deviations and any corrective actions or preventative measures taken. [AQR 19.4.1.3]

NPC Comment #4:

Condition II-E-4: Condition II-E-4 requires that all requests for any alternative test methods must be submitted to EPA for approval. Pursuant to AQR 14.1 and 40 CFR 60.8(b), all requests requiring the use of alternative test methods that are not approved by EPA must be submitted to EPA for approval. However, DAQEM has the regulatory authority to approve the use of alternative test methods that are already approved by EPA but not specified in this permit. Therefore, NVE respectfully requests that Condition II-E-4 be revised as follows: “*The ~~Permittee Administrator shall provide all~~ consider approving the Permittee’s requests for ~~any~~ alternative test methods ~~to EPA for approval if proposed in writing in the performance test protocols. [AQR 14.1 and 40 CFR 60.8(b)]~~”*

DAQEM Response: The Permittee has the responsibility to request EPA for approval of alternative test methods. DAQEM may approve the alternative test methods previously approved by EPA, if proposed in the performance test protocol. The condition is revised as follows:

4. The Permittee shall submit to EPA for approval any alternative test methods that are not already approved by EPA. *[AQR 14.1 and 40 CFR 60.8(b)]*

NPC Comment #5:

Condition II-E-6: Pursuant to the AQR Section 10, the existing sources are required to prepare and submit compliance schedules if the source is not in compliance with an emission limitation hereinafter adopted. This section does not include specific reference to performance test results and preparation of compliance plans based on the results of the performance tests. Therefore, NVE respectfully requests that DAQEM revise Condition II-E-6 to be consistent with AQR Section 10.

DAQEM Response: DAQEM agrees and has revised the condition as follows (now Condition II-D-4).

4. The Permittee of any stationary source or emission unit that fails to demonstrate compliance with the emissions standards or limitations shall submit a compliance plan to the Control Officer pursuant to AQR Section 10. *[AQR 10.1]*

NPC Comment #6:

Table III-A-1:

- (a) The emission unit types were included in the rightmost column of Table III-A-1 in all previous versions of the Title V permit. The emission unit types are also included in Table III-C-1 of the TSD for the proposed Title V permit and all issued ATCs. Therefore, NVE respectfully requests that DAQEM provide a basis for deleting the emission unit type column from Table III-A-1.
- (b) NVE has submitted a construction completion notification for each of Units 5-8 regarding the ultra low NO_x burner (ULNB) installation, the last of which was submitted in May 2009. With the submittal of these notifications, NVE completed the ULNB installation on all relevant units (Units 5-8). Therefore, NVE respectfully requests that DAQEM revise the emission unit description for Turbine Units 5-8 (EUs:A00701A-A00708) as follows to be consistent with facility operations. The “Westinghouse 501B5 with B6 upgrade” turbine units can also be concisely stated as “Westinghouse 501B6” units: “*Westinghouse 501B6B5 with B6 upgrade with ULNB, Combined Cycle...*”

DAQEM Response: a) The EU type code is solely billing purposes and it is included in the TSD. b) DAQEM accepts these changes.

NPC Comment #7:

Condition III-B-1-b: In our comment letter dated June 3, 2009, NVE requested that DAQEM only include emission limits and permit conditions in the Title V permit that represent the Clark Station operations *after* the completion of ULNB installation project, and not include emission limits and permit conditions that represent the state of Turbine Units 5-8 prior to the ULNB installation.

Condition III-B-1-b specifies a NO_x emission limit (lb/MMBtu) which is applicable prior to ULNB installation for Units 7 and 8. NO_x emission limits applicable to the units after ULNB installation, including a lb/MMBtu emission limit, are included in Table III-B-1. Therefore, NVE respectfully requests DAQEM to delete Condition III-B-1-b.

DAQEM Response: DAQEM accepts this change as ULNB have been installed.

NPC Comment #8:

Table III-B-1:

- (a) The ppm and lb/MMBtu potential to emit (PTE) values included in Table III-B-1 do not apply to periods of startup and shutdown. Therefore, NVE respectfully requests that DAQEM revise footnote 1 to Table III-B-1 as follows: *“Tons/yr emissions include Startup and Shutdowns for the Turbine Units (EUs: A00704D, A00701A, A00702B, A00705, and A00708), the lbs/hr, ppm, and lb/MMBtu PTE does not include Startup and Shutdown emissions.”*
- (b) For clarity purposes, NVE respectfully requests that DAQEM revise footnote 2 as follows: *“Beginning January 1, 2010, the consent decree defines long term NO_x emission limits for Turbine Units 5 through 8 combined. For calendar year 2009 only, Turbine Units 5 and 8 have a combined NO_x emission limit of 180 tons.”*
- (c) NVE respectfully requests that DAQEM also include the following applicable footnotes to Table III-B-1 for clarity purposes:
 - “3. On a one-hour average.”* (Applicable to NO_x emission limit in ppm @ 15% O₂ for Turbine Units 5-8)
 - “4. These short-term emission limits are not federally enforceable.”* (Applicable to SO₂ and VOC emission limits in lb/hr for Turbine Units 5-8)
 - “5. NO_x emission limits are based on the consent decree limit of 5 ppm with ULNB.”* (Applicable to NO_x emission limit in ppm @ 15% O₂ for Turbine Units 5-8)

DAQEM Response: DAQEM accepts these changes.

NPC Comment #9:

Condition III-B-1-g:

- (a) For clarity purposes, NVE respectfully requests that DAQEM include the following as basis for Condition III-B-1-g: *“[Consent Decree Condition IV-B-35, (08/13/07) and NSR ATC/OP 00007, Modification 5 Revision 0, Condition IV-B-2 (10/01/08)]”*
- (b) Condition III-B-1-g-i is incorrectly referenced as Condition III-B-1-f-i in Conditions III-B-1-g-iii and III-B-1-g-v. Therefore, NVE respectfully requests that DAQEM correct these references to Condition III-B-1-g-i.
- (c) NVE respectfully requests that DAQEM change the reference in Condition III-B-1-g-iv to Table III-C-4 instead of Table III-C-5.

DAQEM Response: DAQEM accepts these changes.

NPC Comment #10:

Condition III-B-1-h and Table III-B-7: Condition III-B-1-g is incorrectly referenced as Condition III-B-1-f twice in Condition III-B-1-h and once in Table III-B-7 (footnote 1). Therefore, NVE respectfully requests that DAQEM correct these references to Condition III-B-1-g. In addition, for clarity, NVE respectfully requests that DAQEM include the following as basis for Condition III-B-1-h: “[Consent Decree Condition IV-B-36, (08/13/07) and NSR ATC/OP 00007, Modification 5 Revision 0, Condition IV-B-3 (10/01/08)]”

DAQEM Response: DAQEM accepts this change.

NPC Comment #11:

Table III-B-3: For clarity, NVE respectfully requests that DAQEM revise footnote 2 as follows: “Beginning January 1, 2010, ~~the consent decree defines long term NO_x emission limits for Turbine Units 5 through 8 combined. For calendar year 2009 only, Turbine Units 5 and 8 have a combined NO_x emission limit of 180 tons.~~”

DAQEM Response: DAQEM accepts this change.

NPC Comment #12:

Condition III-B-1-j and -k: NVE respectfully requests that DAQEM correct the basis these conditions and any other reference to the consent decree to indicate a date of 8/13/07, the date the consent decree was entered into records. NVE notes that this reference also appears in Condition III-B-3-b-1, III-B-3-c, and III-C-4. Also, NVE requests correction of the referenced condition for Condition III-B-1-k as shown here: “[Consent Decree Condition IV-C-38-~~ab~~ (08/13/07)]”

DAQEM Response: DAQEM accepts this change.

NPC Comment #13:

Condition III-B-2-a: Turbine Unit 4 does not have any emission limits during startup and shutdown periods nor any short term emission limits. Therefore, a permit condition defining startup and shutdown durations is not necessary for this unit. This condition was previously intended for use with Turbine Units 5-8; however, these units’ startup and shutdown durations are now stated in Condition III-C-5. We apologize that we did not recognize this sooner and comment on this condition in our last draft permit comment letter, dated June 3, 2009. NVE respectfully requests that DAQEM delete Condition III-B-2-a as it is not needed to demonstrate compliance with any emission limit.

DAQEM Response: DAQEM accepts this change.

NPC Comment #14:

Condition III-B-2-f: NVE respectfully requests that DAQEM delete reference to EU:A44 from Condition III-B-2-f.

DAQEM Response: DAQEM accepts this change.

NPC Comment #15:

Section III-B-3: NVE respectfully requests that DAQEM include the following permit condition in Section III-B-3 of the permit. This condition is stated verbatim from the ATC issued March 20, 2007 and it is necessary because it provides permit shield from NSPS Subparts GG and KKKK for Turbine Unit 4 (EU:A00704D): “Due to its installation date, Turbine Unit 4 (EU:A00704D) is not subject to 40 CFR 60 Subpart GG, Standards of Performance for Gas Turbines, nor to 40 CFR 60 Subpart KKKK, Standards of Performance for Stationary Combustion Turbines. [Authority: NSR ATC/OP A0007, Mod. 4, Rev 1, Condition III-B-1 (3/20/07)]”

DAQEM Response: The EPA has expressed to DAQEM that only the source's enforceable requirements be included in the permit. The non applicability of a standard is not to be mentioned in the Operating Permit. Therefore, this change is not accepted. The TSD states that Turbine Unit 4 is not subject to 40 CFR 60 Subparts GG and KKKK.

NPC Comment #16:

Condition III-B-3-b: Condition III-B-3-b states that Turbine Units 5 through 8 are in compliance with *all* requirements and limits listed in NSPS Subparts A and GG if the facility meets the requirements in Condition III-B-3-b-i through iii. In addition to the requirements specified in Condition III-B-3-b-i through iii, Turbine Units 5 through 8 are subject to other *applicable* requirements in NSPS Subparts A and GG. Therefore, NVE respectfully requests that DAQEM revise Condition III-B-3-b as follows:

“Turbine Units 5 through 8 are subject to all applicable requirements and limits listed in 40 CFR 60 Subpart A and Subpart GG. ~~By meeting the following conditions,~~ The Permittee is in compliance shall comply with these requirements by meeting the following conditions and other applicable provisions in 40 CFR 60 Subpart A and Subpart GG”

DAQEM Response: DAQEM accepts this change.

NPC Comment #17:

Condition III-C-1: Condition III-C-1 states that compliance with *all* applicable monitoring requirements of 40 CFR 60 Subparts A and GG and 40 CFR 63 Subpart CCCCCC will be achieved by maintaining CEMS on Units 5 through 8 and maintaining records of gasoline throughput. Turbine Units 5 through 8 are subject to additional monitoring requirements in 40 CFR 60 Subparts A and GG and the gasoline dispensing facility is subject to additional requirements in 40 CFR 63 Subpart CCCCCC, for all of which the compliance methodology as specified in relevant rule requirements will be used. Moreover, the compliance date for existing sources that are subject to 40 CFR 63 Subpart CCCCCC is January 10, 2011. Therefore, NVE respectfully requests that DAQEM revise Condition III-C-1 as follows:

“The Permittee shall comply with all applicable monitoring requirements of 40 CFR 60 Subparts A and GG and 40 CFR 63 Subpart CCCCCC by maintaining CEMS on Turbine Units 5 through 8 and maintaining records of gasoline throughput. The Permittee shall comply with applicable requirements in 40 CFR 63 Subpart CCCCCC no later than January 10, 2011.”

DAQEM Response: DAQEM accepts this change.

NPC Comment #18:

Condition III-C-4: Condition III-C-4 is only applicable to Turbine Units 5-8 (EUs:A00701A-A00708). Therefore, NVE respectfully requests that DAQEM revise Condition III-C-4 as follows:

“For Turbine Units 5-8 (EUs:A00701A-A00708), in determining the NO_x emission concentration on a one-hour average, the Permittee shall use CEMS.....”

DAQEM Response: DAQEM accepts this change.

NPC Comment #19:

Condition III-C-5: The startup and shutdown definitions for Turbine Units 5-8 (EUs:A00701A-A00708) are specified in Conditions III-23 and III-24 of Consent Decree Number 2:07-cv-00771 (08/13/07). Therefore, NVE respectfully requests that DAQEM include the following as the basis for Condition III-C-5: *“[Consent Decree Conditions III-23 and III-24 (08/13/07)]”*

DAQEM Response: DAQEM accepts this change.

NPC Comment #20:

Condition III-D-3: Performance testing for NO_x, CO, VOC, and PM₁₀ is required once every 5 years for Turbine Units 5 through 8, including Unit 7, in addition to the annual PM₁₀ performance testing requirement for Turbine Unit 7 stated in Condition III-D-4. Therefore, for clarity purposes, NVE respectfully requests that DAQEM revise Condition III-D-3 as follows:

“Initial performance tests for Turbine Units 5 through 8 were conducted. To demonstrate continued compliance with the emissions limitations specified in Section III, the Permittee shall continue to conduct performance tests on Turbine Units 5 through 8 for NO_x, CO, VOCs, and PM₁₀ once every five years, ~~(except Turbine Unit 7)~~, with the next series of tests due for each turbine unit within five years of the last performance test. [AQR 19.4.3.1 and NSR ATC/OP A0007, Modification 3, Condition III-E-1 (10/30/03)]”

DAQEM Response: DAQEM accepts this change.

NPC Comment #21:

Condition III-D-7: Condition IV-D-9 in the draft permit, received via email on May 12, 2009, allowed NVE to request EPA to grant waiver from annual performance testing for PM₁₀ for Turbine Unit 7. This permit condition is included as Condition IV-D-6 in the final ATC (Modification: 5, Revision: 0), issued on October 1, 2008. This permit condition was originally included as Condition VIII-D-3 in PSD permit (NV 78-02), issued on August 8, 1983. Pursuant to 40 CFR § 70.6 (a)(1)(i), the Title V permit must identify any difference in form as compared to the applicable requirement upon which a permit condition is based. The previously issued ATC and PSD permit provide the applicable requirement and regulatory authority for Condition IV-D-9 in the draft permit. Therefore, NVE respectfully requests that DAQEM reinstate the following condition as Condition III-D-7 in the Title V permit:

“Upon written request and justification the Administrator may waive the requirement for a specific annual source test. The waiver request is to be submitted prior to the required test and must include documentation justifying such action. Documentation may include, but is not necessarily limited to, a showing that Unit 7 has not, or has only minimally operated over the past year. The Permittee shall then be notified by EPA regarding the need to test. [NSR ATC/OP A0007, Modification 5, Revision 0, Condition IV-D-6 (10/1/08) and PSD permit NV 78-02, Condition VIII-D-3, (08/08/83)]”

DAQEM Response: DAQEM accepts this change.

NPC Comment #22:

Condition III-F-2: The compliance certifications and emission inventories are required to be submitted to DAQEM on an annual basis. Therefore, NVE respectfully requests that DAQEM revise Condition III-F-2 as follows for clarity purposes. Also, the table number should be changed to Table III-F-1: *“The Permittee shall submit quarterly monitoring report, **annual compliance certifications and annual emission inventories as specified in table ~~IV~~III-F-1.**”*

DAQEM Response: DAQEM accepts this change.

NPC Comment #23:

Table III-F-1: The annual emission inventory reports and annual compliance certifications are currently required to be submitted to DAQEM by March 31st and January 30th of each year, respectively. Therefore, NVE respectfully requests that DAQEM revise Table III-F-1 as follows:

Table IVIII-F-1: Reporting Schedule

Quarter	Applicable Period	Due Date ¹	Required Contents
--	Calendar Year	February 28 each year March 31 each year	Annual Emission Inventory Report
1	January, February, March	April 30 each year	Quarterly Report for 1 st Calendar Quarter
2	April, May, June	July 30 each year	Quarterly Report for 2 nd Calendar Quarter
--	Calendar Year	30 days after permit issuance each year January 30 each year	Annual Compliance Certification Report
3	July, August, September	October 30 each year	Quarterly Report for 3 rd Calendar Quarter
4	October, November, December	January 30 each year	Quarterly Report for 4 th Calendar Quarter

¹ If the due date falls on a Saturday, Sunday or legal holiday, then the submittal is due on the next regularly scheduled business day.

DAQEM Response: DAQEM has updated the table to the following:

Table III-F-1: Reporting Schedule

Required Report	Applicable Period	Due Date ¹
Quarterly Report for 1 st Calendar Quarter	January, February, March	April 30 each year
Quarterly Report for 2 nd Calendar Quarter	April, May, June	July 30 each year
Quarterly Report for 3 rd Calendar Quarter	July, August, September	October 30 each year
Quarterly Report for 4 th Calendar Quarter, Any additional annual records required.	October, November, December	January 30 each year
Annual Compliance Certification Report	12 Months	30 days after the Operating Permit issuance anniversary date
Annual Emission Inventory Report	Calendar Year	March 31 each year
Excess Emission Report	As Required	As soon as practicable but not to exceed ten (10) calendar days from onset of the event
Deviation Report	As Required	Along with quarterly reports
Performance Testing	As Required	Within 60 days from the end of the test

The Annual Compliance Certification Reporting due date has been changed to 30 days after the Title V OP issuance date. This change was made for providing Compliance Division adequate time for reviewing the report.

NPC Comment #24:

Conditions III-F-7 and 8: These conditions are from the original PSD permits issued by EPA in the 1980s. When DAQEM obtained the delegated authority from EPA, deviation reports were then submitted to DAQEM directly rather than to EPA. Condition III-F-7 is redundant with and less stringent than Conditions II-D-6 and II-D-7. Similarly, Condition III-F-8 is redundant with Conditions III-F-3 and II-D-7. Condition II-D-7 requires the reporting of events that cause excess emissions within one hour of the onset of the event. Condition II-D-6 also requires the reporting of these events within ten calendar days of the deviation including the probable cause and any corrective actions or preventative measures taken. Moreover, Conditions II-D-6 and II-D-7 are applicable to all emission units, not just Turbine Units 7 and 8. Therefore, NVE respectfully requests DAQEM to delete Conditions III-F-7 and 8.

DAQEM Response: DAQEM accepts these changes.

NPC Comment #25:

Condition IV-2: NVE respectfully requests that DAQEM include reference to the Consent Decree, Case No. 2:07-cv-00771, in Condition IV-2 as follows: *“In compliance with the requirements of the Consent Decree, Case No. 2:07-cv-00771, the Permittee shall comply with the following schedule.”*

DAQEM Response: DAQEM accepts this change.

NPC Comment #26:

Based on the comments above, NVE respectfully requests DAQEM to make corresponding revisions to relevant sections of the TSD. For the sake of conciseness, all these requested edits to the TSD are not discussed in this letter. In addition to the revisions based on comments above, NVE also requests DAQEM to make the following edits to the TSD:

- (a) Page 10: In order to maintain the chronological order of the permitting history, NVE respectfully requests that DAQEM move the following paragraph from Page 10 of the TSD to Page 11 before Table II-C-3: *“On October 25, 2007, DAQEM received an application from NPC to install 5 ppm ULNBs in Turbine Units 5, 6, 7, and 8 to meet the requirements of Consent Decree Number 2:07-cv-00771. Under the terms of the Consent Decree, the Permittee agreed to apply for and install ULNBs on Turbine Units 5, 6, 7, and 8.”*
- (b) Page 12: *“The source PTE for pollutants (Table III-A-1), as presented in the Part 70 OP, reflects the permitted emission limits established in the November 3, 2003, permit, the October 30, 2003, permit (ATC/OP Modification 3), ~~and~~ the October 1, 2008 permit (ATC Modification 5) and yellow ticket (#9492) for gasoline dispensing operation.”*
- (c) Pages 12 and 16: NVE respectfully requests that DAQEM correct the total HAPs PTE in Tables III-A-1 and III-C-3 to be 5.45 tpy.

DAQEM Response: DAQEM accepts these changes.

In addition to the above changes DAQEM has also made the following changes to the Title V permit:

In Table III-D-2, the following row has been added:

Turbine/HRSG Exhaust Stack	Opacity	EPA Method 9	Every 5 years
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This is in the TSD as well.

Table V-1 (Permit Shield) has been revised to the following, based on the source's application.

Table V-1: Applicable Requirements Related to Permit Shield

Regulation (40 CFR)	Pollutant	Regulatory Standard		Permit Limit		Value Comparison			Averaging Comparison			Shield Statement
		Value	Units	Value	Units	Standard Value, in Units of the Permit Limit ¹	Permit Limit Value	Is the Permit Limit Equal or More Stringent?	Standard Averaging Period	Permit Limit Averaging Period	Is the Permit Limit Equal or More Stringent?	
60.332 (GG)	NOx	75 ¹	ppmvd @ 15% O ₂	5.0	ppmvd @ 15% O ₂	75 ¹	5.0	Yes	4 hour	1 hour	Yes	The permit limit is more stringent than the standard, based on both concentration and averaging time, therefore the facility should be shielded from the standard.

¹The 60.332 NOx standard is a formula; the value used here (75 ppmvd) is the minimum possible value of the standard for any emission unit.