United States Environmental Protection Agency
Region 5
Air Programs Branch
Air & Radiation Division
77 West Jackson Boulevard
Chicago, Illinois 60604

AIR POLLUTION CONTROL
TITLE V PERMIT TO OPERATE

Permit Number: V-LL-R50002-04-01 Expiration Date: DRAFT

Issue Date: **DRAFT** Effective Date: DRAFT

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

Great Lakes Gas Transmission Limited Partnership

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 in the following location:

Deer River Compressor Station No. 4
31641 Great Lakes Road
Deer River, Minnesota 56636

Compressor Station No. 4 is located on privately-owned fee land within the exterior boundaries of the Leech Lake Band of Chippewa Indian Reservation.

Terms and conditions 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.

_____ _____

Bharat Mathur, Acting Regional Administrator Date
U. S. EPA - Region 5

_____ _____

Stephen Rothblatt, Director Date
Air and Radiation Division
U. S. EPA - Region 5

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Abbreviations and Acronyms

ASTM	American Society for Testing and Materials
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CFR	Code of Federal Regulations
EPA	United States Environmental Protection Agency, Region 5
EU	Emission Unit
Facility	Great Lakes Gas Compressor Station No. 4
gal	gallon
g	grams
Great Lakes	Great Lakes Gas Transmission Limited Partnership
HAP	Hazardous Air Pollutant
hr	hour
Id. No.	Identification Number
kg	kilogram
lb	pound
MACT	Maximum Achievable Control Technology
Mg	megagram
MMBtu	million British Thermal Units
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO_x	Nitrogen Oxides
NSPS	New Source Performance Standard
NSR	New Source Review
Operator	Great Lakes Gas Transmission Company
Permittee	Great Lakes Gas Transmission Limited Partnership
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
SO_2	Sulfur Dioxide
VOC	Volatile Organic Compounds

1.0 Source Identification and Unit-Specific Information

(A). General Source Information

Parent Company: Great Lakes Gas Transmission Limited Partnership
5250 Corporate Drive
Troy, Michigan 48098

Facility: Deer River Compressor Station No. 4
31641 Great Lakes Road
Deer River, Minnesota 56636

County: Itasca County

Tribe/Reservation: Leech Lake Band of Chippewa Indian Reservation

Company Contact: Dorothy Fleming, Senior Environmental Specialist
Phone: (248) 205-7454

Plant Manager/Contact: Lee Hanson
Phone: (218) 246-8294

Responsible Official: John J. Wallbillich, Vice President, Legal and Environmental Affairs
Phone: (248) 205-7426

Tribal Contact: Brandy Toft, Air Quality Specialist
Phone: (218) 335-7429

SIC Code: 4922, Natural Gas Transmission

AFS Plant Identification Number: 27 061 00011

Description of Process: Deer River Station No. 4 is one of five Great Lakes compressor stations located in Minnesota. Compressors operated at these stations add pressure to natural gas in Great Lakes' pipeline causing it to flow to the next compressor station. Deer River Station No. 4 is composed of two natural gas-fired turbine/compressors and one natural gas-fired standby electrical generator. The pipeline normally operates continuously, but at varying loads, 24 hours per day and 365 days per year.

(B). Source Emission Points

Emission Unit	Description	Manufacturer/ Model	Heat Input (MMbtu/hr)	Date Installed
EU 001	Natural Gas-fired Turbine	Avon 101G	187.2	1971
EU 002	Natural Gas-fired Turbine	General Electric LM 1600	184.0	1993
EU 003	Natural Gas-fired Standby Electrical Generator	Waukesha VGF 36 GL/GLD (low emission unit)	6.46	1997

2.0 UNIT-SPECIFIC OPERATING REQUIREMENTS

(A). Emission Limitations and Standards [40 CFR § 71.6(a)(1)]
The Permittee shall comply with the following requirements:

1. Nitrogen Oxide NSPS Limitations.

   Total NO_x emissions from EU 002 shall not exceed 196 ppmv at 15 percent oxygen and on a dry basis. [40 CFR §60.332(a)(2)]

2. Sulfur Dioxide NSPS Limitations.

   EU 002 shall not burn any fuel which contains sulfur in excess of 0.8 percent by weight. [40 CFR §60.333(b)]

3. Good Air Pollution Control Practice. [40 CFR §60.11(d)]

   At all times, including start-up, shut-down, and malfunction, the Permittee shall, to the extent practicable, maintain and operate all sources including associated air pollution control equipment regulated by this permit in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance practices are being used is based on information which is available to EPA. This may include, monitoring results, review of operating and maintenance procedures, and inspections of the

facility. In addition, the Permittee shall comply with the following requirements:

i. Develop and provide training to orient each facility plant operator with the applicable terms and conditions of this permit. Maintain a log of the time, date, place, and list of attendees for each training session, and a copy of the materials presented in the training sessions. Report to EPA, if requested. The records of the training shall be maintained at the facility and available for inspection by authorized representatives of EPA.

ii. Develop and implement standard operation and maintenance procedures for each emission unit listed in this permit. Keep a copy of the procedures available at a location within the facility that is readily accessible to operators of the sources and to authorized representatives of EPA.

(B). Monitoring and Testing [40 CFR §71.6(a)(3)(i)(A)]

1. In accordance with the custom fuel schedule approved by EPA on November 20, 1998, the Permittee shall comply with the following requirements: [40 CFR §60.334(b)]

i. The Permittee shall use only pipeline quality natural gas fed directly from the Great Lakes pipeline system to CS #4. Daily monitoring for nitrogen oxides shall not be required when using only pipeline quality natural gas.

ii. Great Lakes shall notify EPA and the Leech Lake Band of Chippewa Indians before any new turbine is added along the pipeline.

iii. The Permittee shall analyze the fuel sulfur content of the fuel used at CS #5 as a surrogate for the fuel sulfur monitoring requirement at CS #4. This replacement does not waive the right of U.S. EPA or the Leech Lake Band of Chippewa Indians to require monitoring at CS #4. Fuel analysis shall be conducted twice per annum (semiannually) in accordance with Section 2.0(B)(3)(v) of this permit. This monitoring

shall be conducted during the first and third quarters of each calendar year.

iv. Should any sulfur analysis indicate noncompliance with the conditions set forth in this permit, the Permittee shall notify EPA and the Leech Lake Band of Chippewa Indians of such excess emissions and the custom sulfur monitoring schedule shall be re-examined by the Administrator. Sulfur monitoring shall be conducted weekly during the interim period when the custom schedule is being re-examined.

2. Performance Testing: [40 CFR §§60.335, 60.8, and 71.6(a)(3)(I)(A)]

i. An initial performance test for NO_x for EU 002 shall be performed within 12 months from the effective date of this permit [40 CFR §60.335(b)].

ii. Periodic performance testing for NO_x for EU 002 shall be performed every five calendar years, on or about the anniversary date of the initial compliance tests.

iii. As required in this permit or upon additional request by EPA, the Permittee shall conduct performance tests for NO_x using as reference methods and procedures the test methods in appendix A of 40 CFR Part 60 and the methods and procedures in Section 2.0(B)(3)(iv) of this Permit.

iv. The Permittee shall determine the NO_x emission rates from EU 002 as follows: [40 CFR §60.335(c)]

(a). The NO_x emission rate shall be computed for each run using the following equation:

$$NO_X = \left(NO_{XO}\right) * \left(P_r/P_o\right)^{0.5} * e^{19\left(H_O - 0.00633\right)} \left(288^{\circ}\ K/T_a\right)^{1.53}$$

NO_x = emission rate of NO_x at 15 percent O_2 and ISO standard ambient conditions, ppm by volume.
NO_{xo} = observed NO_x concentration, ppm by volume at 15 percent O_2.

P_r = reference combustor inlet absolute pressure at 101.3 kilopascals ambient pressure, mm Hg.
P_o = observed combustor inlet absolute pressure at test, mm Hg.
H_o =observed humidity of ambient air, g H_2O/g air.
e = transcendental constant, 2.718.
T_a = ambient temperature, degree Kelvin (^oK).

(b). Method 20 shall be used to determine the NO_x and oxygen concentrations. The span values shall be 300 ppm of nitrogen oxide, and 21 percent oxygen. The NO_x emissions shall be determined at 30, 50, 75, and 100 percent of peak load or at four points in the normal operating range of the gas turbine.

v. The Permittee shall determine the fuel sulfur content using the following:

(a). ASTM D 1072-80 or 90 (reapproved 1994), D 3031-81, D 4084-82, or 94, or D 3246-81, 92, or 96 (incorporated by reference-see §60.17). The applicable ranges of some ASTM methods mentioned above are not adequate to measure the levels of sulfur in some fuel gases. Dilution of samples before analysis (with verification of the dilution ratio) may be used, subject to the approval by EPA. [40 CFR §60.335(d)]

(b). The "Test for Hydrogen Sulfide in Natural Gas Using Length of Stain Tubes" may also be utilized as an EPA approved alternative method to the ASTM methods listed above for fuel sulfur content monitoring performed in accordance with the NSPS Subpart GG. [August 7, 1991 Memorandum to Judith Robinson, Air Compliance Section Region VII]

(C). Recordkeeping and Reporting [40 CFR §71.6(a)(3)]

1. The Permittee shall maintain the following records:

i. The results of all performance tests performed in accordance with this permit;

ii. Records of all trainings required by this permit;

iii. Standard Operation and Maintenance Procedures for each emission unit; and

iv. The results of all fuel sulfur content analyses required in accordance with this permit.

2. The Permittee shall notify EPA and the Leech Lake Band of Chippewa Indians if any sulfur analysis indicates noncompliance.

3.0 FACILITY-WIDE PERMIT REQUIREMENTS

(A). General Part 71 Recordkeeping [40 CFR §71.6(a)(3)(ii)]

1. The Permittee shall keep records of required monitoring information that include the following:

   i. The date, place, and time of sampling or measurements;

   ii. The date(s) 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; and

   vi. The operating conditions existing at the time of sampling or measurement.

2. The Permittee shall retain records of all required monitoring data and support information for a period of at least 5 calender years from the date of the monitoring sample, measurement, report, or application. Support information includes, but is not limited to, all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

(B). General Part 71 Reporting [40 CFR 71.6(a)(3)(iii)]

1. The Permittee shall submit to EPA semi-annual reports of all required monitoring each six month reporting

period from January 1 to June 30 and from July 1 to December 31, except that the first reporting period shall begin on the effective date of this permit and end on December 31. All reports shall be submitted to the EPA and shall be postmarked by the 30th day following the end of the reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with Condition 4.0(H)(1) of this permit. [40 CFR §71.6(a)(3)(iii)(A)]

i. A monitoring report under this section must include the following:

(a). The company name and address;

(b). The beginning and ending dates of the reporting period;

(c). The emissions unit or activity being monitored;

(d). The emissions limitation or standard, including operational requirements and limitations (such as parameter ranges), specified in the permit for which compliance is being monitored;

(e). All instances of deviations from permit requirements whether demonstrated by referenced test method, monitoring, or through any other credible evidence, including those attributable to upset conditions as defined in this permit, and the date on which each deviation occurred;

(f). The total time when monitoring required by this permit was not performed during the reporting period and, at the source's discretion, either the total duration of deviations indicated by such monitoring or the actual records of deviations;

(g). All other monitoring results, data, or analyses required to be reported by the applicable requirement;

(h). The name, title, and signature of the responsible official who is certifying to the truth, accuracy, and completeness of the report.

ii. Any report required by an applicable requirement that provides the same information described in Condition 3.0(B)(1)(i)(a) through (h) above shall satisfy the requirement under (B)(1).

iii. "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 record keeping established in accordance with 40 CFR §71.6(a)(3)(i) and (a)(3)(ii). For a situation lasting more than 24 hours, each 24-hour period is considered a separate deviation. "Deviations" includes, but is not limited to, any of the following:
[40 CFR §71.6(a)(3)(iii)(C)]

(a). A situation when 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; and

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

2. The Permittee shall promptly report to the EPA deviations from permit requirements, including those attributed to malfunction, emergency or other upset conditions, the probable cause of such deviations, and any corrective actions or preventive measures taken. "Prompt" is defined as follows:
[40 CFR §71.6(a)(3)(iii)(B)]

i. Any definition of "prompt" or specific timeframe for reporting deviations provided in an underlying applicable requirement (as identified in this permit); or

ii. Where the underlying applicable requirement does not define prompt or provide a timeframe for reporting deviations, reports of deviations will be submitted based on the following schedule:

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

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

(c). For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report required in paragraph (1) of this section.

3. If any of the conditions in Condition 3.0(B)(2)(ii)(a) through (c) above are met, the source must notify EPA by telephone or facsimile based on the timetable listed. A written notice, certified consistent with Condition 4.0(H)(1), 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 paragraph (1) of this section.

(C). Performance Testing [40 CFR §71.6(a)(3)(I)]

The Permittee shall provide performance testing facilities that include the following: [40 CFR §60.8(e)]

1. Sampling ports adequate for the applicable test methods;

2. Safe sampling platform(s);

3. Safe access to sampling platform(s); and

4. Utilities for sampling and testing equipment.

4.0 PART 71 GENERAL REQUIREMENTS

(A). Definitions [40 CFR §71.2]

Terms and conditions have the meaning assigned to them in Part 71 unless other regulations or statutes are referenced.

(B). Annual Fee Payment [40 CFR §§71.6(a)(7) and 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 submit an annual report of its actual emissions for the preceding calendar year, a fee calculation work sheet (based on the report), and full payment of the annual fee each year. The Permittee shall submit the annual report and pay the annual permit fee each year on or before the anniversary date (November 15) of its initial fee calculation work sheet.

   The Permittee shall submit the annual report to:

   **Air Enforcement and Compliance
   Assurance Branch (AE-17J)
   Air and Radiation Division
   EPA Region 5
   77 West Jackson Boulevard
   Chicago, Illinois 60604**

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.

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

U. S. Environmental Protection Agency
P. O. Box 70753
Chicago, Illinois 60673

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 Condition 4.0(H)(2) of this permit. (The Permittee should note that an annual emissions report, required at the same time as the fee calculation worksheet by 40 CFR §71.9(h), has been incorporated into the fee calculation worksheet form as a convenience.)

6. Basis for calculating annual fee:

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

      (a). "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)]

      (b). Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data. [40 CFR §71.9(h)(3)]

      (c). If actual emissions cannot be determined using the compliance methods in the permit, the Permittee shall use other federally recognized procedures. [40 CFR §71.9(e)(2)]

      (d). The term "regulated pollutant (for fee calculation)" is defined in 40 CFR §71.2.

(e). Prior to the start of each calendar year, the EPA will revise for inflation and make available the presumptive fee amount.

ii. The Permittee shall exclude the following emissions from the calculation of fees:

(a). The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year [40 CFR §71.9(c)(5)(I)];

(b). Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation [40 CFR §71.9(c)(5)(ii)]; and

(c). The quantity of actual emissions (for fee calculation) of insignificant activities [defined in 40 CFR §71.5(c)(11)(i)] or of insignificant emissions levels from emissions units identified in the Permittee's application [pursuant to 40 CFR §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 in accordance with Condition 4.0(H)(1). (The Permittee should note that the fee calculation worksheet incorporates a section to help 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 the 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 40 CFR §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 40 CFR §71.9(l).

10. When notified by the EPA of underpayment of fees, the Permittee shall remit full payment within 30 days of receipt of notification. [40 CFR §71.9(j)(1) and (2)]

11. A Permittee who believes that the EPA assessed fee is in error and who wishes to challenge such fee shall provide a written explanation of the alleged error to the EPA along with full payment of the EPA assessed fee. [40 CFR §71.9(j)(3)]

(C). Compliance Statement [40 CFR §71.6(a)(6)]

1. The Permittee must comply with all conditions of this Part 71 permit. Any noncompliance with this permit constitutes a violation of the CAA and is grounds for: [40 CFR §71.6(a)(6)(I)]

   i. Enforcement action;

   ii. Permit termination, revocation and reissuance, or modification; or

   iii. Denial of a permit renewal application.

2. 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)]

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

1. The Permittee shall submit to EPA a certification of compliance with all permit terms and conditions, including emission limitations, standards, or work practices, each calendar year for the reporting period from January 1 to December 31, except the first reporting period shall begin on the effective date of this permit and end on December 31. All reports shall be submitted to the EPA and shall be postmarked by the 30th day following the end of the reporting period. The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official in accordance with Condition 4.0(H)(1) of this permit. The certification shall include the following:

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

ii. 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. 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 compliance status of each term and condition of the permit, including whether monitoring data is continuous and whether that data or any other credible evidence shows the compliance is continuous. The certification shall identify each deviation and take it into account in the compliance certification; and

iv. A statement indicating the compliance status of the source with any applicable enhanced monitoring and compliance certification requirements of the CAA.

(E). Schedule of Compliance [40 CFR §71.6(c)(3) and §71.5(c)(8)(iii)]

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

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

(F). Duty to Provide and Supplement Information [40 CFR §71.6(a)(6)(v) and §71.5(b)]

1. 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 modifying, revoking and reissuing, or terminating this permit or to determine compliance with this

permit. Upon request, the Permittee shall also furnish to EPA copies of records that are required to be kept pursuant to the terms of this permit, including information claimed to be confidential. Information claimed to be confidential should be accompanied by a claim of confidentiality according to the provisions of 40 CFR Part 2, Subpart B.

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. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after this permit is issued.

(G). Enforceability [40 CFR §71.6(b)]

All terms and conditions in this permit, including any provisions designated to limit a source's potential to emit, are enforceable by the EPA and citizens in accordance with the CAA.

(H). Submissions [40 CFR §§71.5(d), 71.6 and 71.9]

1. A responsible official of the Permittee shall certify as to the truth, accuracy, and completeness of any document required to be submitted by this permit. 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. Except as otherwise noted, the Permittee shall submit all documents required to be submitted by this permit to:

**Air Enforcement and Compliance
Assurance Branch (AE-17J)
Air and Radiation Division
EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604**

2. The Permittee shall submit permit applications, applications for permit amendments, and other applicable permit information, which includes but is not limited to installation of control equipment,

replacement of an emissions unit, fee calculation worksheets, and applications for renewals and permit modifications, to:

Air Permits Section,
Air Programs Branch (AR-18J)
EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

3. The Permittee shall submit all submittals that are required by the Acid Rain Program, 40 CFR Parts 72 through 78 to:

U. S. Environmental Protection Agency
Clean Air Markets Division
Ariel Rios Building (6204J)
1200 Pennsylvania Avenue N.W.
Washington D.C. 20460

(I). 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.

(J). 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.

(K). Administrative Permit Amendments

The Permittee may request the use of administrative permit amendment procedures for a permit revision in accordance with 40 CFR §71.7(d).

(L). Minor Permit Modifications

The Permittee may request the use of minor permit modification procedures for those modifications that meet the requirements contained in 40 CFR §71.7(e)(1).

(M). Significant Permit Modifications

The Permittee must request the use of significant permit modification procedures for those modifications that meet the requirements contained in 40 CFR §71.7(e)(3).

(N). Reopening for Cause [40 CFR §71.7(f)]

The EPA shall reopen and revise the permit prior to expiration under any of the following circumstances:

1. Additional applicable requirements under the CAA become applicable to this source if the remaining permit term is 3 or more years.

2. The 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.

3. The EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(O). Property Rights [40 CFR §71.6(a)(6)(iv)]

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

(P). 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 as authorized by the CAA:

1. Enter upon the Permittee's premises where a Part 71 source is located or emissions-related activity is conducted, or where records are 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. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(Q). 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:

   i. An emergency occurred and that the Permittee can identify the cause(s) of the emergency;

   ii. The permitted facility was at the time being properly operated;

   iii. 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

   iv. 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 of Condition 3.0(B)(2) of this permit, concerning prompt notification of deviations.

2. In any enforcement proceeding 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.

(R). Off Permit Changes [40 CFR §71.6(a)(12)]

1. The Permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:

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

   ii. Each change must comply with all applicable requirements and may not violate any existing permit term or condition;

   iii. 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;

   iv. The Permittee must provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under 40 CFR §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;

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

   vi. 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.

(S). Permit Expiration and Renewal [40 CFR §§71.5(a)(1)(iii), 71.6(a)(11), 71.7(b), 71.7(c)(1)(i) and (ii), 71.8(d)]

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

   i. Five years elapses from the date of issuance; or

   ii. The source is issued a valid part 70 permit.

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 six calendar months, but not more than eighteen calendar months, prior to the date of expiration of this permit.

3. If the Permittee submits a timely and complete permit application for renewal, consistent with 40 CFR §71.5(a)(2), but the permitting authority has failed to issue or deny the renewal permit, then the permit shall not expire until the renewal permit has been issued or denied and any permit shield granted pursuant to 40 CFR §71.6(f) may be extended beyond the original permit term until renewal.

4. If the Permittee has submitted a timely and complete application for renewal, the Permittee's failure to have a Part 71 permit is not a violation of Part 71 until the 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 the EPA.

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

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.

(T). Operational Flexibility [40 CFR §71.6(a)(13)]

The Permittee may make changes within a permitted facility without a permit revision, provided the following conditions are met:

1. The changes are not modifications under any provision of title I of the CAA;

2. The changes do not exceed the emissions allowed under this permit (whether expressed therein as a rate of emissions or in terms of total emissions); and

3. The Permittee notifies the EPA at least 7 days in advance of the proposed changes. The written notification shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(U). Permit Shield [40 CFR §71.6(f)]

1. Compliance with the conditions of this permit shall be deemed compliance with any specifically identified applicable requirements as of the date of permit issuance.

2. Nothing in this permit shall alter or affect the following:

   i. The liability of the Permittee for any violation of applicable requirements prior to or at the time of permit issuance;

   ii. The ability of EPA to obtain information under Section 114 of the CAA; or

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

(V). Credible Evidence [62 FR 8314 (February 24, 1997)]

Notwithstanding the conditions of this permit specifying compliance practices for applicable requirements, any person

(including the Permittee) may also use other credible evidence to establish compliance or noncompliance with applicable requirements.