



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AIR QUALITY PROGRAM

**TITLE V/STATE OPERATING PERMIT**

Issue Date: March 25, 2019

Effective Date: March 25, 2019

Expiration Date: February 29, 2024

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: 25-00923**

Federal Tax Id - Plant Code: 46-4672387-1

**Owner Information**

Name: ERIE POWER LLC  
Mailing Address: 131 VARICK ST STE 1006  
NEW YORK, NY 10013-1410

**Plant Information**

Plant: ERIE POWER LLC/NORTH EAST COGENERATION PLT  
Location: 25 Erie County 25930 North East Township  
SIC Code: 4911 Trans. & Utilities - Electric Services

**Responsible Official**

Name: YANIV COHEN  
Title: MANAGING MEMBER  
Phone: (646) 632 - 4555

**Permit Contact Person**

Name: YANIV COHEN  
Title: MANAGING MEMBER  
Phone: (646) 632 - 4555

[Signature] \_\_\_\_\_  
ERIC A. GUSTAFSON, NORTHWEST REGION AIR PROGRAM MANAGER



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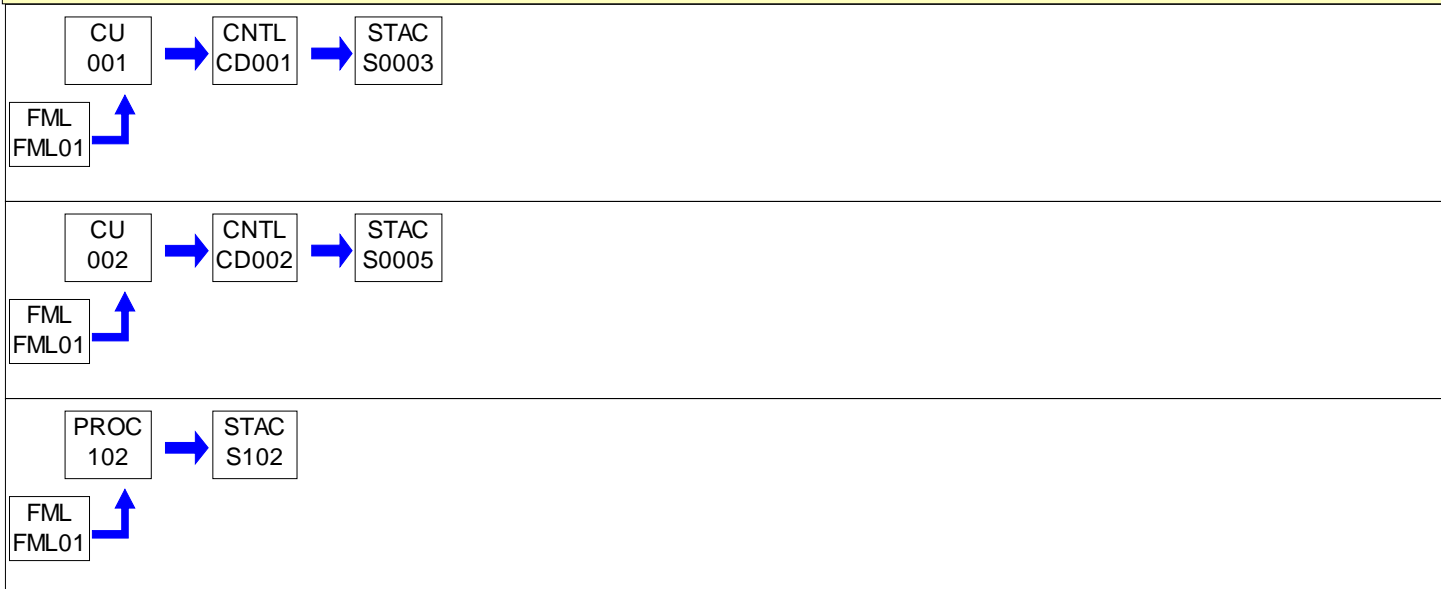
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Source ID	Source Name	Capacity/Throughput	Fuel/Material
001	GAS TURBINE & DUCT BURNER (UNIT 1)	409.000 MMBTU/HR	
		380.000 MCF/HR	Natural Gas
002	GAS TURBINE & DUCT BURNER (UNIT 2)	409.000 MMBTU/HR	
		380.000 MCF/HR	Natural Gas
102	MISCELLANEOUS NATURAL GAS USAGE	6.300 MMBTU/HR	
		5.853 MCF/HR	Natural Gas
CD001	CO CATALYST		
CD002	CO CATALYST		
FML01	NATURAL GAS		
S0003	UNIT 1 STACK		
S0005	UNIT 2 STACK		
S102	MISCELLANEOUS NATURAL GAS USAGE 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 § 121.7]****Prohibition of Air Pollution**

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

**#003 [25 Pa. Code § 127.512(c)(4)]****Property Rights**

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

**#004 [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.

**#005 [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.

**#006 [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.

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(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.

**#007 [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.

**#008 [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.

**#009 [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.

**#010 [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

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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.

**#011 [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.

**#012 [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.

**#013 [25 Pa. Code § 127.522(a)]****Operating Permit Application Review by the EPA**

The applicant may be required by the Department to provide a copy of the permit application, including the compliance plan, directly to the Administrator of the EPA. Copies of title V permit applications to EPA, pursuant to 25 PA Code §127.522(a), shall be submitted, if required, to the following EPA e-mail box:

R3\_Air\_Apps\_and\_Notices@epa.gov

Please place the following in the subject line: TV [permit number], [Facility Name].

**#014 [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

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25 Pa. Code § 127.541. Notifications to EPA, pursuant to 25 PA Code §127.522(a), if required, shall be submitted, to the following EPA e-mail box:

R3\_Air\_Apps\_and\_Notices@epa.gov

Please place the following in the subject line: TV [permit number], [Facility Name].

**#015 [25 Pa. Code §§ 121.1 & 127.462]****Minor Operating Permit Modifications**

The permittee may make minor operating permit modifications (as defined in 25 Pa. Code §121.1), on an expedited basis, in accordance with 25 Pa. Code §127.462 (relating to minor operating permit modifications). Notifications to EPA, pursuant to 25 PA Code §127.462(c), if required, shall be submitted, to the following EPA e-mail box:

R3\_Air\_Apps\_and\_Notices@epa.gov

Please place the following in the subject line: TV [permit number], [Facility Name].

**#016 [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). Copies of request for administrative permit amendment to EPA, pursuant to 25 PA Code §127.450(c)(1), if required, shall be submitted to the following EPA e-mail box:

R3\_Air\_Apps\_and\_Notices@epa.gov

Please place the following in the subject line: TV [permit number], [Facility Name].

(b) Upon final action by the Department granting a request for an administrative operating permit amendment covered under §127.450(a)(5), the permit shield provisions in 25 Pa. Code § 127.516 (relating to permit shield) shall apply to administrative permit amendments incorporated in this Title V Permit in accordance with §127.450(c), unless precluded by the Clean Air Act or the regulations thereunder.

**#017 [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.

**#018 [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).



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(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).

**#019 [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.

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(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 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) shall extend to the changes made under 25 Pa. Code § 127.449 (relating to de minimis emission increases).

(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.

**#020 [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).

**#021 [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,

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the device or technique may be used for control of malodors.

**#022 [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.

**#023 [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.

**#024 [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.

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(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.

**#025 [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 #022(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.

**#026 [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 #022 of this section.

**#027 [25 Pa. Code § 127.3]****Operational Flexibility**

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:

- (1) Section 127.14 (relating to exemptions)

**SECTION B. General Title V Requirements**

- (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)

**#028 [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 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.

**SECTION B. General Title V Requirements**

(2) The permittee fails to submit a compliance schedule or include a statement in the compliance certification required under Condition #26 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).

**#029 [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.

**#030 [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 incorporating a significant permit modification in this Title V Permit shall be covered by the permit shield at the time that the permit containing the significant modification is issued.

**SECTION C. Site Level Requirements****I. RESTRICTIONS.****Emission Restriction(s).****# 001 [25 Pa. Code §123.1]****Prohibition of certain fugitive emissions**

(a) No person may permit the emission into the outdoor atmosphere of a 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) - (8) [Do not apply]
- (9) Sources and classes of sources other than those identified in paragraphs (1)—(8), 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.
  - (ii) The emissions are not preventing or interfering with the attainment or maintenance of an ambient air quality standard.

(b) An application form for requesting a determination under either subsection (a)(9) or § 129.15(c) 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 is required to demonstrate that the requirements of subsections (a)(9) and (c) and § 123.2 [Condition #002, below] (relating to fugitive particulate matter) or of the requirements of § 129.15(c) 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) [Printed under Work Practice Requirements in this section of permit.]

(d) [Does not apply]

**# 002 [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 § 123.1(a)(1)—(9) [Condition #001, above] (relating to prohibition of certain fugitive emissions) if the emissions are visible at the point the emissions pass outside the person's property.

**# 003 [25 Pa. Code §123.31]****Limitations**

(a) [Printed under Work Practice Requirements in this section of permit.]

(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.

**SECTION C. Site Level Requirements**

(c) [Does not apply]

**# 004 [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 3 minutes in any 1 hour.
- (2) Equal to or greater than 60% at any time.

**# 005 [25 Pa. Code §123.42]****Exceptions**

The limitations of § 123.41 [Condition #004, above] (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) [Condition #001, above] (relating to prohibition of certain fugitive emissions).
- (4) [Does not apply]

**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.****# 006 [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 devices approved by the Department.

**# 007 [25 Pa. Code §127.511]****Monitoring and related recordkeeping and reporting requirements.**

- (a) The permittee shall conduct daily monitoring of the plant property, while the plant is in operation, for the the presence of fugitive emissions and visible emissions.
- (b) All detected fugitive and visible emissions shall be reported to the control operator.

**IV. RECORDKEEPING REQUIREMENTS.****# 008 [25 Pa. Code §127.511]****Monitoring and related recordkeeping and reporting requirements.**

The permittee shall maintain a record of all reports of fugitive emissions and visible emissions which deviate from the terms and conditions of this permit, the cause of the emission, duration of the event, and the corrective action taken to



**SECTION C. Site Level Requirements**

abate the deviation and prevent future occurrences.

**# 009 [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 § § 135.3 [Condition #011, below] and 135.21 [Condition #010, below] (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.

**V. REPORTING REQUIREMENTS.****# 010 [25 Pa. Code §135.21]****Emission statements**

(a) Except as provided in subsection (d), this section applies to stationary sources or facilities:

(1) [Does not apply]

(2) Not located in an area described in paragraph (1) and included in the Northeast Ozone Transport Region which emit or have the potential to emit 100 tons or more of oxides of nitrogen or 50 tons or more of VOC per year.

(b) The owner or operator of each stationary source emitting oxides of nitrogen or VOCs 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.

(c) Annual emission statements are due by March 1 for the preceding calendar year beginning with March 1, 1993, for calendar year 1992 and shall provide data consistent with requirements and guidance developed by the EPA. The guidance document is available from: United States Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. The Department may require more frequent submittals if the Department determines that one or more of the following applies:

(1) A more frequent submission is required by the EPA.

(2) Analysis of the data on a more frequent basis is necessary to implement the requirements of the act.

(d) Subsection (a) does not apply to a class or category of stationary sources which emits less than 25 tons per year of VOCs or oxides of nitrogen, if the Department in its submissions to the Administrator of the EPA under section 182(a)(1) or (3)(B)(ii) of the Clean Air Act (42 U.S.C.A. § 7511a(a)(1) or (3)(B)(ii)) provides an inventory of emissions from the class or category of sources based on the use of the emission factors established by the Administrator or other methods acceptable to the Administrator. The Department will publish in the Pennsylvania Bulletin a notice of the lists of classes or categories of sources which are exempt from the emission statement requirement under this subsection.

**# 011 [25 Pa. Code §135.3]****Reporting**

(a) A person who owns or operates a source to which this chapter applies, and who has previously been advised by the Department to submit a source report, 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) A person who receives initial notification by the Department that a source report is necessary shall submit an initial source report with 60 days after receiving the notification or by March 1 of the year following the year for which the report is required, whichever is later.

**SECTION C. Site Level Requirements**

(c) A 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.

**# 012 [25 Pa. Code §135.4]****Report format**

Source reports shall contain sufficient information to enable the Department to complete its emission inventory. Source reports shall be made by the source owner or operator in a format specified by the Department.

**VI. WORK PRACTICE REQUIREMENTS.****# 013 [25 Pa. Code §123.1]****Prohibition of certain fugitive emissions**

[From 25 Pa. Code § 123.1(c):]

(c) A person responsible for any source specified in subsections (a)(1)—(7) or (9) [Condition #001, above] shall take all reasonable actions to prevent particulate matter from becoming airborne. These actions 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.

**# 014 [25 Pa. Code §123.31]****Limitations**

[From 25 Pa. Code § 123.31(a):]

(a) Limitations are as follows:

- (1) If control of malodorous air contaminants is required under subsection (b) [Condition #003, above], emissions shall be incinerated at a minimum of 1200°F for at least 0.3 second 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.

**# 015 [25 Pa. Code §129.14]****Open burning operations**

(a) [Does not apply]

(b) Outside of air basins. No person may permit the open burning of material in an area outside of air basins in a manner that:

- (1) The emissions are visible, at any time, at the point such emissions pass outside the property of the person on whose land the open burning is being conducted.
- (2) Malodorous air contaminants from the open burning are detectable outside the property of the person on whose land the open burning is being conducted.
- (3) The emissions interfere with the reasonable enjoyment of life or property.



## SECTION C. Site Level Requirements

(4) The emissions cause damage to vegetation or property.

(5) The emissions are or may be deleterious to human or animal health.

(c) Exceptions. The requirements of subsections (a) and (b) do not apply where the open burning operations result from:

(1) 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.

(2) Any fire set for the purpose of instructing personnel in fire fighting, when approved by the Department.

(3) A fire set for the prevention and control of disease or pests, when approved by the Department.

(4) - (5) [Do not apply]

(6) A fire set solely for recreational or ceremonial purposes.

(7) A fire set solely for cooking food.

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

(1) As used in this subsection 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) [Does not apply]

(3) Subsection (b) notwithstanding clearing and grubbing wastes may be burned outside of an air basin, subject to the following 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 or comply with subsection (b).

(ii) Authorization for open burning under this paragraph does not apply to clearing and grubbing wastes transported from an air basin for disposal outside of an air basin.

(4) During an air pollution episode, open burning is limited by Chapter 137 (relating to air pollution episodes) and shall cease as specified in that chapter.

[This permit does not constitute a permit to burn solid waste pursuant to Section 610(3) of the Solid Waste Management Act, 35 P.S. Section 6018.610(3), or any other provision of the Solid Waste Management Act.]

### VII. ADDITIONAL REQUIREMENTS.

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

### VIII. COMPLIANCE CERTIFICATION.

The permittee shall submit within thirty days of 11/30/2014 a certificate of compliance with all permit terms and conditions set forth in this Title V permit as required under condition #026 of section B of this permit, and annually thereafter.

### IX. COMPLIANCE SCHEDULE.



**SECTION C. Site Level Requirements**

No compliance milestones exist.

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

**SECTION D. Source Level Requirements**

Source ID: 001

Source Name: GAS TURBINE &amp; DUCT BURNER (UNIT 1)

Source Capacity/Throughput: 409.000 MMBTU/HR

380.000 MCF/HR

Natural Gas

Conditions for this source occur in the following groups: PART 97 REQUIREMENTS  
RACT II REQUIREMENTS**I. RESTRICTIONS.****Emission Restriction(s).****# 001 [25 Pa. Code §127.11a]****Reactivation of sources.**

(a) This source is subject to the provisions of Plan Approval 25-923B, the conditions of which are incorporated into this State Only permit. Plan approval 25-923B will expire October 31, 2020. Any violation of the plan approval would also be deemed a violation of this State Only Operating Permit.

(b) This incorporation of this plan approval into this State Only Operating Permit shall not be construed to require the permittee to implement the project that is the subject of the plan approval, unless an enforcement action, regulation or statute independently requires otherwise.

(c) This State Only permit shall not be construed to provide any independent, ongoing authority for the construction or operation of the project that is the subject of Plan Approval 25-923B, unless and until the permittee applies for, and is granted, a future administrative amendment to this State Only permit for that project, once it has been determined by the Department to have completed its respective temporary operation phase under the authority of that plan approval.

**# 002 [25 Pa. Code §127.12b]****Plan approval terms and conditions.**

(a) The following hourly maximum allowable emission limits are established for this source when operating with the duct burner:

- (1) Nitrogen Oxides: 28.4 ppmvd
- (2) Nitrogen Oxides: 32.3 lbs/hr.
- (3) Volatile Organic Compounds: 232 ppmvd

(b) The following hourly maximum allowable emission limits are established for this source when operating without the duct burners:

- (1) Nitrogen Oxides: 21.0 ppmvd
- (2) Nitrogen Oxides: 26.0 lbs/hr.
- (3) Volatile Organic Compounds: 105 ppmvd

(c) The following yearly maximum allowable emission limits are established for this source:

- (1) Nitrogen Oxides: 121.0 tons/yr.
- (2) Volatile Organic Compounds: 16.8 tons/yr.

(d) The emission limitations in paragraph (c) of this condition are based on a consecutive 12-month rolling total.

(e) Authority for this condition is also derived from 25 Pa. Code Section 129.91.

**SECTION D. Source Level Requirements**

[Compliance with the requirements specified in this streamlined permit condition assures compliance with the provisions in 40 CFR 60.332(a)]

[From Plan Approval 25-923B]

**# 003 [25 Pa. Code §127.12b]**  
**Plan approval terms and conditions.**

(a) The following hourly maximum allowable emission limits are established for each source when the duct burner is operating:

- (1) Particulate Matter: 4.9 Lbs/hr.
- (2) Sulfur Dioxide: 0.6 Lbs/hr.

(b) The following hourly maximum allowable emission limits are established for each source when the duct burner is not operating:

- (1) Particulate Matter: 4.0 Lbs/hr.
- (2) Sulfur Dioxide: 0.2 Lbs/hr.

(c) The following yearly maximum allowable emission limits are established for each source:

- (1) Particulate Matter: 21.5 Tons/yr.
- (2) Sulfur Dioxide: 2.6 Tons/yr.
- (3) Carbon Monoxide: 110.7 Tons/yr.

(d) The yearly maximum allowable emission limits in paragraph (c) of this condition shall be applied on a consecutive 12 month rolling period.

[Compliance with the particulate matter and sulfur oxide limitations in this streamlined permit condition assure compliance with the limitations in 25 Pa. Code Section 123.12(c)(ii) and 25 Pa. Code Section 123.21.]

[From Plan Approval 25-923B]

**# 004 [40 CFR Part 60 Standards of Performance for New Stationary Sources §40 CFR 60.333]**  
**Subpart GG - Standards of Performance for Stationary Gas Turbines**  
**Standard for sulfur dioxide.**

(a) No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any stationary gas turbine any gases which contain sulfur dioxide in excess of 0.015 percent by volume at 15 percent oxygen and on a dry basis.

(b) Not Applicable (see Approval for Alternative Fuel Monitoring of Sulfur and Nitrogen by EPA dated October 8, 2003).

**Fuel Restriction(s).**

**# 005 [25 Pa. Code §127.511]**  
**Monitoring and related recordkeeping and reporting requirements.**

The permittee shall use only pipeline quality natural gas as a fuel for this source.

**II. TESTING REQUIREMENTS.**

**# 006 [25 Pa. Code §127.511]**  
**Monitoring and related recordkeeping and reporting requirements.**

The permittee shall conduct one of the following to demonstrate compliance with the Volatile Organic Compound (VOC) emission limit for this source:

- (1) Conduct a stack test to determine the VOC emission rate within 6 to 12 months PRIOR to the expiration date of this

**SECTION D. Source Level Requirements**

permit and every five years thereafter. The results of this test shall be reported in the same units as the VOC emission limit for this source.

Or,

(2) Conduct semi-annual monitoring to determine the concentration of VOC emissions present in the exhaust gases from this source using a Department approved portable analyzer. This semi-annual monitoring shall be conducted in accordance with the procedures and requirements of 25 Pa. Code Section 139.

**# 007 [25 Pa. Code §127.511]****Monitoring and related recordkeeping and reporting requirements.**

(a) Pursuant to 25 Pa. Code § 139.3 to at least 45 calendar days prior to commencing an emissions testing program, a test protocol shall be submitted to the Department for review and approval. The test protocol shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual.

(b) Pursuant to 25 Pa. Code § 139.3 at least 15 calendar days prior to commencing an emission testing program, notification as to the date and time of testing shall be given to the appropriate Regional Office. Notification shall also be sent to the Division of Source Testing and Monitoring. Notification shall not be made without prior receipt of a protocol acceptance letter from the Department.

(c) Pursuant to 25 Pa. Code Section 139.53(a)(3) within 15 calendar days after completion of the on-site testing portion of an emission test program, if a complete test report has not yet been submitted, an electronic mail notification shall be sent to the Department's Division of Source Testing and Monitoring indicating the completion date of the on-site testing.

(d) Complete test reports shall be submitted to the Department no later than 60 calendar days after completion of the on-site testing portion of an emission test program.

(e) Pursuant to 25 Pa. Code Section 139.53(b) 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:

1. A statement that the owner or operator has reviewed the report from the emissions testing body and agrees with the findings.
2. Permit number(s) and condition(s) which are the basis for the evaluation.
3. Summary of results with respect to each applicable permit condition.
4. Statement of compliance or non-compliance with each applicable permit condition.

(f) Pursuant to 25 Pa. Code § 139.3 all submittals shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual.

(g) All testing shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection.

(h) Pursuant to 25 Pa. Code Section 139.53(a)(1) and 139.53(a)(3) 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 can not be accomplished, three copies of the submittal shall be sent to the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, Division of Source Testing and Monitoring, 400 Market Street, 12th Floor Rachael Carson State Office Building, Harrisburg, PA 17105-8468 with deadlines verified through document postmarks.

(i) The permittee shall insure all federal reporting requirements contained in the applicable subpart of 40 CFR 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.

**SECTION D. Source Level Requirements****# 008 [25 Pa. Code §127.511]****Monitoring and related recordkeeping and reporting requirements.**

[When any of the Continuous Emission Monitors (or opacity monitor) are replaced, the permittee shall comply with the following certification and testing requirements]:

## A. Initial Application (Phase I)

[A] Proposal[s] containing information as listed in the Phase I section of the Department's Continuous Source Monitoring Manual for the CEMS[s] must be submitted no later than at least 180 days prior to the planned initial source startup date.

## B. Performance Testing (Phase II)

Testing as listed in the Phase II section of the Department's Continuous Source Monitoring Manual must be completed for the CEMS[s] no later than 180 days after initial source startup date and no later than 60 days after source achieves normal process capacity.

## C. Final Approval (Phase III)

The final report of testing as listed in the Phase III section of the Department's Continuous Source Monitoring Manual must be submitted to the Bureau no later than 60 days after completion of testing.

D. The owner or operator of the source shall not be issued an operating permit until the CEMS has received Phase III approval, in writing from the Department, when installation of a CEMS is made a condition of the plan approval. Until Phase III Department approval is obtained, operation shall be covered solely under condition of a plan approval.

NOTE: For sources required to make monitoring data available via telemetry, conditional acceptance of the CEMS data telemetry system and of the results of all Phase II testing, with the exception of relative accuracy, must be obtained prior to initial operation (for this approval the Department will review submitted results only the full test report is to be submitted upon completion of relative accuracy testing).

**# 009 [40 CFR Part 60 Standards of Performance for New Stationary Sources §40 CFR 60.335]****Subpart GG - Standards of Performance for Stationary Gas Turbines  
Test methods and procedures.**

As approved by the U.S. Environmental Protection Agency on October 8, 2003, the permittee shall comply with the following custom fuel monitoring requirements in lieu of the requirements for determination of the sulfur content of the fuel combusted in the turbine under 40 CFR Section 60.335.

1. The use of the default SO<sub>2</sub> emission factor of 0.0006 lb/mmBTU per Section 2.3.1.1 of Appendix D to 40 CFR Part 75 to determine SO<sub>2</sub> emissions from combustion in lieu of monitoring fuel sulfur content was approved by the US EPA. This alternative can only be used for pipeline quality natural gas being used for fuel. All required documentation that the fuel meets the definition of pipeline natural gas must be maintained at the facility and provided upon request.

**# 010 [40 CFR Part 60 Standards of Performance for New Stationary Sources §40 CFR 60.335]****Subpart GG - Standards of Performance for Stationary Gas Turbines  
Test methods and procedures.**

(a) The owner or operator shall conduct the performance tests required in §60.8, using either

(1) EPA Method 20,

(2) ASTM D6522-00 (incorporated by reference, see §60.17), or

(3) EPA Method 7E and either EPA Method 3 or 3A in appendix A to this part, to determine NO<sub>x</sub> and diluent concentration.

(4) Sampling traverse points are to be selected following Method 20 or Method 1, (non-particulate procedures) and sampled for equal time intervals. The sampling shall be performed with a traversing single-hole probe or, if feasible, with a



**SECTION D. Source Level Requirements**

stationary multi-hole probe that samples each of the points sequentially. Alternatively, a multi-hole probe designed and documented to sample equal volumes from each hole may be used to sample simultaneously at the required points.

(5) Notwithstanding paragraph (a)(4) of this section, the owner or operator may test at few points that are specified in Method 1 or Method 20 if the following conditions are met:

(i) You may perform a stratification test for NOX and diluent pursuant to

(A) [Reserved]

(B) The procedures specified in section 6.5.6.1(a) through (e) appendix A to part 75 of this chapter.

(ii) Once the stratification sampling is completed, the owner or operator may use the following alternative sample point selection criteria for the performance test:

(A) If each of the individual traverse point NOX concentrations, normalized to 15 percent O<sub>2</sub>, is within ± 10 percent of the mean normalized concentration for all traverse points, then you may use 3 points (located either 16.7, 50.0, and 83.3 percent of the way across the stack or duct, or, for circular stacks or ducts greater than 2.4 meters (7.8 feet) in diameter, at 0.4, 1.2, and 2.0 meters from the wall). The 3 points shall be located along the measurement line that exhibited the highest average normalized NOX concentration during the stratification test; or

(B) If each of the individual traverse point NOX concentrations, normalized to 15 percent O<sub>2</sub>, is within ± 5 percent of the mean normalized concentration for all traverse points, then you may sample at a single point, located at least 1 meter from the stack wall or at the stack centroid.

(6) Other acceptable alternative reference methods and procedures are given in paragraph (c) of this section.

(b) The owner or operator shall determine compliance with the applicable nitrogen oxides emission limitation in §60.332 and shall meet the performance test requirements of §60.8 as follows:

(1) For each run of the performance test, the mean nitrogen oxides emission concentration (NOX<sub>o</sub>) corrected to 15 percent O<sub>2</sub> shall be corrected to ISO standard conditions using the following equation. Notwithstanding this requirement, use of the ISO correction equation is optional for: Lean premix stationary combustion turbines; units used in association with heat recovery steam generators (HRSG) equipped with duct burners; and units equipped with add-on emission control devices:

$$\text{NOX} = (\text{NOX}_o)(\text{Pr}/\text{Po})^{(0.5)} * e^{[19(\text{Ho}-0.00633)]} * (288^\circ\text{K}/\text{Ta})^{1.53}$$

Where:

NOX = emission concentration of NOX at 15 percent O<sub>2</sub> and ISO standard ambient conditions, ppm by volume, dry basis,

NOX<sub>o</sub> = mean observed NOX concentration, ppm by volume, dry basis, at 15 percent O<sub>2</sub>,

Pr = reference combustor inlet absolute pressure at 101.3 kilopascals ambient pressure, mm Hg,

Po = observed combustor inlet absolute pressure at test, mm Hg,

Ho = observed humidity of ambient air, g H<sub>2</sub>O/g air,

e = transcendental constant, 2.718, and

Ta = ambient temperature, K.

(2) The 3-run performance test required by §60.8 must be performed within ± 5 percent at 30, 50, 75, and 90-to-100 percent of peak load or at four evenly-spaced load points in the normal operating range of the gas turbine, including the minimum point in the operating range and 90-to-100 percent of peak load, or at the highest achievable load point if 90-to-100 percent of peak load cannot be physically achieved in practice. If the turbine combusts both oil and gas as primary or backup fuels, separate performance testing is required for each fuel. Notwithstanding these requirements, performance testing is not required for any emergency fuel (as defined in §60.331).

(3) For a combined cycle turbine system with supplemental heat (duct burner), the owner or operator may elect to measure the turbine NOX emissions after the duct burner rather than directly after the turbine. If the owner or operator elects to use this alternative sampling location, the applicable NOX emission limit in §60.332 for the combustion turbine must still be

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met.

(4) - (10) Not Applicable - See the Custom Fuel Monitoring Plans approved by USEPA (March 23, 1995 and October 8, 2003)

(c) The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:

(1) Instead of using the equation in paragraph (b)(1) of this section, manufacturers may develop ambient condition correction factors to adjust the nitrogen oxides emission level measured by the performance test as provided in §60.8 to ISO standard day conditions.

[69 FR 41363, July 8, 2004, as amended at 71 FR 9458, Feb. 24, 2006; 79 FR 11250, Feb. 27, 2014]

**III. MONITORING REQUIREMENTS.****# 011 [25 Pa. Code §127.12b]****Plan approval terms and conditions.**

(a) The permittee shall operate and maintain Continuous Emission Monitoring Systems (CEMS) downstream of each gas turbine/duct burner process train to monitor the following:

(1) CO emissions in ppmvd (1-hour average) at 15% oxygen and at ambient conditions.

(2) NOx emissions in ppmvd (1-hour average) at 15% oxygen and at ambient conditions.

(3) CO and NOx emissions in lbs/hr and continuous rolling twelve month totals of CO and NOx emissions in tons, with the twelve month totals to be calculated at the end of each calendar month.

(b) The Continuous Emission Monitoring Systems for CO and NOx must be approved by the Department and installed, operated, and maintained in accordance with the requirements of 25 Pa. Code Chapter 139 and the Department's most recent "Continuous Source Monitoring Manual" and be approved by the Department.

[From Plan Approval 25-923B]

**# 012 [25 Pa. Code §127.511]****Monitoring and related recordkeeping and reporting requirements.**

The permittee shall conduct daily observations of all of the emission points for this source in accordance with the requirements in Section C, Conditions #007 and #008. This daily observation will be used as an indicator value for the demonstration of compliance with the particulate matter limitations in Conditions #002(a)(1) and #002(b)(1), above. If visible emissions are observed being emitted from this source which are not attributed to upset conditions or equipment malfunctions, the permittee shall conduct testing of the emissions point to demonstrate actual compliance or noncompliance with the particulate matter limitation.

**# 013 [40 CFR Part 60 Standards of Performance for New Stationary Sources §40 CFR 60.334]****Subpart GG - Standards of Performance for Stationary Gas Turbines****Monitoring of operations.**

As approved by the U.S. Environmental Protection Agency on October 8, 2003, the permittee shall comply with the following custom fuel monitoring requirements in lieu of the requirements under 40 CFR Section 60.334. The approval is based on firing only natural gas fuel and waives the daily monitoring, computing, and recordkeeping of the nitrogen content of the fuel combusted in the turbines. The approval also waives the fuel sulfur content monitoring on a daily basis because the owner/operator has agreed to use 0.3 grains of hydrogen sulfide per 100 scf pipeline quality natural gas which is about 850 times lower than the sulfur level allowed by 40 CFR Part 60, Subpart GG. However, the EPA did not grant a waiver for reporting SO2 excess emission.

1. The facility must install, maintain and continuously operate a fuel flow meter which can give a metered flow of gaseous fuel or the amount of gas combusted during the hour (100 scf).

**SECTION D. Source Level Requirements**

2. The facility must demonstrate compliance with the SO<sub>2</sub> emission limit established at 40 CFR Section 60.333(a).
3. The facility must verify that the pipeline natural gas to be burned by the facility contains less than 0.3 grains of hydrogen sulfide per 100 scf.
4. The facility must supply certification that the hydrogen sulfide content in the gas constitutes at least 50 percent (by weight) of the total sulfur in the gas. The certification required must be in the form of a certificate of analysis or similar document which is certified by the gas supplier or other analyzer.

**# 014 [40 CFR Part 60 Standards of Performance for New Stationary Sources §40 CFR 60.334]****Subpart GG - Standards of Performance for Stationary Gas Turbines****Monitoring of operations.**

In accordance with the letter from the U.S. Environmental Protection Agency dated March 23, 1995, the permittee shall perform the following monitoring, recordkeeping and reporting requirements in lieu of the continuous parametric monitoring of the water-to-fuel ratio as required in 40 CFR Section 60.334(a):

- (1) Each turbine meets the NO<sub>x</sub> emission limitations of this permit.
- (2) Each NO<sub>x</sub> Continuous Emission Monitoring System (CEMS) required for this source continues to meet the requirements of this permit, 25 Pa. Code Chapter 139, and 40 CFR Section 60.13, Appendix B and Appendix F for certifying, maintaining, operating and assuring quality of the system.
- (3) Each NO<sub>x</sub> CEMS continues to calculate NO<sub>x</sub> emission concentrations corrected to 15% oxygen.
- (4) The CEMS Data availability shall be no less than 95% on a quarterly basis.
- (5) The NO<sub>x</sub> CEMS provides four (4) data points for each hour and calculates a 1-hour average.
- (6) The permittee shall submit an excess emissions, as calculated according to the requirements of 40 CFR Section 60.13(h), and monitoring systems performance report and/or a summary report form to the U.S. EPA and the Department, on a quarterly basis, if excess emissions are determined. These reports shall include the information required in 40 CFR Sections 60.7(c) and 60.7(d).
- (7) The permittee shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by 40 CFR Section 60.7 recorded in a permanent form suitable for inspection.

**# 015 [40 CFR Part 60 Standards of Performance for New Stationary Sources §40 CFR 60.334]****Subpart GG - Standards of Performance for Stationary Gas Turbines****Monitoring of operations.**

As approved by the U.S. Environmental Protection Agency on March 23, 1995, the permittee shall comply with the following custom fuel monitoring requirements in lieu of the requirements under 40 CFR Section 60.334:

- (1) Analytical methods and procedures for analyzing fuel nitrogen and sulfur content shall be used in accordance with 40 CFR Section 60.335 and Condition #005 for this source.
- (2) The permittee shall conduct the required monitoring for fuel nitrogen and sulfur content on a quarterly basis.
- (3) The permittee shall notify the U.S. Environmental Protection Agency and the Department within fifteen (15) days if any fuel nitrogen or sulfur content monitoring performed under item (2) indicates noncompliance with 40 CFR Sections 60.332, 60.333, and the conditions of this permit.
- (4) If any of the fuel nitrogen or sulfur content monitoring indicates noncompliance with the limits in this permit, the permittee shall conduct weekly fuel nitrogen and sulfur content monitoring while the custom schedule is being reviewed by the U.S. EPA and the Department.

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(5) The permittee shall notify the U.S. EPA and the Department if there is a change in the fuel supply and the custom fuel schedule will be re-examined by EPA. A substantial change in fuel quality shall be considered as a change in fuel supply. Fuel nitrogen and sulfur content monitoring shall be conducted weekly during the interim period when the custom schedule is being re-examined.

(6) Records of fuel analysis and fuel supply pertinent to this custom schedule shall be retained for a period of five (5) years.

**IV. RECORDKEEPING REQUIREMENTS.****# 016 [25 Pa. Code §127.12b]****Plan approval terms and conditions.**

The permittee shall maintain a record of the VOC emissions from this source on a monthly basis. The facility shall use the results from the most recent stack test to estimate the emissions from this source.

[Authority for this condition is also derived from 25 Pa. Code Section 129.95.]

[From Plan Approval 25-923B]

**# 017 [25 Pa. Code §127.511]****Monitoring and related recordkeeping and reporting requirements.**

[Additional authority for this permit condition is derived from 40 CFR Section 60.334, and 25 Pa. Code Sections 139.101(5), 139.101(12), and 139.103]

A) The permittee shall comply with the recordkeeping requirements established in 25 Pa. Code Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources), the "Record Keeping and Reporting" requirements in Revision No. 8 of the Department's Continuous Source Monitoring Manual, 274-0300-001, and the recordkeeping requirements established in 40 CFR Section 60.107.

B) Records shall be retained for at least 5 years and shall be made available to the Department upon request.

[Compliance with any subsequently issued revision to the Continuous Source Monitoring Manual will constitute compliance with this permit condition.]

**# 018 [40 CFR Part 60 Standards of Performance for New Stationary Sources §40 CFR 60.7]****Subpart A - General Provisions****Notification and record keeping.**

(a) The permittee shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

(b) As approved by the Department on June 26, 1995, startup and shutdown periods shall be limited a maximum duration of three hours per occurrence. Startup periods shall be limited to the time as soon as suitable steam becomes available for injection into the NOx control system, not to exceed a three hour period.

**V. REPORTING REQUIREMENTS.****# 019 [25 Pa. Code §127.12b]****Plan approval terms and conditions.**

(a) The permittee shall submit the following information to the Department within thirty (30) days of the end of each calendar quarter:

(1) The hours of operation for each turbine and duct burner.

(2) The monthly CO and NOx emission from the turbines and duct burners in tons.

**SECTION D. Source Level Requirements**

(3) The monthly cumulative total of the hours of operation and the consecutive 12-month rolling totals for CO and NOx emissions in tons.

(4) All CEMS reports as required by 25 Pa. Code Chapter 139 and the Department's Continuous Source Monitoring Manual.

(b) A copy of all requests, reports, applications, submittals, and other communications with the Department that are required by 40 CFR Part 60, Subpart GG or the Department's plan approval requirements (identified as 25 Pa. Code § 127.12b) shall be sent to the U.S. EPA's representative identified in Section B of this permit.

[From Plan Approval 25-923B]

**# 020 [25 Pa. Code §127.511]****Monitoring and related recordkeeping and reporting requirements.**

When invalid data hours occur, with respect to the Continuous Emission Monitoring System, the permittee shall use and report the highest valid emission value for that operating condition (Process Code) and duct burner status (On or Off), during the 24-hour period in which valid emissions values for that operating condition and duct burner status were last recorded.

**# 021 [25 Pa. Code §127.511]****Monitoring and related recordkeeping and reporting requirements.**

[Additional authority for this permit condition is derived from 40 CFR Section 60.334, and 25 Pa. Code Sections 139.101(1)(iv), 139.101(10), 139.101(12), and 139.103]

A) The permittee shall submit quarterly reports of continuous emission monitoring to the Department in accordance with the requirements established in 25 Pa. Code Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources), and, the "Record Keeping and Reporting" requirements as established in Revision No. 8 of the Department's Continuous Source Monitoring Manual, 274-0300-001, and the reporting requirements established in 40 CFR Section 60.107.

B) The permittee shall report emissions for all periods of unit operation, including startup, shutdown and malfunction.

C) Initial quarterly reports following system certification shall be submitted to the Department within 35 days following the date upon which the Department notifies the owner or operator, in writing, of the approval of the continuous source monitoring system for use in determining compliance with applicable emission standards.

D) Subsequent quarterly reports shall be submitted to the Department within 30 days after the end of each calendar quarter.

E) Failure to submit required reports of continuous emission monitoring within the time periods specified in this Condition, shall constitute violations of this Permit, unless approved in advance by the Department in writing.

[Compliance with any subsequently issued revision to the Continuous Source Monitoring Manual will constitute compliance with this permit condition.]

**VI. WORK PRACTICE REQUIREMENTS.****# 022 [25 Pa. Code §127.511]****Monitoring and related recordkeeping and reporting requirements.**

The permittee shall operate and maintain this source in accordance with the manufacturer's specifications and good operating practices.

**VII. ADDITIONAL REQUIREMENTS.****# 023 [25 Pa. Code §127.511]****Monitoring and related recordkeeping and reporting requirements.**

[The permittee shall comply with the following Quality Assurance Requirements for the CEMS]

[Additional authority for this permit condition is derived from 40 CFR Section(s) 60.330-335, and 25 Pa. Code Sections

**SECTION D. Source Level Requirements**

139.101(1)(v), 139.101(2), 139.101(3), 139.101(4), 139.101(6), 139.101(7), 139.101(8), 139.101(12), 139.101(14) and 139.101(15)].

A) Continuous Emission Monitoring Systems and components must be operated and maintained in accordance with the requirements established in 25 Pa. Code Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources) and the "Quality Assurance" requirements in Revision No. 8 of the Department's Continuous Source Monitoring Manual, 274-0300-001.

[Compliance with any subsequently issued revision to the Continuous Source Monitoring Manual will constitute compliance with this permit condition.]

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

[The permittee shall comply with the following General Requirements for the CEMS.]

A) The permittee shall perform the emissions monitoring analysis procedures or test methods required under an applicable requirement including procedures and methods under Sections 114(a)(3) ( 42 U.S.C.A.§§ 7414 (a)(3)) or 504(b) ( 42 U.S.C.A.§§ 7661c(b)) of the Clean Air Act .

B) Unless otherwise required by this permit, the permittee shall comply with applicable monitoring, quality assurance, recordkeeping and reporting requirements of the Air Pollution Control Act, 25 Pa. Code Article III, (relating to air resources), including Chapter 139 (relating to sampling and testing). The permittee shall also comply with applicable requirements related to monitoring, quality assurance, reporting and recordkeeping required by the Clean Air Act and regulations thereunder including applicable monitoring requirements of 40 CFR Part 60, unless otherwise required by this permit.

**# 025 [25 Pa. Code §127.531]****Special conditions related to acid rain.**

(a) This facility is an affected source subject to the Phase II acid rain requirements under Title IV of the Clean Air Act. In accordance with 25 Pa. Code Section 127.531, the Air Pollution Control Act, and Title IV of the Clean Air Act, the Department has issued and is incorporating by reference the Phase II Acid Rain Permit attached in Appendix A.

(b) SO<sub>2</sub> allowance allocations and NO<sub>x</sub> requirements for each affected unit. See Attachment A.

(c) Comments, Notes and Justification: None.

(d) Acid Rain Permit Application(s). See Attachment A.

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

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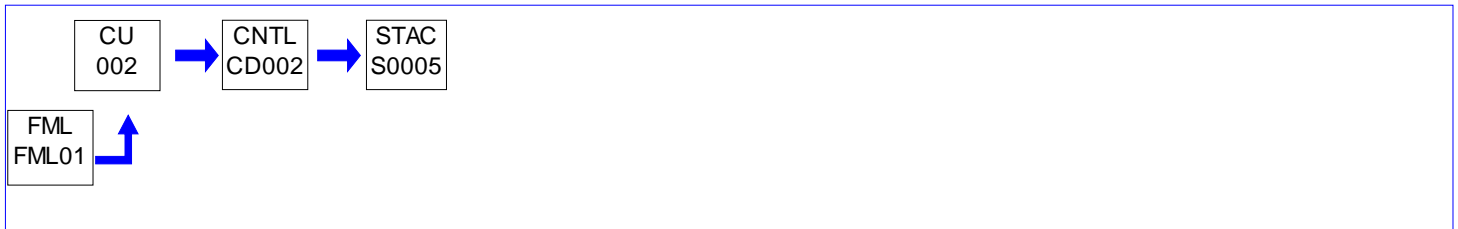
Source ID: 002

Source Name: GAS TURBINE &amp; DUCT BURNER (UNIT 2)

Source Capacity/Throughput: 409.000 MMBTU/HR

380.000 MCF/HR

Natural Gas

Conditions for this source occur in the following groups: PART 97 REQUIREMENTS  
RACT II REQUIREMENTS**I. RESTRICTIONS.****Emission Restriction(s).****# 001 [25 Pa. Code §127.11a]****Reactivation of sources.**

(a) This source is subject to the provisions of Plan Approval 25-923B, the conditions of which are incorporated into this State Only permit. Plan approval 25-923B will expire October 31, 2020. Any violation of the plan approval would also be deemed a violation of this State Only Operating Permit.

(b) This incorporation of this plan approval into this State Only Operating Permit shall not be construed to require the permittee to implement the project that is the subject of the plan approval, unless an enforcement action, regulation or statute independently requires otherwise.

(c) This State Only permit shall not be construed to provide any independent, ongoing authority for the construction or operation of the project that is the subject of Plan Approval 25-923B, unless and until the permittee applies for, and is granted, a future administrative amendment to this State Only permit for that project, once it has been determined by the Department to have completed its respective temporary operation phase under the authority of that plan approval.

**# 002 [25 Pa. Code §127.12b]****Plan approval terms and conditions.**

(a) The following hourly maximum allowable emission limits are established for this source when operating with the duct burner:

- (1) Nitrogen Oxides: 28.4 ppmvd
- (2) Nitrogen Oxides: 32.3 lbs/hr.
- (3) Volatile Organic Compounds: 232 ppmvd

(b) The following hourly maximum allowable emission limits are established for this source when operating without the duct burners:

- (1) Nitrogen Oxides: 21.0 ppmvd
- (2) Nitrogen Oxides: 26.0 lbs/hr.
- (3) Volatile Organic Compounds: 105 ppmvd

(c) The following yearly maximum allowable emission limits are established for this source:

- (1) Nitrogen Oxides: 121.0 tons/yr.
- (2) Volatile Organic Compounds: 16.8 tons/yr.

(d) The emission limitations in paragraph (c) of this condition are based on a consecutive 12-month rolling total.

(e) Authority for this condition is also derived from 25 Pa. Code Section 129.91.

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[Compliance with the requirements specified in this streamlined permit condition assures compliance with the provisions in 40 CFR 60.332(a)]

[From Plan Approval 25-923B]

**# 003 [25 Pa. Code §127.12b]**  
**Plan approval terms and conditions.**

(a) The following hourly maximum allowable emission limits are established for each source when the duct burner is operating:

- (1) Particulate Matter: 4.9 Lbs/hr.
- (2) Sulfur Dioxide: 0.6 Lbs/hr.

(b) The following hourly maximum allowable emission limits are established for each source when the duct burner is not operating:

- (1) Particulate Matter: 4.0 Lbs/hr.
- (2) Sulfur Dioxide: 0.2 Lbs/hr.

(c) The following yearly maximum allowable emission limits are established for each source:

- (1) Particulate Matter: 21.5 Tons/yr.
- (2) Sulfur Dioxide: 2.6 Tons/yr.
- (3) Carbon Monoxide: 110.7 Tons/yr.

(d) The yearly maximum allowable emission limits in paragraph (c) of this condition shall be applied on a consecutive 12 month rolling period.

[Compliance with the particulate matter and sulfur oxide limitations in this streamlined permit condition assure compliance with the limitations in 25 Pa. Code Section 123.12(c)(ii) and 25 Pa. Code Section 123.21.]

[From Plan Approval 25-923B]

**# 004 [40 CFR Part 60 Standards of Performance for New Stationary Sources §40 CFR 60.333]**  
**Subpart GG - Standards of Performance for Stationary Gas Turbines**  
**Standard for sulfur dioxide.**

(a) No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any stationary gas turbine any gases which contain sulfur dioxide in excess of 0.015 percent by volume at 15 percent oxygen and on a dry basis.

(b) Not Applicable (see Approval for Alternative Fuel Monitoring of Sulfur and Nitrogen by EPA dated October 8, 2003).

**Fuel Restriction(s).**

**# 005 [25 Pa. Code §127.511]**  
**Monitoring and related recordkeeping and reporting requirements.**

The permittee shall use only pipeline quality natural gas as a fuel for this source.

**II. TESTING REQUIREMENTS.**

**# 006 [25 Pa. Code §127.511]**  
**Monitoring and related recordkeeping and reporting requirements.**

The permittee shall conduct one of the following to demonstrate compliance with the Volatile Organic Compound (VOC) emission limit for this source:

- (1) Conduct a stack test to determine the VOC emission rate within 6 to 12 months PRIOR to the expiration date of this



**SECTION D. Source Level Requirements**

permit and every five years thereafter. The results of this test shall be reported in the same units as the VOC emission limit for this source.

Or,

(2) Conduct semi-annual monitoring to determine the concentration of VOC emissions present in the exhaust gases from this source using a Department approved portable analyzer. This semi-annual monitoring shall be conducted in accordance with the procedures and requirements of 25 Pa. Code Section 139.

**# 007 [25 Pa. Code §127.511]****Monitoring and related recordkeeping and reporting requirements.**

(a) Pursuant to 25 Pa. Code § 139.3 to at least 45 calendar days prior to commencing an emissions testing program, a test protocol shall be submitted to the Department for review and approval. The test protocol shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual.

(b) Pursuant to 25 Pa. Code § 139.3 at least 15 calendar days prior to commencing an emission testing program, notification as to the date and time of testing shall be given to the appropriate Regional Office. Notification shall also be sent to the Division of Source Testing and Monitoring. Notification shall not be made without prior receipt of a protocol acceptance letter from the Department.

(c) Pursuant to 25 Pa. Code Section 139.53(a)(3) within 15 calendar days after completion of the on-site testing portion of an emission test program, if a complete test report has not yet been submitted, an electronic mail notification shall be sent to the Department's Division of Source Testing and Monitoring indicating the completion date of the on-site testing.

(d) Complete test reports shall be submitted to the Department no later than 60 calendar days after completion of the on-site testing portion of an emission test program.

(e) Pursuant to 25 Pa. Code Section 139.53(b) 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:

1. A statement that the owner or operator has reviewed the report from the emissions testing body and agrees with the findings.
2. Permit number(s) and condition(s) which are the basis for the evaluation.
3. Summary of results with respect to each applicable permit condition.
4. Statement of compliance or non-compliance with each applicable permit condition.

(f) Pursuant to 25 Pa. Code § 139.3 all submittals shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual.

(g) All testing shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection.

(h) Pursuant to 25 Pa. Code Section 139.53(a)(1) and 139.53(a)(3) 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 can not be accomplished, three copies of the submittal shall be sent to the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, Division of Source Testing and Monitoring, 400 Market Street, 12th Floor Rachael Carson State Office Building, Harrisburg, PA 17105-8468 with deadlines verified through document postmarks.

(i) The permittee shall insure all federal reporting requirements contained in the applicable subpart of 40 CFR 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.

**SECTION D. Source Level Requirements****# 008 [25 Pa. Code §127.511]****Monitoring and related recordkeeping and reporting requirements.**

[When any of the Continuous Emission Monitors (or opacity monitor) are replaced, the permittee shall comply with the following certification and testing requirements]:

**A. Initial Application (Phase I)**

[A] Proposal[s] containing information as listed in the Phase I section of the Department's Continuous Source Monitoring Manual for the CEMS[s] must be submitted no later than at least 180 days prior to the planned initial source startup date.

**B. Performance Testing (Phase II)**

Testing as listed in the Phase II section of the Department's Continuous Source Monitoring Manual must be completed for the CEMS[s] no later than 180 days after initial source startup date and no later than 60 days after source achieves normal process capacity.

**C. Final Approval (Phase III)**

The final report of testing as listed in the Phase III section of the Department's Continuous Source Monitoring Manual must be submitted to the Bureau no later than 60 days after completion of testing.

D. The owner or operator of the source shall not be issued an operating permit until the CEMS has received Phase III approval, in writing from the Department, when installation of a CEMS is made a condition of the plan approval. Until Phase III Department approval is obtained, operation shall be covered solely under condition of a plan approval.

NOTE: For sources required to make monitoring data available via telemetry, conditional acceptance of the CEMS data telemetry system and of the results of all Phase II testing, with the exception of relative accuracy, must be obtained prior to initial operation (for this approval the Department will review submitted results only the full test report is to be submitted upon completion of relative accuracy testing).

**# 009 [40 CFR Part 60 Standards of Performance for New Stationary Sources §40 CFR 60.335]****Subpart GG - Standards of Performance for Stationary Gas Turbines  
Test methods and procedures.**

As approved by the U.S. Environmental Protection Agency on October 8, 2003, the permittee shall comply with the following custom fuel monitoring requirements in lieu of the requirements for determination of the sulfur content of the fuel combusted in the turbine under 40 CFR Section 60.335.

1. The use of the default SO<sub>2</sub> emission factor of 0.0006 lb/mmBTU per Section 2.3.1.1 of Appendix D to 40 CFR Part 75 to determine SO<sub>2</sub> emissions from combustion in lieu of monitoring fuel sulfur content was approved by the US EPA. This alternative can only be used for pipeline quality natural gas being used for fuel. All required documentation that the fuel meets the definition of pipeline natural gas must be maintained at the facility and provided upon request.

**# 010 [40 CFR Part 60 Standards of Performance for New Stationary Sources §40 CFR 60.335]****Subpart GG - Standards of Performance for Stationary Gas Turbines  
Test methods and procedures.**

(a) The owner or operator shall conduct the performance tests required in §60.8, using either

(1) EPA Method 20,

(2) ASTM D6522-00 (incorporated by reference, see §60.17), or

(3) EPA Method 7E and either EPA Method 3 or 3A in appendix A to this part, to determine NO<sub>x</sub> and diluent concentration.

(4) Sampling traverse points are to be selected following Method 20 or Method 1, (non-particulate procedures) and sampled for equal time intervals. The sampling shall be performed with a traversing single-hole probe or, if feasible, with a

**SECTION D. Source Level Requirements**

stationary multi-hole probe that samples each of the points sequentially. Alternatively, a multi-hole probe designed and documented to sample equal volumes from each hole may be used to sample simultaneously at the required points.

(5) Notwithstanding paragraph (a)(4) of this section, the owner or operator may test at few points that are specified in Method 1 or Method 20 if the following conditions are met:

(i) You may perform a stratification test for NOX and diluent pursuant to

(A) [Reserved]

(B) The procedures specified in section 6.5.6.1(a) through (e) appendix A to part 75 of this chapter.

(ii) Once the stratification sampling is completed, the owner or operator may use the following alternative sample point selection criteria for the performance test:

(A) If each of the individual traverse point NOX concentrations, normalized to 15 percent O<sub>2</sub>, is within ± 10 percent of the mean normalized concentration for all traverse points, then you may use 3 points (located either 16.7, 50.0, and 83.3 percent of the way across the stack or duct, or, for circular stacks or ducts greater than 2.4 meters (7.8 feet) in diameter, at 0.4, 1.2, and 2.0 meters from the wall). The 3 points shall be located along the measurement line that exhibited the highest average normalized NOX concentration during the stratification test; or

(B) If each of the individual traverse point NOX concentrations, normalized to 15 percent O<sub>2</sub>, is within ± 5 percent of the mean normalized concentration for all traverse points, then you may sample at a single point, located at least 1 meter from the stack wall or at the stack centroid.

(6) Other acceptable alternative reference methods and procedures are given in paragraph (c) of this section.

(b) The owner or operator shall determine compliance with the applicable nitrogen oxides emission limitation in §60.332 and shall meet the performance test requirements of §60.8 as follows:

(1) For each run of the performance test, the mean nitrogen oxides emission concentration (NOX<sub>o</sub>) corrected to 15 percent O<sub>2</sub> shall be corrected to ISO standard conditions using the following equation. Notwithstanding this requirement, use of the ISO correction equation is optional for: Lean premix stationary combustion turbines; units used in association with heat recovery steam generators (HRSG) equipped with duct burners; and units equipped with add-on emission control devices:

$$\text{NOX} = (\text{NOX}_o)(\text{Pr}/\text{Po})^{(0.5)} * e^{[19(\text{Ho}-0.00633)]} * (288^\circ\text{K}/\text{Ta})^{1.53}$$

Where:

NOX = emission concentration of NOX at 15 percent O<sub>2</sub> and ISO standard ambient conditions, ppm by volume, dry basis,

NOX<sub>o</sub> = mean observed NOX concentration, ppm by volume, dry basis, at 15 percent O<sub>2</sub>,

Pr = reference combustor inlet absolute pressure at 101.3 kilopascals ambient pressure, mm Hg,

Po = observed combustor inlet absolute pressure at test, mm Hg,

Ho = observed humidity of ambient air, g H<sub>2</sub>O/g air,

e = transcendental constant, 2.718, and

Ta = ambient temperature, K.

(2) The 3-run performance test required by §60.8 must be performed within ± 5 percent at 30, 50, 75, and 90-to-100 percent of peak load or at four evenly-spaced load points in the normal operating range of the gas turbine, including the minimum point in the operating range and 90-to-100 percent of peak load, or at the highest achievable load point if 90-to-100 percent of peak load cannot be physically achieved in practice. If the turbine combusts both oil and gas as primary or backup fuels, separate performance testing is required for each fuel. Notwithstanding these requirements, performance testing is not required for any emergency fuel (as defined in §60.331).

(3) For a combined cycle turbine system with supplemental heat (duct burner), the owner or operator may elect to measure the turbine NOX emissions after the duct burner rather than directly after the turbine. If the owner or operator elects to use this alternative sampling location, the applicable NOX emission limit in §60.332 for the combustion turbine must still be

**SECTION D. Source Level Requirements**

met.

(4) - (10) Not Applicable - See the Custom Fuel Monitoring Plans approved by USEPA (March 23, 1995 and October 8, 2003)

(c) The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:

(1) Instead of using the equation in paragraph (b)(1) of this section, manufacturers may develop ambient condition correction factors to adjust the nitrogen oxides emission level measured by the performance test as provided in §60.8 to ISO standard day conditions.

[69 FR 41363, July 8, 2004, as amended at 71 FR 9458, Feb. 24, 2006; 79 FR 11250, Feb. 27, 2014]

**III. MONITORING REQUIREMENTS.****# 011 [25 Pa. Code §127.12b]****Plan approval terms and conditions.**

(a) The permittee shall operate and maintain Continuous Emission Monitoring Systems (CEMS) downstream of each gas turbine/duct burner process train to monitor the following:

(1) CO emissions in ppmvd (1-hour average) at 15% oxygen and at ambient conditions.

(2) NOx emissions in ppmvd (1-hour average) at 15% oxygen and at ambient conditions.

(3) CO and NOx emissions in lbs/hr and continuous rolling twelve month totals of CO and NOx emissions in tons, with the twelve month totals to be calculated at the end of each calendar month.

(b) The Continuous Emission Monitoring Systems for CO and NOx must be approved by the Department and installed, operated, and maintained in accordance with the requirements of 25 Pa. Code Chapter 139 and the Department's most recent "Continuous Source Monitoring Manual" and be approved by the Department.

[From Plan Approval 25-923B]

**# 012 [25 Pa. Code §127.511]****Monitoring and related recordkeeping and reporting requirements.**

The permittee shall conduct daily observations of all of the emission points for this source in accordance with the requirements in Section C, Conditions #007 and #008. This daily observation will be used as an indicator value for the demonstration of compliance with the particulate matter limitations in Conditions #002(a)(1) and #002(b)(1), above. If visible emissions are observed being emitted from this source which are not attributed to upset conditions or equipment malfunctions, the permittee shall conduct testing of the emissions point to demonstrate actual compliance or noncompliance with the particulate matter limitation.

**# 013 [40 CFR Part 60 Standards of Performance for New Stationary Sources §40 CFR 60.334]****Subpart GG - Standards of Performance for Stationary Gas Turbines****Monitoring of operations.**

In accordance with the letter from the U.S. Environmental Protection Agency dated March 23, 1995, the permittee shall perform the following monitoring, recordkeeping and reporting requirements in lieu of the continuous parametric monitoring of the water-to-fuel ratio as required in 40 CFR Section 60.334(a):

(1) Each turbine meets the NOx emission limitations of this permit.

(2) Each NOx Continuous Emission Monitoring System (CEMS) required for this source continues to meet the requirements of this permit, 25 Pa. Code Chapter 139, and 40 CFR Section 60.13, Appendix B and Appendix F for certifying, maintaining, operating and assuring quality of the system.

**SECTION D. Source Level Requirements**

(3) Each NO<sub>x</sub> CEMS continues to calculate NO<sub>x</sub> emission concentrations corrected to 15% oxygen.

(4) The CEMS Data availability shall be no less than 95% on a quarterly basis.

(5) The NO<sub>x</sub> CEMS provides four (4) data points for each hour and calculates a 1-hour average.

(6) The permittee shall submit an excess emissions, as calculated according to the requirements of 40 CFR Section 60.13(h), and monitoring systems performance report and/or a summary report form to the U.S. EPA and the Department, on a quarterly basis, if excess emissions are determined. These reports shall include the information required in 40 CFR Sections 60.7(c) and 60.7(d).

(7) The permittee shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by 40 CFR Section 60.7 recorded in a permanent form suitable for inspection.

**# 014 [40 CFR Part 60 Standards of Performance for New Stationary Sources §40 CFR 60.334]**

**Subpart GG - Standards of Performance for Stationary Gas Turbines**

**Monitoring of operations.**

As approved by the U.S. Environmental Protection Agency on March 23, 1995, the permittee shall comply with the following custom fuel monitoring requirements in lieu of the requirements under 40 CFR Section 60.334:

(1) Analytical methods and procedures for analyzing fuel nitrogen and sulfur content shall be used in accordance with 40 CFR Section 60.335 and Condition #005 for this source.

(2) The permittee shall conduct the required monitoring for fuel nitrogen and sulfur content on a quarterly basis.

(3) The permittee shall notify the U.S. Environmental Protection Agency and the Department within fifteen (15) days if any fuel nitrogen or sulfur content monitoring performed under item (2) indicates noncompliance with 40 CFR Sections 60.332, 60.333, and the conditions of this permit.

(4) If any of the fuel nitrogen or sulfur content monitoring indicates noncompliance with the limits in this permit, the permittee shall conduct weekly fuel nitrogen and sulfur content monitoring while the custom schedule is being reviewed by the U.S. EPA and the Department.

(5) The permittee shall notify the U.S. EPA and the Department if there is a change in the fuel supply and the custom fuel schedule will be re-examined by EPA. A substantial change in fuel quality shall be considered as a change in fuel supply. Fuel nitrogen and sulfur content monitoring shall be conducted weekly during the interim period when the custom schedule is being re-examined.

(6) Records of fuel analysis and fuel supply pertinent to this custom schedule shall be retained for a period of five (5) years.

**# 015 [40 CFR Part 60 Standards of Performance for New Stationary Sources §40 CFR 60.334]**

**Subpart GG - Standards of Performance for Stationary Gas Turbines**

**Monitoring of operations.**

As approved by the U.S. Environmental Protection Agency on October 8, 2003, the permittee shall comply with the following custom fuel monitoring requirements in lieu of the requirements under 40 CFR Section 60.334. The approval is based on firing only natural gas fuel and waives the daily monitoring, computing, and recordkeeping of the nitrogen content of the fuel combusted in the turbines. The approval also waives the fuel sulfur content monitoring on a daily basis because the owner/operator has agreed to use 0.3 grains of hydrogen sulfide per 100 scf pipeline quality natural gas which is about 850 times lower than the sulfur level allowed by 40 CFR Part 60, Subpart GG. However, the EPA did not grant a waiver for reporting SO<sub>2</sub> excess emission.

1. The facility must install, maintain and continuously operate a fuel flow meter which can give a metered flow of gaseous fuel or the amount of gas combusted during the hour (100 scf).

**SECTION D. Source Level Requirements**

2. The facility must demonstrate compliance with the SO<sub>2</sub> emission limit established at 40 CFR Section 60.333(a).
3. The facility must verify that the pipeline natural gas to be burned by the facility contains less than 0.3 grains of hydrogen sulfide per 100 scf.
4. The facility must supply certification that the hydrogen sulfide content in the gas constitutes at least 50 percent (by weight) of the total sulfur in the gas. The certification required must be in the form of a certificate of analysis or similar document which is certified by the gas supplier or other analyzer.

**IV. RECORDKEEPING REQUIREMENTS.****# 016 [25 Pa. Code §127.12b]****Plan approval terms and conditions.**

The permittee shall maintain a record of the VOC emissions from this source on a monthly basis. The facility shall use the results from the most recent stack test to estimate the emissions from this source.

[Authority for this condition is also derived from 25 Pa. Code Section 129.95.]

[From Plan Approval 25-923B]

**# 017 [25 Pa. Code §127.511]****Monitoring and related recordkeeping and reporting requirements.**

[Additional authority for this permit condition is derived from 40 CFR Section 60.334, and 25 Pa. Code Sections 139.101(5), 139.101(12), and 139.103]

A) The permittee shall comply with the recordkeeping requirements established in 25 Pa. Code Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources), the "Record Keeping and Reporting" requirements in Revision No. 8 of the Department's Continuous Source Monitoring Manual, 274-0300-001, and the recordkeeping requirements established in 40 CFR Section 60.107.

B) Records shall be retained for at least 5 years and shall be made available to the Department upon request.

[Compliance with any subsequently issued revision to the Continuous Source Monitoring Manual will constitute compliance with this permit condition.]

**# 018 [40 CFR Part 60 Standards of Performance for New Stationary Sources §40 CFR 60.7]****Subpart A - General Provisions****Notification and record keeping.**

(a) The permittee shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

(b) As approved by the Department on June 26, 1995, startup and shutdown periods shall be limited a maximum duration of three hours per occurrence. Startup periods shall be limited to the time as soon as suitable steam becomes available for injection into the NO<sub>x</sub> control system, not to exceed a three hour period.

**V. REPORTING REQUIREMENTS.****# 019 [25 Pa. Code §127.12b]****Plan approval terms and conditions.**

(a) The permittee shall submit the following information to the Department within thirty (30) days of the end of each calendar quarter:

- (1) The hours of operation for each turbine and duct burner.
- (2) The monthly CO and NO<sub>x</sub> emission from the turbines and duct burners in tons.

**SECTION D. Source Level Requirements**

(3) The monthly cumulative total of the hours of operation and the consecutive 12-month rolling totals for CO and NOx emissions in tons.

(4) All CEMS reports as required by 25 Pa. Code Chapter 139 and the Department's Continuous Source Monitoring Manual.

(b) A copy of all requests, reports, applications, submittals, and other communications with the Department that are required by 40 CFR Part 60, Subpart GG or the Department's plan approval requirements (identified as 25 Pa. Code § 127.12b) shall be sent to the U.S. EPA's representative identified in Section B of this permit.

[From Plan Approval 25-923B]

**# 020 [25 Pa. Code §127.511]****Monitoring and related recordkeeping and reporting requirements.**

When invalid data hours occur, with respect to the Continuous Emission Monitoring System, the permittee shall use and report the highest valid emission value for that operating condition (Process Code) and duct burner status (On or Off), during the 24-hour period in which valid emissions values for that operating condition and duct burner status were last recorded.

**# 021 [25 Pa. Code §127.511]****Monitoring and related recordkeeping and reporting requirements.**

[Additional authority for this permit condition is derived from 40 CFR Section 60.334, and 25 Pa. Code Sections 139.101(1)(iv), 139.101(10), 139.101(12), and 139.103]

A) The permittee shall submit quarterly reports of continuous emission monitoring to the Department in accordance with the requirements established in 25 Pa. Code Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources), and, the "Record Keeping and Reporting" requirements as established in Revision No. 8 of the Department's Continuous Source Monitoring Manual, 274-0300-001, and the reporting requirements established in 40 CFR Section 60.107.

B) The permittee shall report emissions for all periods of unit operation, including startup, shutdown and malfunction.

C) Initial quarterly reports following system certification shall be submitted to the Department within 35 days following the date upon which the Department notifies the owner or operator, in writing, of the approval of the continuous source monitoring system for use in determining compliance with applicable emission standards.

D) Subsequent quarterly reports shall be submitted to the Department within 30 days after the end of each calendar quarter.

E) Failure to submit required reports of continuous emission monitoring within the time periods specified in this Condition, shall constitute violations of this Permit, unless approved in advance by the Department in writing.

[Compliance with any subsequently issued revision to the Continuous Source Monitoring Manual will constitute compliance with this permit condition.]

**VI. WORK PRACTICE REQUIREMENTS.****# 022 [25 Pa. Code §127.511]****Monitoring and related recordkeeping and reporting requirements.**

The permittee shall operate and maintain this source in accordance with the manufacturer's specifications and good operating practices.

**VII. ADDITIONAL REQUIREMENTS.****# 023 [25 Pa. Code §127.511]****Monitoring and related recordkeeping and reporting requirements.**

[The permittee shall comply with the following Quality Assurance Requirements for the CEMS]

[Additional authority for this permit condition is derived from 40 CFR Section(s) 60.330-335, and 25 Pa. Code Sections

**SECTION D. Source Level Requirements**

139.101(1)(v), 139.101(2), 139.101(3), 139.101(4), 139.101(6), 139.101(7), 139.101(8), 139.101(12), 139.101(14) and 139.101(15)].

A) Continuous Emission Monitoring Systems and components must be operated and maintained in accordance with the requirements established in 25 Pa. Code Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources) and the "Quality Assurance" requirements in Revision No. 8 of the Department's Continuous Source Monitoring Manual, 274-0300-001.

[Compliance with any subsequently issued revision to the Continuous Source Monitoring Manual will constitute compliance with this permit condition.]

**# 024 [25 Pa. Code §127.511]**

**Monitoring and related recordkeeping and reporting requirements.**

[The permittee shall comply with the following General Requirements for the CEMS.]

A) The permittee shall perform the emissions monitoring analysis procedures or test methods required under an applicable requirement including procedures and methods under Sections 114(a)(3) ( 42 U.S.C.A.§§ 7414 (a)(3)) or 504(b) ( 42 U.S.C.A.§§ 7661c(b)) of the Clean Air Act .

B) Unless otherwise required by this permit, the permittee shall comply with applicable monitoring, quality assurance, recordkeeping and reporting requirements of the Air Pollution Control Act, 25 Pa. Code Article III, (relating to air resources), including Chapter 139 (relating to sampling and testing). The permittee shall also comply with applicable requirements related to monitoring, quality assurance, reporting and recordkeeping required by the Clean Air Act and regulations thereunder including applicable monitoring requirements of 40 CFR Part 60, unless otherwise required by this permit.

**# 025 [25 Pa. Code §127.531]**

**Special conditions related to acid rain.**

(a) This facility is an affected source subject to the Phase II acid rain requirements under Title IV of the Clean Air Act. In accordance with 25 Pa. Code Section 127.531, the Air Pollution Control Act, and Title IV of the Clean Air Act, the Department has issued and is incorporating by reference the Phase II Acid Rain Permit attached in Appendix A.

(b) SO<sub>2</sub> allowance allocations and NO<sub>x</sub> requirements for each affected unit. See Attachment A.

(c) Comments, Notes and Justification: None.

(d) Acid Rain Permit Application(s). See Attachment A.

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



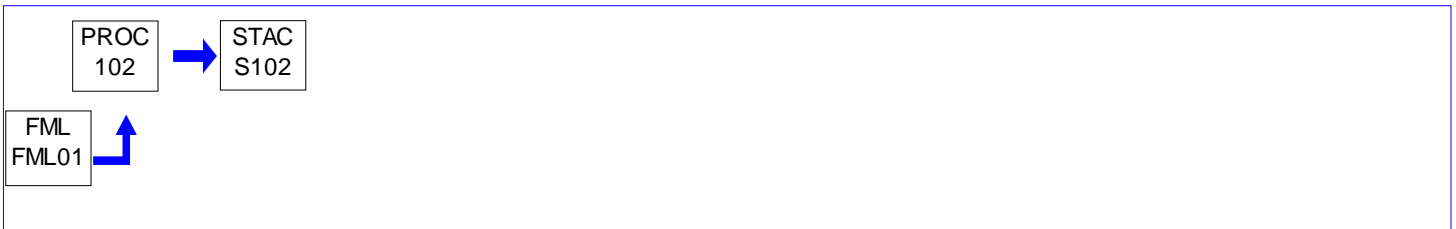
**SECTION D. Source Level Requirements**

Source ID: 102

Source Name: MISCELLANEOUS NATURAL GAS USAGE

Source Capacity/Throughput: 6.300 MMBTU/HR

5.853 MCF/HR Natural Gas

**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 from a process in a manner that the concentration of particulate matter in the effluent gas exceeds .04 grain per dry standard cubic foot, when the effluent gas volume is less than 150,000 dry standard cubic feet per minute.

# 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.

**Fuel Restriction(s).**

# 003 [25 Pa. Code §127.441]

**Operating permit terms and conditions.**

The permittee shall operate this source using only natural gas as a fuel.

**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).

**SECTION D. Source Level Requirements****VI. WORK PRACTICE REQUIREMENTS.****# 004 [25 Pa. Code §129.97]****Presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule.**

(c) The owner and operator of a source specified in this subsection, which is located at a major NOx emitting facility or major VOC emitting facility subject to § 129.96 shall install, maintain and operate the source in accordance with the manufacturer's specifications and with good operating practices:

(3) A boiler or other combustion source with an individual rated gross heat input less than 20 million Btu/hour.

[Applies to the Rapid Engineering 5.5 mmBtu/hr unit.]

**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: PART 97 REQUIREMENTS  
 Group Description: Requirements of 40 CFR Part 97  
 Sources included in this group

ID	Name
001	GAS TURBINE & DUCT BURNER (UNIT 1)
002	GAS TURBINE & DUCT BURNER (UNIT 2)

**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.**

**# 001 [40 CFR Part 97 NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs §40 CFR 97.404]  
 Subpart AAAAA - CSAPR NOx Annual Trading Program  
 Applicability.**

(a) Gas Turbine no(s) 1 & 2 (Source ID's 001 and 002) are subject to the applicable requirements of 40 CFR Part 97, Subpart AAAAA - TR NOx Annual Trading Program. As determined by 97.410 and adjusted on an annual basis by EPA, Gas Turbine no. 1 (Source ID 001) is allocated the following TR NOx Annual allowances for the years 2015 through 2020:

Year	NOx Annual Allocation (tons)
2015	9
2016	9
2017	9
2018	9
2019	9
2020	9

Gas Turbine no. 2 (Source ID 002) is allocated the following TR NOx Annual allowances for the years 2015 through 2020:

Year	NOx Annual Allocation (tons)
2015	5
2016	5
2017	5

**SECTION E. Source Group Restrictions.**

2018 5  
 2019 5  
 2020 5

(b) In accordance with 40 CFR § § 97.421, EPA will announce in a notice of data availability and record in the respective Annual NOx Compliance Account(s), the allowance allocations for control periods beyond the year 2020.

(c) The allowances in subsection (a) of this condition are subject to change. Any changes will be promulgated by US EPA in a notice of data availability. Upon promulgation, the new allowances replace the amounts in subsection (a) by rule.

**# 002 [40 CFR Part 97 NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs §40 CFR 97.404]  
 Subpart AAAAA - CSAPR NOX Annual Trading Program  
 Applicability.**

(a) Except as provided in paragraph (b) of this section:

(1) The following units in a State (and Indian country within the borders of such State) shall be CSAPR NOX Annual units, and any source that includes one or more such units shall be a CSAPR NOX Annual source, subject to the requirements of this subpart: Any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, on or after January 1, 2005, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.

(2) If a stationary boiler or stationary combustion turbine that, under paragraph (a)(1) of this section, is not a CSAPR NOX Annual unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than 25 MWe producing electricity for sale, the unit shall become a CSAPR NOX Annual unit as provided in paragraph (a)(1) of this section on the first date on which it both combusts fossil fuel and serves such generator.

(b) Any unit in a State (and Indian country within the borders of such State) that otherwise is a CSAPR NOX Annual unit under paragraph (a) of this section and that meets the requirements set forth in paragraph (b)(1)(i) or (2)(i) of this section shall not be a CSAPR NOX Annual unit:

(1)(i) Any unit:

(A) Qualifying as a cogeneration unit throughout the later of 2005 or the 12-month period starting on the date the unit first produces electricity and continuing to qualify as a cogeneration unit throughout each calendar year ending after the later of 2005 or such 12-month period; and

(B) Not supplying in 2005 or any calendar year thereafter more than one-third of the unit's potential electrical output capacity or 219,000 MWh, whichever is greater, to any utility power distribution system for sale.

(ii) If, after qualifying under paragraph (b)(1)(i) of this section as not being a CSAPR NOX Annual unit, a unit subsequently no longer meets all the requirements of paragraph (b)(1)(i) of this section, the unit shall become a CSAPR NOX Annual unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of paragraph (b)(1)(i)(B) of this section. The unit shall thereafter continue to be a CSAPR NOX Annual unit.

(2)(i) Any unit:

(A) Qualifying as a solid waste incineration unit throughout the later of 2005 or the 12-month period starting on the date the unit first produces electricity and continuing to qualify as a solid waste incineration unit throughout each calendar year ending after the later of 2005 or such 12-month period; and

(B) With an average annual fuel consumption of fossil fuel for the first 3 consecutive calendar years of operation starting no earlier than 2005 of less than 20 percent (on a Btu basis) and an average annual fuel consumption of fossil fuel for any 3 consecutive calendar years thereafter of less than 20 percent (on a Btu basis).

(ii) If, after qualifying under paragraph (b)(2)(i) of this section as not being a CSAPR NOX Annual unit, a unit subsequently no longer meets all the requirements of paragraph (b)(2)(i) of this section, the unit shall become a CSAPR NOX Annual unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a solid waste

**SECTION E. Source Group Restrictions.**

incineration unit or January 1 after the first 3 consecutive calendar years after 2005 for which the unit has an average annual fuel consumption of fossil fuel of 20 percent or more. The unit shall thereafter continue to be a CSAPR NOX Annual unit.

(c) A certifying official of an owner or operator of any unit or other equipment may submit a petition (including any supporting documents) to the Administrator at any time for a determination concerning the applicability, under paragraphs (a) and (b) of this section or a SIP revision approved under §52.38(a)(4) or (5) of this chapter, of the CSAPR NOX Annual Trading Program to the unit or other equipment.

(1) Petition content. The petition shall be in writing and include the identification of the unit or other equipment and the relevant facts about the unit or other equipment. The petition and any other documents provided to the Administrator in connection with the petition shall include the following certification statement, signed by the certifying official: "I am authorized to make this submission on behalf of the owners and operators of the unit or other equipment for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(2) Response. The Administrator will issue a written response to the petition and may request supplemental information determined by the Administrator to be relevant to such petition. The Administrator's determination concerning the applicability, under paragraphs (a) and (b) of this section, of the CSAPR NOX Annual Trading Program to the unit or other equipment shall be binding on any State or permitting authority unless the Administrator determines that the petition or other documents or information provided in connection with the petition contained significant, relevant errors or omissions.

[76 FR 48379, Aug. 8, 2011, as amended at 81 FR 74605, Oct. 26, 2016]

**# 003 [40 CFR Part 97 NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs §40 CFR 97.406]  
Subpart AAAAA - CSAPR NOX Annual Trading Program  
Standard requirements.**

(a) Designated representative requirements. The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with §§97.413 through 97.418.

(b) Emissions monitoring, reporting, and recordkeeping requirements. (1) The owners and operators, and the designated representative, of each CSAPR NOX Annual source and each CSAPR NOX Annual unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of §§97.430 through 97.435.

(2) The emissions data determined in accordance with §§97.430 through 97.435 shall be used to calculate allocations of CSAPR NOX Annual allowances under §§97.411(a)(2) and (b) and 97.412 and to determine compliance with the CSAPR NOX Annual emissions limitation and assurance provisions under paragraph (c) of this section, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with §§97.430 through 97.435 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

(c) NOX emissions requirements—(1) CSAPR NOX Annual emissions limitation. (i) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NOX Annual source and each CSAPR NOX Annual unit at the source shall hold, in the source's compliance account, CSAPR NOX Annual allowances available for deduction for such control period under §97.424(a) in an amount not less than the tons of total NOX emissions for such control period from all CSAPR NOX Annual units at the source.

(ii) If total NOX emissions during a control period in a given year from the CSAPR NOX Annual units at a CSAPR NOX Annual source are in excess of the CSAPR NOX Annual emissions limitation set forth in paragraph (c)(1)(i) of this section, then:

(A) The owners and operators of the source and each CSAPR NOX Annual unit at the source shall hold the CSAPR NOX Annual allowances required for deduction under §97.424(d); and

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(B) The owners and operators of the source and each CSAPR NOX Annual unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart and the Clean Air Act.

(2) CSAPR NOX Annual assurance provisions. (i) If total NOX emissions during a control period in a given year from all CSAPR NOX Annual units at CSAPR NOX Annual sources in a State (and Indian country within the borders of such State) exceed the State assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NOX emissions during such control period exceeds the common designated representative's assurance level for the State and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR NOX Annual allowances available for deduction for such control period under §97.425(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with §97.425(b), of multiplying—

(A) The quotient of the amount by which the common designated representative's share of such NOX emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the State (and Indian country within the borders of such State) for such control period, by which each common designated representative's share of such NOX emissions exceeds the respective common designated representative's assurance level; and

(B) The amount by which total NOX emissions from all CSAPR NOX Annual units at CSAPR NOX Annual sources in the State (and Indian country within the borders of such State) for such control period exceed the State assurance level.

(ii) The owners and operators shall hold the CSAPR NOX Annual allowances required under paragraph (c)(2)(i) of this section, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after the year of such control period.

(iii) Total NOX emissions from all CSAPR NOX Annual units at CSAPR NOX Annual sources in a State (and Indian country within the borders of such State) during a control period in a given year exceed the State assurance level if such total NOX emissions exceed the sum, for such control period, of the State NOX Annual trading budget under §97.410(a) and the State's variability limit under §97.410(b).

(iv) It shall not be a violation of this subpart or of the Clean Air Act if total NOX emissions from all CSAPR NOX Annual units at CSAPR NOX Annual sources in a State (and Indian country within the borders of such State) during a control period exceed the State assurance level or if a common designated representative's share of total NOX emissions from the CSAPR NOX Annual units at CSAPR NOX Annual sources in a State (and Indian country within the borders of such State) during a control period exceeds the common designated representative's assurance level.

(v) To the extent the owners and operators fail to hold CSAPR NOX Annual allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) of this section,

(A) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and

(B) Each CSAPR NOX Annual allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) of this section and each day of such control period shall constitute a separate violation of this subpart and the Clean Air Act.

(3) Compliance periods. (i) A CSAPR NOX Annual 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, 2015 or the deadline for meeting the unit's monitor certification requirements under §97.430(b) and for each control period thereafter.

(ii) A CSAPR NOX Annual unit shall be subject to the requirements under paragraph (c)(2) of this section for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under §97.430(b) and for each control period thereafter.

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(4) Vintage of CSAPR NOX Annual allowances held for compliance. (i) A CSAPR NOX Annual allowance held for compliance with the requirements under paragraph (c)(1)(i) of this section for a control period in a given year must be a CSAPR NOX Annual allowance that was allocated or auctioned for such control period or a control period in a prior year.

(ii) A CSAPR NOX Annual allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (2)(i) through (iii) of this section for a control period in a given year must be a CSAPR NOX Annual allowance that was allocated or auctioned for a control period in a prior year or the control period in the given year or in the immediately following year.

(5) Allowance Management System requirements. Each CSAPR NOX Annual allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with this subpart.

(6) Limited authorization. A CSAPR NOX Annual allowance is a limited authorization to emit one ton of NOX during the control period in one year. Such authorization is limited in its use and duration as follows:

(i) Such authorization shall only be used in accordance with the CSAPR NOX Annual Trading Program; and

(ii) Notwithstanding any other provision of this subpart, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.

(7) Property right. A CSAPR NOX Annual allowance does not constitute a property right.

(d) Title V permit requirements. (1) No title V permit revision shall be required for any allocation, holding, deduction, or transfer of CSAPR NOX Annual allowances in accordance with this subpart.

(2) A description of whether a unit is required to monitor and report NOX emissions using a continuous emission monitoring system (under subpart H of part 75 of this chapter), an excepted monitoring system (under appendices D and E to part 75 of this chapter), a low mass emissions excepted monitoring methodology (under §75.19 of this chapter), or an alternative monitoring system (under subpart E of part 75 of this chapter) in accordance with §§97.430 through 97.435 may be added to, or changed in, a title V permit using minor permit modification procedures in accordance with §§70.7(e)(2) and 71.7(e)(1) of this chapter, provided that the requirements applicable to the described monitoring and reporting (as added or changed, respectively) are already incorporated in such permit. This paragraph explicitly provides that the addition of, or change to, a unit's description as described in the prior sentence is eligible for minor permit modification procedures in accordance with §§70.7(e)(2)(i)(B) and 71.7(e)(1)(i)(B) of this chapter.

(e) Additional recordkeeping and reporting requirements. (1) Unless otherwise provided, the owners and operators of each CSAPR NOX Annual source and each CSAPR NOX Annual unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) 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 Administrator.

(i) The certificate of representation under §97.416 for the designated representative for the source and each CSAPR NOX Annual 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 certificate of representation and documents are superseded because of the submission of a new certificate of representation under §97.416 changing the designated representative.

(ii) All emissions monitoring information, in accordance with this subpart.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NOX Annual Trading Program.

(2) The designated representative of a CSAPR NOX Annual source and each CSAPR NOX Annual unit at the source shall make all submissions required under the CSAPR NOX Annual Trading Program, except as provided in §97.418. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in parts 70 and 71 of this chapter.

(f) Liability. (1) Any provision of the CSAPR NOX Annual Trading Program that applies to a CSAPR NOX Annual source or the

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designated representative of a CSAPR NOX Annual source shall also apply to the owners and operators of such source and of the CSAPR NOX Annual units at the source.

(2) Any provision of the CSAPR NOX Annual Trading Program that applies to a CSAPR NOX Annual unit or the designated representative of a CSAPR NOX Annual unit shall also apply to the owners and operators of such unit.

(g) Effect on other authorities. No provision of the CSAPR NOX Annual Trading Program or exemption under §97.405 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NOX Annual source or CSAPR NOX Annual unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

[76 FR 48379, Aug. 8, 2011, as amended at 77 FR 10334, Feb. 21, 2012; 79 FR 71672, Dec. 3, 2014; 81 FR 74606, Oct. 26, 2016]

**# 004 [40 CFR Part 97 NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs §40 CFR 97.411]**

**Subpart AAAAA - CSAPR NOX Annual Trading Program**

**Timing requirements for TR NOX Annual allowance allocations.**

(a) Existing units. (1) CSAPR NOX Annual allowances are allocated, for the control periods in 2015 and each year thereafter, as provided in a notice of data availability issued by the Administrator. Providing an allocation to a unit in such notice does not constitute a determination that the unit is a CSAPR NOX Annual unit, and not providing an allocation to a unit in such notice does not constitute a determination that the unit is not a CSAPR NOX Annual unit.

(2) Notwithstanding paragraph (a)(1) of this section, if a unit provided an allocation in the notice of data availability issued under paragraph (a)(1) of this section does not operate, starting after 2014, during the control period in two consecutive years, such unit will not be allocated the CSAPR NOX Annual allowances provided in such notice for the unit for the control periods in the fifth year after the first such year and in each year after that fifth year. All CSAPR NOX Annual allowances that would otherwise have been allocated to such unit will be allocated to the new unit set-aside for the State where such unit is located and for the respective years involved. If such unit resumes operation, the Administrator will allocate CSAPR NOX Annual allowances to the unit in accordance with paragraph (b) of this section.

(b) [Does not apply]

(c) Units incorrectly allocated CSAPR NOX Annual allowances. (1) For each control period in 2015 and thereafter, if the Administrator determines that CSAPR NOX Annual allowances were allocated under paragraph (a) of this section, or under a provision of a SIP revision approved under §52.38(a)(3), (4), or (5) of this chapter, where such control period and the recipient are covered by the provisions of paragraph (c)(1)(i) of this section or were allocated under §97.412(a)(2) through (7), (9), and (12) and (b)(2) through (7), (9), and (12), or under a provision of a SIP revision approved under §52.38(a)(4) or (5) of this chapter, where such control period and the recipient are covered by the provisions of paragraph (c)(1)(ii) of this section, then the Administrator will notify the designated representative of the recipient and will act in accordance with the procedures set forth in paragraphs (c)(2) through (5) of this section:

(i)(A) The recipient is not actually a CSAPR NOX Annual unit under §97.404 as of January 1, 2015 and is allocated CSAPR NOX Annual allowances for such control period or, in the case of an allocation under a provision of a SIP revision approved under §52.38(a)(3), (4), or (5) of this chapter, the recipient is not actually a CSAPR NOX Annual unit as of January 1, 2015 and is allocated CSAPR NOX Annual allowances for such control period that the SIP revision provides should be allocated only to recipients that are CSAPR NOX Annual units as of January 1, 2015; or

(B) The recipient is not located as of January 1 of the control period in the State from whose NOX Annual trading budget the CSAPR NOX Annual allowances allocated under paragraph (a) of this section, or under a provision of a SIP revision approved under §52.38(a)(3), (4), or (5) of this chapter, were allocated for such control period.

(ii) The recipient is not actually a CSAPR NOX Annual unit under §97.404 as of January 1 of such control period and is allocated CSAPR NOX Annual allowances for such control period or, in the case of an allocation under a provision of a SIP revision approved under §52.38(a)(4) or (5) of this chapter, the recipient is not actually a CSAPR NOX Annual unit as of January 1 of such control period and is allocated CSAPR NOX Annual allowances for such control period that the SIP revision provides should be allocated only to recipients that are CSAPR NOX Annual units as of January 1 of such control period.



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(2) Except as provided in paragraph (c)(3) or (4) of this section, the Administrator will not record such CSAPR NOX Annual allowances under §97.421.

(3) If the Administrator already recorded such CSAPR NOX Annual allowances under §97.421 and if the Administrator makes the determination under paragraph (c)(1) of this section before making deductions for the source that includes such recipient under §97.424(b) for such control period, then the Administrator will deduct from the account in which such CSAPR NOX Annual allowances were recorded an amount of CSAPR NOX Annual allowances allocated for the same or a prior control period equal to the amount of such already recorded CSAPR NOX Annual allowances. The authorized account representative shall ensure that there are sufficient CSAPR NOX Annual allowances in such account for completion of the deduction.

(4) If the Administrator already recorded such CSAPR NOX Annual allowances under §97.421 and if the Administrator makes the determination under paragraph (c)(1) of this section after making deductions for the source that includes such recipient under §97.424(b) for such control period, then the Administrator will not make any deduction to take account of such already recorded CSAPR NOX Annual allowances.

(5)(i) With regard to the CSAPR NOX Annual allowances that are not recorded, or that are deducted as an incorrect allocation, in accordance with paragraphs (c)(2) and (3) of this section for a recipient under paragraph (c)(1)(i) of this section, the Administrator will:

(A) Transfer such CSAPR NOX Annual allowances to the new unit set-aside for such control period for the State from whose NOX Annual trading budget the CSAPR NOX Annual allowances were allocated; or

(B) If the State has a SIP revision approved under §52.38(a)(4) or (5) of this chapter covering such control period, include such CSAPR NOX Annual allowances in the portion of the State NOX Annual trading budget that may be allocated for such control period in accordance with such SIP revision.

(ii) With regard to the CSAPR NOX Annual allowances that were not allocated from the Indian country new unit set-aside for such control period and that are not recorded, or that are deducted as an incorrect allocation, in accordance with paragraphs (c)(2) and (3) of this section for a recipient under paragraph (c)(1)(ii) of this section, the Administrator will:

(A) Transfer such CSAPR NOX Annual allowances to the new unit set-aside for such control period; or

(B) If the State has a SIP revision approved under §52.38(a)(4) or (5) of this chapter covering such control period, include such CSAPR NOX Annual allowances in the portion of the State NOX Annual trading budget that may be allocated for such control period in accordance with such SIP revision.

(iii) With regard to the CSAPR NOX Annual allowances that were allocated from the Indian country new unit set-aside for such control period and that are not recorded, or that are deducted as an incorrect allocation, in accordance with paragraphs (c)(2) and (3) of this section for a recipient under paragraph (c)(1)(ii) of this section, the Administrator will transfer such CSAPR NOX Annual allowances to the Indian country new unit set-aside for such control period.

[76 FR 48379, Aug. 8, 2011, as amended at 79 FR 71672, Dec. 3, 2014; 81 FR 74606, Oct. 26, 2016]

**# 005 [40 CFR Part 97 NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs §40 CFR 97.430]**

**Subpart AAAAA - CSAPR NOX Annual Trading Program**

**General monitoring, recordkeeping, and reporting requirements.**

The owners and operators, and to the extent applicable, the designated representative, of a CSAPR NOX Annual unit, shall comply with the monitoring, recordkeeping, and reporting requirements as provided in this subpart and subpart H of part 75 of this chapter. For purposes of applying such requirements, the definitions in §97.402 and in §72.2 of this chapter shall apply, the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in part 75 of this chapter shall be deemed to refer to the terms "CSAPR NOX Annual unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") respectively as defined in §97.402, and the term "newly affected unit" shall be deemed to mean "newly affected CSAPR NOX Annual unit". The owner or operator of a unit that is not a CSAPR NOX Annual unit but that is monitored under §75.72(b)(2)(ii) of this chapter shall comply with the same monitoring, recordkeeping, and reporting requirements as a CSAPR NOX Annual unit.

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(a) Requirements for installation, certification, and data accounting. The owner or operator of each CSAPR NOX Annual unit shall:

(1) Install all monitoring systems required under this subpart for monitoring NOX mass emissions and individual unit heat input (including all systems required to monitor NOX emission rate, NOX concentration, stack gas moisture content, stack gas flow rate, CO<sub>2</sub> or O<sub>2</sub> concentration, and fuel flow rate, as applicable, in accordance with §§75.71 and 75.72 of this chapter);

(2) Successfully complete all certification tests required under §97.431 and meet all other requirements of this subpart and part 75 of this chapter applicable to the monitoring systems under paragraph (a)(1) of this section; and

(3) Record, report, and quality-assure the data from the monitoring systems under paragraph (a)(1) of this section.

(b) Compliance deadlines. Except as provided in paragraph (e) of this section, the owner or operator of a CSAPR NOX Annual unit shall meet the monitoring system certification and other requirements of paragraphs (a)(1) and (2) of this section on or before the later of the following dates and shall record, report, and quality-assure the data from the monitoring systems under paragraph (a)(1) of this section on and after the later of the following dates:

(1) January 1, 2015; or

(2) 180 calendar days after the date on which the unit commences commercial operation.

(3) The owner or operator of a CSAPR NOX Annual unit for which construction of a new stack or flue or installation of add-on NOX emission controls is completed after the applicable deadline under paragraph (b)(1) or (2) of this section shall meet the requirements of §75.4(e)(1) through (4) of this chapter, except that:

(i) Such requirements shall apply to the monitoring systems required under §97.430 through §97.435, rather than the monitoring systems required under part 75 of this chapter;

(ii) NOX emission rate, NOX concentration, stack gas moisture content, stack gas volumetric flow rate, and O<sub>2</sub> or CO<sub>2</sub> concentration data shall be determined and reported, rather than the data listed in §75.4(e)(2) of this chapter; and

(iii) Any petition for another procedure under §75.4(e)(2) of this chapter shall be submitted under §97.435, rather than §75.66 of this chapter.

(c) Reporting data. The owner or operator of a CSAPR NOX Annual unit that does not meet the applicable compliance date set forth in paragraph (b) of this section for any monitoring system under paragraph (a)(1) of this section shall, for each such monitoring system, determine, record, and report maximum potential (or, as appropriate, minimum potential) values for NOX concentration, NOX emission rate, stack gas flow rate, stack gas moisture content, fuel flow rate, and any other parameters required to determine NOX mass emissions and heat input in accordance with §75.31(b)(2) or (c)(3) of this chapter, section 2.4 of appendix D to part 75 of this chapter, or section 2.5 of appendix E to part 75 of this chapter, as applicable.

(d) Prohibitions. (1) No owner or operator of a CSAPR NOX Annual unit shall use any alternative monitoring system, alternative reference method, or any other alternative to any requirement of this subpart without having obtained prior written approval in accordance with §97.435.

(2) No owner or operator of a CSAPR NOX Annual unit shall operate the unit so as to discharge, or allow to be discharged, NOX to the atmosphere without accounting for all such NOX in accordance with the applicable provisions of this subpart and part 75 of this chapter.

(3) No owner or operator of a CSAPR NOX Annual unit shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NOX mass discharged into the atmosphere or heat input, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this subpart and part 75 of this chapter.

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(4) No owner or operator of a CSAPR NOX Annual unit shall retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved monitoring system under this subpart, except under any one of the following circumstances:

(i) During the period that the unit is covered by an exemption under §97.405 that is in effect;

(ii) The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this subpart and part 75 of this chapter, by the Administrator for use at that unit that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system; or

(iii) The designated representative submits notification of the date of certification testing of a replacement monitoring system for the retired or discontinued monitoring system in accordance with §97.431(d)(3)(i).

(e) Long-term cold storage. The owner or operator of a CSAPR NOX Annual unit is subject to the applicable provisions of §75.4(d) of this chapter concerning units in long-term cold storage.

[76 FR 48379, Aug. 8, 2011, as amended at 79 FR 71672, Dec. 3, 2014; 81 FR 74607, Oct. 26, 2016]

**# 006 [40 CFR Part 97 NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs §40 CFR 97.431] Subpart AAAAA - CSAPR NOX Annual Trading Program Initial monitoring system certification and recertification procedures.**

(a) The owner or operator of a CSAPR NOX Annual unit shall be exempt from the initial certification requirements of this section for a monitoring system under §97.430(a)(1) if the following conditions are met:

(1) The monitoring system has been previously certified in accordance with part 75 of this chapter; and

(2) The applicable quality-assurance and quality-control requirements of §75.21 of this chapter and appendices B, D, and E to part 75 of this chapter are fully met for the certified monitoring system described in paragraph (a)(1) of this section.

(b) The recertification provisions of this section shall apply to a monitoring system under §97.430(a)(1) that is exempt from initial certification requirements under paragraph (a) of this section.

(c) If the Administrator has previously approved a petition under §75.17(a) or (b) of this chapter for apportioning the NOX emission rate measured in a common stack or a petition under §75.66 of this chapter for an alternative to a requirement in §75.12 or §75.17 of this chapter, the designated representative shall resubmit the petition to the Administrator under §97.435 to determine whether the approval applies under the CSAPR NOX Annual Trading Program.

(d) Except as provided in paragraph (a) of this section, the owner or operator of a CSAPR NOX Annual unit shall comply with the following initial certification and recertification procedures for a continuous monitoring system (i.e., a continuous emission monitoring system and an excepted monitoring system under appendices D and E to part 75 of this chapter) under §97.430(a)(1). The owner or operator of a unit that qualifies to use the low mass emissions excepted monitoring methodology under §75.19 of this chapter or that qualifies to use an alternative monitoring system under subpart E of part 75 of this chapter shall comply with the procedures in paragraph (e) or (f) of this section respectively.

(1) Requirements for initial certification. The owner or operator shall ensure that each continuous monitoring system under §97.430(a)(1) (including the automated data acquisition and handling system) successfully completes all of the initial certification testing required under §75.20 of this chapter by the applicable deadline in §97.430(b). In addition, whenever the owner or operator installs a monitoring system to meet the requirements of this subpart in a location where no such monitoring system was previously installed, initial certification in accordance with §75.20 of this chapter is required.

(2) Requirements for recertification. Whenever the owner or operator makes a replacement, modification, or change in any certified continuous emission monitoring system under §97.430(a)(1) that may significantly affect the ability of the system to accurately measure or record NOX mass emissions or heat input rate or to meet the quality-assurance and quality-control requirements of §75.21 of this chapter or appendix B to part 75 of this chapter, the owner or operator shall recertify the monitoring system in accordance with §75.20(b) of this chapter. Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that may significantly change

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the stack flow or concentration profile, the owner or operator shall recertify each continuous emission monitoring system whose accuracy is potentially affected by the change, in accordance with §75.20(b) of this chapter. Examples of changes to a continuous emission monitoring system that require recertification include replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site. Any fuel flowmeter system, and any excepted NOX monitoring system under appendix E to part 75 of this chapter, under §97.430(a)(1) are subject to the recertification requirements in §75.20(g)(6) of this chapter.

(3) Approval process for initial certification and recertification. For initial certification of a continuous monitoring system under §97.430(a)(1), paragraphs (d)(3)(i) through (v) of this section apply. For recertifications of such monitoring systems, paragraphs (d)(3)(i) through (iv) of this section and the procedures in §75.20(b)(5) and (g)(7) of this chapter (in lieu of the procedures in paragraph (d)(3)(v) of this section) apply, provided that in applying paragraphs (d)(3)(i) through (iv) of this section, the words "certification" and "initial certification" are replaced by the word "recertification" and the word "certified" is replaced by with the word "recertified".

(i) Notification of certification. The designated representative shall submit to the appropriate EPA Regional Office and the Administrator written notice of the dates of certification testing, in accordance with §97.433.

(ii) Certification application. The designated representative shall submit to the Administrator a certification application for each monitoring system. A complete certification application shall include the information specified in §75.63 of this chapter.

(iii) Provisional certification date. The provisional certification date for a monitoring system shall be determined in accordance with §75.20(a)(3) of this chapter. A provisionally certified monitoring system may be used under the CSAPR NOX Annual Trading Program for a period not to exceed 120 days after receipt by the Administrator of the complete certification application for the monitoring system under paragraph (d)(3)(ii) of this section. Data measured and recorded by the provisionally certified monitoring system, in accordance with the requirements of part 75 of this chapter, will be considered valid quality-assured data (retroactive to the date and time of provisional certification), provided that the Administrator does not invalidate the provisional certification by issuing a notice of disapproval within 120 days of the date of receipt of the complete certification application by the Administrator.

(iv) Certification application approval process. The Administrator will issue a written notice of approval or disapproval of the certification application to the owner or operator within 120 days of receipt of the complete certification application under paragraph (d)(3)(ii) of this section. In the event the Administrator does not issue such a notice within such 120-day period, each monitoring system that meets the applicable performance requirements of part 75 of this chapter and is included in the certification application will be deemed certified for use under the CSAPR NOX Annual Trading Program.

(A) Approval notice. If the certification application is complete and shows that each monitoring system meets the applicable performance requirements of part 75 of this chapter, then the Administrator will issue a written notice of approval of the certification application within 120 days of receipt.

(B) Incomplete application notice. If the certification application is not complete, then the Administrator will issue a written notice of incompleteness that sets a reasonable date by which the designated representative must submit the additional information required to complete the certification application. If the designated representative does not comply with the notice of incompleteness by the specified date, then the Administrator may issue a notice of disapproval under paragraph (d)(3)(iv)(C) of this section.

(C) Disapproval notice. If the certification application shows that any monitoring system does not meet the performance requirements of part 75 of this chapter or if the certification application is incomplete and the requirement for disapproval under paragraph (d)(3)(iv)(B) of this section is met, then the Administrator will issue a written notice of disapproval of the certification application. Upon issuance of such notice of disapproval, the provisional certification is invalidated by the Administrator and the data measured and recorded by each uncertified monitoring system shall not be considered valid quality-assured data beginning with the date and hour of provisional certification (as defined under §75.20(a)(3) of this chapter).

(D) Audit decertification. The Administrator may issue a notice of disapproval of the certification status of a monitor in accordance with §97.432(b).

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(v) Procedures for loss of certification. If the Administrator issues a notice of disapproval of a certification application under paragraph (d)(3)(iv)(C) of this section or a notice of disapproval of certification status under paragraph (d)(3)(iv)(D) of this section, then:

(A) The owner or operator shall substitute the following values, for each disapproved monitoring system, for each hour of unit operation during the period of invalid data specified under §75.20(a)(4)(iii), §75.20(g)(7), or §75.21(e) of this chapter and continuing until the applicable date and hour specified under §75.20(a)(5)(i) or (g)(7) of this chapter:

(1) For a disapproved NOX emission rate (i.e., NOX-diluent) system, the maximum potential NOX emission rate, as defined in §72.2 of this chapter.

(2) For a disapproved NOX pollutant concentration monitor and disapproved flow monitor, respectively, the maximum potential concentration of NOX and the maximum potential flow rate, as defined in sections 2.1.2.1 and 2.1.4.1 of appendix A to part 75 of this chapter.

(3) For a disapproved moisture monitoring system and disapproved diluent gas monitoring system, respectively, the minimum potential moisture percentage and either the maximum potential CO2 concentration or the minimum potential O2 concentration (as applicable), as defined in sections 2.1.5, 2.1.3.1, and 2.1.3.2 of appendix A to part 75 of this chapter.

(4) For a disapproved fuel flowmeter system, the maximum potential fuel flow rate, as defined in section 2.4.2.1 of appendix D to part 75 of this chapter.

(5) For a disapproved excepted NOX monitoring system under appendix E to part 75 of this chapter, the fuel-specific maximum potential NOX emission rate, as defined in §72.2 of this chapter.

(B) The designated representative shall submit a notification of certification retest dates and a new certification application in accordance with paragraphs (d)(3)(i) and (ii) of this section.

(C) The owner or operator shall repeat all certification tests or other requirements that were failed by the monitoring system, as indicated in the Administrator's notice of disapproval, no later than 30 unit operating days after the date of issuance of the notice of disapproval.

(e) The owner or operator of a unit qualified to use the low mass emissions (LME) excepted methodology under §75.19 of this chapter shall meet the applicable certification and recertification requirements in §§75.19(a)(2) and 75.20(h) of this chapter. If the owner or operator of such a unit elects to certify a fuel flowmeter system for heat input determination, the owner or operator shall also meet the certification and recertification requirements in §75.20(g) of this chapter.

(f) The designated representative of each unit for which the owner or operator intends to use an alternative monitoring system approved by the Administrator under subpart E of part 75 of this chapter shall comply with the applicable notification and application procedures of §75.20(f) of this chapter.

[76 FR 48379, Aug. 8, 2011, as amended at 81 FR 74607, Oct. 26, 2016]

**# 007 [40 CFR Part 97 NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs §40 CFR 97.434]  
Subpart AAAAA - CSAPR NOX Annual Trading Program  
Recordkeeping and reporting.**

(a) General provisions. The designated representative shall comply with all recordkeeping and reporting requirements in paragraphs (b) through (e) of this section, the applicable recordkeeping and reporting requirements under §75.73 of this chapter, and the requirements of §97.414(a).

(b) Monitoring plans. The owner or operator of a CSAPR NOX Annual unit shall comply with the requirements of §75.73(c) and (e) of this chapter.

(c) Certification applications. The designated representative shall submit an application to the Administrator within 45 days after completing all initial certification or recertification tests required under §97.431, including the information required under §75.63 of this chapter.

**SECTION E. Source Group Restrictions.**

(d) Quarterly reports. The designated representative shall submit quarterly reports, as follows:

(1) The designated representative shall report the NOX mass emissions data and heat input data for a CSAPR NOX Annual unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with the later of:

(i) The calendar quarter covering January 1, 2015 through March 31, 2015; or

(ii) The calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under §97.430(b).

(2) The designated representative shall submit each quarterly report to the Administrator within 30 days after the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in §75.73(f) of this chapter.

(3) For CSAPR NOX Annual units that are also subject to the Acid Rain Program, CSAPR NOX Ozone Season Group 1 Trading Program, CSAPR NOX Ozone Season Group 2 Trading Program, CSAPR SO2 Group 1 Trading Program, or CSAPR SO2 Group 2 Trading Program, quarterly reports shall include the applicable data and information required by subparts F through H of part 75 of this chapter as applicable, in addition to the NOX mass emission data, heat input data, and other information required by this subpart.

(4) The Administrator may review and conduct independent audits of any quarterly report in order to determine whether the quarterly report meets the requirements of this subpart and part 75 of this chapter, including the requirement to use substitute data.

(i) The Administrator will notify the designated representative of any determination that the quarterly report fails to meet any such requirements and specify in such notification any corrections that the Administrator believes are necessary to make through resubmission of the quarterly report and a reasonable time period within which the designated representative must respond. Upon request by the designated representative, the Administrator may specify reasonable extensions of such time period. Within the time period (including any such extensions) specified by the Administrator, the designated representative shall resubmit the quarterly report with the corrections specified by the Administrator, except to the extent the designated representative provides information demonstrating that a specified correction is not necessary because the quarterly report already meets the requirements of this subpart and part 75 of this chapter that are relevant to the specified correction.

(ii) Any resubmission of a quarterly report shall meet the requirements applicable to the submission of a quarterly report under this subpart and part 75 of this chapter, except for the deadline set forth in paragraph (d)(2) of this section.

(e) Compliance certification. The designated representative shall submit to the Administrator a compliance certification (in a format prescribed by the Administrator) in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that:

(1) The monitoring data submitted were recorded in accordance with the applicable requirements of this subpart and part 75 of this chapter, including the quality assurance procedures and specifications; and

(2) For a unit with add-on NOX emission controls and for all hours where NOX data are substituted in accordance with §75.34(a)(1) of this chapter, the add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B to part 75 of this chapter and the substitute data values do not systematically underestimate NOX emissions.

[76 FR 48379, Aug. 8, 2011, as amended at 79 FR 71672, Dec. 3, 2014; 81 FR 74607, Oct. 26, 2016]

**# 008 [40 CFR Part 97 NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs §40 CFR 97.604]**  
**Subpart CCCCC - CSAPR SO2 Group 1 Trading Program**  
**Applicability.**

(a) Gas Turbines No. 1 & 2 (Source IDs 001 & 002) are subject to the applicable requirements of 40 CFR Part 97 Subpart



**SECTION E. Source Group Restrictions.**

CCCCC - TR SO2 Group 1 Trading Program. As determined by 97.610 and adjusted on an annual basis by EPA, Gas Turbine no. 1 (Source ID 001) is allocated the following TR SO2 Group 1 allowances for the years 2015 through 2020:

Year	SO2 Group 1 Annual Allocation (tons)
2015	0
2016	0
2017	0
2018	0
2019	0
2020	0

Gas Turbine no. 2 (Source ID 002) is allocated the following TR SO2 Group 1 allowances for the years 2015 through 2020:

Year	SO2 Group 1 Annual Allocation (tons)
2015	0
2016	0
2017	0
2018	0
2019	0
2020	0

(b) In accordance with 40 CFR § 97.621, EPA will announce in a notice of data availability and record in the respective Annual SO2 Group 1 Compliance Account(s), the allowance allocations for control periods beyond the year 2020.

(c) The allowances in subsection (a) of this condition are subject to change. Any changes will be promulgated by US EPA in a notice of data availability. Upon promulgation, the new allowances replace the amounts in subsection (a) by rule.

**# 009 [40 CFR Part 97 NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs §40 CFR 97.604]**  
**Subpart CCCCC - CSAPR SO2 Group 1 Trading Program**  
**Applicability.**

(a) Except as provided in paragraph (b) of this section:

(1) The following units in a State (and Indian country within the borders of such State) shall be CSAPR SO2 Group 1 units, and any source that includes one or more such units shall be a CSAPR SO2 Group 1 source, subject to the requirements of this subpart: Any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, on or after January 1, 2005, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.

(2) If a stationary boiler or stationary combustion turbine that, under paragraph (a)(1) of this section, is not a CSAPR SO2 Group 1 unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than 25 MWe producing electricity for sale, the unit shall become a CSAPR SO2 Group 1 unit as provided in paragraph (a)(1) of this section on the first date on which it both combusts fossil fuel and serves such generator.

(b) Any unit in a State (and Indian country within the borders of such State) that otherwise is a CSAPR SO2 Group 1 unit under paragraph (a) of this section and that meets the requirements set forth in paragraph (b)(1)(i) or (2)(i) of this section shall not be a CSAPR SO2 Group 1 unit:

(1)(i) Any unit:

(A) Qualifying as a cogeneration unit throughout the later of 2005 or the 12-month period starting on the date the unit first produces electricity and continuing to qualify as a cogeneration unit throughout each calendar year ending after the later of 2005 or such 12-month period; and

(B) Not supplying in 2005 or any calendar year thereafter more than one-third of the unit's potential electrical output capacity or 219,000 MWh, whichever is greater, to any utility power distribution system for sale.

(ii) If, after qualifying under paragraph (b)(1)(i) of this section as not being a CSAPR SO2 Group 1 unit, a unit subsequently no longer meets all the requirements of paragraph (b)(1)(i) of this section, the unit shall become a CSAPR

**SECTION E. Source Group Restrictions.**

SO2 Group 1 unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of paragraph (b)(1)(i)(B) of this section. The unit shall thereafter continue to be a CSAPR SO2 Group 1 unit.

(2)(i) Any unit:

(A) Qualifying as a solid waste incineration unit throughout the later of 2005 or the 12-month period starting on the date the unit first produces electricity and continuing to qualify as a solid waste incineration unit throughout each calendar year ending after the later of 2005 or such 12-month period; and

(B) With an average annual fuel consumption of fossil fuel for the first 3 consecutive calendar years of operation starting no earlier than 2005 of less than 20 percent (on a Btu basis) and an average annual fuel consumption of fossil fuel for any 3 consecutive calendar years thereafter of less than 20 percent (on a Btu basis).

(ii) If, after qualifying under paragraph (b)(2)(i) of this section as not being a CSAPR SO2 Group 1 unit, a unit subsequently no longer meets all the requirements of paragraph (b)(2)(i) of this section, the unit shall become a CSAPR SO2 Group 1 unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a solid waste incineration unit or January 1 after the first 3 consecutive calendar years after 2005 for which the unit has an average annual fuel consumption of fossil fuel of 20 percent or more. The unit shall thereafter continue to be a CSAPR SO2 Group 1 unit.

(c) A certifying official of an owner or operator of any unit or other equipment may submit a petition (including any supporting documents) to the Administrator at any time for a determination concerning the applicability, under paragraphs (a) and (b) of this section or a SIP revision approved under §52.39(e) or (f) of this chapter, of the CSAPR SO2 Group 1 Trading Program to the unit or other equipment.

(1) Petition content. The petition shall be in writing and include the identification of the unit or other equipment and the relevant facts about the unit or other equipment. The petition and any other documents provided to the Administrator in connection with the petition shall include the following certification statement, signed by the certifying official: "I am authorized to make this submission on behalf of the owners and operators of the unit or other equipment for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(2) Response. The Administrator will issue a written response to the petition and may request supplemental information determined by the Administrator to be relevant to such petition. The Administrator's determination concerning the applicability, under paragraphs (a) and (b) of this section, of the CSAPR SO2 Group 1 Trading Program to the unit or other equipment shall be binding on any State or permitting authority unless the Administrator determines that the petition or other documents or information provided in connection with the petition contained significant, relevant errors or omissions.

[76 FR 48432, Aug. 8, 2011, as amended at 81 FR 74616, Oct. 26, 2016]

**# 010 [40 CFR Part 97 NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs §40 CFR 97.606]**

**Subpart CCCCC - CSAPR SO2 Group 1 Trading Program**

**Standard requirements.**

(a) Designated representative requirements. The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with §§97.613 through 97.618.

(b) Emissions monitoring, reporting, and recordkeeping requirements. (1) The owners and operators, and the designated representative, of each CSAPR SO2 Group 1 source and each CSAPR SO2 Group 1 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of §§97.630 through 97.635.

(2) The emissions data determined in accordance with §§97.630 through 97.635 shall be used to calculate allocations of CSAPR SO2 Group 1 allowances under §§97.611(a)(2) and (b) and 97.612 and to determine compliance with the CSAPR



**SECTION E. Source Group Restrictions.**

SO<sub>2</sub> Group 1 emissions limitation and assurance provisions under paragraph (c) of this section, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with §§97.630 through 97.635 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

(c) SO<sub>2</sub> emissions requirements—(1) CSAPR SO<sub>2</sub> Group 1 emissions limitation. (i) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall hold, in the source's compliance account, CSAPR SO<sub>2</sub> Group 1 allowances available for deduction for such control period under §97.624(a) in an amount not less than the tons of total SO<sub>2</sub> emissions for such control period from all CSAPR SO<sub>2</sub> Group 1 units at the source.

(ii) If total SO<sub>2</sub> emissions during a control period in a given year from the CSAPR SO<sub>2</sub> Group 1 units at a CSAPR SO<sub>2</sub> Group 1 source are in excess of the CSAPR SO<sub>2</sub> Group 1 emissions limitation set forth in paragraph (c)(1)(i) of this section, then:

(A) The owners and operators of the source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall hold the CSAPR SO<sub>2</sub> Group 1 allowances required for deduction under §97.624(d); and

(B) The owners and operators of the source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart and the Clean Air Act.

(2) CSAPR SO<sub>2</sub> Group 1 assurance provisions. (i) If total SO<sub>2</sub> emissions during a control period in a given year from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1 sources in a State (and Indian country within the borders of such State) exceed the State assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such SO<sub>2</sub> emissions during such control period exceeds the common designated representative's assurance level for the State and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR SO<sub>2</sub> Group 1 allowances available for deduction for such control period under §97.625(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with §97.625(b), of multiplying—

(A) The quotient of the amount by which the common designated representative's share of such SO<sub>2</sub> emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the State (and Indian country within the borders of such State) for such control period, by which each common designated representative's share of such SO<sub>2</sub> emissions exceeds the respective common designated representative's assurance level; and

(B) The amount by which total SO<sub>2</sub> emissions from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1 sources in the State (and Indian country within the borders of such State) for such control period exceed the State assurance level.

(ii) The owners and operators shall hold the CSAPR SO<sub>2</sub> Group 1 allowances required under paragraph (c)(2)(i) of this section, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after the year of such control period.

(iii) Total SO<sub>2</sub> emissions from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1 sources in a State (and Indian country within the borders of such State) during a control period in a given year exceed the State assurance level if such total SO<sub>2</sub> emissions exceed the sum, for such control period, of the State SO<sub>2</sub> Group 1 trading budget under §97.610(a) and the State's variability limit under §97.610(b).

(iv) It shall not be a violation of this subpart or of the Clean Air Act if total SO<sub>2</sub> emissions from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1 sources in a State (and Indian country within the borders of such State) during a control period exceed the State assurance level or if a common designated representative's share of total SO<sub>2</sub> emissions from the CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1 sources in a State (and Indian country within the borders of such State) during a control period exceeds the common designated representative's assurance level.

**SECTION E. Source Group Restrictions.**

(v) To the extent the owners and operators fail to hold CSAPR SO<sub>2</sub> Group 1 allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) of this section,

(A) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and

(B) Each CSAPR SO<sub>2</sub> Group 1 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) of this section and each day of such control period shall constitute a separate violation of this subpart and the Clean Air Act.

(3) Compliance periods. (i) A CSAPR SO<sub>2</sub> Group 1 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, 2015 or the deadline for meeting the unit's monitor certification requirements under §97.630(b) and for each control period thereafter.

(ii) A CSAPR SO<sub>2</sub> Group 1 unit shall be subject to the requirements under paragraph (c)(2) of this section for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under §97.630(b) and for each control period thereafter.

(4) Vintage of CSAPR SO<sub>2</sub> Group 1 allowances held for compliance. (i) A CSAPR SO<sub>2</sub> Group 1 allowance held for compliance with the requirements under paragraph (c)(1)(i) of this section for a control period in a given year must be a CSAPR SO<sub>2</sub> Group 1 allowance that was allocated or auctioned for such control period or a control period in a prior year.

(ii) A CSAPR SO<sub>2</sub> Group 1 allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (2)(i) through (iii) of this section for a control period in a given year must be a CSAPR SO<sub>2</sub> Group 1 allowance that was allocated or auctioned for a control period in a prior year or the control period in the given year or in the immediately following year.

(5) Allowance Management System requirements. Each CSAPR SO<sub>2</sub> Group 1 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with this subpart.

(6) Limited authorization. A CSAPR SO<sub>2</sub> Group 1 allowance is a limited authorization to emit one ton of SO<sub>2</sub> during the control period in one year. Such authorization is limited in its use and duration as follows:

(i) Such authorization shall only be used in accordance with the CSAPR SO<sub>2</sub> Group 1 Trading Program; and

(ii) Notwithstanding any other provision of this subpart, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.

(7) Property right. A CSAPR SO<sub>2</sub> Group 1 allowance does not constitute a property right.

(d) Title V permit requirements. (1) No title V permit revision shall be required for any allocation, holding, deduction, or transfer of CSAPR SO<sub>2</sub> Group 1 allowances in accordance with this subpart.

(2) A description of whether a unit is required to monitor and report SO<sub>2</sub> emissions using a continuous emission monitoring system (under subpart B of part 75 of this chapter), an excepted monitoring system (under appendices D and E to part 75 of this chapter), a low mass emissions excepted monitoring methodology (under §75.19 of this chapter), or an alternative monitoring system (under subpart E of part 75 of this chapter) in accordance with §§97.630 through 97.635 may be added to, or changed in, a title V permit using minor permit modification procedures in accordance with §§70.7(e)(2) and 71.7(e)(1) of this chapter, provided that the requirements applicable to the described monitoring and reporting (as added or changed, respectively) are already incorporated in such permit. This paragraph explicitly provides that the addition of, or change to, a unit's description as described in the prior sentence is eligible for minor permit modification procedures in accordance with §§70.7(e)(2)(i)(B) and 71.7(e)(1)(i)(B) of this chapter.

(e) Additional recordkeeping and reporting requirements. (1) Unless otherwise provided, the owners and operators of each CSAPR SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) 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 Administrator.

**SECTION E. Source Group Restrictions.**

(i) The certificate of representation under §97.616 for the designated representative for the source and each CSAPR SO<sub>2</sub> Group 1 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 certificate of representation and documents are superseded because of the submission of a new certificate of representation under §97.616 changing the designated representative.

(ii) All emissions monitoring information, in accordance with this subpart.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR SO<sub>2</sub> Group 1 Trading Program.

(2) The designated representative of a CSAPR SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall make all submissions required under the CSAPR SO<sub>2</sub> Group 1 Trading Program, except as provided in §97.618. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in parts 70 and 71 of this chapter.

(f) Liability. (1) Any provision of the CSAPR SO<sub>2</sub> Group 1 Trading Program that applies to a CSAPR SO<sub>2</sub> Group 1 source or the designated representative of a CSAPR SO<sub>2</sub> Group 1 source shall also apply to the owners and operators of such source and of the CSAPR SO<sub>2</sub> Group 1 units at the source.

(2) Any provision of the CSAPR SO<sub>2</sub> Group 1 Trading Program that applies to a CSAPR SO<sub>2</sub> Group 1 unit or the designated representative of a CSAPR SO<sub>2</sub> Group 1 unit shall also apply to the owners and operators of such unit.

(g) Effect on other authorities. No provision of the CSAPR SO<sub>2</sub> Group 1 Trading Program or exemption under §97.605 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR SO<sub>2</sub> Group 1 source or CSAPR SO<sub>2</sub> Group 1 unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

[76 FR 48432, Aug. 8, 2011, as amended at 77 FR 10338, Feb. 21, 2012; 79 FR 71672, Dec. 3, 2014; 81 FR 74616, Aug. 8, 2011;]

**# 011 [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 97.611]**

**Subpart CCCCC - CSAPR SO<sub>2</sub> Group 1 Trading Program**

**Timing requirements for TR SO<sub>2</sub> Group 1 allowance allocations.**

(a) Existing units. (1) CSAPR SO<sub>2</sub> Group 1 allowances are allocated, for the control periods in 2015 and each year thereafter, as provided in a notice of data availability issued by the Administrator. Providing an allocation to a unit in such notice does not constitute a determination that the unit is a CSAPR SO<sub>2</sub> Group 1 unit, and not providing an allocation to a unit in such notice does not constitute a determination that the unit is not a CSAPR SO<sub>2</sub> Group 1 unit.

(2) Notwithstanding paragraph (a)(1) of this section, if a unit provided an allocation in the notice of data availability issued under paragraph (a)(1) of this section does not operate, starting after 2014, during the control period in two consecutive years, such unit will not be allocated the CSAPR SO<sub>2</sub> Group 1 allowances provided in such notice for the unit for the control periods in the fifth year after the first such year and in each year after that fifth year. All CSAPR SO<sub>2</sub> Group 1 allowances that would otherwise have been allocated to such unit will be allocated to the new unit set-aside for the State where such unit is located and for the respective years involved. If such unit resumes operation, the Administrator will allocate CSAPR SO<sub>2</sub> Group 1 allowances to the unit in accordance with paragraph (b) of this section.

(b) [Does not apply]

(c) Units incorrectly allocated CSAPR SO<sub>2</sub> Group 1 allowances. (1) For each control period in 2015 and thereafter, if the Administrator determines that CSAPR SO<sub>2</sub> Group 1 allowances were allocated under paragraph (a) of this section, or under a provision of a SIP revision approved under §52.39(d), (e), or (f) of this chapter, where such control period and the recipient are covered by the provisions of paragraph (c)(1)(i) of this section or were allocated under §97.612(a)(2) through (7), (9), and (12) and (b)(2) through (7), (9), and (12), or under a provision of a SIP revision approved under §52.39(e) or (f) of this chapter, where such control period and the recipient are covered by the provisions of paragraph (c)(1)(ii) of this section, then the Administrator will notify the designated representative of the recipient and will act in accordance with the procedures set forth in paragraphs (c)(2) through (5) of this section:

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(i)(A) The recipient is not actually a CSAPR SO<sub>2</sub> Group 1 unit under §97.604 as of January 1, 2015 and is allocated CSAPR SO<sub>2</sub> Group 1 allowances for such control period or, in the case of an allocation under a provision of a SIP revision approved under §52.39(d), (e), or (f) of this chapter, the recipient is not actually a CSAPR SO<sub>2</sub> Group 1 unit as of January 1, 2015 and is allocated CSAPR SO<sub>2</sub> Group 1 allowances for such control period that the SIP revision provides should be allocated only to recipients that are CSAPR SO<sub>2</sub> Group 1 units as of January 1, 2015; or

(B) The recipient is not located as of January 1 of the control period in the State from whose SO<sub>2</sub> Group 1 trading budget the CSAPR SO<sub>2</sub> Group 1 allowances allocated under paragraph (a) of this section, or under a provision of a SIP revision approved under §52.39(d), (e), or (f) of this chapter, were allocated for such control period.

(ii) The recipient is not actually a CSAPR SO<sub>2</sub> Group 1 unit under §97.604 as of January 1 of such control period and is allocated CSAPR SO<sub>2</sub> Group 1 allowances for such control period or, in the case of an allocation under a provision of a SIP revision approved under §52.39(e) or (f) of this chapter, the recipient is not actually a CSAPR SO<sub>2</sub> Group 1 unit as of January 1 of such control period and is allocated CSAPR SO<sub>2</sub> Group 1 allowances for such control period that the SIP revision provides should be allocated only to recipients that are CSAPR SO<sub>2</sub> Group 1 units as of January 1 of such control period.

(2) Except as provided in paragraph (c)(3) or (4) of this section, the Administrator will not record such CSAPR SO<sub>2</sub> Group 1 allowances under §97.621.

(3) If the Administrator already recorded such CSAPR SO<sub>2</sub> Group 1 allowances under §97.621 and if the Administrator makes the determination under paragraph (c)(1) of this section before making deductions for the source that includes such recipient under §97.624(b) for such control period, then the Administrator will deduct from the account in which such CSAPR SO<sub>2</sub> Group 1 allowances were recorded an amount of CSAPR SO<sub>2</sub> Group 1 allowances allocated for the same or a prior control period equal to the amount of such already recorded CSAPR SO<sub>2</sub> Group 1 allowances. The authorized account representative shall ensure that there are sufficient CSAPR SO<sub>2</sub> Group 1 allowances in such account for completion of the deduction.

(4) If the Administrator already recorded such CSAPR SO<sub>2</sub> Group 1 allowances under §97.621 and if the Administrator makes the determination under paragraph (c)(1) of this section after making deductions for the source that includes such recipient under §97.624(b) for such control period, then the Administrator will not make any deduction to take account of such already recorded CSAPR SO<sub>2</sub> Group 1 allowances.

(5)(i) With regard to the CSAPR SO<sub>2</sub> Group 1 allowances that are not recorded, or that are deducted as an incorrect allocation, in accordance with paragraphs (c)(2) and (3) of this section for a recipient under paragraph (c)(1)(i) of this section, the Administrator will:

(A) Transfer such CSAPR SO<sub>2</sub> Group 1 allowances to the new unit set-aside for such control period for the State from whose SO<sub>2</sub> Group 1 trading budget the CSAPR SO<sub>2</sub> Group 1 allowances were allocated; or

(B) If the State has a SIP revision approved under §52.39(e) or (f) of this chapter covering such control period, include such CSAPR SO<sub>2</sub> Group 1 allowances in the portion of the State SO<sub>2</sub> Group 1 trading budget that may be allocated for such control period in accordance with such SIP revision.

(ii) With regard to the CSAPR SO<sub>2</sub> Group 1 allowances that were not allocated from the Indian country new unit set-aside for such control period and that are not recorded, or that are deducted as an incorrect allocation, in accordance with paragraphs (c)(2) and (3) of this section for a recipient under paragraph (c)(1)(ii) of this section, the Administrator will:

(A) Transfer such CSAPR SO<sub>2</sub> Group 1 allowances to the new unit set-aside for such control period; or

(B) If the State has a SIP revision approved under §52.39(e) or (f) of this chapter covering such control period, include such CSAPR SO<sub>2</sub> Group 1 allowances in the portion of the State SO<sub>2</sub> Group 1 trading budget that may be allocated for such control period in accordance with such SIP revision.

(iii) With regard to the CSAPR SO<sub>2</sub> Group 1 allowances that were allocated from the Indian country new unit set-aside for such control period and that are not recorded, or that are deducted as an incorrect allocation, in accordance with paragraphs (c)(2) and (3) of this section for a recipient under paragraph (c)(1)(ii) of this section, the Administrator will transfer such CSAPR SO<sub>2</sub> Group 1 allowances to the Indian country new unit set-aside for such control period.

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[76 FR 48379, Aug. 8, 2011, as amended at 79 FR 71672, Dec. 3, 2014; 81 FR 74616, Oct. 26, 2016]

**# 012 [40 CFR Part 97 NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs §40 CFR 97.630]**

**Subpart CCCCC - CSAPR SO2 Group 1 Trading Program**

**General monitoring, recordkeeping, and reporting requirements.**

The owners and operators, and to the extent applicable, the designated representative, of a CSAPR SO2 Group 1 unit, shall comply with the monitoring, recordkeeping, and reporting requirements as provided in this subpart and subparts F and G of part 75 of this chapter. For purposes of applying such requirements, the definitions in §97.602 and in §72.2 of this chapter shall apply, the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in part 75 of this chapter shall be deemed to refer to the terms "CSAPR SO2 Group 1 unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") respectively as defined in §97.602, and the term "newly affected unit" shall be deemed to mean "newly affected CSAPR SO2 Group 1 unit". The owner or operator of a unit that is not a CSAPR SO2 Group 1 unit but that is monitored under §75.16(b)(2) of this chapter shall comply with the same monitoring, recordkeeping, and reporting requirements as a CSAPR SO2 Group 1 unit.

(a) Requirements for installation, certification, and data accounting. The owner or operator of each CSAPR SO2 Group 1 unit shall:

(1) Install all monitoring systems required under this subpart for monitoring SO2 mass emissions and individual unit heat input (including all systems required to monitor SO2 concentration, stack gas moisture content, stack gas flow rate, CO2 or O2 concentration, and fuel flow rate, as applicable, in accordance with §§75.11 and 75.16 of this chapter);

(2) Successfully complete all certification tests required under §97.631 and meet all other requirements of this subpart and part 75 of this chapter applicable to the monitoring systems under paragraph (a)(1) of this section; and

(3) Record, report, and quality-assure the data from the monitoring systems under paragraph (a)(1) of this section.

(b) Compliance deadlines. Except as provided in paragraph (e) of this section, the owner or operator of a CSAPR SO2 Group 1 unit shall meet the monitoring system certification and other requirements of paragraphs (a)(1) and (2) of this section on or before the later of the following dates and shall record, report, and quality-assure the data from the monitoring systems under paragraph (a)(1) of this section on and after the later of the following dates:

(1) January 1, 2015; or

(2) 180 calendar days after the date on which the unit commences commercial operation.

(3) The owner or operator of a CSAPR SO2 Group 1 unit for which construction of a new stack or flue or installation of add-on SO2 emission controls is completed after the applicable deadline under paragraph (b)(1) or (2) of this section shall meet the requirements of §75.4(e)(1) through (4) of this chapter, except that:

(i) Such requirements shall apply to the monitoring systems required under §97.630 through §97.635, rather than the monitoring systems required under part 75 of this chapter;

(ii) SO2 concentration, stack gas moisture content, stack gas volumetric flow rate, and O2 or CO2 concentration data shall be determined and reported, rather than the data listed in §75.4(e)(2) of this chapter; and

(iii) Any petition for another procedure under §75.4(e)(2) of this chapter shall be submitted under §97.635, rather than §75.66 of this chapter.

(c) Reporting data. The owner or operator of a CSAPR SO2 Group 1 unit that does not meet the applicable compliance date set forth in paragraph (b) of this section for any monitoring system under paragraph (a)(1) of this section shall, for each such monitoring system, determine, record, and report maximum potential (or, as appropriate, minimum potential) values for SO2 concentration, stack gas flow rate, stack gas moisture content, fuel flow rate, and any other parameters required to determine SO2 mass emissions and heat input in accordance with §75.31(b)(2) or (c)(3) of this chapter or section 2.4 of appendix D to part 75 of this chapter, as applicable.

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(d) Prohibitions. (1) No owner or operator of a CSAPR SO<sub>2</sub> Group 1 unit shall use any alternative monitoring system, alternative reference method, or any other alternative to any requirement of this subpart without having obtained prior written approval in accordance with §97.635.

(2) No owner or operator of a CSAPR SO<sub>2</sub> Group 1 unit shall operate the unit so as to discharge, or allow to be discharged, SO<sub>2</sub> to the atmosphere without accounting for all such SO<sub>2</sub> in accordance with the applicable provisions of this subpart and part 75 of this chapter.

(3) No owner or operator of a CSAPR SO<sub>2</sub> Group 1 unit shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording SO<sub>2</sub> mass discharged into the atmosphere or heat input, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this subpart and part 75 of this chapter.

(4) No owner or operator of a CSAPR SO<sub>2</sub> Group 1 unit shall retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved monitoring system under this subpart, except under any one of the following circumstances:

(i) During the period that the unit is covered by an exemption under §97.605 that is in effect;

(ii) The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this subpart and part 75 of this chapter, by the Administrator for use at that unit that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system; or

(iii) The designated representative submits notification of the date of certification testing of a replacement monitoring system for the retired or discontinued monitoring system in accordance with §97.631(d)(3)(i).

(e) Long-term cold storage. The owner or operator of a CSAPR SO<sub>2</sub> Group 1 unit is subject to the applicable provisions of §75.4(d) of this chapter concerning units in long-term cold storage.

[76 FR 48379, Aug. 8, 2011, as amended at 79 FR 71672, Dec. 3, 2014; 81 FR 74617, Oct. 26, 2016]

**# 013 [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 97.631] Subpart CCCCC - CSAPR SO<sub>2</sub> Group 1 Trading Program Initial monitoring system certification and recertification procedures.**

(a) The owner or operator of a CSAPR SO<sub>2</sub> Group 1 unit shall be exempt from the initial certification requirements of this section for a monitoring system under §97.630(a)(1) if the following conditions are met:

(1) The monitoring system has been previously certified in accordance with part 75 of this chapter; and

(2) The applicable quality-assurance and quality-control requirements of §75.21 of this chapter and appendices B and D to part 75 of this chapter are fully met for the certified monitoring system described in paragraph (a)(1) of this section.

(b) The recertification provisions of this section shall apply to a monitoring system under §97.630(a)(1) that is exempt from initial certification requirements under paragraph (a) of this section.

(c) [Reserved]

(d) Except as provided in paragraph (a) of this section, the owner or operator of a CSAPR SO<sub>2</sub> Group 1 unit shall comply with the following initial certification and recertification procedures, for a continuous monitoring system (i.e., a continuous emission monitoring system and an excepted monitoring system under appendix D to part 75 of this chapter) under §97.630(a)(1). The owner or operator of a unit that qualifies to use the low mass emissions excepted monitoring methodology under §75.19 of this chapter or that qualifies to use an alternative monitoring system under subpart E of part 75 of this chapter shall comply with the procedures in paragraph (e) or (f) of this section respectively.

(1) Requirements for initial certification. The owner or operator shall ensure that each continuous monitoring system under §97.630(a)(1) (including the automated data acquisition and handling system) successfully completes all of the



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initial certification testing required under §75.20 of this chapter by the applicable deadline in §97.630(b). In addition, whenever the owner or operator installs a monitoring system to meet the requirements of this subpart in a location where no such monitoring system was previously installed, initial certification in accordance with §75.20 of this chapter is required.

(2) Requirements for recertification. Whenever the owner or operator makes a replacement, modification, or change in any certified continuous emission monitoring system under §97.630(a)(1) that may significantly affect the ability of the system to accurately measure or record SO<sub>2</sub> mass emissions or heat input rate or to meet the quality-assurance and quality-control requirements of §75.21 of this chapter or appendix B to part 75 of this chapter, the owner or operator shall recertify the monitoring system in accordance with §75.20(b) of this chapter. Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that may significantly change the stack flow or concentration profile, the owner or operator shall recertify each continuous emission monitoring system whose accuracy is potentially affected by the change, in accordance with §75.20(b) of this chapter. Examples of changes to a continuous emission monitoring system that require recertification include replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site. Any fuel flowmeter system under §97.630(a)(1) is subject to the recertification requirements in §75.20(g)(6) of this chapter.

(3) Approval process for initial certification and recertification. For initial certification of a continuous monitoring system under §97.630(a)(1), paragraphs (d)(3)(i) through (v) of this section apply. For recertifications of such monitoring systems, paragraphs (d)(3)(i) through (iv) of this section and the procedures in §75.20(b)(5) and (g)(7) of this chapter (in lieu of the procedures in paragraph (d)(3)(v) of this section) apply, provided that in applying paragraphs (d)(3)(i) through (iv) of this section, the words "certification" and "initial certification" are replaced by the word "recertification" and the word "certified" is replaced by the word "recertified".

(i) Notification of certification. The designated representative shall submit to the appropriate EPA Regional Office and the Administrator written notice of the dates of certification testing, in accordance with §97.633.

(ii) Certification application. The designated representative shall submit to the Administrator a certification application for each monitoring system. A complete certification application shall include the information specified in §75.63 of this chapter.

(iii) Provisional certification date. The provisional certification date for a monitoring system shall be determined in accordance with §75.20(a)(3) of this chapter. A provisionally certified monitoring system may be used under the CSAPR SO<sub>2</sub> Group 1 Trading Program for a period not to exceed 120 days after receipt by the Administrator of the complete certification application for the monitoring system under paragraph (d)(3)(ii) of this section. Data measured and recorded by the provisionally certified monitoring system, in accordance with the requirements of part 75 of this chapter, will be considered valid quality-assured data (retroactive to the date and time of provisional certification), provided that the Administrator does not invalidate the provisional certification by issuing a notice of disapproval within 120 days of the date of receipt of the complete certification application by the Administrator.

(iv) Certification application approval process. The Administrator will issue a written notice of approval or disapproval of the certification application to the owner or operator within 120 days of receipt of the complete certification application under paragraph (d)(3)(ii) of this section. In the event the Administrator does not issue such a notice within such 120-day period, each monitoring system that meets the applicable performance requirements of part 75 of this chapter and is included in the certification application will be deemed certified for use under the CSAPR SO<sub>2</sub> Group 1 Trading Program.

(A) Approval notice. If the certification application is complete and shows that each monitoring system meets the applicable performance requirements of part 75 of this chapter, then the Administrator will issue a written notice of approval of the certification application within 120 days of receipt.

(B) Incomplete application notice. If the certification application is not complete, then the Administrator will issue a written notice of incompleteness that sets a reasonable date by which the designated representative must submit the additional information required to complete the certification application. If the designated representative does not comply with the notice of incompleteness by the specified date, then the Administrator may issue a notice of disapproval under paragraph (d)(3)(iv)(C) of this section.

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(C) Disapproval notice. If the certification application shows that any monitoring system does not meet the performance requirements of part 75 of this chapter or if the certification application is incomplete and the requirement for disapproval under paragraph (d)(3)(iv)(B) of this section is met, then the Administrator will issue a written notice of disapproval of the certification application. Upon issuance of such notice of disapproval, the provisional certification is invalidated by the Administrator and the data measured and recorded by each uncertified monitoring system shall not be considered valid quality-assured data beginning with the date and hour of provisional certification (as defined under §75.20(a)(3) of this chapter).

(D) Audit decertification. The Administrator may issue a notice of disapproval of the certification status of a monitor in accordance with §97.632(b).

(v) Procedures for loss of certification. If the Administrator issues a notice of disapproval of a certification application under paragraph (d)(3)(iv)(C) of this section or a notice of disapproval of certification status under paragraph (d)(3)(iv)(D) of this section, then:

(A) The owner or operator shall substitute the following values, for each disapproved monitoring system, for each hour of unit operation during the period of invalid data specified under §75.20(a)(4)(iii), §75.20(g)(7), or §75.21(e) of this chapter and continuing until the applicable date and hour specified under §75.20(a)(5)(i) or (g)(7) of this chapter:

(1) For a disapproved SO<sub>2</sub> pollutant concentration monitor and disapproved flow monitor, respectively, the maximum potential concentration of SO<sub>2</sub> and the maximum potential flow rate, as defined in sections 2.1.1.1 and 2.1.4.1 of appendix A to part 75 of this chapter.

(2) For a disapproved moisture monitoring system and disapproved diluent gas monitoring system, respectively, the minimum potential moisture percentage and either the maximum potential CO<sub>2</sub> concentration or the minimum potential O<sub>2</sub> concentration (as applicable), as defined in sections 2.1.5, 2.1.3.1, and 2.1.3.2 of appendix A to part 75 of this chapter.

(3) For a disapproved fuel flowmeter system, the maximum potential fuel flow rate, as defined in section 2.4.2.1 of appendix D to part 75 of this chapter.

(B) The designated representative shall submit a notification of certification retest dates and a new certification application in accordance with paragraphs (d)(3)(i) and (ii) of this section.

(C) The owner or operator shall repeat all certification tests or other requirements that were failed by the monitoring system, as indicated in the Administrator's notice of disapproval, no later than 30 unit operating days after the date of issuance of the notice of disapproval.

(e) The owner or operator of a unit qualified to use the low mass emissions (LME) excepted methodology under §75.19 of this chapter shall meet the applicable certification and recertification requirements in §§75.19(a)(2) and 75.20(h) of this chapter. If the owner or operator of such a unit elects to certify a fuel flowmeter system for heat input determination, the owner or operator shall also meet the certification and recertification requirements in §75.20(g) of this chapter.

(f) The designated representative of each unit for which the owner or operator intends to use an alternative monitoring system approved by the Administrator under subpart E of part 75 of this chapter shall comply with the applicable notification and application procedures of §75.20(f) of this chapter.

[76 FR 48432, Aug. 8, 2011, as amended at 81 FR 74618, Oct. 26, 2016]

**# 014 [40 CFR Part 97 NOx Budget Trading Program and CAIR NOx and SO<sub>2</sub> Trading Programs §40 CFR 97.634]  
Subpart CCCCC - CSAPR SO<sub>2</sub> Group 1 Trading Program  
Recordkeeping and reporting.**

(a) General provisions. The designated representative shall comply with all recordkeeping and reporting requirements in paragraphs (b) through (e) of this section, the applicable recordkeeping and reporting requirements in subparts F and G of part 75 of this chapter, and the requirements of §97.614(a).

(b) Monitoring plans. The owner or operator of a CSAPR SO<sub>2</sub> Group 1 unit shall comply with the requirements of §75.62 of this chapter.



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(c) Certification applications. The designated representative shall submit an application to the Administrator within 45 days after completing all initial certification or recertification tests required under §97.631, including the information required under §75.63 of this chapter.

(d) Quarterly reports. The designated representative shall submit quarterly reports, as follows:

(1) The designated representative shall report the SO<sub>2</sub> mass emissions data and heat input data for a CSAPR SO<sub>2</sub> Group 1 unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with the later of:

(i) The calendar quarter covering January 1, 2015 through March 31, 2015; or

(ii) The calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under §97.630(b).

(2) The designated representative shall submit each quarterly report to the Administrator within 30 days after the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in §75.64 of this chapter.

(3) For CSAPR SO<sub>2</sub> Group 1 units that are also subject to the Acid Rain Program, CSAPR NO<sub>x</sub> Annual Trading Program, CSAPR NO<sub>x</sub> Ozone Season Group 1 Trading Program, or CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program, quarterly reports shall include the applicable data and information required by subparts F through H of part 75 of this chapter as applicable, in addition to the SO<sub>2</sub> mass emission data, heat input data, and other information required by this subpart.

(4) The Administrator may review and conduct independent audits of any quarterly report in order to determine whether the quarterly report meets the requirements of this subpart and part 75 of this chapter, including the requirement to use substitute data.

(i) The Administrator will notify the designated representative of any determination that the quarterly report fails to meet any such requirements and specify in such notification any corrections that the Administrator believes are necessary to make through resubmission of the quarterly report and a reasonable time period within which the designated representative must respond. Upon request by the designated representative, the Administrator may specify reasonable extensions of such time period. Within the time period (including any such extensions) specified by the Administrator, the designated representative shall resubmit the quarterly report with the corrections specified by the Administrator, except to the extent the designated representative provides information demonstrating that a specified correction is not necessary because the quarterly report already meets the requirements of this subpart and part 75 of this chapter that are relevant to the specified correction.

(ii) Any resubmission of a quarterly report shall meet the requirements applicable to the submission of a quarterly report under this subpart and part 75 of this chapter, except for the deadline set forth in paragraph (d)(2) of this section.

(e) Compliance certification. The designated representative shall submit to the Administrator a compliance certification (in a format prescribed by the Administrator) in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that:

(1) The monitoring data submitted were recorded in accordance with the applicable requirements of this subpart and part 75 of this chapter, including the quality assurance procedures and specifications; and

(2) For a unit with add-on SO<sub>2</sub> emission controls and for all hours where SO<sub>2</sub> data are substituted in accordance with §75.34(a)(1) of this chapter, the add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B to part 75 of this chapter and the substitute data values do not systematically underestimate SO<sub>2</sub> emissions.

[76 FR 48379, Aug. 8, 2011, as amended at 79 FR 71672, Dec. 3, 2014; 81 FR 74618, Oct. 26, 2016]

**SECTION E. Source Group Restrictions.****# 015 [40 CFR Part 97 NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs §40 CFR 97.804] Subpart EEEEE - CSAPR NOX Ozone Season Group 2 Trading Program Applicability.**

(a) Except as provided in paragraph (b) of this section:

(1) The following units in a State (and Indian country within the borders of such State) shall be CSAPR NOX Ozone Season Group 2 units, and any source that includes one or more such units shall be a CSAPR NOX Ozone Season Group 2 source, subject to the requirements of this subpart: Any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, on or after January 1, 2005, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.

(2) If a stationary boiler or stationary combustion turbine that, under paragraph (a)(1) of this section, is not a CSAPR NOX Ozone Season Group 2 unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than 25 MWe producing electricity for sale, the unit shall become a CSAPR NOX Ozone Season Group 2 unit as provided in paragraph (a)(1) of this section on the first date on which it both combusts fossil fuel and serves such generator.

(b) Any unit in a State (and Indian country within the borders of such State) that otherwise is a CSAPR NOX Ozone Season Group 2 unit under paragraph (a) of this section and that meets the requirements set forth in paragraph (b)(1)(i) or (b)(2)(i) of this section shall not be a CSAPR NOX Ozone Season Group 2 unit:

(1)(i) Any unit:

(A) Qualifying as a cogeneration unit throughout the later of 2005 or the 12-month period starting on the date the unit first produces electricity and continuing to qualify as a cogeneration unit throughout each calendar year ending after the later of 2005 or such 12-month period; and

(B) Not supplying in 2005 or any calendar year thereafter more than one-third of the unit's potential electrical output capacity or 219,000 MWh, whichever is greater, to any utility power distribution system for sale.

(ii) If, after qualifying under paragraph (b)(1)(i) of this section as not being a CSAPR NOX Ozone Season Group 2 unit, a unit subsequently no longer meets all the requirements of paragraph (b)(1)(i) of this section, the unit shall become a CSAPR NOX Ozone Season Group 2 unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of paragraph (b)(1)(i)(B) of this section. The unit shall thereafter continue to be a CSAPR NOX Ozone Season Group 2 unit.

(2)(i) Any unit:

(A) Qualifying as a solid waste incineration unit throughout the later of 2005 or the 12-month period starting on the date the unit first produces electricity and continuing to qualify as a solid waste incineration unit throughout each calendar year ending after the later of 2005 or such 12-month period; and

(B) With an average annual fuel consumption of fossil fuel for the first 3 consecutive calendar years of operation starting no earlier than 2005 of less than 20 percent (on a Btu basis) and an average annual fuel consumption of fossil fuel for any 3 consecutive calendar years thereafter of less than 20 percent (on a Btu basis).

(ii) If, after qualifying under paragraph (b)(2)(i) of this section as not being a CSAPR NOX Ozone Season Group 2 unit, a unit subsequently no longer meets all the requirements of paragraph (b)(2)(i) of this section, the unit shall become a CSAPR NOX Ozone Season Group 2 unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a solid waste incineration unit or January 1 after the first 3 consecutive calendar years after 2005 for which the unit has an average annual fuel consumption of fossil fuel of 20 percent or more. The unit shall thereafter continue to be a CSAPR NOX Ozone Season Group 2 unit.

(c) A certifying official of an owner or operator of any unit or other equipment may submit a petition (including any supporting documents) to the Administrator at any time for a determination concerning the applicability, under paragraphs (a) and (b) of this section or a SIP revision approved under §52.38(b)(6), (8), or (9) of this chapter, of the CSAPR NOX Ozone Season Group 2 Trading Program to the unit or other equipment.

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(1) Petition content. The petition shall be in writing and include the identification of the unit or other equipment and the relevant facts about the unit or other equipment. The petition and any other documents provided to the Administrator in connection with the petition shall include the following certification statement, signed by the certifying official: "I am authorized to make this submission on behalf of the owners and operators of the unit or other equipment for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(2) Response. The Administrator will issue a written response to the petition and may request supplemental information determined by the Administrator to be relevant to such petition. The Administrator's determination concerning the applicability, under paragraphs (a) and (b) of this section, of the CSAPR NOx Ozone Season Group 2 Trading Program to the unit or other equipment shall be binding on any State or permitting authority unless the Administrator determines that the petition or other documents or information provided in connection with the petition contained significant, relevant errors or omissions.

**# 016 [40 CFR Part 97 NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs §40 CFR 97.804] Subpart EEEEE - CSAPR NOx Ozone Season Group 2 Trading Program Applicability.**

(a) Combustion Turbine no(s). 1 & 2 (Source IDs 001 & 002) are subject to the applicable is subject to the applicable requirements of 40 CFR Part 97, Subpart EEEEE - CSAPR NOx Ozone Season Group 2 Trading Program. As determined by 97.810 and adjusted on an annual basis by EPA, Combustion Turbine no. 1 (Source ID 001) is allocated the following TR NOx Ozone Season (May 1 through September 30) allowances for the years 2017 and beyond:

Year	NOx Ozone Season Annual Allocation (tons)
2017	0
2018 and beyond	0

Combustion Turbine no. 2 (Source ID 002) is allocated the following TR NOx Ozone Season (May 1 through September 30) allowances for the years 2017 and beyond:

Year	NOx Ozone Season Annual Allocation (tons)
2017	0
2018 and beyond	0

(b) In accordance with 40 CFR § § 97.821, EPA will announce in a notice of data availability and record in the respective Annual NOx Ozone Season Group 2 Compliance Account(s), the allowance allocations for control periods beyond the year 2020.

(c) The allowances in subsection (a) of this condition are subject to change. Any changes will be promulgated by US EPA in a notice of data availability. Upon promulgation, the new allowances replace the amounts in subsection (a) by rule.

**# 017 [40 CFR Part 97 NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs §40 CFR 97.806] Subpart EEEEE - CSAPR NOx Ozone Season Group 2 Trading Program Standard requirements.**

(a) Designated representative requirements. The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with §§97.813 through 97.818.

(b) Emissions monitoring, reporting, and recordkeeping requirements. (1) The owners and operators, and the designated representative, of each CSAPR NOx Ozone Season Group 2 source and each CSAPR NOx Ozone Season Group 2 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of §§97.830 through 97.835.

(2) The emissions data determined in accordance with §§97.830 through 97.835 shall be used to calculate allocations of CSAPR NOx Ozone Season Group 2 allowances under §§97.811(a)(2) and (b) and 97.812 and to determine compliance with the CSAPR NOx Ozone Season Group 2 emissions limitation and assurance provisions under paragraph (c) of this section, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount

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used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with §§97.830 through 97.835 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

(c) NOX emissions requirements—(1) CSAPR NOX Ozone Season Group 2 emissions limitation. (i) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NOX Ozone Season Group 2 source and each CSAPR NOX Ozone Season Group 2 unit at the source shall hold, in the source's compliance account, CSAPR NOX Ozone Season Group 2 allowances available for deduction for such control period under §97.824(a) in an amount not less than the tons of total NOX emissions for such control period from all CSAPR NOX Ozone Season Group 2 units at the source.

(ii) If total NOX emissions during a control period in a given year from the CSAPR NOX Ozone Season Group 2 units at a CSAPR NOX Ozone Season Group 2 source are in excess of the CSAPR NOX Ozone Season Group 2 emissions limitation set forth in paragraph (c)(1)(i) of this section, then:

(A) The owners and operators of the source and each CSAPR NOX Ozone Season Group 2 unit at the source shall hold the CSAPR NOX Ozone Season Group 2 allowances required for deduction under §97.824(d); and

(B) The owners and operators of the source and each CSAPR NOX Ozone Season Group 2 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart and the Clean Air Act.

(2) CSAPR NOX Ozone Season Group 2 assurance provisions. (i) If total NOX emissions during a control period in a given year from all base CSAPR NOX Ozone Season Group 2 units at base CSAPR NOX Ozone Season Group 2 sources in a State (and Indian country within the borders of such State) exceed the State assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NOX emissions during such control period exceeds the common designated representative's assurance level for the State and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR NOX Ozone Season Group 2 allowances available for deduction for such control period under §97.825(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with §97.825(b), of multiplying—

(A) The quotient of the amount by which the common designated representative's share of such NOX emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the State (and Indian country within the borders of such State) for such control period, by which each common designated representative's share of such NOX emissions exceeds the respective common designated representative's assurance level; and

(B) The amount by which total NOX emissions from all base CSAPR NOX Ozone Season Group 2 units at base CSAPR NOX Ozone Season Group 2 sources in the State (and Indian country within the borders of such State) for such control period exceed the State assurance level.

(ii) The owners and operators shall hold the CSAPR NOX Ozone Season Group 2 allowances required under paragraph (c)(2)(i) of this section, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after the year of such control period.

(iii) Total NOX emissions from all base CSAPR NOX Ozone Season Group 2 units at base CSAPR NOX Ozone Season Group 2 sources in a State (and Indian country within the borders of such State) during a control period in a given year exceed the State assurance level if such total NOX emissions exceed the sum, for such control period, of the State NOX Ozone Season Group 2 trading budget under §97.810(a) and the State's variability limit under §97.810(b).

(iv) It shall not be a violation of this subpart or of the Clean Air Act if total NOX emissions from all base CSAPR NOX Ozone Season Group 2 units at base CSAPR NOX Ozone Season Group 2 sources in a State (and Indian country within the borders of such State) during a control period exceed the State assurance level or if a common designated representative's share of total NOX emissions from the base CSAPR NOX Ozone Season Group 2 units at base CSAPR NOX Ozone Season Group 2 sources in a State (and Indian country within the borders of such State) during a control period exceeds the

**SECTION E. Source Group Restrictions.**

common designated representative's assurance level.

(v) To the extent the owners and operators fail to hold CSAPR NOX Ozone Season Group 2 allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) of this section,

(A) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and

(B) Each CSAPR NOX Ozone Season Group 2 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) of this section and each day of such control period shall constitute a separate violation of this subpart and the Clean Air Act.

(3) Compliance periods. (i) A CSAPR NOX Ozone Season Group 2 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, 2017 or the deadline for meeting the unit's monitor certification requirements under §97.830(b) and for each control period thereafter.

(ii) A base CSAPR NOX Ozone Season Group 2 unit shall be subject to the requirements under paragraph (c)(2) of this section for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under §97.830(b) and for each control period thereafter.

(4) Vintage of CSAPR NOX Ozone Season Group 2 allowances held for compliance. (i) A CSAPR NOX Ozone Season Group 2 allowance held for compliance with the requirements under paragraph (c)(1)(i) of this section for a control period in a given year must be a CSAPR NOX Ozone Season Group 2 allowance that was allocated or auctioned for such control period or a control period in a prior year.

(ii) A CSAPR NOX Ozone Season Group 2 allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (c)(2)(i) through (iii) of this section for a control period in a given year must be a CSAPR NOX Ozone Season Group 2 allowance that was allocated or auctioned for a control period in a prior year or the control period in the given year or in the immediately following year.

(5) Allowance Management System requirements. Each CSAPR NOX Ozone Season Group 2 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with this subpart.

(6) Limited authorization. A CSAPR NOX Ozone Season Group 2 allowance is a limited authorization to emit one ton of NOX during the control period in one year. Such authorization is limited in its use and duration as follows:

(i) Such authorization shall only be used in accordance with the CSAPR NOX Ozone Season Group 2 Trading Program; and

(ii) Notwithstanding any other provision of this subpart, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.

(7) Property right. A CSAPR NOX Ozone Season Group 2 allowance does not constitute a property right.

(d) Title V permit requirements. (1) No title V permit revision shall be required for any allocation, holding, deduction, or transfer of CSAPR NOX Ozone Season Group 2 allowances in accordance with this subpart.

(2) A description of whether a unit is required to monitor and report NOX emissions using a continuous emission monitoring system (under subpart H of part 75 of this chapter), an excepted monitoring system (under appendices D and E to part 75 of this chapter), a low mass emissions excepted monitoring methodology (under §75.19 of this chapter), or an alternative monitoring system (under subpart E of part 75 of this chapter) in accordance with §§97.830 through 97.835 may be added to, or changed in, a title V permit using minor permit modification procedures in accordance with §§70.7(e)(2) and 71.7(e)(1) of this chapter, provided that the requirements applicable to the described monitoring and reporting (as added or changed, respectively) are already incorporated in such permit. This paragraph explicitly provides that the addition of, or change to, a unit's description as described in the prior sentence is eligible for minor permit modification procedures in

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accordance with §§70.7(e)(2)(i)(B) and 71.7(e)(1)(i)(B) of this chapter.

(e) Additional recordkeeping and reporting requirements. (1) Unless otherwise provided, the owners and operators of each CSAPR NOX Ozone Season Group 2 source and each CSAPR NOX Ozone Season Group 2 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) 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 Administrator.

(i) The certificate of representation under §97.816 for the designated representative for the source and each CSAPR NOX Ozone Season Group 2 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 certificate of representation and documents are superseded because of the submission of a new certificate of representation under §97.816 changing the designated representative.

(ii) All emissions monitoring information, in accordance with this subpart.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NOX Ozone Season Group 2 Trading Program.

(2) The designated representative of a CSAPR NOX Ozone Season Group 2 source and each CSAPR NOX Ozone Season Group 2 unit at the source shall make all submissions required under the CSAPR NOX Ozone Season Group 2 Trading Program, except as provided in §97.818. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in parts 70 and 71 of this chapter.

(f) Liability. (1) Any provision of the CSAPR NOX Ozone Season Group 2 Trading Program that applies to a CSAPR NOX Ozone Season Group 2 source or the designated representative of a CSAPR NOX Ozone Season Group 2 source shall also apply to the owners and operators of such source and of the CSAPR NOX Ozone Season Group 2 units at the source.

(2) Any provision of the CSAPR NOX Ozone Season Group 2 Trading Program that applies to a CSAPR NOX Ozone Season Group 2 unit or the designated representative of a CSAPR NOX Ozone Season Group 2 unit shall also apply to the owners and operators of such unit.

(g) Effect on other authorities. No provision of the CSAPR NOX Ozone Season Group 2 Trading Program or exemption under §97.805 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NOX Ozone Season Group 2 source or CSAPR NOX Ozone Season Group 2 unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

**# 018 [40 CFR Part 97 NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs §40 CFR 97.830]**

**Subpart EEEEE - CSAPR NOX Ozone Season Group 2 Trading Program**

**General monitoring, recordkeeping, and reporting requirements.**

The owners and operators, and to the extent applicable, the designated representative, of a CSAPR NOX Ozone Season Group 2 unit, shall comply with the monitoring, recordkeeping, and reporting requirements as provided in this subpart and subpart H of part 75 of this chapter. For purposes of applying such requirements, the definitions in §97.802 and in §72.2 of this chapter shall apply, the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in part 75 of this chapter shall be deemed to refer to the terms "CSAPR NOX Ozone Season Group 2 unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") respectively as defined in §97.802, and the term "newly affected unit" shall be deemed to mean "newly affected CSAPR NOX Ozone Season Group 2 unit". The owner or operator of a unit that is not a CSAPR NOX Ozone Season Group 2 unit but that is monitored under §75.72(b)(2)(ii) of this chapter shall comply with the same monitoring, recordkeeping, and reporting requirements as a CSAPR NOX Ozone Season Group 2 unit.

(a) Requirements for installation, certification, and data accounting. The owner or operator of each CSAPR NOX Ozone Season Group 2 unit shall:

(1) Install all monitoring systems required under this subpart for monitoring NOX mass emissions and individual unit heat input (including all systems required to monitor NOX emission rate, NOX concentration, stack gas moisture content, stack



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gas flow rate, CO<sub>2</sub> or O<sub>2</sub> concentration, and fuel flow rate, as applicable, in accordance with §§75.71 and 75.72 of this chapter);

(2) Successfully complete all certification tests required under §97.831 and meet all other requirements of this subpart and part 75 of this chapter applicable to the monitoring systems under paragraph (a)(1) of this section; and

(3) Record, report, and quality-assure the data from the monitoring systems under paragraph (a)(1) of this section.

(b) Compliance deadlines. Except as provided in paragraph (e) of this section, the owner or operator of a CSAPR NOX Ozone Season Group 2 unit shall meet the monitoring system certification and other requirements of paragraphs (a)(1) and (2) of this section on or before the latest of the following dates and shall record, report, and quality-assure the data from the monitoring systems under paragraph (a)(1) of this section on and after the latest of the following dates:

(1) May 1, 2017;

(2) 180 calendar days after the date on which the unit commences commercial operation; or

(3) Where data for the unit are reported on a control period basis under §97.834(d)(1)(ii)(B), and where the compliance date under paragraph (b)(2) of this section is not in a month from May through September, May 1 immediately after the compliance date under paragraph (b)(2) of this section.

(4) The owner or operator of a CSAPR NOX Ozone Season Group 2 unit for which construction of a new stack or flue or installation of add-on NOX emission controls is completed after the applicable deadline under paragraph (b)(1), (2), or (3) of this section shall meet the requirements of §75.4(e)(1) through (4) of this chapter, except that:

(i) Such requirements shall apply to the monitoring systems required under §97.830 through §97.835, rather than the monitoring systems required under part 75 of this chapter;

(ii) NOX emission rate, NOX concentration, stack gas moisture content, stack gas volumetric flow rate, and O<sub>2</sub> or CO<sub>2</sub> concentration data shall be determined and reported, rather than the data listed in §75.4(e)(2) of this chapter; and

(iii) Any petition for another procedure under §75.4(e)(2) of this chapter shall be submitted under §97.835, rather than §75.66 of this chapter.

(c) Reporting data. The owner or operator of a CSAPR NOX Ozone Season Group 2 unit that does not meet the applicable compliance date set forth in paragraph (b) of this section for any monitoring system under paragraph (a)(1) of this section shall, for each such monitoring system, determine, record, and report maximum potential (or, as appropriate, minimum potential) values for NOX concentration, NOX emission rate, stack gas flow rate, stack gas moisture content, fuel flow rate, and any other parameters required to determine NOX mass emissions and heat input in accordance with §75.31(b)(2) or (c)(3) of this chapter, section 2.4 of appendix D to part 75 of this chapter, or section 2.5 of appendix E to part 75 of this chapter, as applicable.

(d) Prohibitions. (1) No owner or operator of a CSAPR NOX Ozone Season Group 2 unit shall use any alternative monitoring system, alternative reference method, or any other alternative to any requirement of this subpart without having obtained prior written approval in accordance with §97.835.

(2) No owner or operator of a CSAPR NOX Ozone Season Group 2 unit shall operate the unit so as to discharge, or allow to be discharged, NOX to the atmosphere without accounting for all such NOX in accordance with the applicable provisions of this subpart and part 75 of this chapter.

(3) No owner or operator of a CSAPR NOX Ozone Season Group 2 unit shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NOX mass discharged into the atmosphere or heat input, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this subpart and part 75 of this chapter.

(4) No owner or operator of a CSAPR NOX Ozone Season Group 2 unit shall retire or permanently discontinue use of the

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continuous emission monitoring system, any component thereof, or any other approved monitoring system under this subpart, except under any one of the following circumstances:

(i) During the period that the unit is covered by an exemption under §97.805 that is in effect;

(ii) The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this subpart and part 75 of this chapter, by the Administrator for use at that unit that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system; or

(iii) The designated representative submits notification of the date of certification testing of a replacement monitoring system for the retired or discontinued monitoring system in accordance with §97.831(d)(3)(i).

(e) Long-term cold storage. The owner or operator of a CSAPR NOX Ozone Season Group 2 unit is subject to the applicable provisions of §75.4(d) of this chapter concerning units in long-term cold storage.

**# 019 [40 CFR Part 97 NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs §40 CFR 97.834]  
Subpart EEEEE - CSAPR NOX Ozone Season Group 2 Trading Program  
Recordkeeping and reporting.**

(a) General provisions. The designated representative shall comply with all recordkeeping and reporting requirements in paragraphs (b) through (e) of this section, the applicable recordkeeping and reporting requirements under §75.73 of this chapter, and the requirements of §97.814(a).

(b) Monitoring plans. The owner or operator of a CSAPR NOX Ozone Season Group 2 unit shall comply with the requirements of §75.73(c) and (e) of this chapter.

(c) Certification applications. The designated representative shall submit an application to the Administrator within 45 days after completing all initial certification or recertification tests required under §97.831, including the information required under §75.63 of this chapter.

(d) Quarterly reports. The designated representative shall submit quarterly reports, as follows:

(1)(i) If a CSAPR NOX Ozone Season Group 2 unit is subject to the Acid Rain Program or the CSAPR NOX Annual Trading Program or if the owner or operator of such unit chooses to report on an annual basis under this subpart, then the designated representative shall meet the requirements of subpart H of part 75 of this chapter (concerning monitoring of NOX mass emissions) for such unit for the entire year and report the NOX mass emissions data and heat input data for such unit for the entire year.

(ii) If a CSAPR NOX Ozone Season Group 2 unit is not subject to the Acid Rain Program or the CSAPR NOX Annual Trading Program, then the designated representative shall either:

(A) Meet the requirements of subpart H of part 75 of this chapter for such unit for the entire year and report the NOX mass emissions data and heat input data for such unit for the entire year in accordance with paragraph (d)(1)(i) of this section; or

(B) Meet the requirements of subpart H of part 75 of this chapter (including the requirements in §75.74(c) of this chapter) for such unit for the control period and report the NOX mass emissions data and heat input data (including the data described in §75.74(c)(6) of this chapter) for such unit only for the control period of each year.

(2) The designated representative shall report the NOX mass emissions data and heat input data for a CSAPR NOX Ozone Season Group 2 unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter indicated under paragraph (d)(1) of this section beginning by the latest of:

(i) The calendar quarter covering May 1, 2017 through June 30, 2017;

(ii) The calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under §97.830(b); or



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(iii) For a unit that reports on a control period basis under paragraph (d)(1)(ii)(B) of this section, if the calendar quarter under paragraph (d)(2)(ii) of this section does not include a month from May through September, the calendar quarter covering May 1 through June 30 immediately after the calendar quarter under paragraph (d)(2)(ii) of this section.

(3) The designated representative shall submit each quarterly report to the Administrator within 30 days after the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in §75.73(f) of this chapter.

(4) For CSAPR NOX Ozone Season Group 2 units that are also subject to the Acid Rain Program, CSAPR NOX Annual Trading Program, CSAPR SO<sub>2</sub> Group 1 Trading Program, or CSAPR SO<sub>2</sub> Group 2 Trading Program, quarterly reports shall include the applicable data and information required by subparts F through H of part 75 of this chapter as applicable, in addition to the NOX mass emission data, heat input data, and other information required by this subpart.

(5) The Administrator may review and conduct independent audits of any quarterly report in order to determine whether the quarterly report meets the requirements of this subpart and part 75 of this chapter, including the requirement to use substitute data.

(i) The Administrator will notify the designated representative of any determination that the quarterly report fails to meet any such requirements and specify in such notification any corrections that the Administrator believes are necessary to make through resubmission of the quarterly report and a reasonable time period within which the designated representative must respond. Upon request by the designated representative, the Administrator may specify reasonable extensions of such time period. Within the time period (including any such extensions) specified by the Administrator, the designated representative shall resubmit the quarterly report with the corrections specified by the Administrator, except to the extent the designated representative provides information demonstrating that a specified correction is not necessary because the quarterly report already meets the requirements of this subpart and part 75 of this chapter that are relevant to the specified correction.

(ii) Any resubmission of a quarterly report shall meet the requirements applicable to the submission of a quarterly report under this subpart and part 75 of this chapter, except for the deadline set forth in paragraph (d)(3) of this section.

(e) Compliance certification. The designated representative shall submit to the Administrator a compliance certification (in a format prescribed by the Administrator) in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that:

(1) The monitoring data submitted were recorded in accordance with the applicable requirements of this subpart and part 75 of this chapter, including the quality assurance procedures and specifications;

(2) For a unit with add-on NOX emission controls and for all hours where NOX data are substituted in accordance with §75.34(a)(1) of this chapter, the add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B to part 75 of this chapter and the substitute data values do not systematically underestimate NOX emissions; and

(3) For a unit that is reporting on a control period basis under paragraph (d)(1)(ii)(B) of this section, the NOX emission rate and NOX concentration values substituted for missing data under subpart D of part 75 of this chapter are calculated using only values from a control period and do not systematically underestimate NOX emissions.

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

**SECTION E. Source Group Restrictions.**

Group Name: RACT II REQUIREMENTS

Group Description: RACT II requirements for Sources 001 &amp; 002

Sources included in this group

ID	Name
001	GAS TURBINE & DUCT BURNER (UNIT 1)
002	GAS TURBINE & DUCT BURNER (UNIT 2)

**I. RESTRICTIONS.****Emission Restriction(s).****# 001 [25 Pa. Code §129.97]****Presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule.**

[This requirement has been streamlined out by the Source-Level emission restrictions for NOx, Condition #002.]

**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.****# 002 [25 Pa. Code §129.100]****Compliance demonstration and recordkeeping requirements.**

(a) Except as provided in subsection (c), the owner and operator of an air contamination source subject to a NOx RACT requirement or RACT emission limitation or VOC RACT requirement or RACT emission limitation, or both, listed in § 129.97 (relating to presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule) shall demonstrate compliance with the applicable RACT requirement or RACT emission limitation by performing the following monitoring or testing procedures:

(1) For an air contamination source with a CEMS, monitoring and testing in accordance with the requirements of Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources) using a 30-day rolling average, except municipal waste combustors.

(i) [Does not apply]

(ii) A 30-day rolling average emission rate for each applicable RACT emission limitation shall be calculated for an affected air contamination source for each consecutive operating day.

(iii) Each 30-day rolling average emission rate for an affected air contamination source must include the emissions that occur during the entire operating day, including emissions from start-ups, shutdowns and malfunctions.

(2) - (4) [Do not apply]

(b) Except as provided in § 129.97(k) and § 129.99(i) (relating to alternative RACT proposal and petition for alternative compliance schedule), the owner and operator of an air contamination source subject to subsection (a) shall demonstrate compliance with the applicable RACT requirement or RACT emission limitation in accordance with the procedures in subsection (a) not later than:

(1) January 1, 2017, for a source subject to § 129.96(a) (relating to applicability).

(2) January 1, 2017, or 1 year after the date that the source meets the definition of a major NOx emitting facility or major VOC emitting facility, whichever is later, for a source subject to § 129.96(b).

(c) [Does not apply]

(d) - (i) [Printed under Recordkeeping Requirements in this section of permit.]

**SECTION E. Source Group Restrictions.****IV. RECORDKEEPING REQUIREMENTS.****# 003 [25 Pa. Code §129.100]****Compliance demonstration and recordkeeping requirements.**

[From 25 Pa. Code § 129.100(d):]

(d) The owner and operator of an air contamination source subject to this section and § § 129.96—129.99 shall keep records to demonstrate compliance with § § 129.96—129.99 in the following manner:

(1) The records must include sufficient data and calculations to demonstrate that the requirements of § § 129.96—129.99 are met.

(2) Data or information required to determine compliance shall be recorded and maintained in a time frame consistent with the averaging period of the requirement.

(e) - (h) [Do not apply]

(i) The records shall be retained by the owner or operator for 5 years and made available to the Department or appropriate approved local air pollution control agency upon receipt of a written request from the Department or appropriate approved local air pollution control agency.

**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.****# 004 [25 Pa. Code §129.96]****Applicability**

(a) The NO<sub>x</sub> requirements of this section and § § 129.97—129.100 apply Statewide to the owner and operator of a major NO<sub>x</sub> emitting facility and the VOC requirements of this section and § § 129.97—129.100 apply Statewide to the owner and operator of a major VOC emitting facility that were in existence on or before July 20, 2012, for which a requirement or emission limitation, or both, has not been established in § § 129.51—129.52c, 129.54—129.63, 129.64—129.69, 129.71—129.75, 129.77, 129.101—129.107 and 129.301—129.310.

(b) The NO<sub>x</sub> requirements of this section and § § 129.97—129.100 apply Statewide to the owner and operator of a NO<sub>x</sub> emitting facility and the VOC requirements of this section and § § 129.97—129.100 apply Statewide to the owner and operator of a VOC emitting facility when the installation of a new source or a modification or change in operation of an existing source after July 20, 2012, results in the source or facility meeting the definition of a major NO<sub>x</sub> emitting facility or a major VOC emitting facility and for which a requirement or an emission limitation, or both, has not been established in § § 129.51—129.52e, 129.54—129.69, 129.71—129.75, 129.77, 129.101—129.107 and 129.301—129.310.

(c) - (d) [Do not apply]

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



**SECTION F. Alternative Operation Requirements.**

No Alternative Operations exist for this Title V facility.

**SECTION G. Emission Restriction Summary.**

Source Id	Source Descriptor		
001	GAS TURBINE & DUCT BURNER (UNIT 1)		
<b>Emission Limit</b>		<b>Pollutant</b>	
110.700	Tons/Yr	12-month rolling total	CO
21.000	PPMV	without Duct Burner	NOX
26.000	Lbs/Hr	with Duct Burner	NOX
28.400	PPMV	with Duct Burner	NOX
32.300	Lbs/Hr	without Duct Burner	NOX
121.000	Tons/Yr	12-month rolling total	NOX
150.000	PPMV	15% oxygen, dry basis	SO2
0.200	Lbs/Hr	without Duct Burner	SOX
0.600	Lbs/Hr	with Duct Burner	SOX
2.600	Tons/Yr	12-month rolling total	SOX
4.000	Lbs/Hr	without Duct Burner	TSP
4.900	Lbs/Hr	with Duct Burner	TSP
21.500	Tons/Yr	12-month rolling total	TSP
16.800	Tons/Yr	12-month rolling total	VOC
105.000	PPMV	without Duct Burner	VOC
232.000	PPMV	with Duct Burner	VOC
002	GAS TURBINE & DUCT BURNER (UNIT 2)		
<b>Emission Limit</b>		<b>Pollutant</b>	
110.700	Tons/Yr	12-month rolling total	CO
21.000	PPMV	without Duct Burner	NOX
26.000	Lbs/Hr	without Duct Burner	NOX
28.400	PPMV	with Duct Burner	NOX
32.300	Lbs/Hr	with Duct Burner	NOX
121.000	Tons/Yr	12-month rolling total	NOX
150.000	PPMV	15% oxygen, dry basis	SO2
0.200	Lbs/Hr	without Duct Burner	SOX
0.600	Lbs/Hr	with Duct Burner	SOX
2.600	Tons/Yr	12-month rolling total	SOX
4.000	Lbs/Hr	without Duct Burner	TSP
4.900	Lbs/Hr	with Duct Burner	TSP
21.500	Tons/Yr	12-month rolling total	TSP
16.800	Tons/Yr	12-month rolling total	VOC
105.000	PPMV	without Duct Burner	VOC
232.000	PPMV	with Duct Burner	VOC
102	MISCELLANEOUS NATURAL GAS USAGE		
<b>Emission Limit</b>		<b>Pollutant</b>	
500.000	PPMV	dry basis.	SOX
0.040	gr/DRY FT3		TSP



**SECTION G. Emission Restriction Summary.**

**Site Emission Restriction Summary**

Emission Limit	Pollutant
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**SECTION H. Miscellaneous.**

a) There are no applicable emission, testing, monitoring, recordkeeping, or reporting requirements for the following sources:

- (1) Tank-1: 100 Gal. No. 2 oil (Diesel fuel)- EDG #1 day Tank
- (2) Tank-2: 100 Gal. No. 2 Oil (Diesel fuel)- EDG #2 day Tank
- (3) Tank-3: 4200 Gal. No. 2 Oil (Diesel fuel)- EDG #1 and #2
- (4) Tank-4: 6000 Gal. Sulfuric Acid
- (5) Tank-5: 6000 Gal. NaOH
- (6) Tank-15: 35,000 Gal. Neutralization Tank
- (7) Natural Gas Space heaters
- (8) 6,000 gpm Wet Cooling Tower
- (9) Ecoline Self Contained Sand Blasting Cabinet (exhausting indoors)

(b) Emergency Generator #1 (Source 003) was out of operation and partially dismantled during the August 14, 2008 Renewal Permit inspection. The source has not been operated for more than 1 year and a deactivation plan was not submitted for this source. Therefore, the source can not be reconstructed prior to obtaining approval from the Department. The source was removed from the permit as part of this renewal.

(c) Source 102 (Miscellaneous Natural Gas Usage) consists of the following space heaters totaling 6.30 mmBtu/hr:

- (8) Space heaters rated at 0.1 mmBtu/hr each.
- (1) Rapid Engineering unit rated at 5.5 mmBtu/hr.

(d) The Title V Operating Permit was renewed on October 21, 2008 along with the Acid Rain Permit.

(e) The permit was renewed on December 5, 2013.

(f) The permit was administratively amended on May 28, 2014 to change the ownership, responsible official, and permit contact.

(g) The permit was administratively amended on November 5, 2014 to change the mailing address for the responsible official.

(h) The permit was renewed on March 25, 2019 to incorporate Plan Approval 25-923B.



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

