



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AIR QUALITY PROGRAM

TITLE V/STATE OPERATING PERMIT

Issue Date: October 10, 2018

Effective Date: October 10, 2018

Expiration Date: October 10, 2023

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: 23-00084

Federal Tax Id - Plant Code: 65-0886161-1

Owner Information

Name: MARCUS HOOK 50 LP
Mailing Address: 100 GREEN ST
MARCUS HOOK, PA 19061-4800

Plant Information

Plant: MARCUS HOOK 50 LP/MARCUS HOOK
Location: 23 Delaware County 23825 Marcus Hook Borough
SIC Code: 4931 Trans. & Utilities - Electric And Other Services Combined

Responsible Official

Name: KEVIN COLLINS
Title: ASSET MGR
Phone: (478) 396 - 2105

Permit Contact Person

Name: JENNIFER EISENMANN
Title: EHS MGR
Phone: (610) 364 - 2470

[Signature] _____
JAMES D. REBARCHAK, SOUTHEAST REGION AIR PROGRAM MANAGER

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Source ID	Source Name	Capacity/Throughput		Fuel/Material
731	COGENERATION UNIT - ABB TYPE B	696.000	MMBTU/HR	
		696.000	MCF/HR	Natural Gas
FML01	NATURAL GAS FUEL LINE			
S031	50 MW COGEN 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_x from a single source during the term of the permit and 5 tons of NO_x 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 PM₁₀ from a single source during the term of the permit and 3.0 tons of PM₁₀ 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)

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- (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 §121.7]

Prohibition of air pollution.

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

002 [25 Pa. Code §123.1]

Prohibition of certain fugitive emissions

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

- (a) construction or demolition of buildings or structures;
- (b) grading, paving and maintenance of roads and streets;
- (c) 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;
- (d) clearing of land;
- (e) stockpiling of materials;
- (f) open burning operations, as specified in 25 Pa. Code § 129.14;
- (g) blasting in open pit mines. Emissions from drilling are not considered as emissions from blasting;
- (h) coke oven batteries, provided the fugitive air contaminants emitted from any coke oven battery comply with the standards for visible fugitive emissions in 25 Pa. Code §§ 123.44 and 129.15 (relating to limitations of visible fugitive air contaminants from operation of any coke oven battery; and coke pushing operations); and
- (i) sources and classes of sources other than those identified in (a)-(h), above, for which the permittee has obtained a determination from the Department that fugitive emissions from the source, after appropriate control, meet the following requirements:

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

003 [25 Pa. Code §123.2]

Fugitive particulate matter

A person may not permit fugitive particulate matter to be emitted into the outdoor atmosphere from a source specified in Condition #002(a) -- (i) (relating to prohibition of certain fugitive emissions) if such emissions are visible at the point the emissions pass outside the person's property.

004 [25 Pa. Code §123.31]

Limitations

A 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.

005 [25 Pa. Code §123.41]

Limitations

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

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

006 [25 Pa. Code §123.42]

Exceptions

The limitations of Condition #005, of this Section, shall not apply to a visible emission in either of the following instances:

- (a) when the presence of uncombined water is the only reason for failure to meet the limitations; or

SECTION C. Site Level Requirements

(b) when the emission results from the sources specified in Condition #002, of this Section.

007 [25 Pa. Code §129.14]**Open burning operations**

No person may permit the open burning of material in the Southeast Air Basin except where the open burning operations result from:

- (a) 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;
- (b) any fire set for the purpose of instructing personnel in fire fighting, when approved by the Department;
- (c) a fire set for the prevention and control of disease or pests, when approved by the Department;
- (d) a fire set in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of the farm operation;
- (e) a fire set for the purpose of burning domestic refuse, when the fire is on the premises of a structure occupied solely as a dwelling by two families or less and when the refuse results from the normal occupancy of the structure;
- (f) a fire set solely for recreational or ceremonial purposes; or
- (g) a fire set solely for cooking food.

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

[Additional authority for this permit condition is also derived from 25 Pa. Code § 127.512.]

- (a). If at any time the Department has cause to believe that air contaminant emissions from any source(s) listed in Section A, of this Permit, may be in excess of the limitations specified in this Permit, or established pursuant to, any applicable rule or regulation contained in 25 Pa. Code Article III, the permittee shall be required to conduct whatever tests are deemed necessary by the Department to determine the actual emission rate(s).
- (b). Such testing shall be conducted in accordance with the provisions of 25 Pa. Code Chapter 139, when applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the permittee that testing is required.

III. MONITORING REQUIREMENTS.**# 009 [25 Pa. Code §123.43]****Measuring techniques**

Visible emissions may be measured using either of the following:

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

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

[Additional authority for this permit condition is also derived from 25 Pa. Code § 127.511]

- (a) The permittee shall monitor the facility, once per operating day, for the following:
 - (1) odors which may be objectionable (as per 25 Pa. Code §123.31);
 - (2) visible emissions (as per 25 Pa. Code §§123.41 and 123.42); and

SECTION C. Site Level Requirements

- (3) fugitive particulate matter (as per 25 Pa. Code §§ 123.1 and 123.2).
- (b) Objectionable odors, fugitive particulate emissions, and visible emissions that are caused or may be caused by operations at the site shall:
 - (1) be investigated;
 - (2) be reported to the facility management, or individual(s) designated by the permittee;
 - (3) have appropriate corrective action taken (for emissions that originate on-site); and
 - (4) be recorded in a permanent written log.
- (c) After six (6) months of daily monitoring, and upon the permittee's request, the Department will determine the feasibility of decreasing the monitoring frequency to weekly.
- (d) After six (6) months of weekly monitoring, and upon the permittee's request, the Department will determine the feasibility of decreasing the frequency of monitoring to monthly.
- (e) The Department reserves the right to change the above monitoring requirements at any time, based on but not limited to: the review of the compliance certification (if applicable), complaints, monitoring results, and/or Department findings.

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

[Additional authority for this permit condition is also derived from 25 Pa. Code § 127.511.]

The permittee shall maintain a record of all monitoring of fugitive emissions, visible emissions and odors, including those that deviate from the conditions found in this permit. The record of deviations shall contain, at a minimum, the following items:

- (a) date, time, and location of the incident(s);
- (b) the cause of the event; and
- (c) the corrective action taken, if necessary, to abate the situation and prevent future occurrences.

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

The permittee shall maintain records of all the facility's increases of emissions from the following categories:

- (a) emissions increase of minor significance without notification to the Department.
- (b) de minimis increases with notification to the Department, via letter.
- (c) increases resulting from a Request for Determination (RFD) to the Department.
- (d) increases resulting from the issuance of a plan approval and subsequent operating permit.

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

[Additional authority for this permit condition is also derived from 25 Pa. Code § 127.511.]

(a). The permittee shall, within eight (8) hours of discovery of any occurrence, notify the Department, at (484) 250-5920, of any malfunction of the source(s) or associated air pollution control devices listed in Section A, of this permit, which results in, or may possibly result in, the emission of air contaminants in excess of the limitations specified in this permit, or of a regulation contained in 25 Pa. Code Article III.

(b). Malfunction(s) which occur at this facility, and pose(s) an imminent danger to public health, safety, welfare and the environment, and would violate permit conditions if the source were to continue to operate after the malfunction, shall immediately be reported to the Department by telephone at the above number.

SECTION C. Site Level Requirements

(c). A written report shall be submitted to the Department within two (2) working days following the notification of the incident, and shall describe, at a minimum, the following:

- (1). The malfunction(s).
- (2). The emission(s).
- (3). The duration.
- (4). Any corrective action taken.

014 [25 Pa. Code §127.441]

Operating permit terms and conditions.

[Additional authority for this permit condition is also derived from 25 Pa. Code § 127.511(c).]

The Department has changed the deviation and compliance certification reporting requirements. The initial reports for (a) and (b), below, shall be due on the dates provided and may cover only a partial reporting period.

The permittee shall submit the following reports:

(a). An annual certificate of compliance, due by April 1st of each year, for the period covering January 1 through December 31 of the previous year. This certificate of compliance shall document compliance with all permit terms and conditions set forth in this Title V permit as required under condition #24 of section B of this permit.

(b). A semi annual deviation report, due by October 1, of each year, for the period covering January 1 through June 30 of the same year. Note: The annual certification of compliance fulfills the obligation for the second deviation reporting period (July 1 through December 31 of the previous year).

015 [25 Pa. Code §135.21]

Emission statements

The permittee shall submit by March 1, of each year, an annual emission statement for the preceding calendar year.

016 [25 Pa. Code §135.3]

Reporting

The permittee shall submit by March 1, of each year, an Air Information Management System (AIMS) inventory report for the preceding calendar year.

VI. WORK PRACTICE REQUIREMENTS.

017 [25 Pa. Code §123.1]

Prohibition of certain fugitive emissions

A person responsible for any source specified in Condition #002, of this Section, shall take all reasonable actions to prevent particulate matter from becoming airborne. These actions shall include, but not be limited to, the following:

- (a). Use, where possible, of water or suitable chemicals, as approved by the Department, for control of dust in the demolition of buildings or structures, construction operations, the grading of roads, or the clearing of land.
- (b). Application of asphalt, water, or other suitable chemicals, as approved by the Department, on dirt roads, material stockpiles and other surfaces which may give rise to airborne dusts.
- (c). Paving and maintenance of roadways.
- (d). 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 by other means.

SECTION C. Site Level Requirements**# 018 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

The permittee shall reduce emissions of Class I and Class II refrigerants during the service, maintenance, repair, and disposal of equipment in accordance with the requirements of 40 C.F.R. § 82, Subpart F, Recycling and Emissions Reduction.

VII. ADDITIONAL REQUIREMENTS.**# 019 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

For NSR and/or PSD purposes, the three 750 MW Combined Cycle Combustion Turbines and associated cooling towers owned and operated by Marcus Hook Energy LP/750 MW (permit number 23-00089) are deemed to be a support facility to the Marcus Hook 50, LP Cogeneration Unit (permit number 23-00084), located at Delaware Avenue and Green Street, Borough of Marcus Hook, Delaware County.

VIII. COMPLIANCE CERTIFICATION.

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

IX. COMPLIANCE SCHEDULE.

No compliance milestones exist.

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

SECTION D. Source Level Requirements

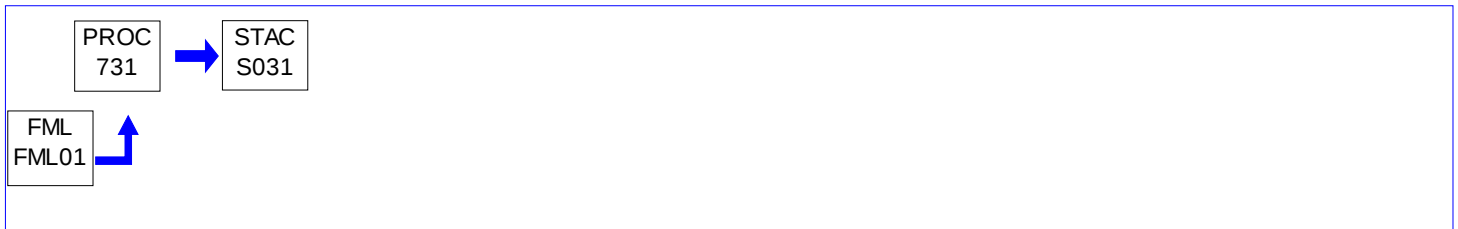
Source ID: 731

Source Name: COGENERATION UNIT - ABB TYPE B

Source Capacity/Throughput: 696.000 MMBTU/HR

696.000 MCF/HR

Natural Gas

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

No person may permit the emissions into the outdoor atmosphere of particulate matter from this source at any time, in excess of 0.02 gr/dscf, pursuant to 25 Pa. Code § 123.13(c)(1)(iii).

002 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

The amount of NO_x emissions shall not exceed 463 tons per year on a 12-month rolling total. This includes emissions during start-up and shutdown periods.

[Note: The above requirement was initially established for this source when it was under the ownership of Sunoco R&M, Inc. under plan approval PA-23-0001C. The restriction limited the amount of NO_x emissions for all periods of operation, including startup and shutdown, for all fuels used for this source. This restriction was carried through PA-23-0084 and OP-23-0084 (the RACT Operating Permit for FPL Energy MH50, LP) before being incorporated into the Title V Operating Permit.]

003 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

The NO_x emissions from the cogeneration unit shall not exceed the following while firing natural gas:

- (a). 45 ppm corrected to 15 percent oxygen on a dry basis for periods of a 1-hour average, block,
- (b). 0.17 pounds per million BTU for period of a 1-hour average, block.

The NO_x emissions specified in this Title V Permit apply at all times except during periods of start-up and shutdown. Start-up or shutdown periods shall not exceed one hour in duration.

[The original RACT Operating Permit, OP-23-0084, had a NO_x mass emission rate limit of 0.21 lbs/MMBTU. The concentration of NO_x in the exhaust of 45 ppm_{dv} corrected to 15% oxygen corresponds to a mass emission rate of 0.17 lbs NO_x/MMBTU. Since the mass emission rate is more stringent when calculated from a NO_x concentration of 45 ppm_{dv} at 15% oxygen, the more stringent value has been applied to this source in this permit. Compliance with the limit in paragraph (b) above also demonstrates compliance with RACT.]

004 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

[Additional authority for this permit condition is derived from 25 Pa. Code §§ 129.97(g)(2)(i)(A) and 129.100(a)(1)(iii)]

The NO_x emissions from the cogeneration unit shall not exceed the following while firing natural gas:

- (a). 42 ppm corrected to 15 percent oxygen on a dry basis on a 30 day rolling average.

Each 30-day rolling average emission rate for an affected air contamination source must include the emissions that occur

SECTION D. Source Level Requirements

during the entire operating day, including emissions from start-ups, shutdowns and malfunctions.

Fuel Restriction(s).

005 [25 Pa. Code §127.441]

Operating permit terms and conditions.

The permittee shall only use natural gas as defined in 40 C.F.R. § 60.331(u) in this cogeneration unit.

006 [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.**

[Additional authority for this permit condition is also derived from 25 Pa. Code § 127.441.]

No owner or operator subject to the provisions of this subpart shall burn in any stationary gas turbine any fuel which contains total sulfur in excess of 0.8 percent by weight (8,000 ppmw).

[Compliance with the limitations in the paragraph above also demonstrates compliance with the applicable requirements of 25 Pa. Code § 123.21.]

Control Device Efficiencies Restriction(s).

007 [25 Pa. Code §127.441]

Operating permit terms and conditions.

The Reasonable Available Control Technology (RACT) requirement for this Gas Turbine Cogeneration Unit shall be the injection of steam directly into the turbine to control the emissions of NO_x.

II. TESTING REQUIREMENTS.

008 [25 Pa. Code §127.441]

Operating permit terms and conditions.

(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 180 days after the effective date of this Title V Renewal Permit.

(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 60 days after obtaining Phase I approval.

(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 Phase II testing.

III. MONITORING REQUIREMENTS.

009 [25 Pa. Code §127.441]

Operating permit terms and conditions.

25 Pa. Code § 145.6(a) Standard requirements - Monitoring requirements.

(a). The owners and operators and the NO_x authorized account representative of each NO_x budget source and each NO_x budget unit at the source shall comply with the monitoring requirements of 25 Pa. Code §§ 145.70-145.76 (relating to recordkeeping and recording requirements) by May 1, 2002.

SECTION D. Source Level Requirements

(b). The emissions measurements recorded and reported in accordance with 25 Pa. Code §§ 145.70-145.76 shall be used to determine compliance by the unit with the NO_x budget emissions limitation under 25 Pa. Code § 145.6(c).

[This condition remains in affect until the requirements of 40 C.F.R. Part 96 are finalized. Once 40 C.F.R. Part 96 is finalized, the NO_x Budget Program for this source will be administered through the requirements of 25 Pa. Code § 145.8(d).]

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

[Additional authority for this permit condition is also derived from 25 Pa. Code Chapter 139.]

The permittee shall monitor the following on a monthly basis:

- (a). The amount of fuel used in the cogeneration unit.
- (b). The hours of operation for the cogeneration unit.
- (c). The NO_x emissions and CEM monitoring data.

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

[Additional authority for this permit condition is also derived from 25 Pa. Code Chapter 139.]

Continuous Emission Monitoring Requirements

The following continuous emission monitoring system[s] (CEMS[s]) must be installed at the combustion turbine exhaust stack, approved by the Department, operated and maintained in accordance with the requirements of 25 Pa. Code Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources), and the "Submittal and Approval", "Record Keeping and Reporting", and "Quality Assurance" requirements of Revision No. 8 of the Department's Continuous Source Monitoring Manual, 274-0300-001.

(a). Nitrogen Oxides (NO_x) CEMS

(1). CEMS shall be used to monitor and record NO_x emissions in the effluent of the cogeneration unit at all times including periods of startup and shutdown. As an alternative, startup and shutdown emissions may be monitored using portable monitoring instruments approved by the Department.

(2). The CEMS measurement of NO_x shall be in units of ppmv on a dry basis. The NO_x CEMS measurements in combination with the Oxygen (O₂) CEMS (in percent oxygen on a dry basis) shall be used to correct the NO_x emissions to 15% O₂ and calculate mass emission rate (lbs NO_x/MMBTU) and mass emissions (lbs NO_x/hr) through available calculation methods.

(3). Data Substitution Required: Yes

Description of the data substitution procedure (Standard DEP method from CSM Manual, or 40 C.F.R. Part 75)

(4). List of Applicable Emission Standards**(A). Natural Gas Emission Standard**

(i). The CEMS shall determine compliance with the limit of 45 ppm, dry basis corrected to 15 % O₂ for periods of a 1-hour average, block, and the CEMS data for NO_x and O₂ shall be used in calculations to determine compliance with the 0.17 pound per million BTU limit on NO_x for this source when burning natural gas.

(ii). The limit on NO_x above does not apply during periods of start-up and shutdown.

SECTION D. Source Level Requirements

(iii). The emission standard is violated if the 1-hour average emissions of NO_x are greater than 45 ppm or 0.17 lbs/MMBTU.

(iv). Variable Emission Standard: No (combustion turbine only fires natural gas)

[Compliance with any subsequently issued revisions to the Continuous Source Monitoring Manual will constitute compliance with the regulations.]

(b). The O₂ concentration shall be continuously monitored and recorded (in percent; dry basis) in the effluent stream from the cogeneration unit at all times including periods of startup and shutdown. As an alternative, startup and shutdown emissions may be monitored using portable monitoring instruments approved by the Department.

[Compliance with any subsequently issued revisions to the Continuous Source Monitoring Manual will constitute compliance with the regulations.]

012 [25 Pa. Code §127.441]

Operating permit terms and conditions.

[Additional authority for this permit condition is derived from 25 Pa. Code §129.100(a)(1)(iii)]

The permittee shall demonstrate compliance with with RACT requirement expressed in Condition #004 as follows:

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.

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.

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.

[Additional authority for this permit condition is also derived from 25 Pa. Code § 127.511.]

The owner or operator shall use one of the following sources of information to demonstrate that the gaseous fuel used in this source meets the definition of natural gas in accordance with 40 C.F.R. § 60.331(u):

(a). The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20.0 grains per 100 scf or less; or

(b). Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 20 grains per 100 scf. At a minimum, the amount of fuel sampling data specified in 40 C.F.R. Part 75 Appendix D Section 2.3.1.4. or Section 2.3.2.4. is required.

IV. RECORDKEEPING REQUIREMENTS.

014 [25 Pa. Code §127.441]

Operating permit terms and conditions.

[Additional authority for this permit condition is also derived from 25 Pa. Code Chapter 139.]

(a). The permittee shall keep records of the following on a monthly basis:

(1). The amount of fuel used in the cogeneration unit.

(2). The hours of operation for the cogeneration unit.

SECTION D. Source Level Requirements

(3). The NO_x emissions and CEM monitoring data.

(b). The permittee shall calculate the total amount of each fuel used, the total number of operating hours, and the total amount of NO_x emissions for this cogeneration unit on a 12-month rolling basis.

(c). The permittee shall calculate and record particulate matter emissions in a manner that will demonstrate compliance with the applicable particulate matter emission limit in 25 Pa. Code § 123.13(c)(1)(iii).

015 [25 Pa. Code §127.441]

Operating permit terms and conditions.

[Additional authority for this permit condition is derived from 40 C.F.R. §§ 75.53, 75.57, and 75.58 25 Pa. Code §§ 139.101(5) and 139.101(12).]

(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), (and) 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 C.F.R. §§ 75.53, 75.57, and 75.58.

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

(c). Compliance with any subsequently issued revision to the Continuous Source Monitoring Manual will constitute compliance with this permit condition.

[Compliance with this streamlined permit condition assures compliance with 40 C.F.R. §§ 75.53, 75.57, and 75.58.]

016 [25 Pa. Code §127.441]

Operating permit terms and conditions.

[Additional authority for this permit condition is also derived from 25 Pa. Code § 127.511.]

The owner or operator shall keep records of any contracts or testing performed to demonstrate the gaseous fuel used in this source meets the definition of natural gas in accordance with 40 C.F.R. § 60.331(u).

V. REPORTING REQUIREMENTS.

017 [25 Pa. Code §127.441]

Operating permit terms and conditions.

25 Pa. Code § 145.74 Source emissions reporting requirements.

(a). The authorized account representative shall submit to the Department and to the NO_x Budget Administrator a quarterly emissions report in accordance with the requirements of 25 Pa. Code § 145.74(d).

(b). The NO_x authorized account representative shall submit to the Department and the NO_x Budget Administrator a compliance certification in support of each quarterly report required under 25 Pa. Code § 145.74(d) based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the units emissions are correctly and fully monitored.

[This condition remains in affect until the requirements of 40 C.F.R. Part 96 are finalized. Once 40 C.F.R. Part 96 is finalized, the NO_x Budget Program for this source will be administered through the requirements of 25 Pa. Code § 145.8(d).]

018 [25 Pa. Code §127.441]

Operating permit terms and conditions.

SECTION D. Source Level Requirements

[Additional authority for this permit condition is derived from 40 C.F.R. §§ 75.60, 75.61, 75.62, 75.63, 75.64, and 75.66 and 25 Pa. Code §§ 139.101(1)(iv), 139.101(10) and 139.101(12).]

(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 §§ 75.60, 75.61, 75.62, 75.63, 75.64, and 75.66.

(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.

(f). Compliance with any subsequently issued revision to the Continuous Source Monitoring Manual will constitute compliance with this permit condition.

[Compliance with this streamlined permit condition assures compliance with 40 C.F.R. §§ 75.60, 75.61, 75.62, 75.63, 75.64, and 75.66.]

019 [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.

[Additional authority for this permit condition is also derived from 25 Pa. Code § 127.512.]

For each affected unit that elects to periodically determine the fuel sulfur content under 40 C.F.R. § 60 Subpart GG, the owner or operator shall submit reports of excess emissions and monitor downtime, in accordance with 40 C.F.R. § 60.7(c). Excess emissions shall be reported for all periods of unit operation, including startup, shutdown, and malfunction. For the purpose of reports required under 40 C.F.R. § 60.7(c), periods of excess emissions and monitor downtime that are to be reported are defined as follows:

(a). Sulfur Dioxide. If the owner or operator is required to monitor the sulfur content of the fuel under 40 C.F.R. § 60.334(h):

(1). For samples of gaseous fuel, an excess emission occurs each unit operating hour included in the period beginning on the date and hour of any sample for which the sulfur content of the fuel being fired in the gas turbine exceeds 0.8 weight percent and ending on the date and hour that the subsequent sample is taken that demonstrates compliance with the sulfur limit.

(2). A period of monitor downtime begins when a required sample is not taken by its due date. A period of monitor downtime also begins on the date and hour of a required sample, if invalid results are obtained. The period of monitor downtime shall include only unit operating hours, and ends on the date and hour of the next valid sample.

(b). All reports required under 40 C.F.R. § 60.7(c) shall be postmarked by the 30th day following the end of each 6-month period.

SECTION D. Source Level Requirements

VI. WORK PRACTICE REQUIREMENTS.

020 [25 Pa. Code §127.441]

Operating permit terms and conditions.

[Additional authority for this permit condition is derived from 40 CFR §§ 75.21, 75.59, 75 Appendix B, and 25 Pa. Code §§ 139.101(1)(iv), 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

(b). Compliance with any subsequently issued revision to the Continuous Source Monitoring Manual will constitute compliance with this permit condition.

[Compliance with this streamlined permit condition assures compliance with 40 C.F.R. §§ 75.21, 75.59, and 75 Appendix B.]

021 [25 Pa. Code §127.441]

Operating permit terms and conditions.

Data Availability Standards for NOx CEMS

Continuous emission monitoring shall meet the following minimum data availability requirements:

(a). In accordance with 25 Pa. Code § 139.101(12), required monitoring shall, at a minimum, meet one of the following data availability requirements unless otherwise stipulated in this permit, a plan approval, Title 25 or an order issued under Section 4 of the Air Pollution Control Act:

(1). In each calendar month, at least 90% of the time periods for which [an emission standard or an operational parameter] applies, shall be valid as set forth in the Quality Assurance section of Revision No. 8 of the Department's Continuous Source Monitoring Manual, 274-0300-001.

or,

(2). In each calendar quarter, at least 95% of the hours shall be valid as set forth in the Quality Assurance section of Revision No. 8 of the Department's Continuous Source Monitoring Manual, 274-0300-001.

[Compliance with any subsequently issued revisions to the Continuous Source Monitoring Manual will constitute compliance with the regulations.]

(b). Emission standard(s) to which data availability standard applies are in Condition #003 for this source.

VII. ADDITIONAL REQUIREMENTS.

022 [25 Pa. Code §127.441]

Operating permit terms and conditions.

[40 C.F.R. § 52.2040 and 40 C.F.R. §52.2041 (relating to interstate pollutant transport provisions)]

(a) The owner and operator of each NOx or SO2 source located within the State of Pennsylvania and for which requirements are set forth under the Federal CSAPR in 40 C.F.R. Part 97 must comply with such applicable requirements. The obligation to comply with these requirements in Part 97 will be eliminated by the promulgation of an approval by the EPA's Administrator of a revision to the Pennsylvania State Implementation Plan (SIP) as meeting the requirements of CSAPR, except to the extent the EPA Administrator's approval is partial or conditional or unless such approval is under 40 C.F.R. § 51.123 or under 40 C.F.R. § 51.124. Upon the approval of Pennsylvania's State Implementation Plan, the owner and operator shall comply with 25 Pa. Code §§ 145.8 through 145.223.

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(b) Notwithstanding any provisions 40 C.F.R. § 52.2040, if, at the time of such approval of the State's SIP, the EPA's Administrator has already allocated CSAPR NOx Ozone Season allowances to sources in the State for any years, the provisions of 40 C.F.R. Part 97 authorizing the Administrator to complete the allocation of CSAPR NOx Ozone Season allowances for those years shall continue to apply, unless the Administrator approves a SIP provision that provides for the allocation of the remaining CSAPR NOx Ozone Season allowances for those years.

023 [25 Pa. Code §127.441]

Operating permit terms and conditions.

[Transport Rule (TR) NOx Annual Trading Program requirements (40 CFR § 97.406)]

(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 TR NOx Annual source and each TR 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 TR NOx Annual allowances under §§ 97.411(a)(2) and (b) and 97.412 and to determine compliance with the TR 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) TR 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 TR NOx Annual source and each TR NOx Annual unit at the source shall hold, in the source's compliance account, TR 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 TR NOx Annual units at the source.

(ii) If total NOx emissions during a control period in a given year from the TR NOx Annual units at a TR NOx Annual source are in excess of the TR 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 TR NOx Annual unit at the source shall hold the TR NOx Annual allowances required for deduction under § 97.424(d); and

(B) The owners and operators of the source and each TR 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) TR NOx Annual assurance provisions.

(i) If total NOx emissions during a control period in a given year from all TR NOx Annual units at TR 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) TR NOx Annual allowances available for deduction for such control period under § 97.425(a) in an amount equal to two times the product

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(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 NO_x 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 NO_x emissions exceeds the respective common designated representative's assurance level; and

(B) The amount by which total NO_x emissions from all TR NO_x Annual units at TR NO_x 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 TR NO_x 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 such control period.

(iii) Total NO_x emissions from all TR NO_x Annual units at TR NO_x 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 NO_x emissions exceed the sum, for such control period, of the State NO_x 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 NO_x emissions from all TR NO_x Annual units at TR NO_x 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 NO_x emissions from the TR NO_x Annual units at TR NO_x 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 TR NO_x 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 TR NO_x 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 TR NO_x 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 TR NO_x 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.

(4) Vintage of allowances held for compliance.

(i) A TR NO_x 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 TR NO_x Annual allowance that was allocated for such control period or a control period in a prior year.

(ii) A TR NO_x 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 TR NO_x Annual allowance that was allocated 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 TR NO_x Annual allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with this subpart.

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(6) Limited authorization. A TR NO_x Annual allowance is a limited authorization to emit one ton of NO_x 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 TR NO_x 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 TR NO_x 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 TR NO_x Annual allowances in accordance with this subpart.

(2) A description of whether a unit is required to monitor and report NO_x 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 TR NO_x Annual source and each TR NO_x 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 TR NO_x 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 TR NO_x Annual Trading Program.

(2) The designated representative of a TR NO_x Annual source and each TR NO_x Annual unit at the source shall make all submissions required under the TR NO_x 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 TR NO_x Annual Trading Program that applies to a TR NO_x Annual source or the designated representative of a TR NO_x Annual source shall also apply to the owners and operators of such source and of the TR NO_x Annual units at the source.

(2) Any provision of the TR NO_x Annual Trading Program that applies to a TR NO_x Annual unit or the designated

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representative of a TR NO_x Annual unit shall also apply to the owners and operators of such unit.

(g) Effect on other authorities. No provision of the TR NO_x 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 TR NO_x Annual source or TR NO_x Annual unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

024 [25 Pa. Code §127.441]

Operating permit terms and conditions.

[Transport Rule (TR) NO_x Ozone Season Trading Program Requirements (40 CFR § 97.506)]

(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 §§ 97.513 through 97.518.

(b) Emissions monitoring, reporting, and recordkeeping requirements.

(1) The owners and operators, and the designated representative, of each TR NO_x Ozone Season source and each TR NO_x Ozone Season unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of §§ 97.530 through 97.535.

(2) The emissions data determined in accordance with §§ 97.530 through 97.535 shall be used to calculate allocations of TR NO_x Ozone Season allowances under §§ 97.511(a)(2) and (b) and 97.512 and to determine compliance with the TR NO_x Ozone Season 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 §§ 97.530 through 97.535 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

(b) NO_x emissions requirements.

(1) TR NO_x Ozone Season emissions limitation.

(i) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR NO_x Ozone Season source and each TR NO_x Ozone Season unit at the source shall hold, in the source's compliance account, TR NO_x Ozone Season allowances available for deduction for such control period under § 97.524(a) in an amount not less than the tons of total NO_x emissions for such control period from all TR NO_x Ozone Season units at the source.

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

(A) The owners and operators of the source and each TR NO_x Ozone Season unit at the source shall hold the TR NO_x Ozone Season allowances required for deduction under § 97.524(d); and

(B) The owners and operators of the source and each TR NO_x Ozone Season 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) TR NO_x Ozone Season assurance provisions.

(i) If total NO_x emissions during a control period in a given year from all TR NO_x Ozone Season units at TR NO_x Ozone Season 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

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designated representative for such control period, where the common designated representative's share of such NO_x 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) TR NO_x Ozone Season allowances available for deduction for such control period under § 97.525(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with §97.525(b), of multiplying—

(A) The quotient of the amount by which the common designated representative's share of such NO_x 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 NO_x emissions exceeds the respective common designated representative's assurance level; and

(B) The amount by which total NO_x emissions from all TR NO_x Ozone Season units at TR NO_x Ozone Season 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 TR NO_x Ozone Season 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 such control period.

(iii) Total NO_x emissions from all TR NO_x Ozone Season units at TR NO_x Ozone Season 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 NO_x emissions exceed the sum, for such control period, of the State NO_x Ozone Season trading budget under § 97.510(a) and the State's variability limit under § 97.510(b).

(iv) It shall not be a violation of this subpart or of the Clean Air Act if total NO_x emissions from all TR NO_x Ozone Season units at TR NO_x Ozone Season 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 NO_x emissions from the TR NO_x Ozone Season units at TR NO_x Ozone Season 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 TR NO_x Ozone Season 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 TR NO_x Ozone Season 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 TR NO_x Ozone Season unit shall be subject to the requirements under paragraph (c)(1) of this section for the control period starting on the later of May 1, 2015 or the deadline for meeting the unit's monitor certification requirements under § 97.530(b) and for each control period thereafter.

(ii) A TR NO_x Ozone Season 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 § 97.530(b) and for each control period thereafter.

(4) Vintage of allowances held for compliance.

(i) A TR NO_x Ozone Season 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 TR NO_x Ozone Season allowance that was allocated for such control period or a control period in a prior year.

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(ii) A TR NOx Ozone Season 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 TR NOx Ozone Season allowance that was allocated 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 TR NOx Ozone Season 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 TR NOx Ozone Season 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 TR NOx Ozone Season 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 TR NOx Ozone Season 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 TR NOx Ozone Season 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 §§ 97.530 through 97.535 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 TR NOx Ozone Season source and each TR NOx Ozone Season 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 § 97.516 for the designated representative for the source and each TR NOx Ozone Season unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under § 97.516 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 TR NOx Ozone Season Trading Program.

(2) The designated representative of a TR NOx Ozone Season source and each TR NOx Ozone Season unit at the source shall make all submissions required under the TR NOx Ozone Season Trading Program, except as provided in § 97.518. 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.

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(1) Any provision of the TR NOx Ozone Season Trading Program that applies to a TR NOx Ozone Season source or the designated representative of a TR NOx Ozone Season source shall also apply to the owners and operators of such source and of the TR NOx Ozone Season units at the source.

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

(g) Effect on other authorities. No provision of the TR NOx Ozone Season Trading Program or exemption under § 97.505 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR NOx Ozone Season source or TR NOx Ozone Season unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

025 [25 Pa. Code §127.441]

Operating permit terms and conditions.

[Transport Rule (TR) SO₂ Group 1 Trading Program requirements (40 CFR § 97.606)]

(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 TR SO₂ Group 1 source and each TR 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 TR SO₂ Group 1 allowances under §§ 97.611(a)(2) and (b) and 97.612 and to determine compliance with the TR SO₂ 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) SO₂ emissions requirements.

(1) TR SO₂ 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 TR SO₂ Group 1 source and each TR SO₂ Group 1 unit at the source shall hold, in the source's compliance account, TR SO₂ Group 1 allowances available for deduction for such control period under § 97.624(a) in an amount not less than the tons of total SO₂ emissions for such control period from all TR SO₂ Group 1 units at the source.

(ii) If total SO₂ emissions during a control period in a given year from the TR SO₂ Group 1 units at a TR SO₂ Group 1 source are in excess of the TR SO₂ 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 TR SO₂ Group 1 unit at the source shall hold the TR SO₂ Group 1 allowances required for deduction under § 97.624(d); and

(B) The owners and operators of the source and each TR SO₂ 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.

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(2) TR SO2 Group 1 assurance provisions.

(i) If total SO2 emissions during a control period in a given year from all TR SO2 Group 1 units at TR SO2 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 SO2 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) TR SO2 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 SO2 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 SO2 emissions exceeds the respective common designated representative's assurance level; and

(B) The amount by which total SO2 emissions from all TR SO2 Group 1 units at TR SO2 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 TR SO2 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 such control period.

(iii) Total SO2 emissions from all TR SO2 Group 1 units at TR SO2 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 SO2 emissions exceed the sum, for such control period, of the State SO2 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 SO2 emissions from all TR SO2 Group 1 units at TR SO2 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 SO2 emissions from the TR SO2 Group 1 units at TR SO2 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.

(v) To the extent the owners and operators fail to hold TR SO2 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 TR SO2 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 TR SO2 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 TR SO2 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 allowances held for compliance.

SECTION D. Source Level Requirements

- (i) A TR SO₂ 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 TR SO₂ Group 1 allowance that was allocated for such control period or a control period in a prior year.
- (ii) A TR SO₂ 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 TR SO₂ Group 1 allowance that was allocated 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 TR SO₂ 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 TR SO₂ Group 1 allowance is a limited authorization to emit one ton of SO₂ 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 TR SO₂ 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 TR SO₂ 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 TR SO₂ Group 1 allowances in accordance with this subpart.
 - (2) A description of whether a unit is required to monitor and report SO₂ 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 §§ 97.630 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 TR SO₂ Group 1 source and each TR SO₂ 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.
 - (i) The certificate of representation under § 97.616 for the designated representative for the source and each TR SO₂ 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 TR SO₂ Group 1 Trading Program.
 - (2) The designated representative of a TR SO₂ Group 1 source and each TR SO₂ Group 1 unit at the source shall make all submissions required under the TR SO₂ 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.

SECTION D. Source Level Requirements**(f) Liability.**

(1) Any provision of the TR SO₂ Group 1 Trading Program that applies to a TR SO₂ Group 1 source or the designated representative of a TR SO₂ Group 1 source shall also apply to the owners and operators of such source and of the TR SO₂ Group 1 units at the source.

(2) Any provision of the TR SO₂ Group 1 Trading Program that applies to a TR SO₂ Group 1 unit or the designated representative of a TR SO₂ Group 1 unit shall also apply to the owners and operators of such unit.

(g) Effect on other authorities. No provision of the TR SO₂ 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 TR SO₂ Group 1 source or TR SO₂ 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.

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



SECTION E. Alternative Operation Requirements.

No Alternative Operations exist for this Title V facility.

**SECTION F. Emission Restriction Summary.**

Source Id	Source Description		
731	COGENERATION UNIT - ABB TYPE B		
Emission Limit		Pollutant	
42.000	PPMV	on a 30 day rolling average corrected to 15 % O ₂ , dry basis firing natural gas	NOX
45.000	PPMV	averaged hourly, corrected to 15 % O ₂ , dry basis firing natural gas	NOX
0.020	gr/CF	dry standard conditions	TSP

Site Emission Restriction Summary

Emission Limit	Pollutant
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**SECTION G. Miscellaneous.**

#001. The following previously issued Operating Permit serves as the basis for certain terms and conditions set forth in this Title V Permit:

OP-23-0084

#002. NOx allowance compliance certification information for FPL Energy MH50, L.P.

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Owner mailing address:

FPL Energy MH50, L.P.
700 Universe Boulevard
Juno Beach, FL 33408

Plant location:

Marcus Hook
23 Delaware
Marcus Hook Borough

Operator mailing address:

FPL Energy MH50, L.P.
Delaware Avenue and Green Street
Marcus Hook, PA 19061

Authorized account representative:

Primary Representative:

Mr. Kenneth L. Lutz
Plant General Manager
FPL Energy MH50, L.P.
100 Green Street
Marcus Hook, PA 19061

Backup Representative:

Mr. Timothy T. Travers
Senior Plant Leader - Environmental
FPL Energy MH50, L.P.
100 Green Street
Marcus Hook, PA 19061

Permit contact person:

Mr. Timothy T. Travers
Senior Plant Leader - Environmental

Point ID: 090
Combustion Source Name: Cogeneration
NATS Account Number: 050074000001

#003. Insignificant Sources

(a). Lube Oil Reservoir System - VOC emissions less than 1.0 tons per year.

SECTION G. Miscellaneous.

#004. Through correspondence between FPL Energy MH50 and the EPA, there is documentation showing that pipeline quality natural gas would not require testing for nitrogen and sulfur content. The reasons for this exception are that pipeline quality natural gas has no fuel-bound nitrogen, and the EPA has recognized that the sulfur content of pipeline quality natural gas is low enough to warrant the use of a default AP-42 emissions factor for the production of SO₂ which is 0.0006 lbs/MMBTU.

#005. APS No. 317202; Authorization No. 639646: This authorization is for the renewal of the Title V Permit for FPL Energy MH50, L.P. changes include, but are not limited to the following: changed of source designation from a combustion unit to a process to fit the definitions in the regulations, changed particulate matter and sulfur dioxide limits for the cogeneration unit to fit the definition of process, and removed outdated conditions based on the old NO_x Budget Allowance requirements from 25 Pa. Code Chapter 123 and moving the requirements from Chapter 145 from Section C for the site to Section D for the cogeneration unit.

#006. APS No. 317202; Authorization No. 926053: This action is for the renewal of the Title V Operating Permit for this facility. The parts washer in Section G Condition #003 was removed from the facility, so the permit was changed to reflect the removal of the source. References to the use of reformer gas in the cogeneration unit have been removed from the permit because reformer gas has not been used in the source since FPL Energy MH50, LP took control of the source and circumstances have come that affect the ability to obtain reformer gas from the supplier. If FPL Energy MH50, LP wishes to pursue the use of reformer gas in the future, the requirements for reformer gas from OP-23-0084 will have to be reviewed and updated for Best Available Technology. The NO_x Budget requirements have been updated for this facility.

#006. APS No. 934936; Authorization No. 1172144
Amendment to change name to Marcus Hook 50, L.P.

#007. APS No. 317202; Authorization No. 1192007
Renewal of Title V permit.

Specifically, for each ozone season beginning after January 1, 2015, the Department intends to accept the surrender of annual and ozone season TR NO_x allowances as a compliance alternative to the surrender of annual and ozone season CAIR NO_x allowances if the TR allowances are surrendered for compliance purposes in a manner consistent with the surrender provisions for CAIR allowances set forth in the applicable sections specified in this notice. The Department consulted with staff in the United States Environmental Protection Agency (EPA) Region III Office in developing an alternative allowance surrender approach for compliance with the applicable SIP-approved requirements. To this end, the EPA has confirmed, in writing, that TR NO_x allowances may be surrendered as set forth in the applicable regulations in 25 Pa. Code Chapters 129 and 145. A detailed notice was published in the PA bulletin on April 4, 2015 [45 Pa.B. 1687].



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