



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AIR QUALITY PROGRAM

**TITLE V/STATE OPERATING PERMIT**

Issue Date: September 24, 2013

Effective Date: September 24, 2013

Expiration Date: September 24, 2018

In accordance with the provisions of the Air Pollution Control Act, the Act of January 8, 1960, P.L. 2119, as amended, and 25 Pa. Code Chapter 127, the Owner, [and Operator if noted] (hereinafter referred to as permittee) identified below is authorized by the Department of Environmental Protection (Department) to operate the air emission source(s) more fully described in this permit. This Facility is subject to all terms and conditions specified in this permit. Nothing in this permit relieves the permittee from its obligations to comply with all applicable Federal, State and Local laws and regulations.

The regulatory or statutory authority for each permit condition is set forth in brackets. All terms and conditions in this permit are federally enforceable applicable requirements unless otherwise designated as "State-Only" or "non-applicable" requirements.

**TITLE V Permit No: 11-00378**

Federal Tax Id - Plant Code: 25-1692995-1

**Owner Information**

Name: INTER POWER AHLCON PARTNERS LP  
Mailing Address: 141 INTERPOWER DR  
COLVER, PA 15927-4207

**Plant Information**

Plant: INTER POWER AHLCON L/COLVER POWER PROJ  
Location: 11 Cambria County 11923 Cambria Township  
SIC Code: 4911 Trans. & Utilities - Electric Services

**Responsible Official**

Name: MOORE JEFFREY  
Title: PARTNERSHIP GEN MGR  
Phone: (713) 580 - 6375

**Permit Contact Person**

Name: DENNIS SIMMERS  
Title: EH&S  
Phone: (814) 748 - 7961

[Signature] \_\_\_\_\_  
MARK A. WAYNER, SOUTHWEST REGION AIR PROGRAM MANAGER



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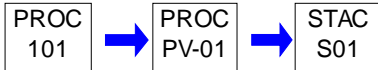
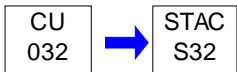
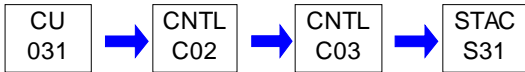
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Source ID	Source Name	Capacity/Throughput	Fuel/Material
031	CIRCULATING FLUIDIZED BED BOILER	1,214.500 MMBTU/HR	
		84.000 Tons/HR	WASTE BITUMINOS
		4,666.000 Gal/HR	Propane
032	FUEL DRYER	28.000 MMBTU/HR	
		115.000 Gal/HR	Propane
101	FUEL HANDLING SOURCES	160.000 Tons/HR	REFUSE
DG-01	DIESEL GENERATOR		
FP-01	DIESEL FIRE PUMP		
PV-01	PROPANE VAPORIZER		
C02	CRUSHED LIMESTONE INJECTION		
C03	MAIN BAGHOUSE		
S01	DRIER STACK		
S31	MAIN STACK		
S32	DRYER STACK		

**PERMIT MAPS**



**SECTION B. General Title V Requirements****#001 [25 Pa. Code § 121.1]****Definitions**

Words and terms that are not otherwise defined in this permit shall have the meanings set forth in Section 3 of the Air Pollution Control Act (35 P.S. § 4003) and 25 Pa. Code § 121.1.

**#002 [25 Pa. Code § 127.512(c)(4)]****Property Rights**

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

**#003 [25 Pa. Code § 127.446(a) and (c)]****Permit Expiration**

This operating permit is issued for a fixed term of five (5) years and shall expire on the date specified on Page 1 of this permit. The terms and conditions of the expired permit shall automatically continue pending issuance of a new Title V permit, provided the permittee has submitted a timely and complete application and paid applicable fees required under 25 Pa. Code Chapter 127, Subchapter I and the Department is unable, through no fault of the permittee, to issue or deny a new permit before the expiration of the previous permit. An application is complete if it contains sufficient information to begin processing the application, has the applicable sections completed and has been signed by a responsible official.

**#004 [25 Pa. Code §§ 127.412, 127.413, 127.414, 127.446(e) & 127.503]****Permit Renewal**

(a) An application for the renewal of the Title V permit shall be submitted to the Department at least six (6) months, and not more than 18 months, before the expiration date of this permit. The renewal application is timely if a complete application is submitted to the Department's Regional Air Manager within the timeframe specified in this permit condition.

(b) The application for permit renewal shall include the current permit number, the appropriate permit renewal fee, a description of any permit revisions and off-permit changes that occurred during the permit term, and any applicable requirements that were promulgated and not incorporated into the permit during the permit term.

(c) The renewal application shall also include submission of proof that the local municipality and county, in which the facility is located, have been notified in accordance with 25 Pa. Code § 127.413. The application for renewal of the Title V permit shall also include submission of compliance review forms which have been used by the permittee to update information submitted in accordance with either 25 Pa. Code § 127.412(b) or § 127.412(j).

(d) 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 during the permit renewal process. The permittee shall also promptly provide additional information as necessary to address any requirements that become applicable to the source after the date a complete renewal application was submitted but prior to release of a draft permit.

**#005 [25 Pa. Code §§ 127.450(a)(4) & 127.464(a)]****Transfer of Ownership or Operational Control**

(a) In accordance with 25 Pa. Code § 127.450(a)(4), a change in ownership or operational control of the source shall be treated as an administrative amendment if:

(1) The Department determines that no other change in the permit is necessary;

(2) A written agreement has been submitted to the Department identifying the specific date of the transfer of permit responsibility, coverage and liability between the current and the new permittee; and,

(3) A compliance review form has been submitted to the Department and the permit transfer has been approved by the Department.

**SECTION B. General Title V Requirements**

(b) In accordance with 25 Pa. Code § 127.464(a), this permit may not be transferred to another person except in cases of transfer-of-ownership which are documented and approved to the satisfaction of the Department.

**#006 [25 Pa. Code § 127.513, 35 P.S. § 4008 and § 114 of the CAA]****Inspection and Entry**

(a) Upon presentation of credentials and other documents as may be required by law for inspection and entry purposes, the permittee shall allow the Department of Environmental Protection or authorized representatives of the Department to perform the following:

- (1) Enter at reasonable times upon the permittee's premises where a Title V source is located or emissions related activity is conducted, or where records are kept under the conditions of this permit;
- (2) Have access to and copy or remove, at reasonable times, records that are kept under the conditions of this permit;
- (3) Inspect at reasonable times, facilities, equipment including monitoring and air pollution control equipment, practices, or operations regulated or required under this permit;
- (4) Sample or monitor, at reasonable times, substances or parameters, for the purpose of assuring compliance with the permit or applicable requirements as authorized by the Clean Air Act, the Air Pollution Control Act, or the regulations promulgated under the Acts.

(b) Pursuant to 35 P.S. § 4008, no person shall hinder, obstruct, prevent or interfere with the Department or its personnel in the performance of any duty authorized under the Air Pollution Control Act.

(c) Nothing in this permit condition shall limit the ability of the EPA to inspect or enter the premises of the permittee in accordance with Section 114 or other applicable provisions of the Clean Air Act.

**#007 [25 Pa. Code §§ 127.25, 127.444, & 127.512(c)(1)]****Compliance Requirements**

(a) The permittee shall comply with the conditions of this permit. Noncompliance with this permit constitutes a violation of the Clean Air Act and the Air Pollution Control Act and is grounds for one (1) or more of the following:

- (1) Enforcement action
- (2) Permit termination, revocation and reissuance or modification
- (3) Denial of a permit renewal application

(b) A person may not cause or permit the operation of a source, which is subject to 25 Pa. Code Article III, unless the source(s) and air cleaning devices identified in the application for the plan approval and operating permit and the plan approval issued to the source are operated and maintained in accordance with specifications in the applications and the conditions in the plan approval and operating permit issued by the Department. A person may not cause or permit the operation of an air contamination source subject to 25 Pa. Code Chapter 127 in a manner inconsistent with good operating practices.

(c) For purposes of Sub-condition (b) of this permit condition, the specifications in applications for plan approvals and operating permits are the physical configurations and engineering design details which the Department determines are essential for the permittee's compliance with the applicable requirements in this Title V permit.

**#008 [25 Pa. Code § 127.512(c)(2)]****Need to Halt or Reduce Activity Not a Defense**

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.

**SECTION B. General Title V Requirements****#009 [25 Pa. Code §§ 127.411(d) & 127.512(c)(5)]****Duty to Provide Information**

(a) The permittee shall furnish to the Department, within a reasonable time, information that the Department 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.

(b) Upon request, the permittee shall also furnish to the Department copies of records that the permittee is required to keep by this permit, or for information claimed to be confidential, the permittee may furnish such records directly to the Administrator of EPA along with a claim of confidentiality.

**#010 [25 Pa. Code §§ 127.463, 127.512(c)(3) & 127.542]****Reopening and Revising the Title V Permit for Cause**

(a) This Title V 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 a permit condition.

(b) This permit may be reopened, revised and reissued prior to expiration of the permit under one or more of the following circumstances:

(1) Additional applicable requirements under the Clean Air Act or the Air Pollution Control Act become applicable to a Title V facility with a remaining permit term of three (3) or more years prior to the expiration date of this permit. The Department will revise the permit as expeditiously as practicable but not later than 18 months after promulgation of the applicable standards or regulations. No such revision is required if the effective date of the requirement is later than the expiration date of this permit, unless the original permit or its terms and conditions has been extended.

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

(3) The Department or the EPA determines that this permit contains a material mistake or inaccurate statements were made in establishing the emissions standards or other terms or conditions of this permit.

(4) The Department or the Administrator of EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(c) Proceedings to revise this permit shall follow the same procedures which apply to initial permit issuance and shall affect only those parts of this permit for which cause to revise exists. The revision shall be made as expeditiously as practicable.

(d) Regardless of whether a revision is made in accordance with (b)(1) above, the permittee shall meet the applicable standards or regulations promulgated under the Clean Air Act within the time frame required by standards or regulations.

**#011 [25 Pa. Code § 127.543]****Reopening a Title V Permit for Cause by EPA**

As required by the Clean Air Act and regulations adopted thereunder, this permit may be modified, reopened and reissued, revoked or terminated for cause by EPA in accordance with procedures specified in 25 Pa. Code § 127.543.

**#012 [25 Pa. Code § 127.541]****Significant Operating Permit Modifications**

When permit modifications during the term of this permit do not qualify as minor permit modifications or administrative amendments, the permittee shall submit an application for significant Title V permit modifications in accordance with 25 Pa. Code § 127.541.

**SECTION B. General Title V Requirements****#013 [25 Pa. Code §§ 121.1 & 127.462]****Minor Operating Permit Modifications**

- (a) The permittee may make minor operating permit modifications (as defined in 25 Pa. Code § 121.1) in accordance with 25 Pa. Code § 127.462.
- (b) Unless precluded by the Clean Air Act or the regulations thereunder, the permit shield described in 25 Pa. Code § 127.516 (relating to permit shield) shall extend to an operational flexibility change authorized by 25 Pa. Code § 127.462.

**#014 [25 Pa. Code § 127.450]****Administrative Operating Permit Amendments**

- (a) The permittee may request administrative operating permit amendments, as defined in 25 Pa. Code § 127.450(a), according to procedures specified in § 127.450. Administrative amendments are not authorized for any amendment precluded by the Clean Air Act or the regulations thereunder from being processed as an administrative amendment.
- (b) Upon taking final action granting a request for an administrative permit amendment in accordance with § 127.450(c), the Department will allow coverage under 25 Pa. Code § 127.516 (relating to permit shield) for administrative permit amendments which meet the relevant requirements of 25 Pa. Code Article III, unless precluded by the Clean Air Act or the regulations thereunder.

**#015 [25 Pa. Code § 127.512(b)]****Severability Clause**

The provisions of this permit are severable, and if any provision of this permit is determined by the Environmental Hearing Board or a court of competent jurisdiction, or US EPA to be invalid or unenforceable, such a determination will not affect the remaining provisions of this permit.

**#016 [25 Pa. Code §§ 127.704, 127.705 & 127.707]****Fee Payment**

- (a) The permittee shall pay fees to the Department in accordance with the applicable fee schedules in 25 Pa. Code Chapter 127, Subchapter I (relating to plan approval and operating permit fees).
- (b) Emission Fees. The permittee shall, on or before September 1st of each year, pay applicable annual Title V emission fees for emissions occurring in the previous calendar year as specified in 25 Pa. Code § 127.705. The permittee is not required to pay an emission fee for emissions of more than 4,000 tons of each regulated pollutant emitted from the facility.
- (c) As used in this permit condition, the term "regulated pollutant" is defined as a VOC, each pollutant regulated under Sections 111 and 112 of the Clean Air Act and each pollutant for which a National Ambient Air Quality Standard has been promulgated, except that carbon monoxide is excluded.
- (d) Late Payment. Late payment of emission fees will subject the permittee to the penalties prescribed in 25 Pa. Code § 127.707 and may result in the suspension or termination of the Title V permit. The permittee shall pay a penalty of fifty percent (50%) of the fee amount, plus interest on the fee amount computed in accordance with 26 U.S.C.A. § 6621(a)(2) from the date the emission fee should have been paid in accordance with the time frame specified in 25 Pa. Code § 127.705(c).
- (e) The permittee shall pay an annual operating permit administration fee according to the fee schedule established in 25 Pa. Code § 127.704(c) if the facility, identified in Subparagraph (iv) of the definition of the term "Title V facility" in 25 Pa. Code § 121.1, is subject to Title V after the EPA Administrator completes a rulemaking requiring regulation of those sources under Title V of the Clean Air Act.
- (f) This permit condition does not apply to a Title V facility which qualifies for exemption from emission fees under 35 P.S. § 4006.3(f).



**SECTION B. General Title V Requirements****#017 [25 Pa. Code §§ 127.14(b) & 127.449]****Authorization for De Minimis Emission Increases**

(a) This permit authorizes de minimis emission increases from a new or existing source in accordance with 25 Pa. Code §§ 127.14 and 127.449 without the need for a plan approval or prior issuance of a permit modification. The permittee shall provide the Department with seven (7) days prior written notice before commencing any de minimis emissions increase that would result from either: (1) a physical change of minor significance under § 127.14(c)(1); or (2) the construction, installation, modification or reactivation of an air contamination source. The written notice shall:

- (1) Identify and describe the pollutants that will be emitted as a result of the de minimis emissions increase.
- (2) Provide emission rates expressed in tons per year and in terms necessary to establish compliance consistent with any applicable requirement.

The Department may disapprove or condition de minimis emission increases at any time.

(b) Except as provided below in (c) and (d) of this permit condition, the permittee is authorized during the term of this permit to make de minimis emission increases (expressed in tons per year) up to the following amounts without the need for a plan approval or prior issuance of a permit modification:

- (1) Four tons of carbon monoxide from a single source during the term of the permit and 20 tons of carbon monoxide at the facility during the term of the permit.
- (2) One ton of NO<sub>x</sub> from a single source during the term of the permit and 5 tons of NO<sub>x</sub> at the facility during the term of the permit.
- (3) One and six-tenths tons of the oxides of sulfur from a single source during the term of the permit and 8.0 tons of oxides of sulfur at the facility during the term of the permit.
- (4) Six-tenths of a ton of PM<sub>10</sub> from a single source during the term of the permit and 3.0 tons of PM<sub>10</sub> at the facility during the term of the permit. This shall include emissions of a pollutant regulated under Section 112 of the Clean Air Act unless precluded by the Clean Air Act or 25 Pa. Code Article III.
- (5) One ton of VOCs from a single source during the term of the permit and 5.0 tons of VOCs at the facility during the term of the permit. This shall include emissions of a pollutant regulated under Section 112 of the Clean Air Act unless precluded by the Clean Air Act or 25 Pa. Code Article III.

(c) In accordance with § 127.14, the permittee may install the following minor sources without the need for a plan approval:

- (1) Air conditioning or ventilation systems not designed to remove pollutants generated or released from other sources.
- (2) Combustion units rated at 2,500,000 or less Btu per hour of heat input.
- (3) Combustion units with a rated capacity of less than 10,000,000 Btu per hour heat input fueled by natural gas supplied by a public utility, liquefied petroleum gas or by commercial fuel oils which are No. 2 or lighter, viscosity less than or equal to 5.82 c St, and which meet the sulfur content requirements of 25 Pa. Code § 123.22 (relating to combustion units). For purposes of this permit, commercial fuel oil shall be virgin oil which has no reprocessed, recycled or waste material added.
- (4) Space heaters which heat by direct heat transfer.
- (5) Laboratory equipment used exclusively for chemical or physical analysis.
- (6) Other sources and classes of sources determined to be of minor significance by the Department.

(d) This permit does not authorize de minimis emission increases if the emissions increase would cause one or more

**SECTION B. General Title V Requirements**

of the following:

(1) Increase the emissions of a pollutant regulated under Section 112 of the Clean Air Act except as authorized in Subparagraphs (b)(4) and (5) of this permit condition.

(2) Subject the facility to the prevention of significant deterioration requirements in 25 Pa. Code Chapter 127, Subchapter D and/or the new source review requirements in Subchapter E.

(3) Violate any applicable requirement of the Air Pollution Control Act, the Clean Air Act, or the regulations promulgated under either of the acts.

(4) Changes which are modifications under any provision of Title I of the Clean Air Act and emission increases which would exceed the allowable emissions level (expressed as a rate of emissions or in terms of total emissions) under the Title V permit.

(e) Unless precluded by the Clean Air Act or the regulations thereunder, the permit shield described in 25 Pa. Code § 127.516 (relating to permit shield) applies to de minimis emission increases and the installation of minor sources made pursuant to this permit condition.

(f) Emissions authorized under this permit condition shall be included in the monitoring, recordkeeping and reporting requirements of this permit.

(g) Except for de minimis emission increases allowed under this permit, 25 Pa. Code § 127.449, or sources and physical changes meeting the requirements of 25 Pa. Code § 127.14, the permittee is prohibited from making physical changes or engaging in activities that are not specifically authorized under this permit without first applying for a plan approval. In accordance with § 127.14(b), a plan approval is not required for the construction, modification, reactivation, or installation of the sources creating the de minimis emissions increase.

(h) The permittee may not meet de minimis emission threshold levels by offsetting emission increases or decreases at the same source.

**#018 [25 Pa. Code §§ 127.11a & 127.215]****Reactivation of Sources**

(a) The permittee may reactivate a source at the facility that has been out of operation or production for at least one year, but less than or equal to five (5) years, if the source is reactivated in accordance with the requirements of 25 Pa. Code §§ 127.11a and 127.215. The reactivated source will not be considered a new source.

(b) A source which has been out of operation or production for more than five (5) years but less than 10 years may be reactivated and will not be considered a new source if the permittee satisfies the conditions specified in 25 Pa. Code § 127.11a(b).

**#019 [25 Pa. Code §§ 121.9 & 127.216]****Circumvention**

(a) The owner of this Title V facility, or any other person, may not circumvent the new source review requirements of 25 Pa. Code Chapter 127, Subchapter E by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a facility which, except for the pattern of ownership or development, would otherwise require a permit or submission of a plan approval application.

(b) No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of this permit, the Air Pollution Control Act or the regulations promulgated thereunder, except that with prior approval of the Department, the device or technique may be used for control of malodors.

**SECTION B. General Title V Requirements****#020 [25 Pa. Code §§ 127.402(d) & 127.513(1)]****Submissions**

(a) Reports, test data, monitoring data, notifications and requests for renewal of the permit shall be submitted to the:

Regional Air Program Manager  
PA Department of Environmental Protection  
(At the address given on the permit transmittal letter,  
or otherwise notified)

(b) Any report or notification for the EPA Administrator or EPA Region III should be addressed to:

Office of Air Enforcement and Compliance Assistance (3AP20)  
United States Environmental Protection Agency  
Region 3  
1650 Arch Street  
Philadelphia, PA 19103-2029

(c) An application, form, report or compliance certification submitted pursuant to this permit condition shall contain certification by a responsible official as to truth, accuracy, and completeness as required under 25 Pa. Code § 127.402(d). Unless otherwise required by the Clean Air Act or regulations adopted thereunder, this certification and any other certification required pursuant to this permit shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

**#021 [25 Pa. Code §§ 127.441(c) & 127.463(e); Chapter 139; & 114(a)(3), 504(b) of the CAA]****Sampling, Testing and Monitoring Procedures**

(a) The permittee shall perform the emissions monitoring and analysis procedures or test methods for applicable requirements of this Title V permit. In addition to the sampling, testing and monitoring procedures specified in this permit, the Permittee shall comply with any additional applicable requirements promulgated under the Clean Air Act after permit issuance regardless of whether the permit is revised.

(b) The sampling, testing and monitoring required under the applicable requirements of this permit, shall be conducted in accordance with the requirements of 25 Pa. Code Chapter 139 unless alternative methodology is required by the Clean Air Act (including §§ 114(a)(3) and 504(b)) and regulations adopted thereunder.

**#022 [25 Pa. Code §§ 127.511 & Chapter 135]****Recordkeeping Requirements**

(a) The permittee shall maintain and make available, upon request by the Department, records of required monitoring information that include the following:

- (1) The date, place (as defined in the permit) and time of sampling or measurements.
- (2) The dates the analyses were performed.
- (3) The company or entity that performed the analyses.
- (4) The analytical techniques or methods used.
- (5) The results of the analyses.
- (6) The operating conditions as existing at the time of sampling or measurement.

(b) The permittee shall retain records of the required monitoring data and supporting information for at least five (5) years from the date of the monitoring sample, measurement, report or application. Supporting information includes the calibration data and maintenance records and original strip-chart recordings for continuous monitoring instrumentation, and copies of reports required by the permit.

**SECTION B. General Title V Requirements**

(c) The permittee shall maintain and make available to the Department upon request, records including computerized records that may be necessary to comply with the reporting, recordkeeping and emission statement requirements in 25 Pa. Code Chapter 135 (relating to reporting of sources). In accordance with 25 Pa. Code Chapter 135, § 135.5, such records may include records of production, fuel usage, maintenance of production or pollution control equipment or other information determined by the Department to be necessary for identification and quantification of potential and actual air contaminant emissions. If direct recordkeeping is not possible or practical, sufficient records shall be kept to provide the needed information by indirect means.

**#023 [25 Pa. Code §§ 127.411(d), 127.442, 127.463(e) & 127.511(c)]****Reporting Requirements**

(a) The permittee shall comply with the reporting requirements for the applicable requirements specified in this Title V permit. In addition to the reporting requirements specified herein, the permittee shall comply with any additional applicable reporting requirements promulgated under the Clean Air Act after permit issuance regardless of whether the permit is revised.

(b) Pursuant to 25 Pa. Code § 127.511(c), the permittee shall submit reports of required monitoring at least every six (6) months unless otherwise specified in this permit. Instances of deviations (as defined in 25 Pa. Code § 121.1) from permit requirements shall be clearly identified in the reports. The reporting of deviations shall include the probable cause of the deviations and corrective actions or preventative measures taken, except that sources with continuous emission monitoring systems shall report according to the protocol established and approved by the Department for the source. The required reports shall be certified by a responsible official.

(c) Every report submitted to the Department under this permit condition shall comply with the submission procedures specified in Section B, Condition #020(c) of this permit.

(d) Any records, reports or information obtained by the Department or referred to in a public hearing shall be made available to the public by the Department except for such records, reports or information for which the permittee has shown cause that the documents should be considered confidential and protected from disclosure to the public under Section 4013.2 of the Air Pollution Control Act and consistent with Sections 112(d) and 114(c) of the Clean Air Act and 25 Pa. Code § 127.411(d). The permittee may not request a claim of confidentiality for any emissions data generated for the Title V facility.

**#024 [25 Pa. Code § 127.513]****Compliance Certification**

(a) One year after the date of issuance of the Title V permit, and each year thereafter, unless specified elsewhere in the permit, the permittee shall submit to the Department and EPA Region III a certificate of compliance with the terms and conditions in this permit, for the previous year, including the emission limitations, standards or work practices. This certification shall include:

- (1) The identification of each term or condition of the permit that is the basis of the certification.
- (2) The compliance status.
- (3) The methods used for determining the compliance status of the source, currently and over the reporting period.
- (4) Whether compliance was continuous or intermittent.

(b) The compliance certification shall be postmarked or hand-delivered no later than thirty days after each anniversary of the date of issuance of this Title V Operating Permit, or on the submittal date specified elsewhere in the permit, to the Department and EPA in accordance with the submission requirements specified in condition #020 of this section.

**#025 [25 Pa. Code § 127.3]****Operational Flexibility**

(a) The permittee is authorized to make changes within the Title V facility in accordance with the following provisions in 25 Pa. Code Chapter 127 which implement the operational flexibility requirements of Section 502(b)(10) of the Clean Air Act and Section 6.1(i) of the Air Pollution Control Act:

**SECTION B. General Title V Requirements**

- (1) Section 127.14 (relating to exemptions)
- (2) Section 127.447 (relating to alternative operating scenarios)
- (3) Section 127.448 (relating to emissions trading at facilities with Federally enforceable emissions caps)
- (4) Section 127.449 (relating to de minimis emission increases)
- (5) Section 127.450 (relating to administrative operating permit amendments)
- (6) Section 127.462 (relating to minor operating permit amendments)
- (7) Subchapter H (relating to general plan approvals and operating permits)

(b) Unless precluded by the Clean Air Act or the regulations adopted thereunder, the permit shield authorized under 25 Pa. Code § 127.516 shall extend to operational flexibility changes made at this Title V facility pursuant to this permit condition and other applicable operational flexibility terms and conditions of this permit.

**#026 [25 Pa. Code §§ 127.441(d), 127.512(i) and 40 CFR Part 68]****Risk Management**

(a) If required by Section 112(r) of the Clean Air Act, the permittee shall develop and implement an accidental release program consistent with requirements of the Clean Air Act, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (P.L. 106-40).

(b) The permittee shall prepare and implement a Risk Management Plan (RMP) which meets the requirements of Section 112(r) of the Clean Air Act, 40 CFR Part 68 and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act when a regulated substance listed in 40 CFR § 68.130 is present in a process in more than the listed threshold quantity at the Title V facility. The permittee shall submit the RMP to the federal Environmental Protection Agency according to the following schedule and requirements:

- (1) The permittee shall submit the first RMP to a central point specified by EPA no later than the latest of the following:
  - (i) Three years after the date on which a regulated substance is first listed under § 68.130; or,
  - (ii) The date on which a regulated substance is first present above a threshold quantity in a process.

(2) The permittee shall submit any additional relevant information requested by the Department or EPA concerning the RMP and shall make subsequent submissions of RMPs in accordance with 40 CFR § 68.190.

(3) The permittee shall certify that the RMP is accurate and complete in accordance with the requirements of 40 CFR Part 68, including a checklist addressing the required elements of a complete RMP.

(c) As used in this permit condition, the term "process" shall be as defined in 40 CFR § 68.3. The term "process" means any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances or any combination of these activities. For purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.

(d) If the Title V facility is subject to 40 CFR Part 68, as part of the certification required under this permit, the permittee shall:

- (1) Submit a compliance schedule for satisfying the requirements of 40 CFR Part 68 by the date specified in 40 CFR § 68.10(a); or,
- (2) Certify that the Title V facility is in compliance with all requirements of 40 CFR Part 68 including the registration and submission of the RMP.

(e) If the Title V facility is subject to 40 CFR Part 68, the permittee shall maintain records supporting the implementation

**SECTION B. General Title V Requirements**

of an accidental release program for five (5) years in accordance with 40 CFR § 68.200.

(f) When the Title V facility is subject to the accidental release program requirements of Section 112(r) of the Clean Air Act and 40 CFR Part 68, appropriate enforcement action will be taken by the Department if:

(1) The permittee fails to register and submit the RMP or a revised plan pursuant to 40 CFR Part 68.

(2) The permittee fails to submit a compliance schedule or include a statement in the compliance certification required under Condition #24 of Section B of this Title V permit that the Title V facility is in compliance with the requirements of Section 112(r) of the Clean Air Act, 40 CFR Part 68, and 25 Pa. Code § 127.512(i).

**#027 [25 Pa. Code § 127.512(e)]****Approved Economic Incentives and Emission Trading Programs**

No permit revision shall be required under approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this Title V permit.

**#028 [25 Pa. Code §§ 127.516, 127.450(d), 127.449(f) & 127.462(g)]****Permit Shield**

(a) The permittee's compliance with the conditions of this permit shall be deemed in compliance with applicable requirements (as defined in 25 Pa. Code § 121.1) as of the date of permit issuance if either of the following applies:

(1) The applicable requirements are included and are specifically identified in this permit.

(2) The Department specifically identifies in the permit other requirements that are not applicable to the permitted facility or source.

(b) Nothing in 25 Pa. Code § 127.516 or the Title V permit shall alter or affect the following:

(1) The provisions of Section 303 of the Clean Air Act, including the authority of the Administrator of the EPA provided thereunder.

(2) The liability of the permittee for a violation of an applicable requirement prior to the time of permit issuance.

(3) The applicable requirements of the acid rain program, consistent with Section 408(a) of the Clean Air Act.

(4) The ability of the EPA to obtain information from the permittee under Section 114 of the Clean Air Act.

(c) Unless precluded by the Clean Air Act or regulations thereunder, final action by the Department on minor or significant permit modifications, and operational flexibility changes shall be covered by the permit shield. Upon taking final action granting a request for an administrative permit amendment, the Department will allow coverage of the amendment by the permit shield in § 127.516 for administrative amendments which meet the relevant requirements of 25 Pa. Code Article III.

(d) The permit shield authorized under § 127.516 is in effect for the permit terms and conditions in this Title V permit, including administrative operating permit amendments and minor operating permit modifications.

**SECTION C. Site Level Requirements****I. RESTRICTIONS.****Emission Restriction(s).****# 001 [25 Pa. Code §121.7]****Prohibition of air pollution.**

No person may permit air pollution as that term is defined in the act.

**# 002 [25 Pa. Code §123.1]****Prohibition of certain fugitive emissions**

(a) No person may permit the emission into the outdoor atmosphere of fugitive air contaminant from a source other than the following:

- (1) Construction or demolition of buildings or structures.
- (2) Grading, paving and maintenance of roads and streets.
- (3) Use of roads and streets. Emissions from material in or on trucks, railroad cars and other vehicular equipment are not considered as emissions from use of roads and streets.
- (4) Clearing of land.
- (5) Stockpiling of materials.
- (6) Open burning operations
- (7) N/A
- (8) N/A

(9) Sources and classes of sources other than those identified in paragraphs (1)-(6), for which the operator has obtained a determination from the Department that fugitive emissions from the source, after appropriate control, meet the following requirements:

- (i) the emissions are of minor significance with respect to causing air pollution; and
- (ii) the emissions are not preventing or interfering with the attainment or maintenance of any ambient air quality standard.

(b) An application form for requesting a determination under either subsection (a) is available from the Department. In reviewing these applications, the Department may require the applicant to supply information including, but not limited to, a description of proposed control measures, characteristics of emissions, quantity of emissions, and ambient air quality data and analysis showing the impact of the source on ambient air quality. The applicant shall be required to demonstrate that the requirements of subsections (a)(7) and (c) and 123.2 (relating to fugitive particulate matter) have been satisfied. Upon such demonstration, the Department will issue a determination, in writing, either as an operating permit condition, for those sources subject to permit requirements under the act, or as an order containing appropriate conditions and limitations.

(c) A person responsible for any source specified in subsections (a)(1)-(7) or (9) shall take all reasonable actions to prevent particulate matter from becoming airborne. These actions include, but not limited to, the following:

- (1) Use, where possible, of water or chemicals for control of dust in the demolition of buildings or structures, construction operations, the grading of roads or the clearing of land.
- (2) Application of asphalt, oil, water or suitable chemicals on dirt roads, material stockpiles and other surfaces which may give rise to airborne dusts.

**SECTION C. Site Level Requirements**

(3) Paving and maintenance of roadways.

(4) Prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

(d) N/A

**# 003 [25 Pa. Code §123.2]****Fugitive particulate matter**

A person may not permit fugitive particulate matter to be emitted into the outdoor atmosphere from a source specified in 25 Pa Code Section 123.1, (relating to prohibition of certain fugitive emissions) if such emissions are visible at the point the emissions pass outside the person's property.

**# 004 [25 Pa. Code §123.31]****Limitations**

(a) Limitations are as follows:

(1) If control of malodorous air contaminants is required under subsection (b), emissions shall be incinerated at a minimum of 1200F for at least 0.3 seconds prior to their emission into the outdoor atmosphere.

(2) Techniques other than incineration may be used to control malodorous air contaminants if such techniques are equivalent to or better than the required incineration in terms of control of the odor emissions and are approved in writing by the Department.

(b) A person may not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the person on whose land the source is being operated.

(c) The prohibition in subsection (b) does not apply to odor emissions arising from the production of agricultural commodities in their unmanufactured state on the premises of the farm operation.

**# 005 [25 Pa. Code §123.41]****Limitations**

A person may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either of the following:

(1) Equal to or greater than 20% for a period or periods aggregating more than three minutes in any 1 hour.

(2) Equal to or greater than 60% at any time.

**# 006 [25 Pa. Code §123.42]****Exceptions**

The limitations of 123.41 (relating to limitations) shall not apply to a visible emission in any of the following instances:

(1) when the presence of uncombined water is the only reason for failure of the emission to meet the limitations.

(2) When the emission results from the operation of equipment used solely to train and test persons in observing the opacity of visible emissions.

(3) When the emission results from sources specified in 123.1(a)(1) -- (9) (relating to prohibition of certain fugitive emissions).

(4) N/A



**SECTION C. Site Level Requirements****# 007 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

The Owner/Operator shall conduct a daily inspection of the facility during daylight hours while the facility is operating. The purpose of the inspection is to detect one of the following:

- a) The presence of visible emissions which are in excess of the limits stated elsewhere in this TVOP.
- b) The presence of fugitive visible emissions beyond the plant property boundaries, as limited by 25 Pa. Code Section 123.2.
- c) The presence of malodorous air contaminants beyond the plant property boundaries, as limited by 25 Pa. Code Section 123.31.

**# 008 [25 Pa. Code §129.14]****Open burning operations**

(a) No person may permit the open burning of material in a manner that:

- (1) The emissions are visible, at any time, at the point such emissions pass outside the property of the owner/operator.
- (2) Malodorous air contaminants from the open burning are detectable outside the property of the owner/operator.
- (3) The emissions interfere with the reasonable enjoyment of life or property.
- (4) The emissions cause damage to vegetation or property.
- (5) The emissions are or may be deleterious to human or animal health.

(b) EXCEPTIONS: The requirements stated in 1-5 do not apply where the open burning operations result from:

- (1) A fire set for the purpose of instructing personnel in fire fighting, when approved by the Department.
- (2) A fire set for the prevention and control of disease or pests, when approved by the Department.
- (3) A fire set solely for recreational or ceremonial purposes.
- (4) A fire set solely for cooking food.
- (5) A fire set to prevent or abate a fire hazard, when approved by the Department and set by or under the supervision of a public officer.

(c) Clearing and grubbing wastes. The following is applicable to clearing and grubbing wastes:

(1) As used in this applicable requirement the following terms shall have the following meanings:

Air curtain destructor -- A mechanical device which forcefully projects a curtain of air across a pit in which open burning is being conducted so that combustion efficiency is increased and smoke and other particulate matter are contained.

Clearing and grubbing wastes -- Trees, shrubs, and other native vegetation which are cleared from land during or prior to the process of construction. The term does not include demolition wastes and dirt laden roots.

(2) Notwithstanding clearing and grubbing wastes may be burned subject to the following

## SECTION C. Site Level Requirements

limitations:

- (i) Upon receipt of a complaint or determination by the Department that an air pollution problem exists, the Department may order that the open burning cease.
- (ii) Authorization for open burning under this paragraph does not apply to clearing and grubbing wastes that have been transported.

### II. TESTING REQUIREMENTS.

**# 009 [25 Pa. Code §127.441]**

**Operating permit terms and conditions.**

Testing Condition #1

1. The permittee shall conduct a source test within one (1) year of the issuance of this Operating Permit and at least every two (2) years thereafter. Stack testing conducted within the two (2) year period prior to the issuance of this TVOP may be used to meet the requirements of this condition and to start the two (2) year clock on subsequent stack testing.
2. Source testing shall be conducted to determine the post-control emissions of filterable particulate matter.
3. All testing shall be performed while Source ID 031 is operating at no less than 90% of the maximum rated heat input, or under such other conditions, within the capacity of the equipment, as may be requested by the Department. Soot blowing and ash removal in the boiler must be conducted at normal intervals and testing may not be scheduled to avoid such periods as they are considered to be normal operations.
4. All testing shall be conducted in accordance with any applicable federal regulations (such as New Source Performance Standards (NSPS), Subparts Da, Db, Dc, Ea, Eb, and Ec); 25 Pa. Code, Chapter 139 (relating to sampling and testing); and Revision 3.3 of the Source Testing Manual of the Department. The following federal reference methods, or other test methods approved by the Department prior to testing, shall be used.
  - a. 40 CFR 60, Appendix A, Methods 1-4 shall be used to determine the volumetric flow rate.
  - b. 40 CFR 60, Appendix A, Method 5 shall be used to determine the filterable particulate emission rate in lbs/hour.
  - c. 40 CFR 60, Appendix A, Method 19 shall be used to determine the filterable particulate emission rate in lbs/MMBTU.
5. At least sixty (60) calendar days prior to commencing an emission testing program required by this condition, a test protocol shall be submitted to the PA DEP, Division of Source Testing and Monitoring, 400 Market Street, 12th Floor Rachael Carson State Office Building, Harrisburg, PA 17105-8468 and the appropriate Regional Office for review and approval. The test protocol shall meet all applicable requirements specified in the Revision 3.3 of the Source Testing Manual of the Department.
6. At least fifteen (15) calendar days prior to commencing an emission testing program required by this permit, written notification of the date and time of testing shall be provided to the appropriate Regional Office and to the Department of Environmental Protection, Bureau of Air Quality, Division of Source Testing and Monitoring. The notification and the testing shall not be made without prior receipt of a protocol acceptance letter from the Department. The Department is under no obligation to accept the results of any testing performed without adequate advance written notice to the

## SECTION C. Site Level Requirements

Department of such testing.

7. The following process parameters shall be recorded at 15-minute intervals during each test run (if possible). This data (including the units) and a summary thereof, averaged over each test run, must be included in the test report. Any exceptions to this recordkeeping requirement shall receive prior approval from the Department.
  - a. Heat input rate of coal [MMBTU/hour]
  - b. Coal feed rate to the boiler [tons/hour]
  - c. Limestone feed rate to the boiler [tons/hour]
  - d. Steam flow [lbs/hour]
  - e. Steam temperature [°F]
  - f. Steam pressure [psig]
  - g. Soot blowing and/or ash removal (Yes/No)
  - h. Oxygen level at the economizer [%]
  - i. Baghouse pressure drop
  - j. Speed of draft fans [rpm]
  - k. Output of powered electrical generator [mw]
8. Within fifteen (15) calendar days after completion of the on-site testing portion of an emission test program, an electronic mail notification shall be sent to the PA DEP, Bureau of Air Quality, Division of Source Testing and Monitoring at RA-epstacktesting@state.pa.us and the appropriate Regional Office indicating the completion date of the on-site testing.
9. A complete test report shall be submitted to the Department no later than sixty (60) calendar days after completion of the on-site testing portion of an emission test program.
10. A complete test report shall include a summary of the emission results on the first page of the report indicating if each pollutant measured is within permitted limits and a statement of compliance or non-compliance with all applicable permit conditions. The summary results will include, at a minimum, the following information:
  - a. A statement that the owner or operator has reviewed the report from the emissions testing body and agrees with the findings;
  - b. Permit number(s) and condition(s) which are the basis for the evaluation;
  - c. Summary of results with respect to each applicable permit condition; and
  - d. Statement of compliance or non-compliance with each applicable requirement.
11. All submittals shall meet all applicable requirements specified in Revision 3.3, or successor volume, of the Source Testing Manual of the Department.
12. All submittals, besides notifications, shall be accomplished through PSIMS\*Online available through <https://www.depgreenport.state.pa.us/ecommm/Login.jsp> when it becomes available. If internet submittal cannot be accomplished, one copy of the submittal shall be sent to the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, Division of Source Testing and Monitoring, with deadlines verified through document postmarks. In a like manner, one copy of the submittal shall be sent to the appropriate Regional Office.
13. The owner or operator shall ensure all federal reporting requirements contained in the applicable federal requirements are followed, including timelines more stringent than those contained herein. In the event of an inconsistency or any conflicting requirements between state and the federal, the most stringent provision, term, condition, method, or rule shall be used by default.
14. Alternative methodology may also be used, subject to Department approval.

Testing Condition # 2

**SECTION C. Site Level Requirements**

Testing for emissions of filterable PM<sub>2.5</sub>, and condensable particulate from the CFB Boiler, Source ID 031, shall also be conducted at least every two years. This testing is in addition to testing emissions of particulate for compliance with filterable particulate emission limits. Testing shall be conducted using EPA Method 201A and Method 202, or agency approved equivalent. The testing for filterable PM<sub>2.5</sub>, and condensable particulate is for informational purposes only and will not be used for determination of compliance with filterable particulate emission limits.

**# 010 [25 Pa. Code §139.101]****General requirements.**

In accordance with the Department's "Continuous Source Monitoring Manual," the owner or operator shall conduct an annual system performance audits consistent with the following:

- 1) Departmental approval is obtained prior to testing , and
- 2) Notification is provided to the Department's Source Testing and Monitoring, Continuous Emission Monitoring Section, at least 21 days in advance of the testing.

**III. MONITORING REQUIREMENTS.****# 011 [25 Pa. Code §123.42]****Exceptions**

The limitations of 123.41 (relating to limitations) shall not apply to a visible emission in any of the following instances:

- (1) When the presence of uncombined water is the only reason for failure of the emission to meet the limitations.
- (2) When the emission results from the operation of equipment used solely to train and test persons in observing the opacity of visible emissions.
- (3) When the emission results from sources specified in 123.1(a)(1) -- (9) (relating to prohibition of certain fugitive emissions).

**# 012 [25 Pa. Code §123.43]****Measuring techniques**

Visible emissions may be measured using either of the following:

- (1) A device approved by the Department and maintained to provide accurate opacity measurements.
- (2) Observers, trained and qualified to measure plume opacity with the naked eye or with the aid of any devices approved by the Department.

**# 013 [25 Pa. Code §139.101]****General requirements.**

In accordance with the Department's "Continuous Source Monitoring Manual" the owner or operator shall observe the following requirements when performing any maintenance/calibration on the CEM system(s):

**(A) MAINTENANCE:**

1. Zero and calibration drift checks should be conducted immediately prior to and following maintenance.
2. If the post maintenance zero or the calibration drift checks show drift in excess of twice the applicable performance specification, recalibration must be conducted in accordance with the quarterly calibration error check procedures in paragraph (B)(2). Monitors may be calibrated

**SECTION C. Site Level Requirements**

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**(B) PERIODIC CALIBRATION:**

1. Calibration must be conducted at least daily for determination of measurement device zero and calibration drift on all measurement device ranges. The calibration must be performed as per the Department's "Continuous Source Monitoring Manual."
2. The monitoring system must be adjusted whenever the zero or calibration drift performance specification are exceeded.
3. The zero drift check must be conducted at a measurement level at or between 0% and 30% of measurement device range. The value selected must be lower than the lowest value that would be expected to occur under normal source operating conditions.
4. The calibration drift check must be conducted at a measurement level at or between 40% and 100% of measurement device range unless an alternative concentration can be demonstrated to better represent normal source operating levels.

**IV. RECORDKEEPING REQUIREMENTS.****# 014 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

The owner or operator shall maintain a logbook of required inspections performed. The log book shall include any observed exceedences of malodorous contaminants, visible emissions, and visible fugitive emissions observed during the daily inspections, the name of the person performing the inspection, date and time of inspection, wind direction, and any corrective action or notification for observed exceedences.

**# 015 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

The presence of unpermitted visible emissions, fugitive emissions or malodorous emissions shall be maintained in a logbook. The Owner/Operator shall record the following information:

- a) Name of company representative detecting the incident.
- b) Date and time of occurrence.
- c) Any corrective action(s) taken to abate each recorded deviation and to prevent future occurrences.

These records shall be maintained on site for two (2) years, retained for at least five (5) years and shall be made available to the Department upon request.

**# 016 [25 Pa. Code §135.5]****Recordkeeping**

Source owners or operators shall maintain and make available upon request by the Department records including computerized records that may be necessary to comply with 135.21 (relating to reporting; and emission statements). These may include records of production, fuel usage, maintenance of production or pollution control equipment or other information determined by the Department to be necessary for identification and quantification of potential and actual air contaminant emissions. If direct recordkeeping is not possible or practical, sufficient records shall be kept to provide the needed information by indirect means.

**# 017 [25 Pa. Code §139.101]****General requirements.**

In accordance with the Department's "Continuous Source Monitoring Manual", the permittee shall maintain the Continuous Emission Records as follows:

- 1) All data shall be reduced to one-hour averages on a clock basis, except opacity, which shall be reduced to one-minute averages. The reduction methods must be in accordance with the

## SECTION C. Site Level Requirements

data validation and reduction criteria of the Department's Quality Assurance requirements.

2) A chronological file shall be maintained which includes the following:

- a) All measurements from the systems,
- b) All valid averages as specified above,
- c) The cause, time periods, and magnitudes of all exceedences,
- d) Data and results for all performance tests, audits and recalibrations
- e) Records of any repairs, adjustments or maintenance
- f) Conversion methods,
- g) The cause and time periods for any invalid data.
- h) Records of all corrective actions taken in response to exceedences.
- i) Copies of the Phase I application, Phase II testing protocol, Phase III performance specification testing report and all correspondence related to the CEMs.

## V. REPORTING REQUIREMENTS.

### # 018 [25 Pa. Code §127.442]

#### Reporting requirements.

- (a) The owner or operator shall report to the Department each malfunction that occurs at this facility. For purposes of this condition, a malfunction means any failure to operate air pollution control equipment and/or process equipment in a normal or usual manner, consistent with good operating practices and the conditions of this authorization.
- (b) When the malfunction may immediately impact public health and safety or the environment or when it is reasonable to believe that the malfunction may result in citizen complaints, the notification shall be made to the Department by telephone no later than one hour after discovery of the incident. The telephone number in subpart (f), below, shall be used to report the malfunction. Examples of malfunctions that may result in citizen complaints include, but are not limited to: unusually large dust plumes, heavy smoke, or a spill or release that results in a malodor that is detectable outside the property of the person on whose land the source is being operated.
- (c) The notice shall describe the following:
  - (i) Name and location of the facility;
  - (ii) Nature and cause of the malfunction;
  - (iii) Time when the malfunction or breakdown was first observed;
  - (iv) Expected duration of excess emissions and the malfunction; and
  - (v) Estimated rate of emissions.
- (d) The owner or operator shall immediately notify the Department by telephone when corrective measures have been accomplished. The telephone number in subpart (f), below, shall be used to report the completion of corrective measures
- (e) Malfunctions that do not appear to be likely to pose a danger to public health and safety or the environment or will not in citizen complaints shall be reported within 24 hours or on the next business day. The telephone number in subpart (f), below, shall be used to report the malfunction.
- (f) Malfunctions shall be reported to the Department at the following address and telephone number:

**SECTION C. Site Level Requirements**

PADEP  
Office of Air Quality  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
(412)442-4000

**# 019 [25 Pa. Code §135.21]****Emission statements**

The owner or operator shall provide the Department with a statement, in a form as the Department may prescribe, for classes or categories of sources, showing the actual emissions of oxides of nitrogen and VOCs from that source for each reporting period, a description of the method used to calculate the emissions and the time period over which the calculation is based. The statement shall contain a certification by a company officer or the plant manager that the information contained in the statement is accurate.

**# 020 [25 Pa. Code §135.3]****Reporting**

(a) The Owner/Operator shall submit by March 1 of each year a source report for the preceding calendar year. The report shall include information for all previously reported sources, new sources which were first operated during the preceding calendar year and sources modified during the same period which were not previously reported.

(b) The source owner or operator may request an extension of time from the Department for the filing of a source report, and the Department may grant the extension for reasonable cause.

**# 021 [25 Pa. Code §139.101]****General requirements.**

In accordance with the Department's "Continuous Source Testing Manual," the owner or operator shall submit to the Department calendar quarterly reports of Continuous Emission Monitoring Systems (CEMs) containing the following:

- 1) Information on the source and emissions in accordance with the appropriate reporting format approved by the Department.
- 2) The results of all performance test, audits and recalibrations conducted during the quarter. The report signed by the responsible official shall be submitted in duplicate to the Division of Source Testing and Monitoring, Continuous Testing Section at the following address, within thirty (30) days following the end of each quarter:  
  
Department of Environmental Protection  
Division of Source Testing and Monitoring, Continuous Testing Section  
Rachael Carson State Office Building  
P.O. Box 8468  
Harrisburg, PA 17105-8468
- 3) Subsequent data report changes must be submitted in duplicate to the Air Program Manager, Southwestern Regional Office. Data resubmittals must be submitted to the Regional Office within sixty (60) days following the end of the quarter.

**# 022 [40 CFR Part 68 EPA Provisions for Chemical Accident Prevention §40 CFR 68.130]****Subpart F - Regulated Substances for Accidental Release Prevention****List of substances.**

At the present time this facility stores anhydrous ammonia in concentrations and quantities greater than the threshold amounts for these pollutants. Owner/Operator shall comply with the Risk Management Plan provisions of 40 CFR 68, Subpart G.

**VI. WORK PRACTICE REQUIREMENTS.****# 023 [25 Pa. Code §123.1]****Prohibition of certain fugitive emissions**

The permittee shall take all reasonable actions to prevent particulate matter from a source identified in 25 PA Code

**SECTION C. Site Level Requirements**

123.1(a)(1)-(9) from becoming airborne. These actions shall include, but not be limited to, the following:

- (1) Use, where possible, of water or chemicals for control of dust in the demolition of buildings or structures, construction operations, the grading of roads, or the clearing of land.
- (2) Application of asphalt, oil, water or suitable chemicals on dirt roads, material stockpiles and other surfaces which may give rise to airborne dusts.
- (3) Paving and maintenance of roadways.
- (4) Prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means. [25 PA Code 123.1 and 123.2]

**# 024 [25 Pa. Code §127.511]****Monitoring and related recordkeeping and reporting requirements.**

The owner or operator shall maintain a logbook of daily inspections performed. The log book shall include any observed exceedences of malodorous contaminants, visible emissions, and visible fugitive emissions observed during the daily inspections, the name of the person performing the inspection, date and time of inspection, wind direction, and any corrective action or notification for observed exceedences.

**VII. ADDITIONAL REQUIREMENTS.****# 025 [25 Pa. Code §139.101]****General requirements.**

Upon the request of the Department, the person responsible for a source shall provide adequate sampling ports, safe sampling platforms and adequate utilities for the performance by the Department of tests on such source. The Department will set forth, in the request, the time period in which the facilities shall be provided as well as the specifications for such facilities.

**VIII. COMPLIANCE CERTIFICATION.**

No additional compliance certifications exist except as provided in other sections of this permit including Section B (relating to Title V General Requirements).

**IX. COMPLIANCE SCHEDULE.**

No compliance milestones exist.

**\*\*\* Permit Shield In Effect \*\*\***



**SECTION D. Source Level Requirements**

Source ID: 031

Source Name: CIRCULATING FLUIDIZED BED BOILER

Source Capacity/Throughput: 1,214.500 MMBTU/HR

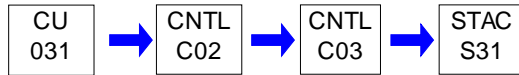
84.000 Tons/HR

WASTE BITUMINOS

4,666.000 Gal/HR

Propane

Conditions for this source occur in the following groups: 3

**I. RESTRICTIONS.****Emission Restriction(s).****# 001 [25 Pa. Code §123.11]****Combustion units**

A person may not permit the emission into the outdoor atmosphere of particulate matter from this combustion unit in excess of the rate of 0.1 lbs/mmbtu of heat input.

[Compliance with the particulate emission limits established in Plan Approval PA-11-306-006 ensures compliance with this condition.]

**# 002 [25 Pa. Code §123.22]****Combustion units**

No person may permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO<sub>2</sub> from this combustion unit in excess of the rates set forth in the following table:

	Allowable Pounds SO <sub>2</sub> Per 10 <sup>6</sup> Btu Heat Input
Thirty-day running average not to be exceeded at any time	3.7
24-hr rolling average not to be exceeded more than 2 days in any running 30-day period	4.0
3-hr rolling average not to be exceeded at any time	4.8

[Compliance with the SO<sub>x</sub> emission limits established in Plan Approval PA-11-306-006 ensures compliance with this condition.]

**# 003 [25 Pa. Code §123.41]****Limitations**

A person may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either of the following:

- (1) Equal to or greater than 20% for a period or periods aggregating more than three minutes in any 1 hour.
- (2) Equal to or greater than 60% at any time.

[Compliance with the Opacity limits established in Plan Approval PA-11-306-006 ensures compliance with this condition.]

**SECTION D. Source Level Requirements****# 004 [25 Pa. Code §123.46]****Monitoring requirements**

(a) The owner or operator shall install, operate, and maintain continuous opacity monitoring devices in compliance with Chapter 139, Subchapter C (relating to requirements for continuous in-stack monitoring for stationary sources). Results of opacity monitoring shall be submitted to the Department on a regular basis in compliance with the requirements of Chapter 139, Subchapter C.

(b) The Department may exempt a source from the requirements of subsection (b) if the Department determines that the installation of a continuous emission monitoring system would not provide accurate determination of emissions or that installation of a continuous emission monitoring system may not be implemented by a source due to physical plant limitations or to extreme economic reasons. The Department will require such an exempted source to fulfill alternative emission monitoring and reporting requirements.

(c) The Department may use the data from the monitoring devices or from the alternative monitoring systems required by this section to enforce the visible emission limitations defined in this article.

(d) Compliance with this section shall be obtained no later than 18 months after the effective date of the listing of any source identified in subsection (a). The Department may grant orders providing reasonable extension of time for sources that have made good faith efforts to install, operate and maintain continuous monitoring devices but have been unable to complete such operations within the time period provided.

**# 005 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

In accordance with operating permit #11-306-006:

The maximum stack exhaust concentration of ammonia (ammonia slip) shall not exceed 5ppm(v) of ammonia.

**# 006 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

The opacity requirements of this TVOP do not apply during startups and shutdowns.

**# 007 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

In accordance with special condition of operating permit # 11-306-006:

A person may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either of the following:

- (1) Equal to or greater than 10% for a period or periods aggregating more than three minutes in any 1 hour.
- (2) Equal to or greater than 30% at any time.

(Compliance with this condition ensures compliance with the opacity limits of 25 Pa Code Section 123.41.)

**# 008 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

In accordance with special condition of operating permit #11-306-006:

Emissions of particulate matter from the CFB boiler shall not exceed 21.3 lbs/hr and 89 tons/yr in any consecutive 12 month rolling average.

(Compliance with this condition ensures compliance with the particulate matter limits established in 40 CFR 60.42a and 25 Pa Code Section 123.11.)

**SECTION D. Source Level Requirements****# 009 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

In accordance with special condition of operating permit # 11-306-006:

- a) Emissions of sulfur oxide, expressed as SO<sub>2</sub>, from the CFB boiler shall not exceed 0.62 lb/MMBtu and 753lbs/hr (24-hr rolling average period).
- b) Emissions of sulfur oxide, expressed as SO<sub>2</sub> shall not exceed 0.94 lb/MMBtu and 1142 lbs/hr in any 3-hr rolling average period.
- c) Total SO<sub>2</sub> emissions from the CFB boiler shall not exceed 2913 tons in any consecutive 12 month rolling average.

(Compliance with these SO<sub>x</sub> requirements ensure compliance with applicable requirement of 40 CFR 60.43a and 25 Pa Code Section 123.22.)

**# 010 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

In accordance with special condition of operating permit #11-306-006:

Emissions of carbon monoxide from the boiler shall not exceed 302 lbs/hr and 1258 tons in any consecutive 12 month rolling average.

**# 011 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

In accordance with special condition of operating permit #11-306-006:

Emissions of volatile organic compounds from the CFB boiler shall not exceed 11.2 lbs/hr and 47 tons/year on a 12 month rolling average basis.

**# 012 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

In accordance with special condition of operating permit # 11-306-006:

Emission of sulfur oxides (as SO<sub>2</sub>) shall be reduced by at least 95% on a 30 day rolling average basis. Emissions of SO<sub>2</sub> shall be reduced by at least 92% in the boiler.

**# 013 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

In accordance with special condition of operating permit # 11-306-006:

Emissions of NO<sub>x</sub> (nitrogen oxides, expressed as NO<sub>2</sub>) from the CFB boiler shall not exceed 0.20 pounds per million BTU, 243 lbs/hr on a 24 hour rolling average and 932 tons per year on a 12 month rolling average basis.

(Compliance with this NO<sub>x</sub> limit ensures compliance with 40 CFR 60.44a.)

**# 014 [40 CFR Part 60 Standards of Performance for New Stationary Sources §40 CFR 60.42a]****Subpart Da - Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978  
Standard for particulate matter.**

(a) On and after the date on which the performance test required to be conducted under §60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which contain particulate matter in excess of:

- (1) 13 ng/J (0.03 lb/million Btu) heat input derived from the combustion of solid, liquid, or gaseous fuel;

**SECTION D. Source Level Requirements**

(2) 1 percent of the potential combustion concentration (99 percent reduction) when combusting solid fuel; and

(3) 30 percent of potential combustion concentration (70 percent reduction) when combusting liquid fuel.

(b) On and after the date the particulate matter performance test required to be conducted under §60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity.

(a) Except as provided under paragraphs (b), (c), (d), and (e) of this section, on and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases that:

(1) Contain PM in excess of 43 nanograms per joule (ng/J) heat input (0.10 lb/MMBtu) derived from fossil fuel or fossil fuel and wood residue.

(2) Exhibit greater than 20 percent opacity except for one six-minute period per hour of not more than 27 percent opacity.

[Compliance with the particulate emission limits established in Plan Approval PA-11-306-006 ensures compliance with this condition]

**# 015 [40 CFR Part 60 Standards of Performance for New Stationary Sources §40 CFR 60.43a]**

**Subpart Da - Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978**

**Standard for sulfur dioxide.**

(a) On and after the date on which the initial performance test required to be conducted under §60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility which combusts solid fuel or solid-derived fuel, except as provided under paragraphs (c), (d), (f) or (h) of this section, any gases which contain sulfur dioxide in excess of:

(1) 520 ng/J (1.20 lb/million Btu) heat input and 10 percent of the potential combustion concentration (90 percent reduction), or

(2) 30 percent of the potential combustion concentration (70 percent reduction), when emissions are less than 260 ng/J (0.60 lb/million Btu) heat input.

[Compliance with the SOx emission limits established in Plan Approval PA-11-306-006 ensures compliance with this condition]

**# 016 [40 CFR Part 60 Standards of Performance for New Stationary Sources §40 CFR 60.44a]**

**Subpart Da - Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978**

**Standard for nitrogen oxides.**

(a) Except as provided under paragraph (e) of this section, on and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases that contain NOX, expressed as NO2 in excess of:

(1) 86 ng/J heat input (0.20 lb/MMBtu) derived from gaseous fossil fuel.

(2) 129 ng/J heat input (0.30 lb/MMBtu) derived from liquid fossil fuel, liquid fossil fuel and wood residue, or gaseous fossil fuel and wood residue.

(3) 300 ng/J heat input (0.70 lb/MMBtu) derived from solid fossil fuel or solid fossil fuel and wood residue (except lignite or a solid fossil fuel containing 25 percent, by weight, or more of coal refuse).

**SECTION D. Source Level Requirements**

(4) 260 ng/J heat input (0.60 lb MMBtu) derived from lignite or lignite and wood residue (except as provided under paragraph (a)(5) of this section).

(5) 340 ng/J heat input (0.80 lb MMBtu) derived from lignite which is mined in North Dakota, South Dakota, or Montana and which is burned in a cyclone-fired unit.

**# 017 [40 CFR Part 64 Compliance Assurance Monitoring for Major Stationary Sources §40 CFR 64.2]****Sections of PART 64****Applicability**

This facility is required to develop a Continuous Compliance Assurance Monitoring System. Continuous compliance determination method means a method, specified by the applicable standard or an applicable permit condition, which is used to determine compliance with an emission limitation or standard on a continuous basis, consistent with the averaging period established for the emission limitation or standard and provides data either in units of the standard or correlated directly with the compliance limit.

**# 018 [40 CFR Part 64 Compliance Assurance Monitoring for Major Stationary Sources §40 CFR 64.3]****Sections of PART 64****Monitoring design criteria**

Company proposes to provide a reasonable assurance with applicable particulate matter limits by using their existing Continuous Opacity Monitors as compliance assurance monitoring (CAM) for particulate matter. The elements of the PM10 monitoring approach for Emission Unit 031 are presented in the following Table:

Subject	Indicator No. 1
Indicator	Visible Emissions
Measurement Approach	Opacity Monitor (Certified Opacity Monitoring System, COMS). Opacity data is measured downstream of the baghouse and displaced in the control room.
Indicator Range	The unit is subject to an opacity limit of 10% as a result of the existing Title V Permit. An action level of 6% opacity (3-hour block average) will be used to initiate corrective action.
Data Representativeness	COMS data will be collected and validated in accordance with the applicable PADEP Continuous Source Monitoring Manual.
Verification of Operation Status	The COMS will be operated in accordance with manufacturer's specifications and calibrated in accordance with the applicable PADEP Continuous Source Monitoring Manual.
QA/QC Practices and Criteria	COMS QA/QC practices will be consistent with the requirements of the applicable PADEP Continuous Source Monitoring Manual.
Monitoring Frequency	Continuous
Data Collection Procedure	Opacity data will be collected with a certified data acquisition and handling system (SAHS) in accordance with the applicable PADEP Continuous Source Monitoring Manual.
Averaging Period	Minute averages are calculated and stored from the one-second data. Hourly data is calculated and stored from the minute data.

**# 019 [40 CFR Part 75 Continuous Emission Monitoring §40 CFR 75.10]****Subpart B--Monitoring Provisions****General operating requirements.**

**SECTION D. Source Level Requirements**

(a) Primary Measurement Requirement. The owner or operator shall measure opacity, and all SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> emissions for each affected unit as described in 75.10(a)(1)--(3) [revised at 60 FR 26513, May 17, 1995].

**II. TESTING REQUIREMENTS.**

No additional testing requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

**III. MONITORING REQUIREMENTS.****# 020 [25 Pa. Code §123.25]****Monitoring requirements**

(a) The owner or operator shall install, operate and maintain continuous SO<sub>2</sub> monitoring systems in compliance with Chapter 139 Subchapter C (relating to requirements of continuous in-stack monitoring for stationary sources). Results of emission monitoring shall be submitted to the Department on a regular basis in compliance with Chapter 139, Subchapter C.

(b) Continuous SO<sub>2</sub> monitoring systems installed under this condition shall meet the minimum data availability requirements in Chapter 139, Subchapter C.

(c) The following are alternative monitoring systems:

(1) The Department will allow sources specified in subsection (a)(1) to utilize sulfur-in-fuel sampling programs in lieu of the requirements of subsection (b). These programs shall meet the requirements of Chapter 139, Subchapter C.

(2) The Department may exempt a source from the requirements of subsection (b) if the Department determines that the installation of a continuous emission monitoring system would not provide accurate determination of emissions or that installation of a continuous emission monitoring system cannot be implemented by a source due to physical plant limitations or to extreme economic reasons. The Department will require an exempted source to fulfill alternative emission monitoring and reporting requirements.

(d) The Department may use the data from the SO<sub>2</sub> monitoring devices or from the alternative monitoring systems required by this section to enforce the emission limitations for SO<sub>2</sub> defined in this article.

(e) Compliance with this section shall be obtained no later than 18 months after the effective date of the listing of any source identified in subsection (a). The Department may grant orders providing reasonable extension of time for sources that have made good faith efforts to install, operate and maintain continuous monitoring devices, but that have been unable to complete the operations within the time period provided.

(f) The Department may use the data from the SO<sub>2</sub> monitoring systems or from the alternative monitoring systems required by this section to determine compliance with the applicable emission limitations for SO<sub>2</sub> established in this article.

**# 021 [25 Pa. Code §123.51]****Monitoring requirements**

(a) The owner or operator shall install, operate and maintain continuous nitrogen oxides monitoring systems and other monitoring systems to convert data to required reporting units in compliance with Chapter 139, Subchapter C (relating to requirements for continuous in-stack monitoring for statutory sources).

(b) Sources subject to this condition shall submit results on a regular schedule and in a format acceptable to the Department and in compliance with Chapter 139, Subchapter C.

(c) Continuous nitrogen oxides monitoring systems installed under the requirements of this section shall meet the minimum data availability requirements in Chapter 139, Subchapter C.

**SECTION D. Source Level Requirements**

(d) The Department may exempt a source from the requirements of subsection (b) if the Department determines that the installation of a continuous emission monitoring system would not provide accurate determination of emissions or that installation of a continuous emission monitoring system cannot be implemented by a source due to physical plant limitations or to extreme economic reasons. A source exempted from the requirements of subsection (b) shall satisfy alternative emission monitoring and reporting requirements proposed by the source and approved by the Department which provide oxides emission data that is representative of actual emissions of the source.

(e) Sources subject to this section shall comply by October 20, 1993, unless the source becomes subject to the requirements later than October 20, 1990. For sources which become subject to the requirements after October 20, 1990, the source has 36 months from the date the source becomes subject to this section. The Department may issue orders providing a reasonable extension of time for sources that have made good faith efforts to install, operate and maintain continuous monitoring devices, but that have been unable to complete the operations within the time period provided.

**# 022 [40 CFR Part 75 Continuous Emission Monitoring §40 CFR 75.1]**

**Subpart A--General**  
**Purpose and scope.**

**# 023 [40 CFR Part 75 Continuous Emission Monitoring §40 CFR 75.12]**

**Subpart B--Monitoring Provisions**  
**Specific provisions for monitoring NOx emissions (NOx and diluent gas monitors).**

**# 024 [40 CFR Part 75 Continuous Emission Monitoring §40 CFR 75.13]**

**Subpart B--Monitoring Provisions**  
**Specific provisions for monitoring CO2 emissions.**

**# 025 [40 CFR Part 75 Continuous Emission Monitoring §40 CFR 75.14]**

**Subpart B--Monitoring Provisions**  
**Specific provisions for monitoring opacity.**

**# 026 [40 CFR Part 75 Continuous Emission Monitoring §40 CFR 75.17]**

**Subpart B--Monitoring Provisions**  
**Specific provisions for monitoring emissions from common, by-pass, and multiple stacks for NOx emission rate.**

**# 027 [40 CFR Part 75 Continuous Emission Monitoring §40 CFR 75.4]**

**Subpart A--General**  
**Compliance dates.**

**# 028 [40 CFR Part 75 Continuous Emission Monitoring §40 CFR 75.5]**

**Subpart A--General**  
**Prohibitions.**

**IV. RECORDKEEPING REQUIREMENTS.**

No additional record keeping requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

**SECTION D. Source Level Requirements****V. REPORTING REQUIREMENTS.**

No additional reporting requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

**VI. WORK PRACTICE REQUIREMENTS.**

No additional work practice requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

**VII. ADDITIONAL REQUIREMENTS.**

**# 029 [25 Pa. Code §127.441]**

**Operating permit terms and conditions.**

The circulating fluidized bed boiler (Source 031) is an affected facilities for purposes of 40 CFR Part 63, Subpart UUUUU, National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units (EGUs) (as defined in § 63.10042). Owner/operator shall comply with all applicable requirements of 40 CFR §§ 63.9980 through 63.10042, including Tables and Appendices by April 16, 2015, unless the compliance deadline is extended under §112 of the Clean Air Act or otherwise. This rule is popularly known at the Mercury and Air Toxics (MATS) Rule.

**\*\*\* Permit Shield in Effect. \*\*\***



**SECTION D. Source Level Requirements**

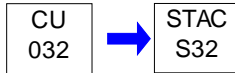
Source ID: 032

Source Name: FUEL DRYER

Source Capacity/Throughput: 28.000 MMBTU/HR

115.000 Gal/HR Propane

Conditions for this source occur in the following groups: 2

**I. RESTRICTIONS.****Emission Restriction(s).**

# 001 [25 Pa. Code §127.441]

**Operating permit terms and conditions.**

The visible emissions from this source shall not exceed 5 percent opacity at any time.

(Compliance with this condition ensures compliance with applicable requirement of 40 CFR, 60.252 which limits opacity to 20 percent and 25 Pa Code Section 123.41)

**II. TESTING REQUIREMENTS.**

No additional testing requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

**III. MONITORING REQUIREMENTS.**

No additional monitoring requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

**IV. RECORDKEEPING REQUIREMENTS.**

No additional record keeping requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

**V. REPORTING REQUIREMENTS.**

No additional reporting requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

**VI. WORK PRACTICE REQUIREMENTS.**

No additional work practice requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

**VII. ADDITIONAL REQUIREMENTS.**

No additional requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

**\*\*\* Permit Shield in Effect. \*\*\***

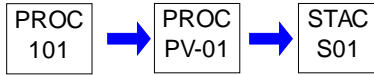
**SECTION D. Source Level Requirements**

Source ID: 101

Source Name: FUEL HANDLING SOURCES

Source Capacity/Throughput: 160.000 Tons/HR REFUSE

Conditions for this source occur in the following groups: 2

**I. RESTRICTIONS.****Emission Restriction(s).**

# 001 [25 Pa. Code §127.441]

**Operating permit terms and conditions.**

The visible emissions from this source shall not exceed 5 percent opacity at any time.

(Compliance with this condition ensures compliance with applicable requirement of 25 Pa Code Section 123.41)

**II. TESTING REQUIREMENTS.**

No additional testing requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

**III. MONITORING REQUIREMENTS.**

No additional monitoring requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

**IV. RECORDKEEPING REQUIREMENTS.**

No additional record keeping requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

**V. REPORTING REQUIREMENTS.**

No additional reporting requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

**VI. WORK PRACTICE REQUIREMENTS.**

No additional work practice requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

**VII. ADDITIONAL REQUIREMENTS.**

No additional requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

**\*\*\* Permit Shield in Effect. \*\*\***



## SECTION D. Source Level Requirements

Source ID: DG-01

Source Name: DIESEL GENERATOR

Source Capacity/Throughput:

Conditions for this source occur in the following groups: 1

### I. RESTRICTIONS.

No additional requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

### II. TESTING REQUIREMENTS.

No additional testing requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

### III. MONITORING REQUIREMENTS.

No additional monitoring requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

### IV. RECORDKEEPING REQUIREMENTS.

No additional record keeping requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

### V. REPORTING REQUIREMENTS.

No additional reporting requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

### VI. WORK PRACTICE REQUIREMENTS.

No additional work practice requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

### VII. ADDITIONAL REQUIREMENTS.

No additional requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

\*\*\* Permit Shield in Effect. \*\*\*



## SECTION D. Source Level Requirements

Source ID: FP-01

Source Name: DIESEL FIRE PUMP

Source Capacity/Throughput:

Conditions for this source occur in the following groups: 1

### I. RESTRICTIONS.

No additional requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

### II. TESTING REQUIREMENTS.

No additional testing requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

### III. MONITORING REQUIREMENTS.

No additional monitoring requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

### IV. RECORDKEEPING REQUIREMENTS.

No additional record keeping requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

### V. REPORTING REQUIREMENTS.

No additional reporting requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

### VI. WORK PRACTICE REQUIREMENTS.

No additional work practice requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

### VII. ADDITIONAL REQUIREMENTS.

No additional requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

\*\*\* Permit Shield in Effect. \*\*\*



## SECTION D. Source Level Requirements

Source ID: PV-01

Source Name: PROPANE VAPORIZER

Source Capacity/Throughput:

### I. RESTRICTIONS.

No additional requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

### II. TESTING REQUIREMENTS.

No additional testing requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

### III. MONITORING REQUIREMENTS.

No additional monitoring requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

### IV. RECORDKEEPING REQUIREMENTS.

No additional record keeping requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

### V. REPORTING REQUIREMENTS.

No additional reporting requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

### VI. WORK PRACTICE REQUIREMENTS.

No additional work practice requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

### VII. ADDITIONAL REQUIREMENTS.

No additional requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

**\*\*\* Permit Shield in Effect. \*\*\***

**SECTION E. Source Group Restrictions.**

Group Name: 1

Group Description: DIESEL ENGINES

Sources included in this group

ID	Name
DG-01	DIESEL GENERATOR
FP-01	DIESEL FIRE PUMP

**I. RESTRICTIONS.****Emission Restriction(s).****# 001 [25 Pa. Code §123.13]****Processes**

No person may permit the emission into the outdoor atmosphere of particulate matter, at any time, in excess of the rate in such a manner that the concentration of particulate matter in the effluent gas exceeds .04 grains per dry standard cubic foot.

**# 002 [25 Pa. Code §123.21]****General**

No person may permit the emission into the outdoor atmosphere of sulfur oxides from a source in a manner that the concentration of the sulfur oxides, expressed as SO<sub>2</sub>, in the effluent gas exceeds 500 parts per million, by volume, dry basis.

**# 003 [40 CFR Part 63 NESHAPS for Source Categories §40 CFR 63.6580]****Subpart ZZZZ - National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines****What is the purpose of subpart ZZZZ?**

In accordance with 40 CFR § 63.6580, Subpart ZZZZ establishes national emission limitations and operating limitations for hazardous air pollutants (HAP) emitted from stationary reciprocating internal combustion engines (RICE) located at major and area sources of HAP emissions. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations and operating limitations.

The Detroit diesel fire pump FP-01 is an existing stationary RICE as it has commenced construction in 1994, i.e. prior to June 12, 2006. FP-01, rated at 412 bhp, is subject all of the requirements for an existing, emergency compression ignition engine rate at less than 500 hp, located at a major source of HAP emissions. These include 40 CFR § 63.6605(b) for operating practices, 40 CFR § 63.6625(e)(f)(h) for operating in compliance with a maintenance plan, installing non-resettable hour meter, minimizing idle times, and 40 CFR § 63.6640(f) for routine maintenance requirements. FP-01 is further subject to 40 CFR § 63.6650(f) and 40 CFR § 63.6660 for record keeping and reporting requirements.

In accordance with 40 CFR 63 § 6590(b)(3)(iii) and 40 CFR §6600(c), an existing emergency stationary RICE with a site rating of more than 500 bhp located at major source of HAP emissions is exempt from the requirements of 40 CFR Subparts A and ZZZZ, including initial notifications. Emergency diesel generator DG-01, Caterpillar, rated at 780 bhp is an existing RICE as it has commenced construction in 1994, i.e. prior to December 19, 2002, and therefore is not subject to Subpart ZZZZ.

**II. TESTING REQUIREMENTS.**

No additional testing requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

**III. MONITORING REQUIREMENTS.**

No additional monitoring requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

**SECTION E. Source Group Restrictions.****IV. RECORDKEEPING REQUIREMENTS.****# 004 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

The total amount and type of fuel burned in this source shall be recorded and used as the basis for annual reporting of the emissions.

**V. REPORTING REQUIREMENTS.**

No additional reporting requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

**VI. WORK PRACTICE REQUIREMENTS.****# 005 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

The unit shall be operated and maintained in accordance with manufacturer's specifications and good air pollution control and engineering practices.

**VII. ADDITIONAL REQUIREMENTS.****# 006 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

In accordance with the provisions of 25 PA Code 127.441(a);

The permittee is allowed to make the following changes to its methods of operation without applying for a revision of this permit. This clause does not relieve the permittee, however, of any requirement to notify the Department when changes are made or to apply for a new or modified source of emissions under a preconstruction review program. The following changes are allowed at this facility under this permit.

(a) Elevate emission levels above the hourly permitted limitation immediately following engine startup and occurring prior to engine shutdown for a period of no more than one hour in either case. In any event, the allowable annual emission rate shall not be exceeded.

**\*\*\* Permit Shield in Effect. \*\*\***

**SECTION E. Source Group Restrictions.**

Group Name: 2

Group Description: FUEL SYSTEMS

Sources included in this group

ID	Name
032	FUEL DRYER
101	FUEL HANDLING SOURCES

**I. RESTRICTIONS.****Emission Restriction(s).**

# 001 [25 Pa. Code §127.441]

**Operating permit terms and conditions.**

The visible emissions from this source shall not exceed 5 percent opacity at any time.

Compliance with this streamlined condition ensures compliance with applicable requirement of 40 CFR, 60.252 which limits opacity to 20 percent.

**II. TESTING REQUIREMENTS.**

No additional testing requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

**III. MONITORING REQUIREMENTS.**

No additional monitoring requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

**IV. RECORDKEEPING REQUIREMENTS.**

No additional record keeping requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

**V. REPORTING REQUIREMENTS.**

No additional reporting requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

**VI. WORK PRACTICE REQUIREMENTS.**

No additional work practice requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

**VII. ADDITIONAL REQUIREMENTS.**

No additional requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

**\*\*\* Permit Shield in Effect. \*\*\***



**SECTION E. Source Group Restrictions.**

Group Name: 3

Group Description: CAIR REQUIREMENTS

Sources included in this group

ID	Name
031	CIRCULATING FLUIDIZED BED BOILER

**I. RESTRICTIONS.****Emission Restriction(s).****# 001 [25 Pa. Code §145.204.]****Incorporation of Federal regulations by reference.**

(a) Except as otherwise specified in this subchapter, the provisions of the CAIR NOx Annual Trading Program, found in 40 CFR Part 96 (relating to NOx budget trading program and CAIR NOx and SO2 trading programs for State implementation plans), including all appendices, future amendments and supplements thereto, are incorporated by reference.

(b) Except as otherwise specified in this subchapter, the provisions of the CAIR SO2 Trading Program, found in 40 CFR Part 96, including all appendices, future amendments and supplements thereto, are incorporated by reference.

(c) Except as otherwise specified in this subchapter, the provisions of the CAIR NOx Ozone Season Trading Program, found in 40 CFR Part 96, including all appendices, future amendments and supplements thereto, are incorporated by reference.

(d) In the event of a conflict between Federal regulatory provisions incorporated by reference in this subchapter and Pennsylvania regulatory provisions, the provision expressly set out in this subchapter shall be followed unless the Federal provision is more stringent. Federal regulations that are cited in this subchapter or that are cross-referenced in the Federal regulations incorporated by reference include any Pennsylvania modifications made to those Federal regulations.

**# 002 [25 Pa. Code §145.205.]****Emission reduction credit provisions.**

The following conditions shall be satisfied in order for the Department to issue a permit or plan approval to the owner or operator of a unit not subject to this subchapter that is relying on emission reduction credits (ERCs) or creditable emission reductions in an applicability determination under Chapter 127, Subchapter E (relating to new source review), or is seeking to enter into an emissions trade authorized under Chapter 127 (relating to construction, modification, reactivation and operation of sources), if the ERCs or creditable emission reductions were, or will be, generated by a unit subject to this subchapter.

(1) Prior to issuing the permit or plan approval, the Department will permanently reduce the Commonwealth's CAIR NOx trading budget or CAIR NOx Ozone Season trading budget, or both, as applicable, beginning with the sixth control period following the date the plan approval or permit to commence operations or increase emissions is issued. The Department will permanently reduce the applicable CAIR NOx budgets by an amount of allowances equal to the ERCs or creditable emission reductions relied upon in the applicability determination for the non-CAIR unit subject to Chapter 127, Subchapter E or in the amount equal to the emissions trade authorized under Chapter 127, as if these emissions had already been emitted.

(2) The permit or plan approval must prohibit the owner or operator from commencing operation or increasing emissions until the owner or operator of the CAIR unit generating the ERC or creditable emission reduction surrenders to the Department an amount of allowances equal to the ERCs or emission reduction credits relied upon in the applicability determination for the non-CAIR unit under Chapter 127, Subchapter E or the amount equal to the ERC trade authorized under Chapter 127, for each of the five consecutive control periods following the date the non-CAIR unit commences operation or increases emissions. The allowances surrendered must be of present or past vintage years.

**# 003 [25 Pa. Code §145.212.]****CAIR NOx allowance allocations.**

(a) Provisions not incorporated by reference. The requirements of 40 CFR 96.142 (relating to CAIR NOx allowance allocations) are not incorporated by reference. Instead of 40 CFR 96.142, the requirements set forth in this section apply.

(b) Baseline heat input. Baseline heat input for each CAIR NOx unit will be converted as follows:

**SECTION E. Source Group Restrictions.**

- (1) A unit's control period heat input and a unit's status as coal-fired or oil-fired for a calendar year under this paragraph will be determined in one of the following two ways:
- (i) In accordance with 40 CFR Part 75 (relating to continuous emission monitoring), to the extent that the unit was otherwise subject to 40 CFR Part 75 for the year.
  - (ii) Based on the best available data reported to the Department for the unit, to the extent the unit was not otherwise subject to the requirements of 40 CFR Part 75 for the year.
- (2) Except as provided in subparagraphs (iv) and (v), a unit's converted control period heat input for a calendar year shall be determined as follows:
- (i) The control period gross electrical output of the generators served by the unit multiplied by 7,900 Btu/kWh if the unit is coal-fired for the year, and divided by 1,000,000 Btu/mmBtu.
  - (ii) The control period gross electrical output of the generators served by the unit multiplied by 6,675 Btu/kWh if the unit is not coal-fired for the year, and divided by 1,000,000 Btu/mmBtu.
  - (iii) If a generator is served by two or more units, the gross electrical output of the generator will be attributed to each unit in proportion to the share of the total control period heat input from each of the units for the year.
  - (iv) For a unit that is a boiler and has equipment used to produce electricity and useful thermal energy for industrial, commercial, heating or cooling purposes through the sequential use of energy, the total heat energy (in Btus) of the steam produced by the boiler during the annual control period, divided by 0.8 and by 1,000,000 Btu/mmBtu.
  - (v) For a unit that is a combustion turbine and has equipment used to produce electricity and useful thermal energy for industrial, commercial, heating or cooling purposes through the sequential use of energy, the annual control period gross electrical output of the enclosed device comprising the compressor, combustor and turbine multiplied by 3,413 Btu/kWh, plus the total heat energy (in Btu) of the steam produced by any associated heat recovery steam generator during the annual control period divided by 0.8, and with the sum divided by 1,000,000 Btu/mmBtu.
  - (vi) Calculations will be based on the best output data available on or before January 31 of the year the allocations are published. If unit level electrical or steam output data are not available from EIA, or submitted by this date by the owner or operator of the CAIR NOx unit, then heat input data for the period multiplied by 0.25 and converted to MWh will be used to determine total output.
- (c) Existing unit, new unit and subsection (f)(1) qualifying resource allocation baseline. For each control period beginning with January 1, 2010, and each year thereafter, the Department will allocate to qualifying resources and CAIR NOx units, including CAIR NOx units issued allowances under subsection (e), a total amount of CAIR NOx allowances equal to the number of CAIR NOx allowances remaining in the Commonwealth's CAIR NOx trading budget under 40 CFR 96.140 (relating to State trading budgets) for those control periods using summed baseline heat input data as determined under subsections (b) and (f)(1) from a baseline year that is 6 calendar years before the control period.
- (d) Proration of allowance allocations. The Department will allocate CAIR NOx allowances to each existing CAIR NOx unit and qualifying resource in an amount determined by multiplying the amount of CAIR NOx allowances in the Commonwealth's CAIR NOx trading budget available for allocation under subsection (c) by the ratio of the baseline heat input of the existing CAIR NOx unit or qualifying resource to the sum of the baseline heat input of existing CAIR NOx units and of the qualifying resources, rounding to the nearest whole allowance as appropriate.
- (e) Allocations to new CAIR NOx units. By March 31, 2011, and March 31 each year thereafter, the Department will allocate CAIR NOx allowances under § 145.211(c) (relating to timing requirements for CAIR NOx allowance allocations) to CAIR NOx units equal to the previous year's emissions at each unit, unless the unit has been issued allowances of the previous year's vintage in a regular allocation under § 145.211(b). The Department will allocate CAIR NOx allowances under this subsection of a vintage year that is 5 years later than the year in which the emissions were generated. The number of CAIR NOx allowances allocated may not exceed the actual emission of the year preceding the year in which the Department makes the allocation. The allocation of these allowances to the new unit will not reduce the number of allowances the unit is entitled to receive under another provision of this subchapter.

**SECTION E. Source Group Restrictions.**

(f) Allocations to qualifying resources and units exempted by section 405(g)(6)(a) of the Clean Air Act. For each control period beginning with 2010 and thereafter, the Department will allocate CAIR NOx allowances to qualifying resources under paragraph (1) in this Commonwealth that are not also allocated CAIR NOx allowances under another provision of this subchapter and to existing units under paragraph (2) that were exempted at any time under section 405(g)(6)(a) of the Clean Air Act (42 U.S.C.A. § 7651d(g)(6)(A)), regarding phase II SO2 requirements, and that commenced operation prior to January 1, 2000, but did not receive an allocation of SO2 allowances under the EPA's Acid Rain Program, as follows:

(1) The Department will allocate CAIR NOx allowances to a renewable energy qualifying resource or demand side management energy efficiency qualifying resource in accordance with subsections (c) and (d) upon receipt by the Department of an application, in writing, on or before June 30 of the year following the control period, except for vintage year 2011 and 2012 NOx allowance allocations whose application deadline will be prescribed by the Department, meeting the requirements of this paragraph. The number of allowances allocated to the qualifying resource will be determined by converting the certified quantity of electric energy production, useful thermal energy, and energy equivalent value of the measures approved under the Pennsylvania Alternative Energy Portfolio Standard to equivalent thermal energy. Equivalent thermal energy is a unit's baseline heat input for allocation purposes. The conversion rate for converting electrical energy to equivalent thermal energy is 3,413 Btu/kWh. To receive allowances under this subsection, the qualifying resource must have commenced operation after January 1, 2005, must be located in this Commonwealth and may not be a CAIR NOx unit. The following procedures apply:

(i) The owner of a qualifying renewable energy resource shall appoint a CAIR-authorized account representative and file a certificate of representation with the EPA and the Department.

(ii) The Department will transfer the allowances into an account designated by the owner's CAIR-authorized account representative of the qualifying resource, or into an account designated by an aggregator approved by the Pennsylvania Public Utility Commission or its designee.

(iii) The applicant shall provide the Department with the corresponding renewable energy certificate serial numbers.

(iv) At least one whole allowance must be generated per owner, operator or aggregator for an allowance to be issued.

(2) The Department will allocate CAIR NOx allowances to the owner or operator of a CAIR SO2 unit that commenced operation prior to January 1, 2000, that has not received an SO2 allocation for that compliance period, as follows:

(i) By January 31, 2011, and each year thereafter, the owner or operator of a unit may apply, in writing, to the Department under this subsection to receive extra CAIR NOx allowances.

(ii) The owner or operator may request under this subparagraph one CAIR NOx allowance for every 8 tons of SO2 emitted from a qualifying unit during the preceding control period. An owner or operator of a unit covered under this subparagraph that has opted into the Acid Rain Program may request one CAIR NOx allowance for every 8 tons of SO2 emissions that have not been covered by the SO2 allowances received as a result of opting into the Acid Rain Program.

(iii) If the original CAIR NOx allowance allocation for the unit for the control period exceeded the unit's actual emissions of NOx for the control period, the owner or operator shall also deduct the excess CAIR NOx allowances from the unit's request under subparagraph (ii). This amount is the unit's adjusted allocation and will be allocated unless the proration described in subparagraph (iv) applies.

(iv) The Department will make any necessary corrections and then sum the requests. If the total number of NOx allowances requested by all qualified units under this paragraph, as adjusted by subparagraph (iii), is less than 1.3% of the Commonwealth's CAIR NOx Trading Budget, the Department will allocate the corrected amounts. If the total number of NOx allowances requested by all qualified units under this paragraph exceeds 1.3% of the Commonwealth's CAIR NOx Trading Budget, the Department will prorate the allocations based upon the following equation:

$$AA = [EA \times (0.013 \times BNA)] / TRA$$

Where,

AA is the unit's prorated allocation,

**SECTION E. Source Group Restrictions.**

EA is the adjusted allocation the unit may request under subparagraph (iii),

BNA is the total number of CAIR NO<sub>x</sub> allowances in the Commonwealth's CAIR NO<sub>x</sub> trading budget,

TRA is the total number of CAIR NO<sub>x</sub> allowances requested by all units requesting allowances under this paragraph.

(3) The Department will review each CAIR NO<sub>x</sub> allowance allocation request under this subsection and will allocate CAIR NO<sub>x</sub> allowances for each control period under a request as follows:

(i) The Department will accept an allowance allocation request only if the request meets, or is adjusted by the Department as necessary to meet, the requirements of this section.

(ii) On or after January 1 of the year of allocation, the Department will determine the sum of the CAIR NO<sub>x</sub> allowances requested.

(4) Up to 1.3% of the Commonwealth's CAIR NO<sub>x</sub> trading budget is available for allocation in each allocation cycle from 2011-2016 to allocate 2010-2015 allowances for the purpose of offsetting SO<sub>2</sub> emissions from units described in paragraph (2). Beginning January 1, 2017, and for each allocation cycle thereafter, the units will no longer be allocated CAIR NO<sub>x</sub> allowances under paragraph (2). Any allowances remaining after this allocation will be allocated to units under subsection (c) during the next allocation cycle.

(5) Notwithstanding the provisions of paragraphs (2)—(4), the Department may extend, terminate or otherwise modify the allocation of NO<sub>x</sub> allowances made available under this subsection for units exempted under section 405(g)(6)(a) of the Clean Air Act after providing notice in the Pennsylvania Bulletin and at least a 30-day public comment period.

(g) The Department will correct any errors in allocations made by the Department and discovered after final allocations are made but before the next allocation cycle, in the subsequent allocation cycle using future allowances that have not yet been allocated.

**# 004 [25 Pa. Code §145.213.]****Supplemental monitoring, recordkeeping and reporting requirements for gross electrical output and useful thermal energy for units subject to 40 CFR 96.170--96.175.**

(a) By January 1, 2009, or by the date of commencing commercial operation, whichever is later, the owner or operator of the CAIR NO<sub>x</sub> unit shall install, calibrate, maintain and operate a wattmeter, measure gross electrical output in megawatt-hours on a continuous basis and record the output of the wattmeter. If a generator is served by two or more units, the information to determine the heat input of each unit for that control period shall also be recorded, so as to allow each unit's share of the gross electrical output to be determined. If heat input data are used, the owner or operator shall comply with the applicable provisions of 40 CFR Part 75 (relating to continuous emission monitoring).

(b) By September 1, 2008, for a CAIR NO<sub>x</sub> unit that is a cogeneration unit, and for a CAIR NO<sub>x</sub> unit with cogeneration capabilities, the owner or operator shall install, calibrate, maintain and operate meters for steam flow in lbs/hr, temperature in degrees Fahrenheit, and pressure in PSI, to measure and record the useful thermal energy that is produced, in mmBtu/hr, on a continuous basis. The owner or operator of a CAIR NO<sub>x</sub> unit that produces useful thermal energy but uses an energy transfer medium other than steam, such as hot water or glycol, shall install, calibrate, maintain and operate the necessary meters to measure and record the data necessary to express the useful thermal energy produced, in mmBtu/hr, on a continuous basis. If the unit ceases to produce useful thermal energy, the owner or operator may cease operation of the meters, but operation of the meters shall be resumed if the unit resumes production of useful thermal energy.

(c) Beginning with 2009, the designated representative of the unit shall submit to the Department an annual report showing monthly gross electrical output and monthly useful thermal energy from the unit. The report is due by January 31 for the preceding calendar year.

(d) The owner or operator of a CAIR NO<sub>x</sub> unit shall maintain onsite the monitoring plan detailing the monitoring system and maintenance of the monitoring system, including quality assurance activities. The owner or operator of a CAIR NO<sub>x</sub> unit shall retain the monitoring plan for at least 5 years from the date that it is replaced by a new or revised monitoring plan. The owner or operator of a CAIR NO<sub>x</sub> unit shall provide the Department with a written copy of the monitoring plan by January 1, 2009, and thereafter within 3 calendar months of making updates to the plan.

**SECTION E. Source Group Restrictions.**

(e) The owner or operator of a CAIR NO<sub>x</sub> unit shall retain records for at least 5 years from the date the record is created or the data collected as required by subsections (a) and (b), and the reports submitted to the Department and the EPA in accordance with subsections (c) and (d).

**# 005 [25 Pa. Code §145.222.]****CAIR NO<sub>x</sub> Ozone Season allowance allocations.**

(a) Provisions not incorporated by reference. The requirements of 40 CFR 96.342 (relating to CAIR NO<sub>x</sub> Ozone Season allowance allocations) are not incorporated by reference. Instead of 40 CFR 96.342, the requirements in this section apply.

(b) Baseline heat input. Baseline heat input for each CAIR NO<sub>x</sub> Ozone Season unit will be converted as follows:

(1) A unit's control period heat input and a unit's status as coal-fired or oil-fired for the ozone season portion of a calendar year under this paragraph will be determined in one of the following two ways:

(i) In accordance with 40 CFR Part 75 (relating to continuous emission monitoring), to the extent that the unit was otherwise subject to the requirements of 40 CFR Part 75 for the control period.

(ii) Based on the best available data reported to the Department for the unit, to the extent the unit was not otherwise subject to the requirements of 40 CFR Part 75 for the year.

(2) Except as provided in subparagraphs (iv) and (v), a unit's converted control period heat input for the ozone season portion of a calendar year shall be determined as follows:

(i) The control period gross electrical output of the generators served by the unit multiplied by 7,900 Btu/kWh if the unit is coal-fired for the ozone season control period, and divided by 1,000,000 Btu/mmBtu.

(ii) The control period gross electrical output of the generators served by the unit multiplied by 6,675 Btu/kWh if the unit is not coal-fired for the ozone season control period, and divided by 1,000,000 Btu/mmBtu.

(iii) If a generator is served by 2 or more units, the gross electrical output of the generator will be attributed to each unit in proportion to the share of the total control period heat input from each of the units for the ozone season control period.

(iv) For a unit that is a boiler and has equipment used to produce electricity and useful thermal energy for industrial, commercial, heating or cooling purposes through the sequential use of energy, the total heat energy (in Btus) of the steam produced by the boiler during the ozone season control period, divided by 0.8 and by 1,000,000 Btu/mmBtu.

(v) For a unit that is a combustion turbine and has equipment used to produce electricity and useful thermal energy for industrial, commercial, heating or cooling purposes through the sequential use of energy, the control period gross electrical output of the enclosed device comprising the compressor, combustor and turbine multiplied by 3,413 Btu/kWh, plus the total heat energy (in Btu) of the steam produced by any associated heat recovery steam generator during the ozone season control period divided by 0.8, and with the sum divided by 1,000,000 Btu/mmBtu.

(vi) Calculations will be based on the best output data available on or before January 31 of the year the allocations are published. If unit level electrical or steam output data are not available from EIA, or submitted by this date by the owner or operator of the CAIR NO<sub>x</sub> Ozone Season unit, then heat input data for the period multiplied by 0.25 and converted to MWh will be used to determine total output.

(c) Existing unit, new unit and subsection (f)(1) qualifying resource allocation baseline. For each control period beginning with the 2010 control period and thereafter, the Department will allocate to qualifying resources and CAIR NO<sub>x</sub> Ozone Season units, including CAIR NO<sub>x</sub> Ozone Season units issued allowances under subsection (e), a total amount of CAIR NO<sub>x</sub> Ozone Season allowances equal to the number of CAIR NO<sub>x</sub> Ozone Season allowances remaining in the Commonwealth's CAIR NO<sub>x</sub> Ozone Season trading budget under 40 CFR 96.140 (relating to State trading budgets) for those control periods using summed baseline heat input data as determined under subsections (b) and (f)(1) from an ozone season control period in a baseline year that is 6 calendar years before the control period.

(d) Proration of allowance allocations. The Department will allocate CAIR NO<sub>x</sub> Ozone Season allowances to each existing

**SECTION E. Source Group Restrictions.**

CAIR NOx Ozone Season unit and qualifying resource in an amount determined by multiplying the amount of CAIR NOx Ozone Season allowances in the Commonwealth's CAIR NOx Ozone Season trading budget available for allocation under subsection (c) by the ratio of the baseline heat input of the existing CAIR NOx Ozone Season unit or qualifying resource to the sums of the baseline heat input of existing CAIR NOx Ozone Season units and of the qualifying resources, rounding to the nearest whole allowance as appropriate.

(e) Allocations to new CAIR NOx Ozone Season units. By March 31, 2011, and March 31 each year thereafter, the Department will allocate CAIR NOx Ozone Season allowances under § 145.221(c) (relating to timing requirements for CAIR NOx Ozone Season allowance allocations) to CAIR NOx Ozone Season units equal to the previous year's emissions at each unit, unless the unit has been issued allowances of the previous year's vintage in a regular allocation under § 145.221(b). The Department will allocate CAIR NOx allowances under this subsection of a vintage year that is 5 years later than the year in which the emissions were generated. The number of CAIR NOx Ozone Season allowances allocated shall not exceed the actual emission of the year preceding the year in which the Department makes the allocation. The allocation of these allowances to the new unit will not reduce the number of allowances the unit is entitled to receive under another provision of this subchapter.

(f) Allocations to qualifying resources. For each control period beginning with the 2010 control period, and thereafter, the Department will allocate CAIR NOx Ozone Season allowances to qualifying resources in this Commonwealth that are not also allocated CAIR NOx Ozone Season allowances under another provision of this subchapter, as follows:

(1) The Department will allocate CAIR NOx Ozone Season allowances to a renewable energy qualifying resource or demand side management energy efficiency qualifying resource in accordance with subsections (c) and (d) upon receipt by the Department of an application, in writing, on or before June 30 of the year following the control period, except for vintage year 2011 and 2012 NOx Ozone Season allowance allocations whose application deadline will be prescribed by the Department, meeting the requirements of this paragraph. The number of allowances allocated to the qualifying resource will be determined by converting the certified quantity of electric energy production, useful thermal energy, and energy equivalent value of the measures approved under the Pennsylvania Alternative Energy Portfolio Standard to equivalent thermal energy. Equivalent thermal energy is a unit's baseline heat input for allocation purposes. The conversion rate for converting electrical energy to equivalent thermal energy is 3,413 Btu/kWh. To receive allowances under this subsection, the qualifying resource must have commenced operation after January 1, 2005, must be located in this Commonwealth and may not be a CAIR NOx Ozone Season unit. The following procedures apply:

(i) The owner of a qualifying renewable energy resource shall appoint a CAIR-authorized account representative and file a certificate of representation with the EPA and the Department.

(ii) The Department will transfer the allowances into an account designated by the owner's CAIR-authorized account representative of the qualifying resource, or into an account designated by an aggregator approved by the Pennsylvania Public Utility Commission or its designee.

(iii) The applicant shall provide the Department with the corresponding renewable energy certificate serial numbers.

(iv) At least one whole allowance must be generated per owner, operator or aggregator for an allowance to be issued.

(g) The Department will correct any errors in allocations made by the Department and discovered after final allocations are made but before the next allocation cycle, in the subsequent allocation cycle using future allowances that have not yet been allocated.

**# 006 [25 Pa. Code §145.223.]**

**Supplemental monitoring, recordkeeping and reporting requirements for gross electrical output and useful thermal energy for units subject to 40 CFR 96.370–96.375.**

(a) By January 1, 2009, or by the date of commencing commercial operation, whichever is later, the owner or operator of the CAIR NOx Ozone Season unit shall install, calibrate, maintain and operate a wattmeter, measure gross electrical output in megawatt-hours on a continuous basis and record the output of the wattmeter. If a generator is served by two or more units, the information to determine the heat input of each unit for that control period shall also be recorded, so as to allow each unit's share of the gross electrical output to be determined. If heat input data are used, the owner or operator shall comply with the applicable provisions of 40 CFR Part 75 (relating to continuous emission monitoring).



**SECTION E. Source Group Restrictions.**

(b) By September 1, 2008, for a CAIR NOx Ozone Season unit that is a cogeneration unit, and for a CAIR NOx Ozone Season unit with cogeneration capabilities, the owner or operator shall install, calibrate, maintain and operate meters for steam flow in lbs/hr, temperature in degrees Fahrenheit and pressure in PSI, to measure and record the useful thermal energy that is produced, in mmBtu/hr, on a continuous basis. The owner or operator of a CAIR NOx Ozone Season unit that produces useful thermal energy but uses an energy transfer medium other than steam, such as hot water or glycol, shall install, calibrate, maintain and operate the necessary meters to measure and record the data necessary to express the useful thermal energy produced, in mmBtu/hr, on a continuous basis. If the unit ceases to produce useful thermal energy, the owner or operator may cease operation of the meters, but operation of the meters shall be resumed if the unit resumes production of useful thermal energy.

(c) Beginning with 2009, the designated representative of the unit shall submit to the Department an annual report showing monthly gross electrical output and monthly useful thermal energy from the unit. The report is due by January 31 for the preceding calendar year.

(d) The owner or operator of a CAIR NOx Ozone Season unit shall maintain onsite the monitoring plan detailing the monitoring system and maintenance of the monitoring system, including quality assurance activities. The owner or operator of a CAIR NOx Ozone Season unit shall retain the monitoring plan for at least 5 years from the date that it is replaced by a new or revised monitoring plan. The owner or operator of a CAIR NOx Ozone Season unit shall provide the Department with a written copy of the monitoring plan by January 1, 2009, and thereafter within 3 calendar months of making updates to the plan.

(e) The owner or operator of a CAIR NOx Ozone Season unit shall retain records for at least 5 years from the date the record is created or the data collected as required by subsections (a) and (b), and the reports submitted to the Department and the EPA in accordance with subsections (c) and (d).

**# 007 [40 CFR Part 97 NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs §40 CFR 97.106]**

**Subpart AA - CAIR NOx Annual Trading Program General Provisions  
Standard requirements.**

**NOx Annual Emissions Requirements**

(a) Permit requirements. (1) The CAIR designated representative of each CAIR NOx source required to have a title V operating permit and each CAIR NOx unit required to have a title V operating permit at the source shall:

(i) Submit to the permitting authority a complete CAIR permit application under §97.122 in accordance with the deadlines specified in §97.121; and

(ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review a CAIR permit application and issue or deny a CAIR permit.

(2) The owners and operators of each CAIR NOx source required to have a title V operating permit and each CAIR NOx unit required to have a title V operating permit at the source shall have a CAIR permit issued by the permitting authority under subpart CC of this part for the source and operate the source and the unit in compliance with such CAIR permit.

(3) Except as provided in subpart II of this part, the owners and operators of a CAIR NOx source that is not otherwise required to have a title V operating permit and each CAIR NOx unit that is not otherwise required to have a title V operating permit are not required to submit a CAIR permit application, and to have a CAIR permit, under subpart CC of this part for such CAIR NOx source and such CAIR NOx unit.

(b) Monitoring, reporting, and recordkeeping requirements. (1) The owners and operators, and the CAIR designated representative, of each CAIR NOx source and each CAIR NOx unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of subpart HH of this part.

(2) The emissions measurements recorded and reported in accordance with subpart HH of this part shall be used to determine compliance by each CAIR NOx source with the CAIR NOx emissions limitation under paragraph (c) of this section.

(c) Nitrogen oxides emission requirements. (1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NOx source and each CAIR NOx unit at the source shall hold, in the source's compliance account,

**SECTION E. Source Group Restrictions.**

CAIR NOx allowances available for compliance deductions for the control period under §97.154(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NOx units at the source, as determined in accordance with subpart HH of this part.

(2) A CAIR NOx unit shall be subject to the requirements under paragraph (c)(1) of this section for the control period starting on the later of January 1, 2009 or the deadline for meeting the unit's monitor certification requirements under §97.170(b)(1), (2), or (5) and for each control period thereafter.

(3) A CAIR NOx allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of this section, for a control period in a calendar year before the year for which the CAIR NOx allowance was allocated.

(4) CAIR NOx allowances shall be held in, deducted from, or transferred into or among CAIR NOx Allowance Tracking System accounts in accordance with subparts EE, FF, GG, and II of this part.

(5) A CAIR NOx allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NOx Annual Trading Program. No provision of the CAIR NOx Annual Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §97.105 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

(6) A CAIR NOx allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart EE, FF, GG, or II of this part, every allocation, transfer, or deduction of a CAIR NOx allowance to or from a CAIR NOx source's compliance account is incorporated automatically in any CAIR permit of the source.

(d) Excess emissions requirements. If a CAIR NOx source emits nitrogen oxides during any control period in excess of the CAIR NOx emissions limitation, then:

(1) The owners and operators of the source and each CAIR NOx unit at the source shall surrender the CAIR NOx allowances required for deduction under §97.154(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and

(2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

(e) Recordkeeping and reporting requirements. (1) Unless otherwise provided, the owners and operators of the CAIR NOx source and each CAIR NOx unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the permitting authority or the Administrator.

(i) The certificate of representation under §97.113 for the CAIR designated representative for the source and each CAIR NOx unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under §97.113 changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with subpart HH of this part, provided that to the extent that subpart HH of this part provides for a 3-year period for recordkeeping, the 3-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NOx Annual Trading Program.

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NOx Annual Trading Program or to demonstrate compliance with the requirements of the CAIR NOx Annual Trading Program.

(2) The CAIR designated representative of a CAIR NOx source and each CAIR NOx unit at the source shall submit the reports required under the CAIR NOx Annual Trading Program, including those under subpart HH of this part.



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(f) Liability. (1) Each CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit shall meet the requirements of the CAIR NO<sub>x</sub> Annual Trading Program.

(2) Any provision of the CAIR NO<sub>x</sub> Annual Trading Program that applies to a CAIR NO<sub>x</sub> source or the CAIR designated representative of a CAIR NO<sub>x</sub> source shall also apply to the owners and operators of such source and of the CAIR NO<sub>x</sub> units at the source.

(3) Any provision of the CAIR NO<sub>x</sub> Annual Trading Program that applies to a CAIR NO<sub>x</sub> unit or the CAIR designated representative of a CAIR NO<sub>x</sub> unit shall also apply to the owners and operators of such unit.

(g) Effect on other authorities. No provision of the CAIR NO<sub>x</sub> Annual Trading Program, a CAIR permit application, a CAIR permit, or an exemption under §97.105 shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO<sub>x</sub> source or CAIR NO<sub>x</sub> unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

**# 008 [40 CFR Part 97 NO<sub>x</sub> Budget Trading Program and CAIR NO<sub>x</sub> and SO<sub>2</sub> Trading Programs §40 CFR 97.206]**

**Subpart AAA - CAIR SO<sub>2</sub> Trading Program General Provisions**

**Standard requirements.**

(a) Permit requirements. (1) The CAIR designated representative of each CAIR SO<sub>2</sub> source required to have a title V operating permit and each CAIR SO<sub>2</sub> unit required to have a title V operating permit at the source shall:

(i) Submit to the permitting authority a complete CAIR permit application under §97.222 in accordance with the deadlines specified in §97.221; and

(ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review a CAIR permit application and issue or deny a CAIR permit.

(2) The owners and operators of each CAIR SO<sub>2</sub> source required to have a title V operating permit and each CAIR SO<sub>2</sub> unit required to have a title V operating permit at the source shall have a CAIR permit issued by the permitting authority under subpart CCC of this part for the source and operate the source and the unit in compliance with such CAIR permit.

(3) Except as provided in subpart III of this part, the owners and operators of a CAIR SO<sub>2</sub> source that is not otherwise required to have a title V operating permit and each CAIR SO<sub>2</sub> unit that is not otherwise required to have a title V operating permit are not required to submit a CAIR permit application, and to have a CAIR permit, under subpart CCC of this part for such CAIR SO<sub>2</sub> source and such CAIR SO<sub>2</sub> unit.

(b) Monitoring, reporting, and recordkeeping requirements. (1) The owners and operators, and the CAIR designated representative, of each CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of subpart HHH of this part.

(2) The emissions measurements recorded and reported in accordance with subpart HHH of this part shall be used to determine compliance by each CAIR SO<sub>2</sub> source with the CAIR SO<sub>2</sub> emissions limitation under paragraph (c) of this section.

(c) Sulfur dioxide emission requirements. (1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source shall hold, in the source's compliance account, a tonnage equivalent in CAIR SO<sub>2</sub> allowances available for compliance deductions for the control period, as determined in accordance with §97.254(a) and (b), not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO<sub>2</sub> units at the source, as determined in accordance with subpart HHH of this part.

(2) A CAIR SO<sub>2</sub> unit shall be subject to the requirements under paragraph (c)(1) of this section for the control period starting on the later of January 1, 2010 or the deadline for meeting the unit(s) monitor certification requirements under §97.270(b)(1),(2), or (5) and for each control period thereafter.

(3) A CAIR SO<sub>2</sub> allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of this section, for a control period in a calendar year before the year for which the CAIR SO<sub>2</sub> allowance was allocated.

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(4) CAIR SO<sub>2</sub> allowances shall be held in, deducted from, or transferred into or among CAIR SO<sub>2</sub> Allowance Tracking System accounts in accordance with subparts FFF, GGG, and III of this part.

(5) A CAIR SO<sub>2</sub> allowance is a limited authorization to emit sulfur dioxide in accordance with the CAIR SO<sub>2</sub> Trading Program. No provision of the CAIR SO<sub>2</sub> Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §97.205 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

(6) A CAIR SO<sub>2</sub> allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart FFF, GGG, or III of this part, every allocation, transfer, or deduction of a CAIR SO<sub>2</sub> allowance to or from a CAIR SO<sub>2</sub> source's compliance account is incorporated automatically in any CAIR permit of the source.

(d) Excess emissions requirements. If a CAIR SO<sub>2</sub> source emits sulfur dioxide during any control period in excess of the CAIR SO<sub>2</sub> emissions limitation, then:

(1) The owners and operators of the source and each CAIR SO<sub>2</sub> unit at the source shall surrender the CAIR SO<sub>2</sub> allowances required for deduction under §97.254(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and

(2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

(e) Recordkeeping and reporting requirements. (1) Unless otherwise provided, the owners and operators of the CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the permitting authority or the Administrator.

(i) The certificate of representation under §97.213 for the CAIR designated representative for the source and each CAIR SO<sub>2</sub> unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under §97.213 changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with subpart HHH of this part, provided that to the extent that subpart HHH of this part provides for a 3-year period for recordkeeping, the 3-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR SO<sub>2</sub> Trading Program.

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR SO<sub>2</sub> Trading Program or to demonstrate compliance with the requirements of the CAIR SO<sub>2</sub> Trading Program.

(2) The CAIR designated representative of a CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source shall submit the reports required under the CAIR SO<sub>2</sub> Trading Program, including those under subpart HHH of this part.

(f) Liability. (1) Each CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit shall meet the requirements of the CAIR SO<sub>2</sub> Trading Program.

(2) Any provision of the CAIR SO<sub>2</sub> Trading Program that applies to a CAIR SO<sub>2</sub> source or the CAIR designated representative of a CAIR SO<sub>2</sub> source shall also apply to the owners and operators of such source and of the CAIR SO<sub>2</sub> units at the source.

(3) Any provision of the CAIR SO<sub>2</sub> Trading Program that applies to a CAIR SO<sub>2</sub> unit or the CAIR designated representative of a CAIR SO<sub>2</sub> unit shall also apply to the owners and operators of such unit.

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(g) Effect on other authorities. No provision of the CAIR SO<sub>2</sub> Trading Program, a CAIR permit application, a CAIR permit, or an exemption under §97.205 shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR SO<sub>2</sub> source or CAIR SO<sub>2</sub> unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

**# 009 [40 CFR Part 97 NO<sub>x</sub> Budget Trading Program and CAIR NO<sub>x</sub> and SO<sub>2</sub> Trading Programs §40 CFR 97.306]****Subpart AAAA - CAIR NO<sub>x</sub> Ozone Season Trading Program General Provisions****Standard requirements.**

(a) Permit requirements. (1) The CAIR designated representative of each CAIR NO<sub>x</sub> Ozone Season source required to have a title V operating permit and each CAIR NO<sub>x</sub> Ozone Season unit required to have a title V operating permit at the source shall:

(i) Submit to the permitting authority a complete CAIR permit application under §97.322 in accordance with the deadlines specified in §97.321; and

(ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review a CAIR permit application and issue or deny a CAIR permit.

(2) The owners and operators of each CAIR NO<sub>x</sub> Ozone Season source required to have a title V operating permit and each CAIR NO<sub>x</sub> Ozone Season unit required to have a title V operating permit at the source shall have a CAIR permit issued by the permitting authority under subpart CCCC of this part for the source and operate the source and the unit in compliance with such CAIR permit.

(3) Except as provided in subpart IIII of this part, the owners and operators of a CAIR NO<sub>x</sub> Ozone Season source that is not otherwise required to have a title V operating permit and each CAIR NO<sub>x</sub> Ozone Season unit that is not otherwise required to have a title V operating permit are not required to submit a CAIR permit application, and to have a CAIR permit, under subpart CCCC of this part for such CAIR NO<sub>x</sub> Ozone Season source and such CAIR NO<sub>x</sub> Ozone Season unit.

(b) Monitoring, reporting, and recordkeeping requirements. (1) The owners and operators, and the CAIR designated representative, of each CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of subpart HHHH of this part.

(2) The emissions measurements recorded and reported in accordance with subpart HHHH of this part shall be used to determine compliance by each CAIR NO<sub>x</sub> Ozone Season source with the CAIR NO<sub>x</sub> Ozone Season emissions limitation under paragraph (c) of this section.

(c) Nitrogen oxides ozone season emission requirements. (1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NO<sub>x</sub> Ozone Season allowances available for compliance deductions for the control period under §97.354(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO<sub>x</sub> Ozone Season units at the source, as determined in accordance with subpart HHHH of this part.

(2) A CAIR NO<sub>x</sub> Ozone Season unit shall be subject to the requirements under paragraph (c)(1) of this section for the control period starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under §97.370(b)(1), (2), (3), or (7) and for each control period thereafter.

(3) A CAIR NO<sub>x</sub> Ozone Season allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of this section, for a control period in a calendar year before the year for which the CAIR NO<sub>x</sub> Ozone Season allowance was allocated.

(4) CAIR NO<sub>x</sub> Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NO<sub>x</sub> Ozone Season Allowance Tracking System accounts in accordance with subparts EEEE, FFFF, GGGG, and IIII of this part.

(5) A CAIR NO<sub>x</sub> Ozone Season allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO<sub>x</sub> Ozone Season Trading Program. No provision of the CAIR NO<sub>x</sub> Ozone Season Trading Program, the CAIR permit

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application, the CAIR permit, or an exemption under §97.305 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

(6) A CAIR NO<sub>x</sub> Ozone Season allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart EEEE, FFFF, GGGG, or IIII of this part, every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> Ozone Season allowance to or from a CAIR NO<sub>x</sub> Ozone Season source's compliance account is incorporated automatically in any CAIR permit of the source.

(d) Excess emissions requirements. If a CAIR NO<sub>x</sub> Ozone Season source emits nitrogen oxides during any control period in excess of the CAIR NO<sub>x</sub> Ozone Season emissions limitation, then:

(1) The owners and operators of the source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall surrender the CAIR NO<sub>x</sub> Ozone Season allowances required for deduction under §97.354(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and

(2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

(e) Recordkeeping and reporting requirements. (1) Unless otherwise provided, the owners and operators of the CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the permitting authority or the Administrator.

(i) The certificate of representation under §97.313 for the CAIR designated representative for the source and each CAIR NO<sub>x</sub> Ozone Season unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under §97.313 changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with subpart HHHH of this part, provided that to the extent that subpart HHHH of this part provides for a 3-year period for recordkeeping, the 3-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO<sub>x</sub> Ozone Season Trading Program.

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NO<sub>x</sub> Ozone Season Trading Program or to demonstrate compliance with the requirements of the CAIR NO<sub>x</sub> Ozone Season Trading Program.

(2) The CAIR designated representative of a CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall submit the reports required under the CAIR NO<sub>x</sub> Ozone Season Trading Program, including those under subpart HHHH of this part.

(f) Liability. (1) Each CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit shall meet the requirements of the CAIR NO<sub>x</sub> Ozone Season Trading Program.

(2) Any provision of the CAIR NO<sub>x</sub> Ozone Season Trading Program that applies to a CAIR NO<sub>x</sub> Ozone Season source or the CAIR designated representative of a CAIR NO<sub>x</sub> Ozone Season source shall also apply to the owners and operators of such source and of the CAIR NO<sub>x</sub> Ozone Season units at the source.

(3) Any provision of the CAIR NO<sub>x</sub> Ozone Season Trading Program that applies to a CAIR NO<sub>x</sub> Ozone Season unit or the CAIR designated representative of a CAIR NO<sub>x</sub> Ozone Season unit shall also apply to the owners and operators of such unit.

(g) Effect on other authorities. No provision of the CAIR NO<sub>x</sub> Ozone Season Trading Program, a CAIR permit application, a CAIR permit, or an exemption under §97.305 shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO<sub>x</sub> Ozone Season source or CAIR NO<sub>x</sub> Ozone Season unit from

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compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

**II. TESTING REQUIREMENTS.**

No additional testing requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

**III. MONITORING REQUIREMENTS.**

No additional monitoring requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

**IV. RECORDKEEPING REQUIREMENTS.**

No additional record keeping requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

**V. REPORTING REQUIREMENTS.**

No additional reporting requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

**VI. WORK PRACTICE REQUIREMENTS.**

No additional work practice requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

**VII. ADDITIONAL REQUIREMENTS.**

No additional requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

**\*\*\* Permit Shield in Effect. \*\*\***



**SECTION F. Alternative Operation Requirements.**

No Alternative Operations exist for this Title V facility.



**SECTION G. Emission Restriction Summary.**

No emission restrictions listed in this section of the permit.



**SECTION H. Miscellaneous.**

The Source Capacity/Throughput in Sections A and D are for informational purposes only and do not represent enforceable conditions.





\*\*\*\*\* End of Report \*\*\*\*\*

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