United States Environmental Protection Agency
Region 8
Air Program
1595 Wynkoop Street
Denver, Colorado 80202

AIR POLLUTION CONTROL
TITLE V PERMIT TO OPERATE

In accordance with the provisions of title V of the Clean Air Act and 40 CFR part 71 and applicable rules and regulations,

Wind River Resources Corporation
North Hill Creek Compressor 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.

This source is authorized to operate at the following location:

Uintah and Ouray Indian Reservation
SW ¼ SE ¼ Section 3, T15S, R20E
Uintah County, Utah

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

Carl Daly, Acting Director
Air Program
US EPA Region 8

11/16/2010
Date

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AIR POLLUTION CONTROL
TITLE V PERMIT TO OPERATE
Wind River Resources Corporation
North Hill Creek Compressor Station

Permit Number: V-UO-0009-05.00
Replaces Permit No.: NA

Issue Date: November 16, 2010
Effective Date: November 26, 2010
Expiration Date: November 26, 2015

The permit number cited above should be referenced in future correspondence regarding this facility.

Permit Issuance History

DATE OF ISSUANCE	TYPE OF ACTION	SECTION NUMBER AND TITLE	DESCRIPTION OF ACTION
November 2010	Initial Permit Issuance		Initial Permit V-UO-0009-05.00

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Abbreviations and Acronyms

AR	Acid Rain
ARP	Acid Rain Program
bbls	Barrels
BTEX	Benzene, Toluene, Ethylbenzene, and Xylenes
BACT	Best Available Control Technology
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CEMS	Continuous Emission Monitoring System
CFR	Code of Federal Regulations
CH_2O	Formaldehyde
CMS	Continuous Monitoring System (includes COMS, CEMS and diluent monitoring)
COMS	Continuous Opacity Monitoring System
CO	Carbon monoxide
CO_2	Carbon dioxide
DAHS	Data Acquisition and Handling System
dscf	Dry standard cubic foot
dscm	Dry standard cubic meter
EIP	Economic Incentives Programs
EPA	Environmental Protection Agency
FGD	Flue gas desulfurization
gal	Gallon
gpm	Gallons per minute
H_2S	Hydrogen Sulfide
HAP	Hazardous Air Pollutant
hr	Hour
Id. No.	Identification number
kg	Kilogram
lb	Pound
MACT	Maximum Achievable Control Technology
MVAC	Motor Vehicle Air Conditioner
Mg	Megagram
MMBtu	Million British Thermal Units
mo	Month
NESHAP	National Emission Standards for Hazardous Air Pollutants
NMHC	Non-methane hydrocarbons
NOx	Nitrogen oxides
NSPS	New Source Performance Standard
NSR	New Source Review
pH	Negative logarithm of effective hydrogen ion concentration (acidity)
PM	Particulate Matter
PM_{10}	Particulate Matter less than 10 microns in diameter
ppm	Parts per million
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
psi	Pounds per square inch
psia	Pounds per square inch absolute
RICE	Reciprocating Internal Combustion Engine
RMP	Risk Management Plan
scfm	Standard cubic feet per minute
SNAP	Significant New Alternatives Program
SO_2	Sulfur dioxide
tpy	Tons Per Year
US EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

LIST OF TABLES

I. Source Information and Emission Unit Identification

I.A. Source Information

Parent Company Name: Wind River Resources Corporation

Plant Name: North Hill Creek Compressor Station

Plant Location: SW ¼ SE ¼ Section 3, T15S, R20E
Latitude: 39°31'56.55"N
Longitude: -109°39'42.34"W

Region: 8

State: Utah

County: Uintah

Reservation: Uintah & Ouray Indian Reservation

Tribe: Ute Indian Tribe

Responsible Official: Chief Operating Officer – Vice President

SIC Code: 1311

AFS Plant Identification Number: 49-047-00114

Other Clean Air Act Permits: There are no other Federal CAA permits, such as minor NSR or PSD, issued to this facility.

Description of Process:

The North Hill Creek facility is a natural gas compressor station. Natural gas from area wells is sent to the compressor station through gathering flow lines. The gas enters the station at 75 psig, and then flows through a three-phase separator in order to remove the free water and condensate in the natural gas stream prior to entry into two compressors.

The condensate exits the separator at 56 psig and is routed to a 400 bbl condensate tank (T-1) operating at ambient pressure. The produced water is routed from the separator to a 400 bbl water tank (T-2) operating at ambient pressure. A 400 bbl tank (T-3) is a slop tank that is used for compressor dumps, coalescing filter dumps, dehydrator dumps, slug catcher dumps, and flash separator dumps. Both the produced water and the condensate are removed from the site via tanker truck.

The natural gas exits the top of the separator at 56 psig and is then compressed using two natural

gas fired 1,680 hp 4-stroke rich burn engine driven compressors (C-1 and C-2) increasing the gas pressure to 868 psig. Both engines are equipped with non-selective catalytic reduction (NSCR) systems.

After compression, the natural gas enters two tri-ethylene glycol dehydrators (D-1 and D-2) where the remaining water is removed. D-1 has design throughput of 27 MMscfd of natural gas, and a 0.55 MMBtu/hr natural gas fired reboiler. D-2 has a design throughput of 10 MMscfd of natural gas, and has a 0.75 MMBtu/hr natural gas fired reboiler. Both dehydrators are operated with a NATCO BTEX Buster Condenser to capture emissions from each dehydrator's flash tank separators, as product. A closed vent system is used to convey vapors from the two dehydration units, their associated condenser, and the three atmospheric storage tanks to a flare for control of emissions.

Electricity is not supplied to North Hill Creek due to the remote location. Solar is the primary source of generating power, followed by a 98 hp diesel generator (G-1) as an emergency back-up.

Once the natural gas is dried, it is metered and delivered to a sales pipeline. Both the produced water and the condensate are removed from the site via tanker truck.

I.B. Source Emission Points

Table 1 - Emission Units
Wind River Resources Corporation – North Hill Creek Compressor Station

Emission Unit ID	Description	Control Equipment
	Waukesha L 7044 GSI, 4-Stroke Rich Burn Compressor Engines, 1,680 site-rated bhp, natural gas fired:	Non-Selective Catalytic Reduction (NSCR)
C-1	Serial no: C-14843/1 Installed: 12/2003	Miratech Model No.
C-2	Serial no: C-14844/1 Installed: 12/2003	MCS-36Y3621-14-C1
	Dehydrator Still Vent, 27 MMscf/day maximum natural gas throughput:	Condenser/Combustor NATCO Group
D-1	Serial no: NT9F28302-01 Installed: 12/2003	BTEX Buster
	Dehydrator Still Vent, 10 MMscf/day maximum natural gas throughput:	Condenser/Combustor NATCO Group BTEX Buster Unit &
D-2	Serial no: EL9E91102-03 Installed: 5/2004	Flare
	400 bbl Condensate Storage Tank, 0.6 bbls/day condensate throughput:	
T-1	Installed: 12/2003	Flare

Table 2 -- Insignificant Emission Units
Wind River Resources Corporation – North Hill Creek Compressor Station

Emission Unit Description
1 – 60 kW Genset by Ford WGS-1086, 98 hp natural gas fired engine (G-1)
1 – 750 MBtu/hr Glycol Dehydrator Reboiler; natural gas fired
1 – 550 MBtu/hr Glycol Dehydrator Reboiler; natural gas fired
3 – 550 MBtu/hr Storage Tank Heaters, natural gas fired
1 – 400 bbl Water Storage Tank (T-2)
1 – 400 bbl Slop tank used for storage of excess compressor liquids and used oil (T-3)
4 – Pneumatic Pumps
FUG – Facility Equipment Leaks
LOAD – Tank Truck Loading Losses

II. Requirements for Dehydrators

II.A. 40 CFR Part 63, Subpart A - National Emission Standards for Hazardous Air Pollutants, General Provisions [40 CFR 63.1 - 63.16]

This facility is subject to the requirements of 40 CFR part 63, subpart A as outlined in Table 2 of 40 CFR part 63, subpart HH. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 63.

[40 CFR 63.764]

II.B. 40 CFR Part 63, Subpart HH - National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities [40 CFR 63.760 - 63.774]

This facility is subject to the requirements of 40 CFR part 63, subpart HH. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 63, subpart HH.

II.C. Affected Sources [40 CFR 63.760(a) through (e)]

The following units are affected sources for purposes of 40 CFR part 63, subpart HH:

1. Each glycol dehydration unit;

2. Each storage vessel with a potential for flash emissions;

3. The group of all ancillary equipment, located at natural gas processing plants, intended to operate in volatile hazardous air pollutant (VHAP) service as determined per the requirements of §63.772(a); and

[Explanatory note: Pursuant to the definitions at §63.761, "ancillary equipment" means pumps, pressure relief devices, sampling connection systems, open-ended valves, or lines, valves, flanges, or other connectors.]

4. Compressors, located at natural gas processing plants, intended to operate in VHAP service as determined per the requirements of §63.772(a).

II.D. General Standards [40 CFR 63.764]

1. Table 2 of 40 CFR part 63, subpart HH specifies the General Provisions of 40 CFR part 63, subpart A that apply.

2. All reports required under 40 CFR part 63, subpart A shall be sent to the Administrator at the following address as listed in §63.13:

Director, Air and Toxics Technical Enforcement Program
Office of Enforcement, Compliance and Environmental Justice
1595 Wynkoop Street, Denver, CO 80202–1129
Mail Code 8ENF–AT

Reports may be submitted on electronic media.

3. The permittee shall comply with 40 CFR part 63, subpart HH as follows:

(a) For each glycol dehydration unit process vent subject to this subpart, the permittee shall comply with the following:

(i) The control requirements for glycol dehydration unit process vents specified in §63.765;
(ii) The monitoring requirements specified in §63.773; and
(iii) The recordkeeping and reporting requirements specified in §§63.774 and 63.775.

(b) For each storage vessel with the potential for flash emissions subject to this subpart, the permittee shall comply with the following:

(i) The control requirements for storage vessels specified in §63.766;
(ii) The monitoring requirements specified in §63.773; and
(iii) The recordkeeping and reporting requirements specified in §§63.774 and 63.775.

(c) For ancillary equipment and compressors subject to this subpart, the permittee shall comply with the requirements for equipment leaks specified in §63.769.

4. *Exemption for ancillary equipment and compressors in VHAP service:*

(a) The permittee is exempt from the requirements for ancillary equipment and compressors subject to this subpart if the following criteria are met:

(i) Any ancillary equipment and compressors that contain or contact a fluid (liquid or gas) must have a total VHAP concentration less than 10 percent by weight, as determined by the procedures specified in §63.772(a); or
(ii) That ancillary equipment and compressors must operate in VHAP service less than 300 hours per calendar year.

(b) Records of the determination that the exemption from requirements for ancillary equipment and compressors applies must be maintained as required in §63.774(d)(2).

5. In all cases where the permittee is required to repair leaks by a specified time after the leak is detected:

(a) It is a violation of 40 CFR part 63, subpart HH to fail to take action to repair the leak(s) within the specified time;

(b) If action is taken to repair the leak(s) within the specified time, failure of that action to successfully repair the leak(s) is not a violation of 40 CFR part 63, subpart HH.

(c) However, if the repairs are unsuccessful and a leak is detected, the permittee shall take further action as required by the applicable provisions of this subpart.

II.E. <u>Startups, Shutdowns, and Malfunctions</u> [40 CFR 63.762]

1. The provisions set forth in 40 CFR part 63, subpart HH shall apply at all times except during startups or shutdowns, during malfunctions, and during periods of non-operation of the affected sources (or specific portion thereof) resulting in cessation of the emissions to which this subpart applies. However, during the startup, shutdown, malfunction, or period of non-operation of one portion of an affected source, all emission points which can comply with the specific provisions to which they are subject must do so during the startup, shutdown, malfunction, or period of non-operation.

2. The permittee shall not shut down items of equipment that are required or utilized for compliance during times when emissions are being routed to such items of equipment, if the shutdown would contravene requirements applicable to such items of equipment. This paragraph does not apply if the item of equipment is malfunctioning, or if the permittee must shut down the equipment to avoid damage due to a contemporaneous startup, shutdown, or malfunction of the affected source or a portion thereof.

3. During startups, shutdowns, and malfunctions when the requirements of this subpart do not apply pursuant to paragraphs 1 and 2 of this section, the permittee shall implement, to the extent reasonably available, measures to prevent or minimize excess emissions to the maximum extent practical. For purposes of this paragraph, the term “excess emissions” means emissions in excess of those that would have occurred if there were no startup, shutdown, or malfunction, and the permittee complied with the relevant provisions. The measures to be taken shall be identified in the applicable startup, shutdown, and malfunction plan, and may include, but are not limited to, air pollution control technologies, recovery technologies, work practices, pollution prevention, monitoring, and/or changes in the manner of operation of the source. Back-up control devices are not required, but may be used if available.

4. The permittee shall prepare a startup, shutdown, and malfunction plan as required in §63.6(e)(3), except that the plan is not required to be incorporated by reference into the source's title V permit as specified in §63.6(e)(3)(i). Instead, the permittee shall keep the plan on record as required by §63.6(e)(3)(v). The failure of the plan to adequately minimize emissions during startup, shutdown, or malfunctions does not shield the permittee from enforcement actions.

II.F. Control Equipment Requirements [40 CFR 63.771]

The permittee shall comply with the control equipment requirements as follows:

1. For each cover, the permittee shall comply with the cover requirements specified in §63.771(b);

2. For each closed vent system, the permittee shall comply with the closed vent system requirements specified in §63.771(c);

3. For each control device, the permittee shall comply with the control device requirements specified in §63.771(d); and

4. For each process modification made to comply with glycol dehydration unit process vent standards at §63.765(c)(2), the permittee shall comply with the process modification standards specified in §63.771(e).

[Explanatory note: Pursuant to the definition of "control device" at §63.761, if the gas or vapor recovered from regulated equipment is used, reused, returned back to the process, or sold then the recovery system used, including piping, connections, and flow inducing devices is not considered a control device or a closed-vent system.]

II.G. Test Methods, Compliance Procedures and Compliance Determinations [40 CFR 63.772]

1. Determination of material VHAP or HAP concentration to determine the applicability of the equipment leak standards under §63.769 shall be made in accordance with the requirements specified at §63.772(a). Each piece of ancillary equipment and compressors are presumed to be in VHAP service or in wet gas service unless an owner or operator demonstrates that the piece of equipment is not in VHAP service or in wet gas service.

2. Determination of glycol dehydration unit flowrate or benzene emissions to determine the applicability of the exemption from glycol dehydration unit process vent control requirements under §63.765, shall be made in accordance with the requirements specified in §63.772(b).

3. The no detectable emissions test procedure shall be conducted in accordance with the requirements specified in §63.772(c).

4. The control device performance test procedure shall be conducted in accordance with the requirements specified in §63.772(e).
5. The compliance demonstration for control device performance requirements shall be conducted in accordance with the requirements specified in §63.772(f).

6. The compliance demonstration with percent reduction performance requirements for condensers shall be conducted in accordance with the requirements specified in §63.772(g).

II.H. Inspection and Monitoring Requirements [40 CFR 63.773]

1. For each closed-vent system or cover required by the permittee to comply with 40 CFR part 63, subpart HH, the permittee shall comply with the requirements specified in §63.773(c).

2. For each control device required by the permittee to comply with 40 CFR part 63, subpart HH, the permittee shall comply with the requirements specified in §63.773(d).

II.I. Record Keeping Requirements [40 CFR 63.774]

1. The recordkeeping provisions of 40 CFR part 63, subpart A, that apply are listed in Table 2 of 40 CFR part 63, subpart HH.

2. The permittee shall maintain the records specified in §63.774(b).

3. Should the permittee elect to comply with the benzene emission limit specified in §63.765(b)(1)(ii), the permittee shall document, to the Administrator's satisfaction, the following items:

   (a) The method used for achieving compliance and the basis for using this compliance method;

   (b) The method used for demonstrating compliance with 0.90 megagrams per year of benzene; and

   (c) Any information necessary to demonstrate compliance as required in the methods specified in paragraphs 3(a) and 3(b) of this section.

4. For glycol dehydration units operating at the facility that meets the exemption criteria in §63.764(e)(1)(i) or §63.764(e)(1)(ii), the permittee shall maintain the following records:

   (a) The actual annual average natural gas throughput (in terms of natural gas flowrate to the glycol dehydration unit per day) as determined in accordance with §63.772(b)(1); or

   (b) The actual average benzene emissions (in terms of benzene emissions per year) as determined in accordance with §63.772(b)(2).

5. For ancillary equipment and compressor engines exempt from the control requirements under §63.764(e)(2) of this subpart, the permittee shall maintain the following records:

(a) Information and data used to demonstrate that a piece of ancillary equipment or a compressor is not in VHAP service or not in wet gas service shall be recorded in a log that is kept in a readily accessible location; and

(b) Identification and location of ancillary equipment or compressors, located at a natural gas processing plant subject to this subpart that is in VHAP service less than 300 hours per year.

6. The permittee shall record the following when using a flare to comply with §63.771(d):

(a) Flare design (i.e., steam-assisted, air-assisted, or non-assisted);

(b) All visible emission readings, heat content determinations, flowrate measurements, and exit velocity determinations made during the compliance determination required by §63.772(e)(2); and

(c) All hourly records and other recorded periods when the pilot flame is absent.

II.J. <u>Reporting Requirements</u> [40 CFR 63.775]

1. The reporting provisions of subpart A that apply are listed in Table 2 of 40 CFR part 63, subpart HH.

2. The permittee shall submit the information specified in §63.775(b).

3. *Notification of Compliance Status Report.* The permittee shall submit a Notification of Compliance Status Report as required under §63.9(h) within 180 days after the compliance date specified in §63.760(f). In addition to the information required under §63.9(h), the Notification of Compliance Status Report shall include the information specified in paragraphs (d)(1) through (12) of §63.775. This information may be submitted in an operating permit application, in an amendment to an operating permit application, in a separate submittal, or in any combination of the three. If all of the information required under this paragraph has been submitted at any time prior to 180 days after the applicable compliance dates specified in §63.760(f), a separate Notification of Compliance Status Report is not required.

4. *Periodic Reports.* The permittee shall prepare Periodic Reports in accordance with §§63.775(e)(1) and (2) and submit them to the Administrator.

5. *Notification of process change.* Whenever a process change is made, or a change in any of the information submitted in the Notification of Compliance Status Report, the permittee shall submit a report within 180 days after the process change is made or as a part of the next Periodic Report. The report shall include the requirements of §63.775(f).

III. Requirements for Engines

III.A. 40 CFR Part 63, Subpart A - National Emission Standards for Hazardous Air Pollutants, General Provisions [40 CFR 63.1 - 63.16]

1. This facility is subject to the requirements of 40 CFR part 63, subpart A as outlined in Table 8 of 40 CFR part 63, subpart ZZZZ. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 63.

[40 CFR 63.6665]

III.B. 40 CFR Part 63, Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants From Reciprocating Internal Combustion Engines [40 CFR 63.6580 - 63.6675]

1. This facility is subject to the requirements of 40 CFR part 63, subpart ZZZZ for stationary reciprocating internal combustion engines (RICE) located at a major source of hazardous air pollutants (HAPs). Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 63, subpart ZZZZ.

2. 40 CFR part 63, subpart ZZZZ applies to the following engines:

   C-1 – 1,680 hp, Waukesha L7044 GSI, natural gas-fired 4SRB engine

   C-2 – 1,680 hp, Waukesha L7044 GSI, natural gas-fired 4SRB engine

3. Requirements pursuant to 40 CFR part 63, subpart ZZZZ are taken from the Federal Register as published on June 15, 2004 (69 FR 33506), as amended January 18, 2008 (73 FR 3604), and March 3, 2010 (75 FR 9648).

III.C. Emission Limits

1. Emissions from engine units C-1 and C-2, equipped with a non-selective catalytic reduction (NSCR) device must meet one of the following emission limitations, at 100% load plus or minus 10%, according to Table 1a of 40 CFR part 63, subpart ZZZZ:

   (a) Except during periods of startup, one of the following:

      (i) Reduce formaldehyde emissions by 76 percent or more. If construction or reconstruction commenced between December 19, 2002 and June 15, 2004, the permittee may reduce formaldehyde emissions by 75 percent or more until June 15, 2007; or

      (ii) Limit the concentration of formaldehyde in the stationary RICE exhaust to 350 ppbvd or less at 15 percent O_2.

(b) During periods of startup:

(i) Minimize the engine's time spent at idle and maximize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.

[40 CFR 63.6600(a)]

2. The permittee must be in compliance with the emission limitations at all times.

[40 CFR 63.6605(a)]

III.D. <u>Operating Requirements</u>

1. For engine units C-1 and C-2, equipped with a non-selective catalytic reduction (NSCR) device, the permittee must meet the following operating limitations according to Table 1b to 40 CFR part 63, subpart ZZZZ:

(a) Maintain the catalyst so that the pressure drop across the catalyst does not change by more than two inches of water at 100 percent load plus or minus 10 percent from the pressure drop across the catalyst measured during the initial performance test; and

(b) Maintain the temperature of the engine exhaust so that the catalyst inlet temperature is greater than or equal to 750 °F and less than or equal to 1,250 °F.

[40 CFR 63.6600(a)]

2. The permittee shall comply with the operating limitations at all times.

[40 CFR 63.6605(a)]

3. At all times, the permittee must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions to the levels required by 40 CFR part 63, subpart ZZZZ. The general duty to minimize emissions does not require the permittee to make any further efforts to reduce emissions if the required levels have been achieved. Determination of whether such operations 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 CFR 63.7(e) & 63.6605(b)]

III.E. Performance Test Requirements

1. The permittee must conduct an initial performance test or other initial compliance demonstrations in Tables 4 and/or 5 of 40 CFR part 63, subpart ZZZZ that apply within 180 days after the compliance date that is specified for engine units C-1 and C-2 in §63.6595 and according to the provisions of §63.7(a)(2).

[40 CFR 63.6610(a) and 40 CFR 63.6612(a)]

2. For engine units C-1 and C-2, the permittee is not required to conduct an initial performance test on units for which a performance test has been previously conducted, but the test must meet all of the conditions described in §§63.6610(d)(1) through (5).

[40 CFR 63.6610(d)]

3. The permittee shall perform subsequent performance tests semi-annually for engine units C-1 and C-2. After compliance is demonstrated for two consecutive tests, the testing frequency shall be reduced to annually. However, should the results of any subsequent annual performance test indicate that engine unit C-1 or C-2 is not in compliance with the emission limitations, or the permittee deviates from any operating limitations, then semi-annual performance tests shall be resumed.

[40 CFR 63.6615]

III.F. Performance Test Procedures

1. For complying with the requirement to reduce formaldehyde emissions, the permittee must perform the following according to Table 4 to 40 CFR part 63, subpart ZZZZ for engine units C-1 and C-2:

   (a) Select the sampling port location and number of traverse points using Method 1 or 1A of 40 CFR part 60 Appendix A and §63.7(d)(1)(i). If using a control device, the sampling site must be located at the outlet of the control device;

   (b) Measure the O_2 concentration at the inlet and outlet of the control device or determine the O_2 concentration of engine exhaust using Method 3 or 3A or 3B of 40 CFR part 60, Appendix A. Measurements to determine O_2 concentration must be made at the same time as the measurements for formaldehyde concentration;

   (c) Measure moisture content at the inlet and outlet of the control device or the moisture content of the engine exhaust using Method 4 of 40 CFR part 60, Appendix A, or Test Method 320 of 40 CFR part 63, Appendix A, or ASTMD 6348-03. Measurements to determine moisture content must be made at the same time and location as the measurements for formaldehyde concentration; and

(d) Measure formaldehyde at the inlet and the outlet of the control device or the formaldehyde at the exhaust using method 320 or 323 of 40 CFR part 63, Appendix A, or ASTM D6348-03, provided in ASTM D6348-03 Annex A5 (Analyte Spiking Technique), the percent R must be greater than or equal to 70 and less than or equal to 130. Formaldehyde concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs

[40 CFR 63.6610(a)]

2. For complying with the requirement to limit the concentration of the formaldehyde or CO in the engine exhaust, the permittee must perform the following according to Table 4 to 40 CFR part 63, subpart ZZZZ for engine units C-1 and C-2:

(a) Select the sampling port location and number of traverse points using Method 1 or 1A of 40 CFR part 60, Appendix A and §63.7(d)(1)(i). If using a control device, the sampling site must be located at the outlet of the control device;

(b) Determine the O_2 concentration of the engine exhaust at the sampling port location using Method 3 or 3A or 3B of 40 CFR part 60, Appendix A, or ASTM Method D6522-00 (2005). Measurements to determine O_2 concentration must be made at the same time as the measurements for formaldehyde concentration;

(c) Measure moisture content of the engine exhaust at the sampling port location using Method 4 of 40 CFR part 60, Appendix A, or Test Method 320 of 40 CFR part 63, Appendix A, or ASTM D 6348-03. Measurements to determine moisture content must be made at the same time and location as the measurements for formaldehyde concentration;

(d) Measure formaldehyde at exhaust of the engine using method 320 of 40 CFR part 63, Appendix A, or ASTM D6348-03, provided in ASTM D6348-03 Annex A5 (Analyte Spiking Technique), the percent R must be greater than or equal to 70 and less than or equal to 130. Formaldehyde concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs; and

(e) Measure CO at the exhaust of the engine using Method 10 of 40 CFR part 60, Appendix A, ASTM Method 320 of 40 CFR part 63, Appendix A, or ASTM D6348-03. CO concentration must be at 15 percent of O2, dry basis. Results of this test consist of the average of the three 1-hour longer runs.

[40 CFR 63.6610(a) and Table 4 of 40 CFR part 63, subpart ZZZZ]

3. The permittee must conduct each performance test according to the requirements in Table 4 to 40 CFR part 63, subpart ZZZZ. If engine units C-1 and C-2 are non-operational, the permittee does not need to start up the engine solely to conduct the performance test. The permittee can conduct the performance test when the engine is

started up again.

[40 CFR 63.6620(b)]

4. The permittee must conduct three separate test runs for each performance test required, as specified in §63.7(e)(3). Each test run must last at least 1 hour.

[40 CFR 63.6620(d)]

5. The permittee must use the equations of §63.6620(e) to:

   (a) Determine compliance with percent reduction requirement;

   (b) Normalize CO or formaldehyde concentration at the inlet and outlet of the control device to a dry basis and to 15 percent oxygen, or an equivalent percent CO_2;

   (c) Calculate the fuel-specific F_o value for the fuel burned during the test;

   (d) Calculate the CO_2 correction factor for correcting measurement data to 15 percent oxygen; and

   (e) Calculate the NO_x and SO_2 gas concentrations.

[40 CFR 63.6620(e)]

6. The engine percent load during a performance test must be determined by documenting the calculations, assumptions, and measurement devices used to measure or estimate the percent load in a specific application. A written report of the average percent load determination must be included in the notification of compliance status. The following information must be included in the written report:

   (a) The engine model number;

   (b) The engine manufacturer;

   (c) The year of purchase;

   (d) The manufacturer's site-rated brake horsepower;

   (e) The ambient temperature, pressure, and humidity during the performance test;

   (f) All assumptions that were made to estimate or calculate percent load during the performance test must be clearly explained.

(g) If measurement devices such as flow meters, kilowatt meters, beta analyzers, strain gauges, etc. are used, the model number of the measurement device, and an estimate of its accuracy in percentage of true value must be provided.

[40 CFR 63.6620(i)]

III.G. Monitoring

1. The permittee must install, operate, and maintain a Continuous Parameter Monitoring System (CPMS) for engine units C-1 and C-2 according to the requirements in §63.8 of the General Provisions of 40 CFR part 63.

[40 CFR 63.6625(b)]

[Explanatory Note: According to #25 of the September 30, 2005 EPA Questions and Answers Memorandum for NESHAPs for Stationary RICE, the provisions of 40 CFR 63.8 for monitoring of the catalyst inlet temperature are not federally required until the performance specifications are promulgated.]

2. Except for monitor malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permittee must monitor continuously at all times that the engines are operating.

[40 CFR 63.6635(b)]

3. The permittee may not use data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities in data averages and calculations used to report emission or operating levels. The permittee must, however, use all the valid data collected during all other periods.

[40 CFR 63.6635(c)]

III.H. Initial Compliance Requirements

1. The permittee must demonstrate initial compliance with each emission and operating limitation that applies according to the following:

   (a) For the engine units C-1 and C-2 complying with the requirement to reduce formaldehyde emissions and using NSCR as specified in Section III.C.1.i of this permit, the permittee shall:

      (i) Demonstrate that the average reduction of emissions of formaldehyde determined from the initial performance test is equal to or greater than the required formaldehyde percent reduction;

      (ii) Install a Continuous Parameter Monitoring System (CPMS) to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b); and

      (iii) Record the catalyst pressure drop and catalyst inlet temperature during the

initial performance test.

(b) For the engine units C-1 and C-2 complying with the requirement to limit the concentration of formaldehyde in the engine exhaust and using NSCR as specified in Section III.C.1.a.ii of this permit, the permittee shall:

(i) Demonstrate that the average formaldehyde concentration, corrected to 15 percent O_2, dry basis, from the three test runs is less than or equal to the formaldehyde emission limitation;

(ii) Install a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b); and

[Explanatory Note: According to #25 of the September 30, 2005 EPA Questions and Answers Memorandum for NESHAPs for Stationary RICE, the provisions of 40 CFR 63.8 for monitoring of the catalyst inlet temperature are not federally required until the performance specifications are promulgated.]

(iii) Record the catalyst pressure drop and catalyst inlet temperature during the initial performance test.

(c) For the engine units C-1 and C-2 complying with the requirement to reduce CO or formaldehyde emissions, the permittee shall:

(i) Determine the average reduction of emissions of CO or formaldehyde, as applicable determined from the initial performance test is equal to or greater than the required CO or formaldehyde, as applicable, percent reduction.

(d) For the engine units C-1 and C-2 complying with the requirement to limit the concentration of formaldehyde or CO in the stationary RICE exhaust, the permittee shall:

(i) Determine the average formaldehyde or CO concentration, as applicable, corrected to 15 percent O_2, dry basis, from the three test runs is less than or equal to the formaldehyde or CO emission limitation, as applicable.

[40 CFR 63.6630(a)]

2. During the initial performance test, the permittee must establish each of the following operating limitations:

(a) For the engine units C-1 and C-2, maintain the catalyst so that the pressure drop across the catalyst does not change by more than two inches of water at 100 percent load plus or minus 10 percent from the pressure drop across the catalyst

measured during the initial performance test; and

(b) For the engine units C-1 and C-2, maintain the temperature of the engine exhaust so that the catalyst inlet temperature is greater than or equal to 750 °F and less than or equal to 1,250 °F.

[40 CFR 63.6630(b)]

3. The permittee must submit the Notification of Compliance Status containing the results of the initial compliance demonstration, including the performance test results, before the close of business on the 60th day following the completion of the performance test according to requirements of §63.10(d)(2).

[40 CFR 63.6630(c) and 40 CFR 63.6645(h)(2)]

III.I. Continuous Compliance Requirements

1. The permittee must demonstrate continuous compliance with each emission limitation and operating limitation in 40 CFR part 63, subpart ZZZZ that applies according to the following methods:

(a) For engine units C-1 and C-2 complying with the requirement to reduce formaldehyde emissions and using NSCR as specified in Section II.C.1.a.i of this permit, the permittee shall:

(i) Collect the catalyst inlet temperature data according to §63.6625(b);
(ii) Reduce the data to 4-hour rolling averages;
(iii) Maintain the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and
(iv) Measure the pressure drop across the catalyst once per month and demonstrate that the pressure drop across the catalyst is within the operating limitation established during the performance test.

(b) For engine units C-1 and C-2 complying with the requirement to limit the concentration of formaldehyde in the engine exhaust and using NSCR as specified in Section III.C.1.a.ii of this permit, the permittee shall:

(i) Conduct semiannual performance tests for formaldehyde to demonstrate that the emissions remain at or below the formaldehyde concentration limit. After compliance has been demonstrated for two consecutive tests, the permittee may reduce the frequency of subsequent performance tests to annually. If the results of any subsequent annual performance test indicate the engine is not in compliance with the CO or formaldehyde emission limitations, or the permittee deviates from any of the operating limitations, the permittee must resume semiannual performance tests;
(ii) Collect the catalyst inlet temperature data according to §63.6625(b);
(iii) Reduce the data to 4-hour rolling averages;

(iv) Maintain the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and

(v) Measure the pressure drop across the catalyst once per month and demonstrate that the pressure drop across the catalyst is within the operating limitation established during the performance test.

[40 CFR 63.6640(a)]

2. The permittee must report each instance in which an emission or operating limit was not met. These instances are deviations from the emission and operating limitations and must be reported according to reporting requirements of §63.6650 and Section III.L of this permit.

[40 CFR 63.6640(b)]

3. Upon changing of catalyst, values of the operating parameters measured during the initial performance test must be reestablished. Upon reestablishment of the operating parameters, the permittee must conduct a performance test to demonstrate that the required emission limitations continue to be met.

[40 CFR 63.6640(b)]

4. Deviations from the emission or operating limitations that occur during 200 hours of operation from engine startup (engine burn-in period) are not violations.

[40 CFR 63.6640(d)]

5. Rebuilt stationary RICE: Engine rebuilding means to overhaul an engine or to otherwise perform extensive service on the engine (or on a portion of the engine or engine system).For the purpose of this definition, perform extensive service means to disassemble the engine (or portion of the engine or engine system), inspect and/or replace many of the parts, and reassemble the engine (or portion of the engine or engine system) in such a manner that significantly increases the service life of the resultant engine.

[40 CFR 63.6640(d) and 40 CFR 94.11(a)]

6. The permittee must also report each instance in which the requirements in Table 8 of 40 CFR part 63, subpart ZZZZ, were not met.

[40 CFR 63.6640(e)]

III.J. Notifications

1. The permittee must submit all of the notifications in §§63.7(b) and (c), §§63.8(e), (f)(4) and (f)(6), §§63.9(b) through (e), and (g) and (h) of the General Provisions that apply by the dates specified.

[40 CFR 63.6645(a)]

2. Upon startup of a new or reconstructed stationary RICE occurring on or after August 16, 2004, the permittee must submit an Initial Notification not later than 120 days after it becomes subject to 40 CFR part 63, subpart ZZZZ.

[40 CFR 63.6645(c)]

3. If the permittee starts up a stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions before the effective date of this subpart and is required to submit an initial notification, it must submit an initial notification not later than July 16, 2008.

[40 CFR 63.6645(d)

4. If the permittee is required to submit an Initial Notification but the engine in question is otherwise not affected by the requirements of 40 CFR part 63, subpart ZZZZ, in accordance with §63.6590(b), the notification should include the information in §§63.9(b)(2)(i) through (v), and a statement that the engine has no additional requirements and explain the basis of the exclusion (for example, that it operates exclusively as an emergency stationary RICE).

[40 CFR 63.6645(f)]

5. If a performance test is required, the permittee must submit a Notification of Intent to conduct a performance test at least 60 days before the performance test is scheduled to begin as required in §63.7(b)(1).

[40 CFR 63.6645(g)]

6. If a performance test or other initial compliance demonstration is required, the permittee must submit a Notification of Compliance Status according to §63.9(h)(2)(ii).

[40 CFR 63.6645(h)]

III.K. Record Keeping

1. The permittee must keep the following records to comply with the emission and operating limitations:

   (a) A copy of each notification and report that was submitted to comply with 40 CFR part 63, subpart ZZZZ, including all documentation supporting any Initial

Notification or Notification of Compliance Status that was submitted, according to the requirements of §63.10(b)(2)(xiv);

(b) Records of the occurrence and duration of each malfunction of operation (i.e. process equipment) or the air pollution control and monitoring equipment;

(c) Records of performance tests and performance evaluations as required in §63.10(b)(2)(viii);

(d) Records of all required maintenance performed on the air pollution control equipment; and

(e) Records of actions taken during periods of malfunction to minimize emissions in accordance with §63.6605(b) and Section II.E. of this permit, including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

[40 CFR 63.6655(a)]

2. For each CEMS or CPMS, the permittee must keep the following records:

(a) Records described in §63.10(b)(2)(vi) through (xi);

(b) Previous (i.e., superseded) versions of the performance evaluation plan as required in §63.8(d)(3); and

(c) Requests for alternatives to the relative accuracy test for CEMS or CPMS as required in §63.8(f)(6)(i), if applicable.

[40 CFR 63.6655(b)]

3. The permittee must keep the records required in Section III.K of this permit to show continuous compliance with each emission or operating limitation that applies.

[40 CFR 63.6655(d)]

4. Records must be in a form suitable and readily available for expeditious review.

[40 CFR 63.6660(a) and 40 CFR 63.10(b)(1)]

5. The permittee must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

[40 CFR 63.6660(b) and 40 CFR 63.10(b)(1)]

6. The permittee must keep each record readily accessible in hard copy or electronic form on-site for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1).

[40 CFR 63.6660(c) and 40 CFR 63.10(b)(1)]

III.L. <u>Reporting</u>

1. The permittee must submit a compliance report semi-annually by April 1st and October 1st of each year. The report due on April 1st shall cover the prior six-month period from September 1st through the end of February. The report due on October 1st shall cover the prior six-month period from March 1st through the end of August.

[40 CFR 63.6650(b)]

2. The compliance report shall be submitted with the semi-annual monitoring report required by §71.6(a)(3)(iii)(A) and Section IV.B of this permit. Submission of the compliance report shall be deemed to satisfy any obligation to report the same deviations in the semiannual monitoring report. However, submission of a compliance report shall not otherwise affect any obligation the affected source may have to report deviations from permit requirements to EPA.

[40 CFR 63.6650(f)]

3. The semiannual compliance report must contain the following:

   (a) Company name and address;

   (b) Statement by the responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report;

   (c) The date of the report and beginning and ending dates of the reporting period;

   (d) In the event a malfunction has occurred during the reporting period, the report must include the number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by the permittee during a malfunction of an engine to minimize emissions in accordance with Section II.E. of this permit, including actions taken to correct a malfunction;

   (e) If there are no deviations from any applicable emission limitations, or operating limitations, a statement that there were no deviations from the emissions limitations or operating limitations during the reporting period; and

   (f) If there were no periods during which the continuous monitoring system (CMS), including CEMS and CPMS, was out-of-control, as specified in §63.8(c)(7), a statement that there were no periods during which the CMS was out-of-control

during the reporting period.

[40 CFR 63.6650(c)]

4. For each deviation from an emission or operating limitation that occurs for an engine where a CMS is not being used to comply with the emission and operating limits, the compliance report must contain the following information:

   (a) Information required in Section III.L.3.a through d of this permit;

   (b) The total operating time of the engine at which the deviation occurred during the reporting period; and

   (c) Information on the number, duration, and cause of deviations (including unknown cause, if applicable), and the corrective action taken.

   [40 CFR 63.6650(d)]

5. For each deviation from an emission or operating limitation that occurs for an engine where a CMS is being used to comply with the emission and operating limits, the compliance report must contain the following information:

   (a) Information required in Section III.L.3.a through d of this permit;

   (b) The date and time that each malfunction started and stopped;

   (c) The date, time, and duration that each CMS was inoperative, except for zero (low-level) and high-level checks;

   (d) The date, time, and duration that each CMS was out-of-control, including the information in §63.8(c)(8);

   (e) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of malfunction of during another period;

   (f) A summary of the total duration of the deviation during the reporting period, and the total duration as a percent of the total source operating time during that reporting period;

   (g) A breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown causes;

   (h) A summary of the total duration of CMS downtime during the reporting period, and the total duration of CMS downtime as a percent of the total operating time of the engine at which the CMS downtime occurred during the reporting period;

   (i) An identification of each parameter and pollutant (CO or formaldehyde) that was

monitored at the engine;

(j) A brief description of the engine;

(k) A brief description of the CMS;

(l) The date of the last CMS certification audit; and

(m) A description of any changes in CMS, processes, or controls since the last reporting period.

[40 CFR 63.6650(e)]

IV. Facility-Wide Requirements

Conditions in this section of the permit apply to all emissions units located at the facility, including any units not specifically listed in Table 1 and Table 2 of Section I.B.

[40 CFR 71.6(a)(1)]

IV.A. General Recordkeeping Requirements

The permittee shall comply with the following generally applicable recordkeeping requirements:

1. If the permittee determines that his or her stationary source that emits (or has the potential to emit, without federally recognized controls) one or more hazardous air pollutants is not subject to a relevant standard or other requirement established under 40 CFR part 63, the permittee shall keep a record of the applicability determination on site at the source for a period of five (5) years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination shall include an analysis (or other information) that demonstrates why the permittee believes the source is unaffected (e.g., because the source is an area source).

[40 CFR 63.10(b)(3) and 63.10(f)]

2. Records shall be kept, as required by Section V.Q. of this permit, of off permit changes.

IV.B. General Reporting Requirements [40 CFR 71.6(a)(3)(iii)]

1. The permittee shall submit to EPA all reports of any required monitoring under this permit semiannually, by April 1st and October 1st of each year. The report due on April 1st shall cover the six-month period ending on the last day of February before the report is due. The report due on October 1st shall cover the six-month period ending on the last day of August before the report is due. All instances of deviations from permit requirements shall be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with Section V.E of this permit.

[Explanatory note: To help part 71 permittees meet reporting responsibilities, EPA has developed a form "SIXMON" for six-month monitoring reports. The form may be found on EPA's website at: http://www.epa.gov/air/oaqps/permits/p71forms.html]

2. "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 §71.6(a)(3)(i) and (a)(3)(ii). For a situation lasting more than 24 hours which constitutes a deviation, each 24 hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:

(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; or

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

3. The permittee shall promptly report to EPA 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. "Prompt" is defined as follows:

(a) Any definition of "prompt" or a specific time frame for reporting deviations provided in an underlying applicable requirement as identified in this permit;

(b) Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:

(i) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the 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.

(ii) For emissions of any regulated air pollutant, excluding a hazardous air pollutant or a toxic air pollutant that continues for more than two (2) hours in excess of permit requirements, the report must be made within 48 hours.

(iii) For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report.

(c) If any of the conditions in Section IV.B.3(b)(i) or (ii) above are met, the permittee must notify EPA by telephone (1-800-227-8917) or facsimile (303-312-6064) based on the timetables listed above. *[Notification by telephone or fax must specify that this notification is a deviation report for a part 71 permit]*. A written notice, certified consistent with Section V.E of this permit must be submitted within 10 working days of the occurrence. All deviations reported under this section must also be identified in the 6-month report required under permit Section IV.B.1 of this permit.

[Explanatory note: To help part 71 permittees meet reporting responsibilities, EPA has developed a form "PDR" for prompt deviation reporting. The form may be found on EPA's website at: http://www.epa.gov/air/oaqps/permits/p71forms.html]

IV.C. Permit Shield [40 CFR 71.6(f)(3)]

Nothing in this permit shall alter or affect the following:

1. The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;

2. The ability of the EPA to obtain information under section 114 of the CAA; or

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

IV.D. Compliance Schedule and Progress Reports

The source is subject to the requirements of Consent Decree Civil Action No. 2:09-CV-330-T5, lodged on April 17, 2009 and entered in the United States District Court on November 13, 2009 (attached in Section VI.B.). The permittee shall comply with the requirements of the Consent Decree by the specified deadlines. Failure of the permittee to meet any milestone included in the Consent Decree will constitute grounds for an enforcement action.

[40 CFR 71.6(c)(3)]

1. The permittee shall submit progress reports every 6 months, consistent with Section IV.B.1 of this permit. Such progress reports shall be certified and contain the following:

   (a) Dates for achieving the activities, milestones, or compliance required in the Consent Decree, and dates when such activities, milestones, or compliance were achieved; and

   (b) An explanation of why any dates in the Consent Decree were not or will not be met, and any preventive or corrective measures adopted.

   [40 CFR 71.6(c)(4)]

2. The Consent Decree is supplemental to and does not sanction noncompliance with the applicable requirements on which it is based.

   [40 CFR 71.5(c)(8)(iii)(C)]

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

   [40 CFR 71.5(c)(8)(iii)(A)]

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

   [40 CFR 71.5(c)(8)(iii)(B)]

V. Part 71 Administrative Requirements

V.A. <u>Annual Fee Payment</u> [40 CFR 71.6(a)(7) and 40 CFR 71.9]

1. The permittee shall pay an annual permit fee in accordance with the procedures outlined below.

[40 CFR 71.9(a)]

2. The permittee shall pay the annual permit fee each year no later than October 1st. The fee shall cover the previous calendar year.

[40 CFR 71.9(h)]

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 CFR 71.9(k)(1)]

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

For <u>regular U.S. Postal Service mail</u>	**For <u>non-U.S. Postal Service Express mail</u>**
(FedEx, Airborne, DHL, and UPS)	U.S. Bank
U.S. Environmental Protection Agency	Government Lockbox 979078
FOIA and Miscellaneous Payments	Cincinnati Finance Center
U.S. EPA FOIA & Misc. Payments	1005 Convention Plaza
P.O. Box 979078	SL-MO-C2-GL
St. Louis, MO 63197-9000	St. Louis, MO 63101

[40 CFR 71.9(k)(2)]

5. The permittee shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by the same deadline as required for fee payment to the address listed in Section V.E of this permit.

[40 CFR 71.9(h)(1)]

[Explanatory note: The fee filing form "FF" and the fee calculation worksheet form "FEE" may be found on EPA website at: http://www.epa.gov/air/oaqps/permits/p71forms.html]

6. Basis for calculating annual fee:

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

[40 CFR 71.9(c)(1)]

   (i) "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 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 CFR 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 CFR 71.9(h)(3)]

(iii) If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures.

[40 CFR 71.9(e)(2)]

[Explanatory note: The presumptive fee amount is revised each calendar year to account for inflation, and it is available from EPA prior to the start of each calendar year.]

(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 tpy;

[40 CFR 71.9(c)(5)(i)]

(ii) Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation; and

[40 CFR 71.9(c)(5)(ii)]

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

[40 CFR 71.9(c)(5)(iii)]

7. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official.

[40 CFR 71.9(h)(2)]

[Explanatory note: The fee calculation worksheet form already incorporates a section to help you meet this responsibility.]

8. The permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for 5 years following submittal of fee payment.

[Emission-related data include, for example, emissions-related forms provided by 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 §71.6(a)(3)(ii).]

[40 CFR 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 §71.9(l).

[40 CFR 71.9(l)]

10. When notified by EPA of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of notification.

[40 CFR 71.9(j)(2)]

11. A permittee who thinks an EPA assessed fee is in error and who wishes to challenge such fee, shall provide a written explanation of the alleged error to EPA along with full payment of the EPA assessed fee.

[40 CFR 71.9(j)(3)]

V.B. Annual Emissions Inventory [40 CFR 71.9(h)(1)and (2)]

The permittee shall submit an annual emissions report of its actual emissions for both criteria pollutants and regulated HAPs for this facility for the preceding calendar year for fee assessment purposes. The annual emissions report shall be certified by a responsible official and shall be submitted each year to EPA by October 1st. The annual emissions report shall be submitted to EPA at the address listed in Section V.E of this permit.

[Explanatory note: An annual emissions report, required at the same time as the fee calculation worksheet by §71.9(h), has been incorporated into the fee calculation worksheet form as a convenience.]

V.C. Compliance Requirements

1. Compliance with the Permit

   (a) The permittee must comply with all conditions of this part 71 permit. Any permit noncompliance constitutes a violation of the CAA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

   [40 CFR 71.6(a)(6)(i)]

   (b) 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 CFR 71.6(a)(6)(ii)]

(c) For the purpose of submitting compliance certifications in accordance with Section V.C.2. of this permit, or establishing whether or not a person has violated or is in violation of any requirement of this permit, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[Section 113(a) and 113(e)(1) of the Act, 40 CFR 51.212, 52.12, 52.33, 60.11(g), and 61.12]

2. Compliance Certifications

(a) The permittee shall submit to EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices annually by October 1st, and shall cover the 12 month period ending on August 31st of the year the certification of compliance is due.

[Explanatory note: To help part 71 permittees meet reporting responsibilities, EPA has developed a reporting form for annual compliance certifications. The form may be found on EPA website at: http://www.epa.gov/air/oaqps/permits/p71forms.html]

(b) The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official consistent with §71.5(d).

[40 CFR 71.6(c)(5)]

(c) The certification shall include the following:

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

(ii) The 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. Such methods and other means shall include, at a minimum, the methods and means required in this permit. If necessary, the permittee also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the CAA, which prohibits knowingly making a false certification or omitting material information;

(iii) The status of compliance with each term and condition of the permit for the period covered by the certification based on the method or means designated in (ii) above. The certification shall identify each deviation and take it into account in the compliance certification;

(iv) Such other facts as the EPA may require to determine the compliance status of the source; and

(v) Whether compliance with each permit term was continuous or intermittent.

[40 CFR 71.6(c)(5)(iii)]

V.D. Duty to Provide and Supplement Information

[40 CFR 71.6(a)(6)(v), 71.5(a)(3), and 71.5(b)]

1. The permittee shall furnish to EPA, within a reasonable time, any information that EPA may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential must be accompanied by a claim of confidentiality according to the provisions of 40 CFR part 2, subpart B.

[40 CFR 71.6(a)(6)(v) and 40 CFR 71.5(a)(3)]

2. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. In addition, a permittee shall provide additional information as necessary to address any requirements that become applicable after the date a complete application is filed, but prior to release of a draft permit.

[40 CFR 71.5(b)]

V.E. Submissions [40 CFR 71.5(d), 71.6(c)(1) and 71.9(h)(2)]

1. Any document (application form, report, compliance certification, etc.) required to be submitted under this permit shall be certified by a responsible official as to truth, accuracy, and completeness. 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.

[Explanatory note: EPA has developed a reporting form "CTAC" for certifying truth, accuracy and completeness of part 71 submissions. The form may be found on EPA website at: http://www.epa.gov/air/oaqps/permits/p71forms.html]

2. Any documents required to be submitted under this permit, including reports, test data, monitoring data, notifications, compliance certifications, fee calculation worksheets, and applications for renewals and permit modifications shall be submitted to:

Part 71 Permit Contact
Air Program, 8P-AR
U.S. Environmental Protection Agency,
1595 Wynkoop Street

Denver, Colorado 80202

V.F. Severability Clause [40 CFR 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.

V.G. Permit Actions [40 CFR 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.

V.H. Administrative Permit Amendments [40 CFR 71.7(d)]

1. The permittee may request the use of administrative permit amendment procedures for a permit revision that:

   (a) Corrects typographical errors;

   (b) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;

   (c) Requires more frequent monitoring or reporting by the permittee;

   (d) Allows for a change in ownership or operational control of a source where the EPA determines that no other change in the permit is necessary, provided that 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 EPA;

   (e) Incorporates into the part 71 permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of §§71.7 and 71.8 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in §71.6; or

   (f) Incorporates any other type of change which EPA has determined to be similar to those listed above in (a) through (e) above.

[Note to permittee: If subparagraphs (a) through (e) above do not apply, please contact EPA

for a determination of similarity prior to submitting your request for an administrative permit amendment under this provision.]

V.I. <u>Minor Permit Modifications</u> [40 CFR 71.7(e)(1)]

1. The permittee may request the use of minor permit modification procedures only for those modifications that:

   (a) Do not violate any applicable requirement;

   (b) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

   (c) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

   (d) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

      (i) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and
      (ii) An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the CAA;

   (e) Are not modifications under any provision of title I of the CAA; and

   (f) Are not required to be processed as a significant modification.

   [40 CFR 71.7(e)(1)(i)(A)]

2. Notwithstanding the list of changes ineligible for minor permit modification procedures above, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.

   [40 CFR 71.7(e)(1)(i)(B)]

3. An application requesting the use of minor permit modification procedures shall meet the requirements of §71.5(c) and shall include the following:

   (a) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(b) The source's suggested draft permit;

(c) Certification by a responsible official, consistent with §71.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

(d) Completed forms for the permitting authority to use to notify affected States as required under §71.8.

[40 CFR 71.7(e)(1)(ii)]

4. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by §71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

[40 CFR 71.7(e)(1)(v)]

5. The permit shield under §71.6(f) may not extend to minor permit modifications.

[40 CFR 71.7(e)(1)(vi)]

V.J. <u>Group Processing of Minor Permit Modifications</u> [40 CFR 71.7(e)(2)]

1. Group processing of modifications by EPA may be used only for those permit modifications:

(a) That meet the criteria for minor permit modification procedures under Section V.1 of this permit; and

(b) That collectively are below the threshold level of 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in §71.2, or 5 tpy, whichever is least.

[40 CFR 71.7(e)(2)(i)]

2. An application requesting the use of group processing procedures shall be submitted to EPA, shall meet the requirements of §71.5(c), and shall include the following:

(a) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(b) The source's suggested draft permit;

(c) Certification by a responsible official, consistent with §71.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used;

(d) A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under (a) above; and

(e) Completed forms for the permitting authority to use to notify affected States as required under §71.8.

[40 CFR 71.7(e)(2)(ii)]

3. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by §71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

[40 CFR 71.7(e)(2)(v)]

4. The permit shield under §71.6(f) may not extend to group processing of minor permit modifications.

[40 CFR 71.7(e)(2)(vi)]

V.K. <u>Significant Permit Modifications</u> [40 CFR 71.7(e)(3)]

1. The permittee must request the use of significant permit modification procedures for those modifications that:

(a) Do not qualify as minor permit modifications or as administrative amendments;

(b) Are significant changes in existing monitoring permit terms or conditions; or

(c) Are relaxations of reporting or recordkeeping permit terms or conditions.

[40 CFR 71.7(e)(3)(i)]

2. Nothing herein shall be construed to preclude the permittee from making changes consistent with part 71 that would render existing permit compliance terms and conditions irrelevant.

[40 CFR 71.7(e)(3)(i)]

3. Permittees must meet all requirements of part 71 for applications, public participation, and review by affected states and tribes for significant permit modifications. For the application to be determined complete, the permittee must supply all information that is required by §71.5(c) for permit issuance and renewal, but only that information that is related to the proposed change.

[40 CFR 71.7(e)(3)(ii), 71.8(d), and 71.5(a)(2)]

V.L. Reopening for Cause [40 CFR 71.7(f)]

1. The permit may be reopened and revised prior to expiration under any of the following circumstances:

   (a) Additional applicable requirements under the Act become applicable to a major part 71 source with a remaining permit term of 3 or more years. Such a reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to §71.7 (c)(3);

   (b) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit;

   (c) 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; or

   (d) EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

V.M. Property Rights [40 CFR 71.6(a)(6)(iv)]

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

V.N. Inspection and Entry [40 CFR 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 must be 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.

V.O. Emergency Provisions [40 CFR 71.6(g)]

1. In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

   (a) An emergency occurred and that the permittee can identify the cause(s) of the emergency;

   (b) The permitted facility was at the time being properly operated;

   (c) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and

   (d) The permittee submitted notice of the emergency to EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements for prompt notification of deviations.

2. In any enforcement preceding the permittee attempting to establish the occurrence of an emergency has the burden of proof.

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

V.P. Transfer of Ownership or Operation [40 CFR 71.7(d)(1)(iv)]

A change in ownership or operational control of this facility may be treated as an administrative permit amendment if the EPA determines no other change in this permit is necessary and provided that 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 EPA.

V.Q. Off Permit Changes [40 CFR 71.6(a)(12) and 40 CFR 71.6(a)(3)(ii)]

The permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met, and that all records required by this section are kept on site at the source for a period of five (5) years:

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

2. Each change shall meet with all applicable requirements and shall not violate any existing permit term or condition;

3. Changes under this provision may not include changes subject to any requirement of 40 CFR 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 each change, except for changes that qualify as insignificant activities under §71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change;

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

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; and

7. For replacement of an existing permitted compressor engine with an engine of the same

make, model, horsepower rating, and configured to operate in the same manner as the engine being replaced, in addition to satisfying all other provisions for off permit changes, the permittee satisfies the following provisions:

(a) No new applicable requirements, as defined in 40 CFR 71.2, are triggered by the replacement; and

(b) The following information is provided in a written notice to EPA, prior to installation of the replacement engine, in addition to the standard information listed above for contemporaneous written notices for off permit changes:

(i) Make, model number, serial number, horsepower rating and configuration of the existing permitted engine and the replacement engine;
(ii) Manufacture date, commence construction date (per the definition in 40 CFR 60.2, 60.4230(a) and 63.2), installation date and startup date of the replacement engine;
(iii) If applicable, documentation of the cost to rebuild a replacement engine versus the cost to purchase a new engine in order to support claims that an engine is not "reconstructed," as defined in 40 CFR 60.15 and 40 CFR 63.2;
(iv) 40 CFR part 60, subpart IIII (CI Engine NSPS) non-applicability documentation as appropriate;
(v) 40 CFR part 60, subpart JJJJ (SI Engine NSPS) non-applicability documentation as appropriate;
(vi) 40 CFR part 63, subpart ZZZZ (RICE MACT) non-applicability documentation for <u>major</u> sources, as appropriate;
(vii) 40 CFR part 63, subpart ZZZZ (RICE MACT) non-applicability documentation for <u>area</u> sources, as appropriate;
(viii) Documentation to demonstrate that the replacement does not constitute a major new source or major modification, as defined in Federal PSD rules (40 CFR 52.21), as follows:

A. If the replacement will not constitute a "physical change or change in the method of operation" as described in §52.21(b)(2)(i), an explanation of how that conclusion was reached shall be provided.

B. If the replacement will constitute a "physical change or change in the method of operation" as described §52.21(b)(2)(i), the following information shall be provided:

(1) <u>If the existing source is a "major stationary source" as defined in §52.21(b)(1)</u>: For each "regulated NSR pollutant" as defined in §52.21(b)(50), a demonstration (including all calculations) that the replacement will not be a "major modification" as defined in §52.21(b)(2). A modification is major only if it causes a "significant

emissions increase" as defined in §52.21(b)(40), and also causes a "significant net emissions increase" as defined in §§52.21(b)(3) and (b)(23).

The procedures of §52.21(a)(2)(iv) shall be used to calculate whether or not there will be a significant emissions increase. If there will be a significant emissions increase, then calculations shall be provided to demonstrate there will not be a significant net emissions increase. These latter calculations shall include all sourcewide contemporaneous and creditable emission increases and decreases, as defined in §52.21(b)(3), summed with the PTE of the replacement unit(s).

If netting is used to demonstrate that the replacement will not constitute a "major modification," verification shall be provided that the replacement engine(s) or turbine(s) employ emission controls at least equivalent in control effectiveness to those employed by the engine(s) or turbine(s) being replaced.

PTE of replacement unit(s) shall be determined based on the definition of PTE in §52.21(b)(4). For each "regulated NSR pollutant" for which the PTE is not "significant," calculations used to reach that conclusion shall be provided.

(2) <u>If the existing source is not a "major stationary source" as defined in §52.21(b)(1)</u>: For each "regulated NSR pollutant," a demonstration (including all calculations) that the replacement engine(s) or turbine(s), by itself, will not constitute a "major stationary source" as defined in §52.21(b)(1)(i).

8. The notice shall be kept on-site at the facility and made available to EPA on request, in accordance with the general recordkeeping provision of this permit.

9. Submittal of the written notice required above shall not constitute a waiver, exemption, or shield from applicability of any applicable standard or PSD permitting requirements under 40 CFR 52.21 that would be triggered by the replacement of any one engine, or by replacement of multiple engines.

V.R. <u>Permit Expiration and Renewal</u> [40 CFR 71.5(a)(1)(iii), 71.5(a)(2), 71.5(c)(5), 71.6(a)(11), 71.7(b), 71.7(c)(1), and 71.7(c)(3)]

1. This permit shall expire upon the earlier occurrence of the following events:

   (a) Five (5) years elapse from the date of issuance; or

   (b) The source is issued a part 70 or part 71 permit under an EPA approved or delegated permit program.

   [40 CFR 71.6(a)(11)]

2. Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted at least 6 months but not more than 18 months prior to the date of expiration of this permit.

   [40 CFR 71.5(a)(1)(iii)]

3. If the permittee submits a timely and complete permit application for renewal, consistent with §71.5(a)(2), but EPA has failed to issue or deny the renewal permit, then all the terms and conditions of the permit, including any permit shield granted pursuant to §71.6(f) shall remain in effect until the renewal permit has been issued or denied.

   [40 CFR 71.7(c)(3)]

4. The permittee's failure to have a part 71 permit is not a violation of this part until 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 EPA.

   [40 CFR 71.7(b)]

5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation, affected State, and tribal review.

   [40 CFR 71.7(c)(1)]

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.

   [40 CFR 71.5(a)(2) and 71.5(c)(5)]

VI. Appendix

VI.A. Inspection Information

1. Driving Directions to North Hill Creek from Roosevelt:

    - Drive East on Interstate 40 for 16 miles until the junction of Interstate 40 and State Highway 88
    - Turn South on Highway 88 and continue for 25.5 miles to Willow Creek Rd (unpaved road).
    - Continue South on Willow Creek Rd. for 20.5 miles until Santio Crossing
    - Veer right off of the main road and continue 16 miles to North Hill Creek

    Note: A Ute Indian Tribe crossing permit is required, where applicable.

2. Global Positioning System (GPS) coordinates:

    Latitude 39.532375 N
    Longitude 109.661761 W

3. Safety Considerations:

    All visitors to a Wind River Resources facility are expected to adhere to all Wind River Resources safety and environmental policies.

    Wind River Resources requires persons entering the site to wear a hard hat, safety glasses, safety toe footwear, and hearing protection.

    In addition to the safety and environmental policies, a Tribal access permit is required to access or cross tribal land. Access to North Hill Creek will require accessing tribal land. A tribal access permit may be obtained by contacting the Ute Tribal Office at (435) 725-4950. The names and vehicle description (make, model, year, color, and license plate number) must be on the tribal access permit.

VI.B. Consent Decree – Civil Action No. 2:09-CV-330-T5

Attached