



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

Ref: 8P-AR

Scott Bassett  
Senior Environmental Coordinator  
Questar Pipeline Company  
P.O Box 45360  
Salt Lake City, Utah 84145-0360

NOV 1 2016

Re: Questar Pipeline Company Fidler Compressor Station  
Permit # SMNSR-UO-000002-2013.001  
Final Synthetic Minor New Source Review Permit

Dear Mr. Bassett:

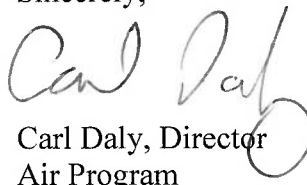
The Environmental Protection Agency Region 8 has completed its review of Questar Pipeline Company's (QPC's) request to obtain a synthetic minor source permit pursuant to the Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR Part 49 for the Fidler Compressor Station located on Indian country lands within the Uintah and Ouray Indian Reservation, in Uintah County, Utah. Based on the information submitted in QPC's application, the EPA hereby issues the enclosed final synthetic minor MNSR permit for the Fidler Compressor Station. Please review each condition carefully and note any restrictions placed on this source.

A 30-day public comment period was held from September 2, 2016 to October 2, 2016. The EPA did not receive any comments during the public comment period. The final permit is effective as of the date of signature on the final permit and this transmittal letter.

Pursuant to 40 CFR 49.159, within 30 days after the final permit decision has been issued, any person who commented on the specific terms and conditions of the draft permit may petition the Environmental Appeals Board to review any term or condition of the permit. Any person who failed to comment on the specific terms and conditions of this permit may petition for administrative review only to the extent that the changes from the draft to the final permit or other new grounds were not reasonably ascertainable during the public comment period. The 30-day period within which a person may request review begins with this dated notice of the final permit decision. If an administrative review of the final permit is requested, the specific terms and conditions of the permit that are the subject of the request for review must be stayed.

If you have any questions concerning the enclosed final permit, please contact Colin Schwartz of my staff at (303) 312-6043.

Sincerely,



Carl Daly, Director  
Air Program

Enclosures (1)

Bruce Pargeets, Director, Energy, Minerals and Air, Ute Indian Tribe  
Minnie Grant, Air Coordinator, Energy, Minerals, and Air, Ute Indian Tribe  
Honorable Shaun Champoos, Chairman, Ute Indian Business Committee (w/o enclosures)  
Edred Secakuku, Vice Chairman, Ute Indian Business Committee (w/o enclosures)  
Reannin Tapoof, Executive Assistant, Ute Indian Business Committee (w/o enclosures)

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



**Air Pollution Control  
Synthetic Minor Source Permit to Construct**

**40 CFR 49.151**

**# SMNSR-UO-000002-2013.001**

*Permit to Construct to establish legally and practically enforceable  
limitations and requirements on sources at an existing facility*

**Permittee:**

Questar Pipeline Company

**Permitted Facility:**

Fidlar Compressor Station  
Uintah and Ouray Indian Reservation  
Uintah County, Utah

## Summary

On November 1, 2013, the EPA received an application from Questar Pipeline Company (QPC) requesting a synthetic minor permit for the Fidlar Compressor Station in accordance with the requirements of the Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR part 49.

This permit action applies to an existing facility operating on the Uintah and Ouray Indian Reservation in Utah. This permit does not authorize the construction of any new emission sources, or emission increases from existing units nor does it otherwise authorize any other physical modifications to the facility or its operations. This permit is only intended to incorporate required and requested enforceable emission limits and operational restrictions from a July 15, 2011 operating permit issued in accordance with the Title V Operating Permit Program at 40 CFR part 71 (Part 71). The permit established emission limits for one (1) of the four (4) compressor engines operating at the station, a 1,061 horsepower (hp) spark ignition 4-stroke rich-burn (4SRB) natural gas-fired reciprocating internal combustion engine used for natural gas compression.

The MNSR permit reflects the incorporation of requirements created in the Part 71 permit issued by the EPA at the request of QPC to recognize an emission control system that was voluntarily installed and operated on the engine. The Part 71 permit contains conditions to limit nitrogen oxides (NO<sub>x</sub>) from the 1,061 hp 4SRB compressor engine installed and operating at the facility. In addition, associated testing, monitoring, recordkeeping and reporting requirements were established in order to ensure that the limits were legally and practically enforceable.

The creation of the legally and practically enforceable limits in a Part 71 permit was a temporary, gap-filling measure for those sources operating in Indian country that did not have the ability to obtain these limits through other programs, such as exists in state jurisdictions.

Section 49.153(a)(3)(iv) of the MNSR regulation provides us with the authority to transfer such limits to a MNSR permit, effectively creating legally and practically enforceable requirements without the use of the emission limits in the Part 71 permit. The regulations at §§ 49.158(c)(2)(ii) and (iii) also provide us with the discretion to require any additional requirements necessary to protect the National Ambient Air Quality Standards (NAAQS), including monitoring and testing requirements, based on the specific circumstances of the source. The EPA has established some additional requirements in accordance with this provision.

Upon compliance with this permit, QPC will have legally and practically enforceable restrictions on emissions that can be used when determining the applicability of other Clean Air Act (CAA) permitting requirements, such as under the Prevention of Significant Deterioration (PSD) Permit Program at 40 CFR part 52 and the Part 71 Permit Program.

The EPA has determined that issuance of this MNSR permit will not contribute to NAAQS violations, or have potentially adverse effects on ambient air quality.

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## I. Conditional Permit to Construct

### A. General Information

<u>Facility:</u>	Questar Pipeline Company - Fidlar Compressor Station
<u>Permit number:</u>	SMNSR-UO-000002-2013.001
<u>SIC Code and SIC Description:</u>	4922 – Natural Gas Transmission
<u>Site Location:</u>	<u>Corporate Office Location</u>
Fidlar Compressor Station	Questar Pipeline Company
SW ¼, NW ¼ Sec 16 T9S R22E	DNR 206, P.O. Box 45360
Uintah and Ouray Indian Reservation	Salt Lake City, Utah 84145
Uintah County, Utah	
Latitude 40.039722, Longitude -109.456944	

The equipment listed in this permit shall be operated by Questar Pipeline Company at the location described above.

### B. Applicability

1. This permit to construct is being issued under authority of the MNSR Permit Program.
2. The requirements in this permit have been created, at the Permittee's request, to establish legally and practically enforceable restrictions for limiting NO<sub>x</sub> engine emissions.
3. Any conditions established for this facility or any specific units at this facility pursuant to any permit issued under the authority of the PSD Permit Program or the MNSR Permit Program shall continue to apply.
4. By issuing this permit, EPA does not assume any risk of loss which may occur as a result of the operation of the permitted facility by the Permittee, Owner and/or Operator, if the conditions of this permit are not met by the Permittee, Owner and/or Operator.

### C. Requirements for Engines

1. Construction and Operational Limits
  - (a) The Permittee shall install, operate and maintain emission controls as specified in this permit on one (1) reciprocating internal combustion engine used for compression, meeting the following specifications:
    - (i) Operated as a 4-stroke rich-burn (4SRB) engine;
    - (ii) Fired with natural gas; and
    - (iii) Limited to a maximum site rating of 1,061 site rated horsepower (hp).
  - (b) Only the engine that is operated and controlled as specified in this permit is approved for installation under this permit.

2. Emission Limits

- (a) NO<sub>x</sub> emissions from the 1,061 hp 4SRB engine shall not exceed:
  - (i) 4.68 pounds per hour (lb/hr); and
  - (ii) 2.0 grams per horsepower-hour (g/hp-hr).
- (b) Emission limits specified in this permit shall apply at all times unless otherwise specified in this permit.

3. Control and Operational Requirements

- (a) The Permittee shall ensure that the 1,061 hp 4SRB engine is equipped with an air-to-fuel ratio (AFR) control system and a non-selective catalytic reduction (NSCR) system capable of reducing uncontrolled NO<sub>x</sub> emissions to meet the emission limits specified in this permit.
- (b) The Permittee shall replace the oxygen (O<sub>2</sub>) sensor on the AFR controller on the 1,061 hp 4SRB engine within every 2,190 hours of engine run time.
- (d) The Permittee shall install, operate and maintain a temperature-sensing device (i.e., thermocouple or resistance temperature detectors) before the NSCR control system to continuously monitor the exhaust temperature at the inlet of the NSCR control system. The temperature-sensing device shall be calibrated and operated by the Permittee according to manufacturer specifications or equivalent specifications developed by the Permittee or vendor. The temperature-sensing device shall be accurate to within 0.75% of span.
- (e) Except during startups, which shall not exceed 30 minutes, the engine exhaust temperature at the inlet to the NSCR control system shall be maintained and at all times the engine operates in accordance with the NSCR manufacturer's specifications for optimum performance.
- (f) During operation, the pressure drop across the NSCR control system on the engine shall be maintained to within ±2 inches of water from the baseline pressure drop measured during the most recent performance test. The baseline pressure drop across the NSCR control system shall be determined at 100% ± 10% of the engine load measured during the most recent performance test.
- (g) The Permittee shall only fire the engine with natural gas. The natural gas shall be pipeline quality in all respects except that the carbon dioxide (CO<sub>2</sub>) concentration in the gas is not required to be within pipeline quality.
- (h) The Permittee shall follow, for the engine and respective NSCR control system, the manufacturer recommended maintenance schedule and procedures, or equivalent maintenance schedule and procedures developed by the Permittee or vendor, to ensure optimum performance of the engine and its respective catalytic control system.

- (i) The Permittee may rebuild or replace an existing permitted engine with an engine of the same horsepower rating, and configured to operate in the same manner as the engine being rebuilt or replaced. Any emission limits, requirements, control technologies, testing or other provisions that apply to the permitted engine that are replaced shall also apply to the rebuilt or replacement engine.
- (j) The Permittee may resume operation without the NSCR control system during an engine break-in period, not to exceed 200 operating hours, for rebuilt and replacement engines.

4. Performance Testing Requirements

- (a) Performance tests shall be conducted on the 1,061 hp 4SRB engine for measuring NO<sub>x</sub> emissions to demonstrate compliance with each emission limitation in this permit. The performance tests shall be conducted in accordance with appropriate reference methods specified in 40 CFR part 60, Appendix A and 40 CFR part 63, Appendix A or an EPA approved American Society for Testing and Materials (ASTM) method. The Permittee may submit to the EPA a written request for approval of an alternate test method, but shall only use that alternate test method after obtaining approval from the EPA.
  - (i) An initial performance test shall be conducted within 45 calendar days of the effective date of this permit.
  - (ii) Subsequent performance tests shall be conducted within 12 consecutive months after the most recent performance test.
  - (iii) Performance tests shall be conducted within 45 calendar days of startup of the engine after cleaning or replacement of the NSCR control system catalyst.
  - (iv) Performance tests shall be conducted within 45 calendar days of startup of each rebuilt or replaced engine.
- (b) The Permittee shall not perform engine tuning or make any adjustments to engine settings, NSCR control system settings, processes or operational parameters the day of or during the engine testing. Any such tuning or adjustments may result in a determination by the EPA that the test is invalid. Artificially increasing an engine load to meet test requirements is not considered engine tuning or adjustments.
- (c) The Permittee shall not abort any engine tests that demonstrate non-compliance with any NO<sub>x</sub> emission limits in this permit.
- (d) Performance tests conducted on the 1,061 hp 4SRB engine for measuring NO<sub>x</sub> emissions shall meet the following requirements:
  - (i) The pressure drop across the NSCR control system and the inlet temperature to the NSCR control system shall be measured and recorded at least once per test during all performance tests.
  - (ii) The Permittee shall measure CO emissions from the 1,061 hp 4SRB engine simultaneously with all performance tests for NO<sub>x</sub> emissions. CO emissions shall be measured using a portable analyzer and protocol approved in writing by the EPA. *[Note to Permittee: Although the permit does not contain CO emission limits for this engine, CO measurement requirements have been included as an*



*indicator to ensure compliance with Condition C.4(b) above.]*

- (iii) All performance tests shall be conducted at maximum operating rate (90% to 110% of the maximum achievable load available at the time of the test). The Permittee may submit to the EPA a written request for approval of an alternate load level for testing, but shall only test at that alternate load level after obtaining written approval from the EPA.
- (iv) During each test run, data shall be collected on all parameters necessary to document how emissions were measured and calculated (such as test run length, minimum sample volume, volumetric flow rate, moisture and oxygen corrections, etc.).
- (v) Each test shall consist of at least three 1 hour or longer valid test runs. Emission results shall be reported as the arithmetic average of all valid test runs and shall be in terms of the emission limits in this permit.
- (vi) A performance test plan shall be submitted to the EPA for approval within 30 calendar days of the effective date of this permit.
- (vii) Performance test plans that have already been approved by the EPA for the emission unit approved in this permit may be used in lieu of new test plans unless the EPA requires the submittal and approval of new test plans. The Permittee may submit new plans for EPA approval at any time.
- (viii) The test plans shall include and address the following elements:
  - (A) Purpose of the test;
  - (B) Engine and NSCR control system to be tested;
  - (C) Expected engine operating rate during the test;
  - (D) Sampling and analysis procedures (sampling locations, test methods, laboratory identification);
  - (E) Quality assurance plan (calibration procedures and frequency, sample recovery and field documentation, chain of custody procedures); and
  - (F) Data processing and reporting (description of data handling and quality control procedures, report content).
- (e) The Permittee shall notify the EPA at least 30 calendar days prior to scheduled performance testing. The Permittee shall notify the EPA at least 1 week prior to scheduled performance testing if the testing cannot be performed.
- (f) If the results of a complete and valid performance test of the emissions from the permitted engine demonstrate noncompliance with the emission limits in this permit, the engine shall be shut down as soon as safely possible and appropriate corrective action shall be taken (e.g., repairs, catalyst cleaning, catalyst replacement). The Permittee shall notify the EPA in writing within 24 hours of each such shut down. The engine must be retested within 7 days of being restarted and the emissions must meet the applicable limits in this permit. If the retest shows that the emissions continue to exceed the limits in this permit, the engine shall again be shut down as soon as safely possible, and the engine

may not operate, except for purposes of startup and testing, until the Permittee demonstrates through testing that the emissions do not exceed the emission limits in this permit.

- (g) If a permitted engine is not operating, the Permittee does not need to start up the engine solely to conduct a performance test. The Permittee may conduct the performance test when the engine is started up again.

## 5. Monitoring Requirements

- (a) The Permittee shall continuously measure the engine exhaust temperature at the inlet to the NSCR control system at all times the engine operates.
- (b) Except during startups, which shall not exceed 30 minutes, if the engine's exhaust temperature at the inlet to the NSCR control system deviates from the acceptable range specified by the manufacturer then the following actions shall be taken. The Permittee's completion of any or all of these actions shall not constitute, nor qualify as, an exemption from the NO<sub>x</sub> emission limits in this permit.
  - (i) Within 24 hours of determining a deviation of the engine exhaust temperature at the inlet to the NSCR control system, the Permittee shall investigate. The investigation shall include testing the temperature sensing device, inspecting the engine for performance problems and assessing the NSCR control system for possible damage that could affect NSCR control system effectiveness (including, but not limited to, catalyst housing damage and fouled, destroyed or poisoned catalyst).
  - (ii) If the engine exhaust temperature at the inlet to the NSCR control system can be corrected by following the engine manufacturer recommended procedures or equivalent procedures developed by the Permittee or vendor and the NSCR control system has not been damaged, then the Permittee shall correct the engine exhaust temperature at the inlet to the NSCR control system within 24 hours of inspecting the engine and NSCR control system.
  - (iii) If the engine exhaust temperature at the inlet to the NSCR control system cannot be corrected using the engine manufacturer recommended procedures or equivalent procedures developed by the Permittee or vendor, or the NSCR control system has been damaged, then the affected engine shall cease operating immediately and shall not be returned to routine service until the following has been met:
    - (A) The engine exhaust temperature at the inlet to the NSCR control system is measured and found to be within the acceptable temperature range for that engine; and
    - (B) The NSCR control system has been repaired or replaced, if necessary.
- (c) The Permittee shall monitor the pressure drop across the NSCR control system on the engine at least once every hour that the engine operates, beginning with the effective date of this permit, using pressure sensing devices before and after the NSCR control system to obtain a direct reading of the pressure drop (also referred to as the differential pressure). *[Note to Permittee: Differential pressure measurements, in general, are used*

*to show the pressure across the filter elements. This information will determine when the elements in the NSCR control system are fouling, blocked or blown out and thus require cleaning or replacement.]*

- (d) If the pressure drop reading exceeds  $\pm 2$  inches of water from the baseline pressure drop reading taken during the most recent performance test, then the following actions shall be taken. The Permittee's completion of any or all of these actions shall not constitute, nor qualify as, an exemption from any other emission limits in this permit:
  - (i) Within 24 hours of determining a deviation of the pressure drop across the NSCR control system, the Permittee shall investigate. The investigation shall include testing the pressure transducers and assessing the NSCR control system for possible damage that could affect catalytic system effectiveness (including, but not limited to, catalyst housing damage and plugged, fouled, destroyed or poisoned catalyst).
  - (ii) If the pressure drop across the NSCR control system can be corrected by following the NSCR control system manufacturer recommended procedures or equivalent procedures developed by the Permittee or vendor, and the NSCR control system has not been damaged, then the Permittee shall correct the problem within 24 hours of inspecting the NSCR control system.
  - (iii) If the pressure drop across the NSCR control system cannot be corrected using the NSCR control system manufacturer recommended procedures or equivalent procedures developed by the Permittee or vendor, or the NSCR control system is damaged, then the Permittee shall do one of the following:
    - (A) Conduct a performance test within 45 calendar days, as specified in this permit, to ensure that the emission limits are being met and to re-establish the pressure drop across the NSCR control system. The Permittee shall perform a portable analyzer test for CO and NO<sub>x</sub> to establish a new temporary pressure drop baseline until a performance test can be scheduled and completed; or
    - (B) Cease operating the affected engine immediately. The engine shall not be returned to routine service until the pressure drop is measured and found to be within the acceptable pressure range for that engine as determined from the most recent performance test. Corrective action may include removal and cleaning of the catalyst or replacement of the catalyst.
- (e) The Permittee shall monitor NO<sub>x</sub> and CO emissions from the exhaust of the NSCR control system on the engine at least quarterly to demonstrate compliance with the engines NO<sub>x</sub> emission limits in this permit. To meet this requirement, the Permittee shall:
  - (i) Measure NO<sub>x</sub> and CO emissions at the normal operating load using a portable analyzer and a monitoring protocol approved by the EPA or conduct a performance test as specified in this permit;
  - (ii) Measure the NO<sub>x</sub> and CO emissions simultaneously; and
  - (iii) Commence monitoring for NO<sub>x</sub> and CO emissions within 45 calendar days of the Permittee's submittal of the initial performance test results for NO<sub>x</sub> emissions, as appropriate, to the EPA.

- (f) The Permittee shall not perform engine tuning or make any adjustments to engine settings, NSCR control system settings, processes or operational parameters the day of or during measurements. Any such tuning or adjustments may result in a determination by the EPA that the result is invalid. Artificially increasing an engine load to meet monitoring requirements is not considered engine tuning or adjustments.
- (g) If the results of 2 consecutive quarterly portable analyzer measurements demonstrate compliance with NO<sub>x</sub> emission limits, the required monitoring frequency may change from quarterly to semi-annually.
- (h) If the results of any semi-annual portable analyzer measurement demonstrates non-compliance with the NO<sub>x</sub> emission limits, the required test frequency shall revert back to quarterly.
- (i) The Permittee shall submit portable analyzer specifications and NO<sub>x</sub> and CO monitoring protocols to the EPA at the following address for approval at least 45 calendar days prior to the date of initial portable analyzer monitoring:

U.S. Environmental Protection Agency, Region 8  
Office of Enforcement, Compliance & Environmental Justice  
Air Toxics and Technical Enforcement Program, 8ENF-AT  
1595 Wynkoop Street  
Denver, Colorado 80202

- (j) Portable analyzer specifications and monitoring protocols that have already been approved by the EPA for the emission units approved in this permit may be used in lieu of new protocols unless the EPA determines it is necessary to require the submittal and approval of a new protocol. The Permittee may submit a new protocol for EPA approval at any time.
- (k) The Permittee is not required to conduct emissions monitoring and parametric monitoring of exhaust temperature and NSCR control system differential pressure on the engine if it has not operated during the monitoring period. The Permittee shall certify that the engine did not operate during the monitoring period in the annual report specified in Condition I.E.1.

6. Recordkeeping Requirements

- (a) Records shall be kept of manufacturer and/or vendor specifications and maintenance requirements developed by the manufacturer, vendor or Permittee for the engine, AFR control system, NSCR control system, temperature-sensing device and pressure-measuring devices.
- (b) Records shall be kept of all calibration and maintenance conducted for the engine, catalytic control system, temperature-sensing device and pressure-measuring device.
- (c) Records shall be kept that are sufficient to demonstrate that the fuel for the engine is pipeline quality natural gas in all respects, with the exception of CO<sub>2</sub> concentrations.

- (d) Records shall be kept of all temperature measurements required in this permit, as well as a description of any corrective actions taken pursuant to this permit.
- (e) Records shall be kept of all pressure drop measurements required in this permit, as well as a description of any corrective actions taken pursuant to this permit.
- (f) Records shall be kept of all required testing and monitoring in this permit. The records shall include the following:
  - (i) The date, place, and time of sampling or measurements;
  - (ii) The dates analyses were performed;
  - (iii) The company or entity that performed the analyses;
  - (iv) The analytical techniques or methods used;
  - (v) The results of such analyses or measurements; and
  - (vi) The operating conditions as existing at the time of sampling or measurement.
- (g) Records shall be kept of all NSCR control system catalyst replacements or repairs, AFR control system replacements, engine rebuilds and replacements.
- (h) Records shall be kept of each rebuilt or replacement engine break-in period, pursuant to the requirements of this permit, where an existing engine that has been rebuilt or replaced resumes operation without the NSCR control system, for a period not to exceed 200 hours.
- (i) Records shall be kept of each time the engine is shut down due to a deviation in the inlet temperature to the NSCR control system or pressure drop across a NSCR control system. The Permittee shall include in the record the cause of the problem, the corrective action taken and the timeframe for bringing the pressure drop and inlet temperature range into compliance.

**D. Requirements for Records Retention**

- 1. The Permittee shall retain all records required by this permit for a period of at least 5 years from the date the record was created.
- 2. Records shall be kept in the vicinity of the facility, such as at the facility, the location that has day-to-day operational control over the facility or the location that has day-to-day responsibility for compliance of the facility.

**E. Requirements for Reporting**

1. Annual Emission Reports

- (a) The Permittee shall submit a written annual report of the actual annual emissions from the 1,061 hp 4SRB engine each year no later than April 1<sup>st</sup>. The annual report shall cover the period for the previous calendar year. All reports shall be certified to truth and accuracy by the responsible official.

- (b) The report shall include NO<sub>x</sub> emissions.
- (c) The report shall be submitted to:

U.S. Environmental Protection Agency, Region 8  
Office of Partnerships and Regulatory Assistance  
Tribal Air Permitting Program, 8P-AR  
1595 Wynkoop Street  
Denver, Colorado 80202

The report may be submitted via electronic mail to [R8AirPermitting@epa.gov](mailto:R8AirPermitting@epa.gov).

- 2. All other documents required to be submitted under this permit, with the exception of the Annual Emission Reports, shall be submitted to:

U.S. Environmental Protection Agency, Region 8  
Office of Enforcement, Compliance & Environmental Justice  
Air Toxics and Technical Enforcement Program, 8ENF-AT  
1595 Wynkoop Street  
Denver, Colorado 80202

Documents may be submitted via electronic mail to [R8AirReportEnforcement@epa.gov](mailto:R8AirReportEnforcement@epa.gov).

- 3. The Permittee shall promptly submit to the EPA a written report of any deviations of emission or operational limits specified in this permit and a description of any corrective actions or preventative measures taken. A “prompt” deviation report is one that is post marked or submitted via electronic mail to [r8airreportenforcement@epa.gov](mailto:r8airreportenforcement@epa.gov) as follows:
  - (a) Within 30 days from the discovery of a deviation that would cause the Permittee to exceed the emission limits or operational limits if left un-corrected for more than 5 days after discovering the deviation; and
  - (b) By April 1<sup>st</sup> for the discovery of a deviation of recordkeeping or other permit conditions during the preceding calendar year that do not affect the Permittee’s ability to meet the emission limits.
- 4. The Permittee shall submit a written report for any required performance tests to the EPA Regional Office within 60 days after completing the tests.
- 5. The Permittee shall submit any record or report required by this permit upon EPA request.

## II. General Provisions

### A. Conditional Approval

Pursuant to the authority of 40 CFR 49.151, the EPA hereby conditionally grants this permit to construct. This authorization is expressly conditioned as follows:

1. *Document Retention and Availability:* This permit and any required attachments shall be retained and made available for inspection upon request at the location set forth herein.
2. *Permit Application:* The Permittee shall abide by all representations, statements of intent and agreements contained in the application submitted by the Permittee. The EPA shall be notified 10 days in advance of any significant deviation from this permit application as well as any plans, specifications or supporting data furnished.
3. *Permit Deviations:* The issuance of this permit may be suspended or revoked if the EPA determines that a significant deviation from the permit application, specifications and supporting data furnished has been or is to be made. If the source is constructed, operated or modified not in accordance with the terms of this permit, the Permittee will be subject to appropriate enforcement action.
4. *Compliance with Permit:* The Permittee shall comply with all conditions of this permit, including emission limitations that apply to the affected emissions units at the permitted facility/source. Noncompliance with any permit term or condition is a violation of this permit and may constitute a violation of the CAA and is grounds for enforcement action and for a permit termination or revocation.
5. *Fugitive Emissions:* The Permittee shall take all reasonable precautions to prevent and/or minimize fugitive emissions during the construction period.
6. *NAAQS and PSD Increments:* The permitted source shall not cause or contribute to a NAAQS violation or a PSD increment violation.
7. *Compliance with Federal and Tribal Rules, Regulations, and Orders:* Issuance of this permit does not relieve the Permittee of the responsibility to comply fully with all other applicable federal and tribal rules, regulations and orders now or hereafter in effect.
8. *Enforcement:* It is not a defense, for the Permittee, in an enforcement action, to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
9. *Modifications of Existing Emissions Units/Limits:* For proposed modifications, as defined at 40 CFR 49.152(d), that would increase an emissions unit allowable emissions of pollutants above its existing permitted annual allowable emissions limit, the Permittee shall first obtain a permit modification pursuant to the MNSR regulations approving the increase. For a proposed modification that is not otherwise subject to review under the PSD or MNSR regulations, such proposed increase in the annual allowable emissions limit shall be approved through an administrative permit revision as provided at 40 CFR 49.159(f).

10. *Relaxation of Legally and Practically Enforceable Limits:* At such time that a new or modified source within this permitted facility/source or modification of this permitted facility/source becomes a major stationary source or major modification solely by virtue of a relaxation in any legally and practically enforceable limitation which was established after August 7, 1980, on the capacity of the permitted facility/source to otherwise emit a pollutant, such as a restriction on hours of operation, then the requirements of the PSD regulations shall apply to the source or modification as though construction had not yet commenced on the source or modification.
11. *Revise, Reopen, Revoke and Reissue, or Terminate for Cause:* This permit may be revised, reopened, revoked and reissued or terminated for cause. The filing of a request by the Permittee for a permit revision, revocation and reissuance, termination or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. The EPA may reopen this permit for a cause on its own initiative, e.g., if this permit contains a material mistake or the Permittee fails to assure compliance with the applicable requirements.
12. *Severability Clause:* 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.
13. *Property Rights:* This permit does not convey any property rights of any sort or any exclusive privilege.
14. *Information Requests:* The Permittee shall furnish to the EPA, within a reasonable time, any information that the EPA may request in writing to determine whether cause exists for revising, revoking and reissuing, terminating or determining compliance with this permit. For any such information claimed to be confidential, the Permittee shall also submit a claim of confidentiality in accordance with 40 CFR part 2, subpart B.
15. *Inspection and Entry:* The EPA or its authorized representatives may inspect this permitted facility/source during normal business hours for the purpose of ascertaining compliance with all conditions of this permit. Upon presentation of proper credentials, the Permittee shall allow the EPA or its authorized representative to:
  - (a) Enter upon the premises where this permitted facility/source is located or emissions-related activity is conducted or where records are required to be kept under the conditions of this permit;
  - (b) Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this permit;
  - (c) Inspect, during normal business hours or while this permitted facility/source is in operation, any facilities, equipment (including monitoring and air pollution control equipment), practices or operations regulated or required under this permit;
  - (d) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or other applicable requirements; and
  - (e) Record any inspection by use of written, electronic, magnetic and photographic media.



