



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AIR QUALITY PROGRAM

TITLE V/STATE OPERATING PERMIT

Issue Date: June 4, 2019

Effective Date: June 4, 2019

Expiration Date: June 3, 2024

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

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

TITLE V Permit No: 09-00066

Federal Tax Id - Plant Code: 23-3064219-26

Owner Information

Name: EXELON GENERATION CO LLC
Mailing Address: 300 EXELON WAY STE 330
KENNETT SQUARE, PA 19348-2473

Plant Information

Plant: EXELON GENERATION CO/FAIRLESS HILLS GEN STA
Location: 09 Bucks County 09002 Falls Township
SIC Code: 4911 Trans. & Utilities - Electric Services

Responsible Official

Name: SWAHL WILLIAM
Title: VICE PRESIDENT OPERATIONS
Phone: (610) 517 - 6409

Permit Contact Person

Name: CHANDRA COPPLIN
Title: SR PGM MGR-AIR QUALITY
Phone: (512) 993 - 1877

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



SECTION A. Table of Contents

Section A. Facility/Source Identification

Table of Contents
Site Inventory List

Section B. General Title V Requirements

- #001 Definitions
- #002 Prohibition of Air Pollution
- #003 Property Rights
- #004 Permit Expiration
- #005 Permit Renewal
- #006 Transfer of Ownership or Operational Control
- #007 Inspection and Entry
- #008 Compliance Requirements
- #009 Need to Halt or Reduce Activity Not a Defense
- #010 Duty to Provide Information
- #011 Reopening and Revising the Title V Permit for Cause
- #012 Reopening a Title V Permit for Cause by EPA
- #013 Operating Permit Application Review by the EPA
- #014 Significant Operating Permit Modifications
- #015 Minor Operating Permit Modifications
- #016 Administrative Operating Permit Amendments
- #017 Severability Clause
- #018 Fee Payment
- #019 Authorization for De Minimis Emission Increases
- #020 Reactivation of Sources
- #021 Circumvention
- #022 Submissions
- #023 Sampling, Testing and Monitoring Procedures
- #024 Recordkeeping Requirements
- #025 Reporting Requirements
- #026 Compliance Certification
- #027 Operational Flexibility
- #028 Risk Management
- #029 Approved Economic Incentives and Emission Trading Programs
- #030 Permit Shield

Section C. Site Level Title V Requirements

- C-I: Restrictions
- C-II: Testing Requirements
- C-III: Monitoring Requirements
- C-IV: Recordkeeping Requirements
- C-V: Reporting Requirements
- C-VI: Work Practice Standards
- C-VII: Additional Requirements
- C-VIII: Compliance Certification
- C-IX: Compliance Schedule

Section D. Source Level Title V Requirements

- D-I: Restrictions
- D-II: Testing Requirements
- D-III: Monitoring Requirements
- D-IV: Recordkeeping Requirements
- D-V: Reporting Requirements
- D-VI: Work Practice Standards
- D-VII: Additional Requirements



SECTION A. Table of Contents

Note: These same sub-sections are repeated for each source!

Section E. Alternative Operating Scenario(s)

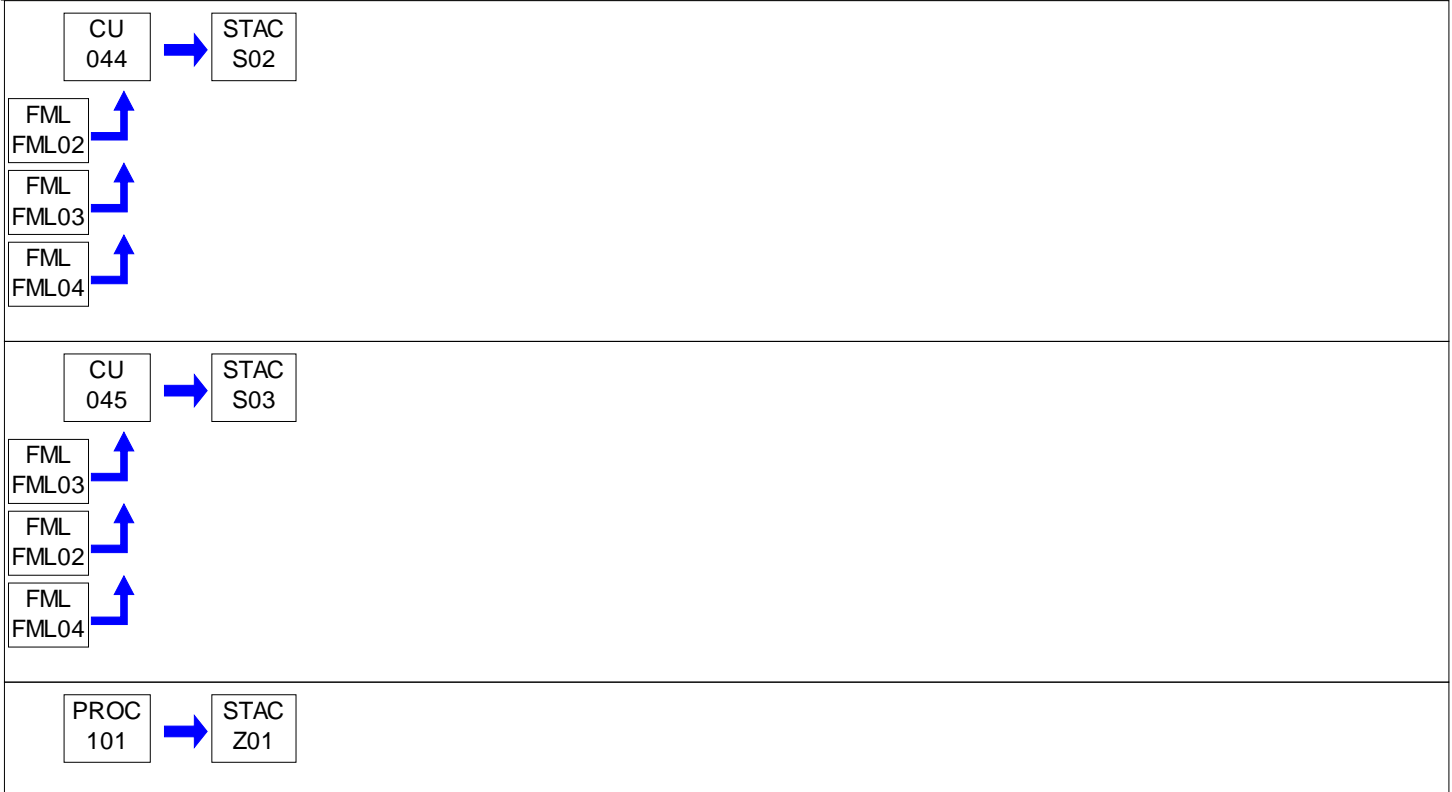
- E-I: Restrictions
- E-II: Testing Requirements
- E-III: Monitoring Requirements
- E-IV: Recordkeeping Requirements
- E-V: Reporting Requirements
- E-VI: Work Practice Standards
- E-VII: Additional Requirements

Section F. Emission Restriction Summary

Section G. Miscellaneous

**SECTION A. Site Inventory List**

Source ID	Source Name	Capacity/Throughput	Fuel/Material
044	POWER HOUSE BOILER 4	468.500 MMBTU/HR	
		80.000 BBL/HR	NO 4 RESID FUEL OIL
		479.500 MCF/HR	Natural Gas
		1,020.800 MCF/HR	By-Product
045	POWER HOUSE BOILER 5	468.500 MMBTU/HR	
		80.000 BBL/HR	NO 4 RESID FUEL OIL
		479.500 MCF/HR	Natural Gas
		1,020.800 MCF/HR	By-Product
101	ZEP DEGREASER		
FML02	NATURAL GAS PIPE LINE		
FML03	LANDFILL GAS PIPELINE		
FML04	NO 4 RESIDUAL FUEL OIL		
S02	BOILER 4 STACK		
S03	BOILER 5 STACK		
Z01	DEGREASER FUGITIVE EMISSIONS		

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.

**SECTION B. General Title V Requirements**

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

#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

**SECTION B. General Title V Requirements**

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

**SECTION B. General Title V Requirements**

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).

**SECTION B. General Title V Requirements**

(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.

**SECTION B. General Title V Requirements**

(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,

**SECTION B. General Title V Requirements**

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.

**SECTION B. General Title V Requirements**

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

#025 [25 Pa. Code §§ 127.411(d), 127.442, 127.463(e) & 127.511(c)]**Reporting Requirements**

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

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

(c) Every report submitted to the Department under this permit condition shall comply with the submission procedures specified in Section B, Condition #022(c) of this permit.

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

#026 [25 Pa. Code § 127.513]**Compliance Certification**

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

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

(b) The compliance certification shall be postmarked or hand-delivered no later than thirty days after each anniversary of the date of issuance of this Title V Operating Permit, or on the submittal date specified elsewhere in the permit, to the Department and EPA in accordance with the submission requirements specified in condition #022 of this section.

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

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

- (1) Section 127.14 (relating to exemptions)

SECTION B. General Title V Requirements

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

#028 [25 Pa. Code §§ 127.441(d), 127.512(i) and 40 CFR Part 68]**Risk Management**

- (a) If required by Section 112(r) of the Clean Air Act, the permittee shall develop and implement an accidental release program consistent with requirements of the Clean Air Act, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (P.L. 106-40).
- (b) The permittee shall prepare and implement a Risk Management Plan (RMP) which meets the requirements of Section 112(r) of the Clean Air Act, 40 CFR Part 68 and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act when a regulated substance listed in 40 CFR § 68.130 is present in a process in more than the listed threshold quantity at the Title V facility. The permittee shall submit the RMP to the federal Environmental Protection Agency according to the following schedule and requirements:
- (1) The permittee shall submit the first RMP to a central point specified by EPA no later than the latest of the following:
 - (i) Three years after the date on which a regulated substance is first listed under § 68.130; or,
 - (ii) The date on which a regulated substance is first present above a threshold quantity in a process.
 - (2) The permittee shall submit any additional relevant information requested by the Department or EPA concerning the RMP and shall make subsequent submissions of RMPs in accordance with 40 CFR § 68.190.
 - (3) The permittee shall certify that the RMP is accurate and complete in accordance with the requirements of 40 CFR Part 68, including a checklist addressing the required elements of a complete RMP.
- (c) As used in this permit condition, the term "process" shall be as defined in 40 CFR § 68.3. The term "process" means any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances or any combination of these activities. For purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.
- (d) If the Title V facility is subject to 40 CFR Part 68, as part of the certification required under this permit, the permittee shall:
- (1) Submit a compliance schedule for satisfying the requirements of 40 CFR Part 68 by the date specified in 40 CFR § 68.10(a); or,
 - (2) Certify that the Title V facility is in compliance with all requirements of 40 CFR Part 68 including the registration and submission of the RMP.
- (e) If the Title V facility is subject to 40 CFR Part 68, the permittee shall maintain records supporting the implementation of an accidental release program for five (5) years in accordance with 40 CFR § 68.200.
- (f) When the Title V facility is subject to the accidental release program requirements of Section 112(r) of the Clean Air Act and 40 CFR Part 68, appropriate enforcement action will be taken by the Department if:
- (1) The permittee fails to register and submit the RMP or a revised plan pursuant to 40 CFR Part 68.

**SECTION B. General Title V Requirements**

(2) The permittee fails to submit a compliance schedule or include a statement in the compliance certification required under Condition #26 of Section B of this Title V permit that the Title V facility is in compliance with the requirements of Section 112(r) of the Clean Air Act, 40 CFR Part 68, and 25 Pa. Code § 127.512(i).

#029 [25 Pa. Code § 127.512(e)]**Approved Economic Incentives and Emission Trading Programs**

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

#030 [25 Pa. Code §§ 127.516, 127.450(d), 127.449(f) & 127.462(g)]**Permit Shield**

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

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

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

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

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

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

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

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

(c) Unless precluded by the Clean Air Act or regulations thereunder, final action by the Department incorporating a significant permit modification in this Title V Permit shall be covered by the permit shield at the time that the permit containing the significant modification is issued.

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

No person may permit air pollution as that term is defined in the Air Pollution Control Act (35 P.S. Section 4003).

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 25 Pa. Code § 123.1(a)(1)-(9) (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 opacity limitations as per 25 Pa. Code § 123.41 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.
- (b) When the emission results from the operation of equipment used solely to train and test persons in observing the opacity of visible emissions.

**SECTION C. Site Level Requirements**

(c) When the emission results from the sources specified in 25 Pa. Code § 123.1(a)(1)-(9) (relating to prohibition of certain fugitive emissions).

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 and the most current version of the DEP Source Testing Manual, 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) An opacity monitor that is operated in accordance with the Department's Continuous Source Monitoring Manual 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
 - (3) fugitive particulate matter (as per 25 Pa. Code §§ 123.1 and 123.2).

**SECTION C. Site Level Requirements**

- (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.
- (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 two (2) 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.

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

**SECTION C. Site Level Requirements**

- (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 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 #26 of section B of this permit. The annual certificate of compliance shall be submitted to the Department in paper form, and EPA Region III in electronic form at the following email address: R3_APD_Permits@epa.gov
- (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**

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

If the permittee has been previously advised by the Department to submit a source report, the permittee shall submit by March 1, of each year, a source report for the preceding calendar year. The report shall include information from all previously reported sources, new sources which were first operated during the preceding calendar year, and sources modified during the same period which were not previously reported, including those sources listed in the Miscellaneous Section of this permit.

The permittee may request an extension of time from the Department for the filing of a source report, and the Department may grant the extension for reasonable cause.

VI. WORK PRACTICE REQUIREMENTS.**# 017 [25 Pa. Code §123.1]****Prohibition of certain fugitive emissions**

A person responsible for any source specified 25 Pa. Code § 123.1 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, 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, on dirt roads, material stockpiles and other surfaces which may give rise to airborne dusts;
- (c) paving and maintenance of roadways; and
- (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 immediately, upon discovery, implement measures, which may include the application for the installation of an air cleaning device(s), if necessary, to reduce the air contaminant emissions to within applicable limitations, if at any time the operation of the source(s) identified in Section A of this permit, is causing the emission of air contaminants in excess of the limitations specified in, or established pursuant to, 25 Pa. Code Article III, or any other applicable rule promulgated under the Clean Air Act.

019 [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.]

The permittee may not modify any air contaminant system identified in this permit, prior to obtaining Department approval, except those modifications authorized by Condition #019(g), of Section B, of this permit.

020 [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.]

The permittee shall ensure that the source(s) and air pollution control device(s), listed in Section A and Section G, where applicable, of this permit, are operated and maintained in a manner consistent with good operating and maintenance practices, and in accordance with manufacturer's specifications.

VII. ADDITIONAL REQUIREMENTS.**# 021 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

In accordance with 40 CFR Part 97 (relating to Federal NO_x Budget Trading Program and CAIR NO_x and SO₂ Trading Programs), the owners and operators and the CAIR designated representative of each CAIR source shall comply with 40 CFR § 97.106 (relating to standard requirements), 40 CFR § 97.206 (relating to standard requirements) and 40 CFR § 97.306.

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.

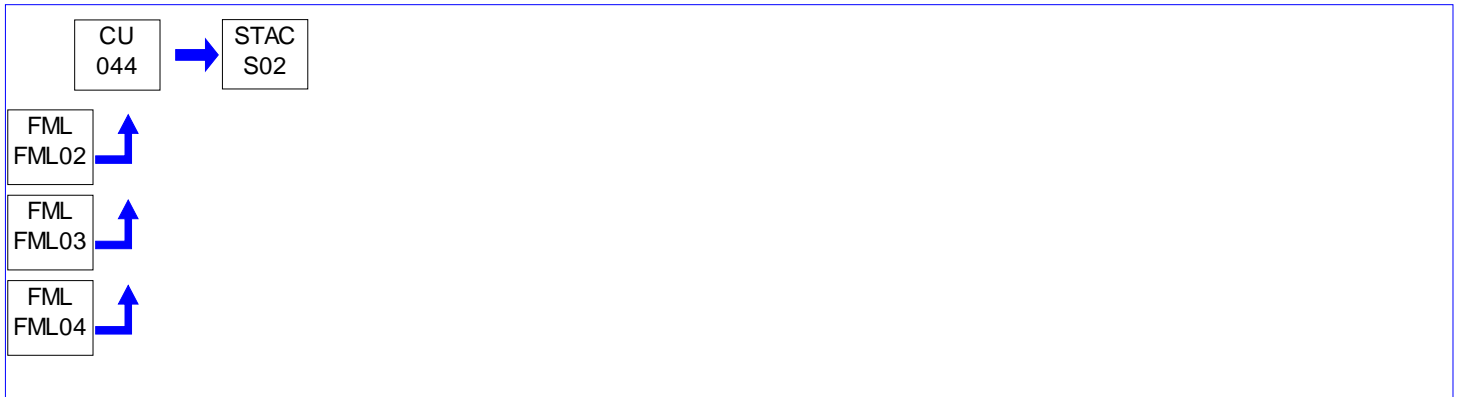
***** Permit Shield In Effect *****

**SECTION D. Source Level Requirements**

Source ID: 044

Source Name: POWER HOUSE BOILER 4

Source Capacity/Throughput:	468.500 MMBTU/HR	
	80.000 BBL/HR	NO 4 RESID FUEL OIL
	479.500 MCF/HR	Natural Gas
	1,020.800 MCF/HR	By-Product

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

A person may not permit the emission into the outdoor atmosphere of particulate matter from this boiler in excess of 0.12 pounds per million Btu of heat input, pursuant to 25 Pa. Code § 123.11(a)(2).

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

[Additional authority for this permit condition is also derived from 25 Pa. Code §§ 129.91, 129.97 and 129.99]

(a) The NO_x emissions from this boiler shall not exceed 322.0 tons in any 12 consecutive month period, in accordance with 25 Pa. Code § 129.91-RACT Phase I.

(b) The following NO_x emission limits shall be used for the corresponding fuel type:

- (1) Landfill Gas -- 0.100 lbs/MMBtu (30-day rolling average), in accordance with 25 Pa. Code § 129.99 (b).
- (2) Natural Gas -- 0.100 lbs/MMBtu (30-day rolling average), in accordance with 25 Pa. Code § 129.97 (g) (1) (i).
- (3) No. 4 Residual Oil -- 0.200 lbs/MMBtu (30-day rolling average), in accordance with 25 Pa. Code § 129.97 (g) (1) (iii).

(c) When co-firing fuels, the emissions shall be prorated from the above emission limits and the percent heat input for each fuel fired in lb/MMBtu (30-day rolling average).

[Compliance with the emission rate for landfill gas in the condition above demonstrates compliance with the requirements of RACT Phase II in accordance with the requirements of 25 Pa. Code Section 129.99(b) – Case-by-case RACT analysis.]

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

[Additional authority for this permit condition is also derived from 25 Pa. Code § 129.91.]

(a) When burning natural gas or No. 4 residual oil, the VOC emissions for this boiler shall not exceed 3.96 tons in any 12 consecutive month period.

(b) When burning LFG, the VOC emissions from this boiler shall not exceed either of the following:

- (1) 20 ppmv, as hexane at 3% oxygen; and
- (2) 121 tons, measured as hexane at 3% oxygen, in any 12 consecutive month period (based on calculations from the 20 ppmv concentration limit, above).

**SECTION D. Source Level Requirements****Fuel Restriction(s).****# 004 [25 Pa. Code §123.22]****Combustion units**

(a) A person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in a combustion unit in the Southeast Pennsylvania air basin if the commercial fuel oil contains sulfur in excess of [0.05% No. 2; 0.25% No. 4; 0.5% No. 5 & 6] by weight sulfur content, pursuant to 25 Pa. Code § 123.22(e)(2)(i), except as described in 25 Pa. Code § 123.22(e)(2)(ii) and (iii).

(b) Commercial fuel oil that was stored in the Commonwealth by the ultimate consumer prior to July 1, 2016, which met the applicable maximum allowable sulfur content for commercial fuel oil through June 30, 2016, in subparagraph (a) at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after July 1, 2016.

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

[Additional authority for this permit condition is also derived from 25 Pa. Code § 127.444.]

The permittee shall use only Landfill Gas, Natural Gas or NO. 4 Fuel Oil as fuel for this source.

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

[Additional authority for this permit condition is also derived from 25 Pa. Code § 129.91.]

This boiler shall be fired only on landfill gas, natural gas, No. 4 residual fuel, or any combination of these fuels. There will be no reclaimed waste oil or other waste materials added to the No. 4 residual fuel oil.

Landfill gas shall be the primary fuel (100% of rating) of this boiler. Natural gas usage shall be limited to 55% of the rating of this boiler, and No. 4 residual fuel oil usage shall be limited to 32% of the rating of this boiler. Compliance with the above percentages shall be calculated based on a 12-consecutive month rolling average.

II. TESTING REQUIREMENTS.**# 007 [25 Pa. Code §123.22]****Combustion units**

(a) The actual sulfur content of commercial fuel oil shall be determined:

- (1) in accordance with the sample collection, test methods and procedures specified under 25 Pa. Code § 139.16 (relating to sulfur in fuel oil); or
- (2) by other methods developed or approved by the Department or the Administrator of the EPA, or both.

(b) A person other than the ultimate consumer that accepts a shipment of commercial fuel oil from a refinery or other transferor, shall sample, test, and calculate the actual sulfur content of the commercial fuel oil in accordance with (a), above, if the shipment lacks the records required by 25 Pa. Code § 123.22(g)(1).

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

(a) The permittee shall perform a stack test using the Department-approved procedures once every five (5) calendar years, where five calendar years is defined as beginning with the calendar year the latest stack test was performed and ending on December 31, five years later. Performance tests shall be conducted while the source is operating at maximum routine operating conditions or under such other conditions, within the capacity of the equipment, as may be requested by the Department. When testing of a source is required on a recurring basis, a single procedural protocol may be submitted for approval; thereafter, a letter referencing the previously approved procedural protocol is sufficient. However, if modifications are made to the process(es), if a different stack testing company is used, or if an applicable section of the stack testing manual has been revised since approval, a new protocol must be submitted for approval.

(b) At least ninety (90) days prior to the test, the permittee shall submit to the Department for approval the procedures for the test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

**SECTION D. Source Level Requirements**

- (c) The stack test shall, at a minimum, test for VOC. Tests shall be conducted in accordance with the provisions of EPA Method/s or other Department approved methodology and 25 Pa. Code Chapter 139.
- (d) At least thirty (30) days prior to the test, the Regional Air Quality Manager, shall be informed of the date and time of the test.
- (e) Within sixty (60) days after the source test(s) (unless a more stringent regulatory requirement applies), one paper copy plus one electronic copy of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Manager for approval.
- (f) In the event that any of the above deadlines cannot be met, the permittee may request an extension for the due date(s) in writing and include a justification for the extension. The Department may grant an extension for a reasonable cause.

009 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

- (a) If the permittee should ever use No. 4 residual fuel oil for 30 or more cumulative days within a 12-month rolling period, the permittee shall perform stack testing to measure emissions of NO_x, CO, SO_x, PM/PM₁₀/PM_{2.5} (filterable and condensable) and VOC. Stack testing shall be performed no later than 90 days following the 30th day of cumulative No 4 residual fuel oil usage. This testing shall be conducted at maximum normal load.
- (b) At least sixty (60) days prior to the test, the permittee shall submit to the Department for approval the procedures for the test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.
- (c) The stack test shall, at a minimum, test for NO_x, CO, SO_x, PM/PM₁₀/PM_{2.5} (filterable and condensable) and VOC. Tests shall be conducted in accordance with the Department's Source Testing Manual (274-0300-002) and 25 Pa. Code Chapter 139.
- (d) At least thirty (30) days prior to the test, the Regional Air Quality Manager, shall be informed of the date and time of the test. Final acceptance of the test date is contingent on approval of the test protocol.
- (e) Within sixty (60) days after the source test(s), two copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Manager for approval.
- (f) In the event that any of the above deadlines cannot be met, the permittee may request an extension for the due date(s) in writing and include a justification for the extension. The Department may grant an extension for a reasonable cause.

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

- (a) The permittee shall submit one paper copy plus one electronic copy of all source test submissions (notifications, protocols, reports, supplemental information, etc.) to both the AQ Program Manager for the Southeast Regional Office and the PSIMS Administrator in Central Office (mail and email addresses are provided below). Any questions or concerns about source testing submissions can be sent to RA-EPstacktesting@pa.gov and the PSIMS Administrator will address them.
- (b) The following pertinent information shall be listed on the title page.
1. Test Date(s)
 - a. For protocols, provide the proposed date on which testing will commence or "TBD"
 - b. For reports, provide the first and last day of testing
 2. Facility Identification Number (Facility - ID): For test programs that were conducted under a multi-site protocol, also include the PF Id under which the protocol was stored in PSIMS, as indicated in the protocol response letter.

**SECTION D. Source Level Requirements**

3. Source ID(s) for the applicable source(s) and air pollution control device(s): The term Source ID is used in the permit but "Other Id" is used in DEP electronic systems. They are the same number and must also be listed for control equipment

4. Testing Requirements (all that apply)

- a. Plan approval number(s)
- b. Operating permit number
- c. Applicable federal subpart(s) (i.e. 40 CFR 60, Subpart JJJJ)
- d. Special purpose(s) (Consent Order, RFD, RACT II, Tier II, etc.)

(c) Mail all paper submissions to both the PSIMS Administrator and the Air Quality Program Manager for the Southeast Regional Office. Mailing addresses are provided below.

Central Office
 Pennsylvania Department of Environmental Protection
 Attn: PSIMS Administrator
 P.O. Box 8468
 Harrisburg, PA 17105-8468

Southeast Region
 Pennsylvania Department of Environmental Protection
 Attn: Air Quality Program Manager
 2 East Main Street
 Norristown, PA 19401

(d) Eliminate shading, color ink for data emphasis, small font size, and color saturation as the scanning to create an electronic file is done in black and white. Shading and color emphasis do not scan well and make the electronic copies difficult to read.

(e) Email all electronic submissions to both the PSIMS Administrator in Central Office and the Air Quality Program Manager for the Southeast Regional Office. Email addresses are provided below.

Central Office
 RA-EPstacktesting@pa.gov

Southeast Region
 RA-EPSEstacktesting@pa.gov

(f) The Department limits emails to 15 MB and PSIMS has a file size limitation of 100 MB for electronic files. Submit just one electronic file (convert any Microsoft Word or Excel files to an Adobe PDF format and combine them with the report or protocol), unless the submission contains CONFIDENTIAL information.

(g) If confidential information must be submitted, submit both a public copy, which has been redacted, and a confidential copy. The cover page of each submittal should state whether it is a "Public Copy" or "Confidential Copy" and each page of the latter must be marked "CONFIDENTIAL".

011 [25 Pa. Code §139.16]

Sulfur in fuel oil.

(a) The following are applicable to the analysis of commercial fuel oil:

(1) The fuel oil sample for chemical analysis shall be collected in a manner that provides a representative sample. Upon the request of a Department official, the person responsible for the operation of the source shall collect the sample employing the procedures and equipment specified in 25 Pa. Code § 139.4(10) (relating to references).

(2) Tests methods and procedures for the determination of sulfur shall be those specified in 25 Pa. Code § 139.4(12)--(15).

**SECTION D. Source Level Requirements**

(3) Results shall be reported in accordance with the units specified in 25 Pa. Code § 123.22 (relating to combustion units).

(b) The testing requirements in subpart (a), above, shall be waived in the event that a delivery receipt from the supplier, showing the percent sulfur in the fuel, is obtained each time a fuel oil delivery is made.

012 [25 Pa. Code §139.53]**Filing monitoring reports.**

Pursuant to 25 Pa. Code Sections 139.53(a)(1) and 139.53(a)(3) two copies of all testing submittals submittal shall be mailed to the Department.

013 [25 Pa. Code §139.53]**Filing monitoring reports.**

Pursuant to 25 Pa. Code § 139.53(b), a complete test report shall include a summary of the emission results on the first page of the report indicating if each pollutant measured is within permitted limits and a statement of compliance or noncompliance with all the applicable permit conditions. The summary results will include, at a minimum, the following information:

- (a) a statement that the owner or operator has reviewed the report from the emissions testing body and agrees with the findings;
- (b) permit number(s) and condition(s) which are the basis for the evaluation;
- (c) summary of results with respect to each applicable permit condition;
- (d) statement of compliance or non-compliance with each applicable permit condition.

III. MONITORING 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 § 129.91.]

The permittee shall monitor the type and amount of fuel being used by this boiler, and the number of hours of operation using each type of fuel on a daily basis.

[Compliance with this condition also demonstrates compliance with 25 Pa. Code §129.97 (i)]

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

[Additional authority for this permit condition is also derived from 25 Pa. Code § 129.100]

The owner or operator shall demonstrate compliance with the emission limitations under Condition #002, of this source, by operating a CEMS for NO_x, in accordance with the following procedures:

(1) 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.

(i) A 30-day rolling average emission rate for an air contamination source that is a combustion unit shall be expressed in pounds per million Btu and calculated in accordance with the following procedure:

(A) Sum the total pounds of pollutant emitted from the combustion unit for the current operating day and the previous 29 operating days.

(B) Sum the total heat input to the combustion unit in million Btu for the current operating day and the previous 29 operating days.

(C) Divide the total number of pounds of pollutant emitted by the combustion unit for the 30 operating days by the total

**SECTION D. Source Level Requirements**

heat input to the combustion unit for the 30 operating days.

(ii) A 30-day rolling average emission rate for each applicable RACT emission limitation shall be calculated for an affected air contamination source for each consecutive operating day.

(iii) Each 30-day rolling average emission rate for an affected air contamination source must include the emissions that occur during the entire operating day, including emissions from start-ups, shutdowns and malfunctions.

IV. RECORDKEEPING REQUIREMENTS.**# 016 [25 Pa. Code §123.22]****Combustion units**

The permittee shall receive with each fuel oil delivery an electronic or paper record which legibly and conspicuously contains the following information:

- (a) the date of the sale or transfer;
- (b) the name and address of the seller;
- (c) the name and address of the buyer;
- (d) the delivery address;
- (e) the volume of commercial fuel oil purchased; and
- (f) the identification of the sulfur content of the shipment of fuel oil, determined using the sampling and testing methods specified in the testing requirement above, expressed as one of the following statements:
 - (1) For a shipment of No. 2 and lighter commercial fuel oil, "The sulfur content of this shipment is 500 ppm or below."
 - (2) For a shipment of No. 4 commercial fuel oil, "The sulfur content of this shipment is 2,500 ppm or below."
 - (3) For a shipment of No. 5, No. 6 and heavier commercial fuel oil, "The sulfur content of this shipment is 5,000 ppm or below."

017 [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.]

Each adjustment conducted under the tune-up procedures for this source, shall be recorded in a permanently bound log book, and contain the following:

- (a) the date of the tuning procedure;
- (b) the name of the service company and technician;
- (c) the final operating rate or load;
- (d) the final CO and NO_x emission rates; and
- (e) the final excess oxygen rate.

018 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

[Additional authority for this permit condition is also derived from 25 Pa. Code §§ 129.91]

- (a) The permittee shall record the type and amount of fuel being used by this boiler, and the number of hours of operation using each type of fuel on a daily basis.
- (b) Should No.4 residual fuel oil be used in this boiler, the permittee shall keep a running log of the days the fuel oil is used in a 12-month rolling period in order to determine when the testing requirement (Condition #009) is triggered.
- (c) Should No. 4 residual fuel oil be used in this boiler, the permittee shall keep records pursuant to the definitions of "gas-fired boiler" in 40 CFR Section 63.11237 and "oil fired electric steam generating unit" in 40 CFR Section 63.10042 to determine when applicability of 40 CFR Part 63 Subparts JJJJJ and UUUUU are triggered.

**SECTION D. Source Level Requirements**

[Compliance with paragraph (a) also demonstrates compliance with 25 Pa. Code §129.97 (i)]

019 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

For No. 4 residual fuel oil, the minimum recordkeeping shall include a certification from the oil supplier of the sulfur content of the fuel and identification of the sampling method and sampling protocol.

020 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

[Additional authority for this permit condition is also derived from 25 Pa. Code §§ 129.91 and 129.100]

(a) The permittee shall record data and perform sufficient calculations to demonstrate compliance with each of the emission limits for this boiler.

(b) The permittee shall keep records to demonstrate compliance with §§ 129.96—129.99, for NO_x, as applicable, in the following manner:

(1) The records must include sufficient data and calculations to demonstrate that the requirements of 25 Pa. Code § 129.96—129.99, as applicable, are met.

(2) Data or information required to determine compliance shall be recorded and maintained in a time frame consistent with the averaging period of the requirement.

(3) The records shall be retained by the owner or operator for 5 years and made available to the Department or appropriate approved local air pollution control agency upon receipt of a written request from the Department or appropriate approved local air pollution control agency.

[Compliance with paragraph (a) also demonstrates compliance with 25 Pa. Code §129.97(i)]

021 [25 Pa. Code §139.16]**Sulfur in fuel oil.**

Results of the fuel oil sulfur test shall be recorded in accordance with the units specified in 25 Pa. Code § 123.22 (relating to combustion units).

V. REPORTING REQUIREMENTS.**# 022 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

[Additional authority for this permit condition is also derived from 25 Pa. Code §§ 129.91 and 123.51(c).]

The required data reports shall be submitted to the Department's Central Office, in hardcopy and computer-readable-media formats as specified by the Department, within thirty (30) days following the close of each calendar quarter.

VI. WORK PRACTICE REQUIREMENTS.**# 023 [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(h) and 129.93.]

(a) The permittee shall perform an annual tune-up on the combustion process for this boiler. The annual tune-up shall consist of, at a minimum, the following:

(1) Inspection, adjustment, cleaning or replacement of fuel burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer.

(2) Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO_x, and to the extent practicable, minimize the emissions of CO.

**SECTION D. Source Level Requirements**

(3) Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer.

(b) The annual combustion tune-up shall be made in accordance with EPA document "Combustion Efficiency Optimization Manual for Operators of Oil and Gas-fired Boilers," September 1983 (EPA-3401/1-83-023) or equivalent procedures approved by the Department in writing.

024 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

[Additional authority for this permit condition is also derived from 25 Pa. Code §§ 129.91 and 123.51(b).]

The continuous source monitors (CEMs) for oxides of nitrogen (NOx), carbon dioxide (CO₂), and an exhaust flow meter must be approved by the Department and operated and maintained in accordance with the requirements of Chapter 139 of the Rules and Regulations of the Pennsylvania Department of Environmental Protection and the Department's Continuous Source Monitoring Manual. All submittals shall be made in accordance with the time line specified in the Department's Continuous Source Monitoring Manual.

025 [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 NO_x 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.

(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 NO_x 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 NO_x 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 NO_x Ozone Season allowances for those years.

026 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

[Transport Rule (TR) NO_x 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 NO_x Annual source and each TR NO_x 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 NO_x Annual allowances under §§ 97.411(a)(2) and (b) and 97.412 and to determine compliance with the TR NO_x 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

**SECTION D. Source Level Requirements**

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 (rounded to the nearest whole number), as determined by the Administrator in accordance with § 97.425(b), of multiplying—

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

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

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

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

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

**SECTION D. Source Level Requirements**

units at TR NOx Annual sources in a State (and Indian country within the borders of such State) during a control period exceeds the common designated representative's assurance level.

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

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

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

(3) Compliance periods.

(i) A TR NOx Annual unit shall be subject to the requirements under paragraph (c)(1) of this section for the control period starting on the later of January 1, 2015 or the deadline for meeting the unit's monitor certification requirements under § 97.430(b) and for each control period thereafter.

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

(4) Vintage of allowances held for compliance.

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

(ii) A TR NOx Annual allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (2)(i) through (iii) of this section for a control period in a given year must be a TR NOx 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 NOx Annual allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with this subpart.

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

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

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

(7) Property right. A TR NOx Annual allowance does not constitute a property right.

(d) Title V permit requirements.

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

(2) A description of whether a unit is required to monitor and report NOx emissions using a continuous emission monitoring system (under subpart H of part 75 of this chapter), an excepted monitoring system (under appendices D and E to part 75 of this chapter), a low mass emissions excepted monitoring methodology (under § 75.19 of this chapter), or an alternative monitoring system (under subpart E of part 75 of this chapter) in accordance with §§ 97.430 through 97.435 may

**SECTION D. Source Level Requirements**

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 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.

027 [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.

**SECTION D. Source Level 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.

(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.

SECTION D. Source Level Requirements

(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.

(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.

SECTION D. Source Level 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.

(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.

028 [25 Pa. Code §127.441]

Operating permit terms and conditions.

[Transport Rule (TR) NOX Ozone Season Trading Program Requirements (40 CFR § 97.806)]

**SECTION D. Source Level Requirements**

(a) Designated representative requirements.

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

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

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

(2) The emissions data determined in accordance with §§97.830 through 97.835 shall be used to calculate allocations of CSAPR NOX Ozone Season Group 2 allowances under §§97.811(a)(2) and (b) and 97.812 and to determine compliance with the CSAPR NOX Ozone Season Group 2 emissions limitation and assurance provisions under paragraph (c) of this section, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with §§97.830 through 97.835 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

(c) NOX emissions requirements

(1) CSAPR NOX Ozone Season Group 2 emissions limitation.

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

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

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

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

(2) CSAPR NOX Ozone Season Group 2 assurance provisions.

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

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

(B) The amount by which total NOX emissions from all base CSAPR NOX Ozone Season Group 2 units at base CSAPR

**SECTION D. Source Level Requirements**

NOX Ozone Season Group 2 sources in the State (and Indian country within the borders of such State) for such control period exceed the State assurance level.

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

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

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

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

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

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

(3) Compliance periods.

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

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

(4) Vintage of CSAPR NOX Ozone Season Group 2 allowances held for compliance.

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

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

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

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

**SECTION D. Source Level Requirements**

- (i) Such authorization shall only be used in accordance with the CSAPR NOX Ozone Season Group 2 Trading Program; and
- (ii) Notwithstanding any other provision of this subpart, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- (7) Property right. A CSAPR NOX Ozone Season Group 2 allowance does not constitute a property right.
- (d) Title V permit requirements.
- (1) No title V permit revision shall be required for any allocation, holding, deduction, or transfer of CSAPR NOX Ozone Season Group 2 allowances in accordance with this subpart.
- (2) A description of whether a unit is required to monitor and report NOX emissions using a continuous emission monitoring system (under subpart H of part 75 of this chapter), an excepted monitoring system (under appendices D and E to part 75 of this chapter), a low mass emissions excepted monitoring methodology (under §75.19 of this chapter), or an alternative monitoring system (under subpart E of part 75 of this chapter) in accordance with §§97.830 through 97.835 may be added to, or changed in, a title V permit using minor permit modification procedures in accordance with §§70.7(e)(2) and 71.7(e)(1) of this chapter, provided that the requirements applicable to the described monitoring and reporting (as added or changed, respectively) are already incorporated in such permit. This paragraph explicitly provides that the addition of, or change to, a unit's description as described in the prior sentence is eligible for minor permit modification procedures in accordance with §§70.7(e)(2)(i)(B) and 71.7(e)(1)(i)(B) of this chapter.
- (e) Additional recordkeeping and reporting requirements.
- (1) Unless otherwise provided, the owners and operators of each CSAPR NOX Ozone Season Group 2 source and each CSAPR NOX Ozone Season Group 2 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
- (i) The certificate of representation under §97.816 for the designated representative for the source and each CSAPR NOX Ozone Season Group 2 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under §97.816 changing the designated representative.
- (ii) All emissions monitoring information, in accordance with this subpart.
- (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NOX Ozone Season Group 2 Trading Program.
- (2) The designated representative of a CSAPR NOX Ozone Season Group 2 source and each CSAPR NOX Ozone Season Group 2 unit at the source shall make all submissions required under the CSAPR NOX Ozone Season Group 2 Trading Program, except as provided in §97.818. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in parts 70 and 71 of this chapter.
- (f) Liability.
- (1) Any provision of the CSAPR NOX Ozone Season Group 2 Trading Program that applies to a CSAPR NOX Ozone Season Group 2 source or the designated representative of a CSAPR NOX Ozone Season Group 2 source shall also apply to the owners and operators of such source and of the CSAPR NOX Ozone Season Group 2 units at the source.
- (2) Any provision of the CSAPR NOX Ozone Season Group 2 Trading Program that applies to a CSAPR NOX Ozone Season Group 2 unit or the designated representative of a CSAPR NOX Ozone Season Group 2 unit shall also apply to the owners and operators of such unit.
- (g) Effect on other authorities. No provision of the CSAPR NOX Ozone Season Group 2 Trading Program or exemption

**SECTION D. Source Level Requirements**

under §97.805 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NOX Ozone Season Group 2 source or CSAPR NOX Ozone Season Group 2 unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

029 [25 Pa. Code §127.512]**Operating permit terms and conditions.**

[Additional authority for this permit condition is also derived from 25 Pa. Code §§ 139.101 and 123.51(b).]

The continuous monitors shall be operated and maintained to achieve at least one of the following data availability requirements:

(a) Carbon Dioxide, Oxides of Nitrogen and Flow Meter -- \geq 95% valid hours/calendar quarter, where a valid hour is defined as \geq 75% valid readings/hour (45 minutes/hour), or,

(b) Carbon Dioxide, Oxides of Nitrogen and Flow Meter -- \geq 90% valid hours/calendar month, where a valid hour is defined as \geq 75% valid readings/hour (45 minutes/hour).

VII. ADDITIONAL REQUIREMENTS.**# 030 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

In addition to the Federal requirements under 40 CFR Part 97 of this Operating Permit, all units that meet the applicability requirements in 25 Pa. Code § 145.203 shall meet any applicable requirement of 25 Pa Code §§ 145.204, 145.205,145.212,145.213, 145.221, 145.222, and 145.223.

031 [25 Pa. Code §145.204.]**Incorporation of Federal regulations by reference.**

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

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

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

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

032 [25 Pa. Code §145.205.]**Emission reduction credit provisions.**

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

(1) Prior to issuing the permit or plan approval, the Department will permanently reduce the Commonwealth's CAIR NOx trading budget or CAIR NOx Ozone Season trading budget, or both, as applicable, beginning with the sixth control period following the date the Plan Approval or permit to commence operations or increase emissions is issued. The Department

**SECTION D. Source Level Requirements**

will permanently reduce the applicable CAIR NO_x budgets by an amount of allowances equal to the ERCs or creditable emission reductions relied upon in the applicability determination for the non-CAIR unit subject to Chapter 127, Subchapter E or in the amount equal to the emissions trade authorized under Chapter 127, as if these emissions had already been emitted.

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

033 [25 Pa. Code §145.212.]**CAIR NO_x allowance allocations.**

(a) Provisions not incorporated by reference.

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

(b) Baseline heat input.

Baseline heat input for each CAIR NO_x unit will be converted as follows:

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

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

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

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

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

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

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

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

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

(vi) Calculations will be based on the best output data available on or before January 31 of the year the allocations are published. If unit level electrical or steam output data are not available from EIA, or submitted by this date by the owner or

**SECTION D. Source Level Requirements**

operator of the CAIR NOx unit, then heat input data for the period multiplied by 0.25 and converted to MWh will be used to determine total output.

(c) Existing unit, new unit and subsection (f)(1) qualifying resource allocation baseline.

For each control period beginning with January 1, 2010, and each year thereafter, the Department will allocate to qualifying resources and CAIR NOx units, including CAIR NOx units issued allowances under subsection (e), a total amount of CAIR NOx allowances equal to the number of CAIR NOx allowances remaining in the Commonwealth's CAIR NOx trading budget under 40 CFR 96.140 (relating to State trading budgets) for those control periods using summed baseline heat input data as determined under subsections (b) and (f)(1) from a baseline year that is 6 calendar years before the control period.

(d) Proration of allowance allocations.

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

(e) Allocations to new CAIR NOx units.

By March 31, 2011, and March 31 each year thereafter, the Department will allocate CAIR NOx allowances under § 145.211(c) (relating to timing requirements for CAIR NOx allowance allocations) to CAIR NOx units equal to the previous year's emissions at each unit, unless the unit has been issued allowances of the previous year's vintage in a regular allocation under § 145.211(b). The Department will allocate CAIR NOx allowances under this subsection of a vintage year that is 5 years later than the year in which the emissions were generated. The number of CAIR NOx allowances allocated may not exceed the actual emission of the year preceding the year in which the Department makes the allocation. The allocation of these allowances to the new unit will not reduce the number of allowances the unit is entitled to receive under another provision of this subchapter.

(f) Allocations to qualifying resources and units exempted by section 405(g)(6)(a) of the Clean Air Act.

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

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

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

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

SECTION D. Source Level Requirements

Public Utility Commission or its designee.

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

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

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

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

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

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

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

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

where,

AA is the unit's prorated allocation,

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

BNA is the total number of CAIR NO_x allowances in the Commonwealth's CAIR NO_x trading budget,

TRA is the total number of CAIR NO_x allowances requested by all units requesting allowances under this paragraph.

(3) The Department will review each CAIR NO_x allowance allocation request under this subsection and will allocate CAIR NO_x allowances for each control period under a request as follows:

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

(ii) On or after January 1 of the year of allocation, the Department will determine the sum of the CAIR NO_x allowances requested.

(4) Up to 1.3% of the Commonwealth's CAIR NO_x trading budget is available for allocation in each allocation cycle from 2011-2016 to allocate 2010-2015 allowances for the purpose of offsetting SO₂ emissions from units described in paragraph (2). Beginning January 1, 2017, and for each allocation cycle thereafter, the units will no longer be allocated CAIR NO_x allowances under paragraph (2). Any allowances remaining after this allocation will be allocated to units under subsection (c) during the next allocation cycle.

(5) Notwithstanding the provisions of paragraphs (2)—(4), the Department may extend, terminate or otherwise modify the allocation of NO_x allowances made available under this subsection for units exempted under section 405(g)(6)(a) of the Clean Air Act after providing notice in the Pennsylvania Bulletin and at least a 30-day public comment period.

**SECTION D. Source Level Requirements**

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

034 [25 Pa. Code §145.213.]**Supplemental monitoring, recordkeeping and reporting requirements for gross electrical output and useful thermal energy for units subject to 40 CFR 96.170--96.175.**

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

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

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

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

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

035 [25 Pa. Code §145.222.]**CAIR NOx Ozone Season allowance allocations.**

(a) Provisions not incorporated by reference.

The requirements of 40 CFR 96.342 (relating to CAIR NOx Ozone Season allowance allocations) are not incorporated by reference. Instead of 40 CFR 96.342, the requirements in this section apply.

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

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

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

SECTION D. Source Level Requirements

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

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

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

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

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

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

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

(vi) Calculations will be based on the best output data available on or before January 31 of the year the allocations are published. If unit level electrical or steam output data are not available from EIA, or submitted by this date by the owner or operator of the CAIR NOx Ozone Season unit, then heat input data for the period multiplied by 0.25 and converted to MWh will be used to determine total output.

(c) Existing unit, new unit and subsection (f)(1) qualifying resource allocation baseline.

For each control period beginning with the 2010 control period and thereafter, the Department will allocate to qualifying resources and CAIR NOx Ozone Season units, including CAIR NOx Ozone Season units issued allowances under subsection (e), a total amount of CAIR NOx Ozone Season allowances equal to the number of CAIR NOx Ozone Season allowances remaining in the Commonwealth's CAIR NOx Ozone Season trading budget under 40 CFR 96.140 (relating to State trading budgets) for those control periods using summed baseline heat input data as determined under subsections (b) and (f)(1) from an ozone season control period in a baseline year that is 6 calendar years before the control period.

(d) Proration of allowance allocations.

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

(e) Allocations to new CAIR NOx Ozone Season units.

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

**SECTION D. Source Level Requirements**

year in which the Department makes the allocation. The allocation of these allowances to the new unit will not reduce the number of allowances the unit is entitled to receive under another provision of this subchapter.

(f) Allocations to qualifying resources.

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

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

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

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

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

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

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

036 [25 Pa. Code §145.223.]

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

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

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

**SECTION D. Source Level Requirements**

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

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

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

037 [40 CFR Part 63 NESHAPS for Source Categories §40 CFR 63.11194]

SUBPART JJJJJJ - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources

What is the affected source of this subpart?

Should the consumption of residual fuel oil in this boiler exceed the limitations for a "gas-fired boiler", defined pursuant to 40 CFR Section 63.11237, the boiler is subject to the provisions of

40 CFR Part 63 Subpart JJJJJJ National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers.

The owner/operator shall comply with all applicable requirements.

038 [40 CFR Part 63 NESHAPS for Source Categories §40 CFR Subpart 63.10042]

SUBPART UUUUUU - National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units

What definitions apply to this subpart?

Pursuant to 40 CFR Section 63 .9981, should the consumption of residual fuel oil in this boiler equal or exceed the limitations for a "oil fired electric utility steam generating unit", defined pursuant to 40 CFR Section 63.10042, the boiler is subject to the provisions of

40 CFR Part 63 Subpart UUUUUU National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units.

The owner/operator shall comply with all applicable requirements.

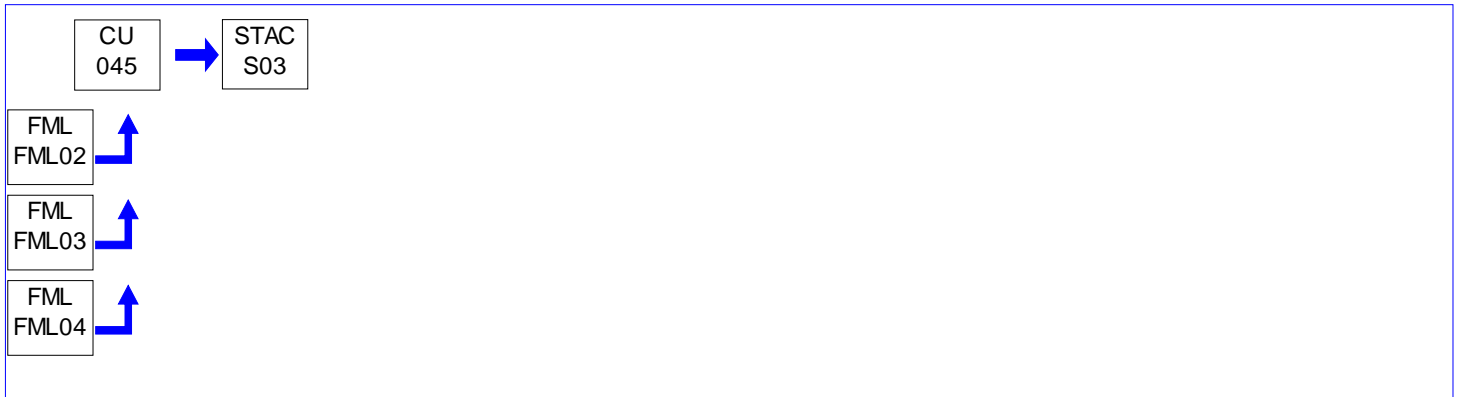
***** Permit Shield in Effect. *****

**SECTION D. Source Level Requirements**

Source ID: 045

Source Name: POWER HOUSE BOILER 5

Source Capacity/Throughput:	468.500 MMBTU/HR	
	80.000 BBL/HR	NO 4 RESID FUEL OIL
	479.500 MCF/HR	Natural Gas
	1,020.800 MCF/HR	By-Product

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

A person may not permit the emission into the outdoor atmosphere of particulate matter from this boiler in excess of 0.12 pounds per million Btu of heat input, pursuant to 25 Pa. Code § 123.11(a)(2).

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

[Additional authority for this permit condition is also derived from 25 Pa. Code §§ 129.91, 129.97 and 129.99]

(a) The NO_x emissions from this boiler shall not exceed 322.0 tons in any 12 consecutive month period, in accordance with 25 Pa. Code § 129.91-RACT Phase I.

(b) The following NO_x emission limits shall be used for the corresponding fuel type:

Landfill Gas -- 0.100 lbs/MMBtu (30-day rolling average), in accordance with 25 Pa. Code § 129.99 (b).

Natural Gas -- 0.100 lbs/MMBtu (30-day rolling average), in accordance with 25 Pa. Code § 129.97 (g) (1) (i).

No. 4 Residual Oil -- 0.200 lbs/MMBtu (30-day rolling average), in accordance with 25 Pa. Code § 129.97 (g) (1) (iii).

(c) When co-firing fuels, the emissions shall be prorated from the above emission limits and the percent heat input for each fuel fired in lb/MMBtu (30-day rolling average).

[Compliance with the emission rate for landfill gas in the condition above demonstrates compliance with the requirements of RACT Phase II in accordance with the requirements of 25 Pa. Code Section 129.99(b) – Case-by-case RACT analysis.]

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

[Additional authority for this permit condition is also derived from 25 Pa. Code § 129.91.]

(a) When burning natural gas or No. 4 residual oil, the VOC emissions for this boiler shall not exceed 3.96 tons in any 12 consecutive month period.

(b) When burning LFG, the VOC emissions from this boiler shall not exceed either of the following:

(1) 20 ppmv, as hexane at 3% oxygen; and

(2) 121 tons, measured as hexane at 3% oxygen, in any 12 consecutive month period (based on calculations from the 20 ppmv concentration limit, above).

**SECTION D. Source Level Requirements****Fuel Restriction(s).****# 004 [25 Pa. Code §123.22]****Combustion units**

(a) A person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in a combustion unit in the Southeast Pennsylvania air basin if the commercial fuel oil contains sulfur in excess of [0.05% No. 2; 0.25% No. 4; 0.5% No. 5 & 6] by weight sulfur content, pursuant to 25 Pa. Code § 123.22(e)(2)(i), except as described in 25 Pa. Code § 123.22(e)(2)(ii) and (iii).

(b) Commercial fuel oil that was stored in the Commonwealth by the ultimate consumer prior to July 1, 2016, which met the applicable maximum allowable sulfur content for commercial fuel oil through June 30, 2016, in subparagraph (a) at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after July 1, 2016.

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

[Additional authority for this permit condition is also derived from 25 Pa. Code § 127.444.]

The permittee shall use only Landfill Gas, Natural Gas or NO. 4 Fuel Oil as fuel for this source.

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

[Additional authority for this permit condition is also derived from 25 Pa. Code § 129.91.]

This boiler shall be fired only on landfill gas, natural gas, No. 4 residual fuel, or any combination of these fuels. There will be no reclaimed waste oil or other waste materials added to the residual fuel oil.

Landfill gas shall be the primary fuel (100% of rating) of this boiler. Natural gas usage shall be limited to 55% of the rating of this boiler, and No. 4 residual fuel oil usage shall be limited to 32% of the rating of this boiler. Compliance with the above percentages shall be calculated based on a 12-consecutive month rolling average.

II. TESTING REQUIREMENTS.**# 007 [25 Pa. Code §123.22]****Combustion units**

(a) The actual sulfur content of commercial fuel oil shall be determined:

- (1) in accordance with the sample collection, test methods and procedures specified under 25 Pa. Code § 139.16 (relating to sulfur in fuel oil); or
- (2) by other methods developed or approved by the Department or the Administrator of the EPA, or both.

(b) A person other than the ultimate consumer that accepts a shipment of commercial fuel oil from a refinery or other transferor, shall sample, test, and calculate the actual sulfur content of the commercial fuel oil in accordance with (a), above, if the shipment lacks the records required by 25 Pa. Code § 123.22(g)(1).

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

(a) The permittee shall perform a stack test using the Department-approved procedures once every five (5) calendar years, where five calendar years is defined as beginning with the calendar year the latest stack test was performed and ending on December 31, five years later. Performance tests shall be conducted while the source is operating at maximum routine operating conditions or under such other conditions, within the capacity of the equipment, as may be requested by the Department. When testing of a source is required on a recurring basis, a single procedural protocol may be submitted for approval; thereafter, a letter referencing the previously approved procedural protocol is sufficient. However, if modifications are made to the process(es), if a different stack testing company is used, or if an applicable section of the stack testing manual has been revised since approval, a new protocol must be submitted for approval.

(b) At least ninety (90) days prior to the test, the permittee shall submit to the Department for approval the procedures for the test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

**SECTION D. Source Level Requirements**

- (c) The stack test shall, at a minimum, test for VOC. Tests shall be conducted in accordance with the provisions of EPA Method/s or other Department approved methodology and 25 Pa. Code Chapter 139.
- (d) At least thirty (30) days prior to the test, the Regional Air Quality Manager, shall be informed of the date and time of the test.
- (e) Within sixty (60) days after the source test(s) (unless a more stringent regulatory requirement applies), one paper copy plus one electronic copy of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Manager for approval.
- (f) In the event that any of the above deadlines cannot be met, the permittee may request an extension for the due date(s) in writing and include a justification for the extension. The Department may grant an extension for a reasonable cause.

009 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

- (a) If the permittee should ever use No. 4 residual fuel oil for 30 or more cumulative days within a 12-month rolling period, the permittee shall perform stack testing to measure emissions of NO_x, CO, SO_x, PM/PM₁₀/PM_{2.5} (filterable and condensable) and VOC. Stack testing shall be performed no later than 90 days following the 30th day of cumulative No 4 residual fuel oil usage. This testing shall be conducted at maximum normal load.
- (b) At least sixty (60) days prior to the test, the permittee shall submit to the Department for approval the procedures for the test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.
- (c) The stack test shall, at a minimum, test for NO_x, CO, SO_x, PM/PM₁₀/PM_{2.5} (filterable and condensable) and VOC. Tests shall be conducted in accordance with the Department's Source Testing Manual (274-0300-002) and 25 Pa. Code Chapter 139.
- (d) At least thirty (30) days prior to the test, the Regional Air Quality Manager, shall be informed of the date and time of the test. Final acceptance of the test date is contingent on approval of the test protocol.
- (e) Within sixty (60) days after the source test(s), two copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Manager for approval.
- (f) In the event that any of the above deadlines cannot be met, the permittee may request an extension for the due date(s) in writing and include a justification for the extension. The Department may grant an extension for a reasonable cause.

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

- (a) The permittee shall submit one paper copy plus one electronic copy of all source test submissions (notifications, protocols, reports, supplemental information, etc.) to both the AQ Program Manager for the Southeast Regional Office and the PSIMS Administrator in Central Office (mail and email addresses are provided below). Any questions or concerns about source testing submissions can be sent to RA-EPstacktesting@pa.gov and the PSIMS Administrator will address them.
- (b) The following pertinent information shall be listed on the title page.
1. Test Date(s)
 - a. For protocols, provide the proposed date on which testing will commence or "TBD"
 - b. For reports, provide the first and last day of testing
 2. Facility Identification Number (Facility - ID): For test programs that were conducted under a multi-site protocol, also include the PF Id under which the protocol was stored in PSIMS, as indicated in the protocol response letter.

**SECTION D. Source Level Requirements**

3. Source ID(s) for the applicable source(s) and air pollution control device(s): The term Source ID is used in the permit but "Other Id" is used in DEP electronic systems. They are the same number and must also be listed for control equipment

4. Testing Requirements (all that apply)

- a. Plan approval number(s)
- b. Operating permit number
- c. Applicable federal subpart(s) (i.e. 40 CFR 60, Subpart JJJJ)
- d. Special purpose(s) (Consent Order, RFD, RACT II, Tier II, etc.)

(c) Mail all paper submissions to both the PSIMS Administrator and the Air Quality Program Manager for the Southeast Regional Office. Mailing addresses are provided below.

Central Office
 Pennsylvania Department of Environmental Protection
 Attn: PSIMS Administrator
 P.O. Box 8468
 Harrisburg, PA 17105-8468

Southeast Region
 Pennsylvania Department of Environmental Protection
 Attn: Air Quality Program Manager
 2 East Main Street
 Norristown, PA 19401

(d) Eliminate shading, color ink for data emphasis, small font size, and color saturation as the scanning to create an electronic file is done in black and white. Shading and color emphasis do not scan well and make the electronic copies difficult to read.

(e) Email all electronic submissions to both the PSIMS Administrator in Central Office and the Air Quality Program Manager for the Southeast Regional Office. Email addresses are provided below.

Central Office
 RA-EPstacktesting@pa.gov

Southeast Region
 RA-EPSEstacktesting@pa.gov

(f) The Department limits emails to 15 MB and PSIMS has a file size limitation of 100 MB for electronic files. Submit just one electronic file (convert any Microsoft Word or Excel files to an Adobe PDF format and combine them with the report or protocol), unless the submission contains CONFIDENTIAL information.

(g) If confidential information must be submitted, submit both a public copy, which has been redacted, and a confidential copy. The cover page of each submittal should state whether it is a "Public Copy" or "Confidential Copy" and each page of the latter must be marked "CONFIDENTIAL".

011 [25 Pa. Code §139.16]

Sulfur in fuel oil.

(a) The following are applicable to the analysis of commercial fuel oil:

(1) The fuel oil sample for chemical analysis shall be collected in a manner that provides a representative sample. Upon the request of a Department official, the person responsible for the operation of the source shall collect the sample employing the procedures and equipment specified in 25 Pa. Code § 139.4(10) (relating to references).

(2) Tests methods and procedures for the determination of sulfur shall be those specified in 25 Pa. Code § 139.4(12)--(15).

**SECTION D. Source Level Requirements**

(3) Results shall be reported in accordance with the units specified in 25 Pa. Code § 123.22 (relating to combustion units).

(b) The testing requirements in subpart (a), above, shall be waived in the event that a delivery receipt from the supplier, showing the percent sulfur in the fuel, is obtained each time a fuel oil delivery is made.

012 [25 Pa. Code §139.53]**Filing monitoring reports.**

Pursuant to 25 Pa. Code Sections 139.53(a)(1) and 139.53(a)(3) two copies of all testing submittals submittal shall be mailed to the Department.

013 [25 Pa. Code §139.53]**Filing monitoring reports.**

Pursuant to 25 Pa. Code § 139.53(b), a complete test report shall include a summary of the emission results on the first page of the report indicating if each pollutant measured is within permitted limits and a statement of compliance or noncompliance with all the applicable permit conditions. The summary results will include, at a minimum, the following information:

- (a) a statement that the owner or operator has reviewed the report from the emissions testing body and agrees with the findings;
- (b) permit number(s) and condition(s) which are the basis for the evaluation;
- (c) summary of results with respect to each applicable permit condition;
- (d) statement of compliance or non-compliance with each applicable permit condition.

III. MONITORING 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 § 129.91.]

The permittee shall monitor the type and amount of fuel being used by this boiler, and the number of hours of operation using each type of fuel on a daily basis.

[Compliance with this condition also demonstrates compliance with 25 Pa. Code §129.97 (i)]

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

[Additional authority for this permit condition is also derived from 25 Pa. Code § 129.100]

The owner or operator shall demonstrate compliance with the emission limitations under Condition #002, of this source, by operating a CEMS for NO_x, in accordance with the following procedures:

(1) 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.

(i) A 30-day rolling average emission rate for an air contamination source that is a combustion unit shall be expressed in pounds per million Btu and calculated in accordance with the following procedure:

(A) Sum the total pounds of pollutant emitted from the combustion unit for the current operating day and the previous 29 operating days.

(B) Sum the total heat input to the combustion unit in million Btu for the current operating day and the previous 29 operating days.

(C) Divide the total number of pounds of pollutant emitted by the combustion unit for the 30 operating days by the total

**SECTION D. Source Level Requirements**

heat input to the combustion unit for the 30 operating days.

(ii) A 30-day rolling average emission rate for each applicable RACT emission limitation shall be calculated for an affected air contamination source for each consecutive operating day.

(iii) Each 30-day rolling average emission rate for an affected air contamination source must include the emissions that occur during the entire operating day, including emissions from start-ups, shutdowns and malfunctions.

IV. RECORDKEEPING REQUIREMENTS.**# 016 [25 Pa. Code §123.22]****Combustion units**

The permittee shall receive with each fuel oil delivery an electronic or paper record which legibly and conspicuously contains the following information:

- (a) the date of the sale or transfer;
- (b) the name and address of the seller;
- (c) the name and address of the buyer;
- (d) the delivery address;
- (e) the volume of commercial fuel oil purchased; and
- (f) the identification of the sulfur content of the shipment of fuel oil, determined using the sampling and testing methods specified in the testing requirement above, expressed as one of the following statements:
 - (1) For a shipment of No. 2 and lighter commercial fuel oil, "The sulfur content of this shipment is 500 ppm or below."
 - (2) For a shipment of No. 4 commercial fuel oil, "The sulfur content of this shipment is 2,500 ppm or below."
 - (3) For a shipment of No. 5, No. 6 and heavier commercial fuel oil, "The sulfur content of this shipment is 5,000 ppm or below."

017 [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.]

Each adjustment conducted under the tune-up procedures for this source, shall be recorded in a permanently bound log book, and contain the following:

- (a) the date of the tuning procedure;
- (b) the name of the service company and technician;
- (c) the final operating rate or load;
- (d) the final CO and NO_x emission rates; and
- (e) the final excess oxygen rate.

018 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

[Additional authority for this permit condition is also derived from 25 Pa. Code §§ 129.91]

- (a) The permittee shall record the type and amount of fuel being used by this boiler, and the number of hours of operation using each type of fuel on a daily basis.
- (b) Should No.4 residual fuel oil be used in this boiler, the permittee shall keep a running log of the days the fuel oil is used in a 12-month rolling period in order to determine when the testing requirement (Condition #009) is triggered.
- (c) Should No. 4 residual fuel oil be used in this boiler, the permittee shall keep records pursuant to the definitions of "gas-fired boiler" in 40 CFR Section 63.11237 and "oil fired electric steam generating unit" in 40 CFR Section 63.10042 to determine when applicability of 40 CFR Part 63 Subparts JJJJJ and UUUUU are triggered.

**SECTION D. Source Level Requirements**

[Compliance with paragraph (a) also demonstrates compliance with 25 Pa. Code §129.97 (i)]

019 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

For No. 4 residual fuel oil, the minimum recordkeeping shall include a certification from the oil supplier of the sulfur content of the fuel and identification of the sampling method and sampling protocol.

020 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

[Additional authority for this permit condition is also derived from 25 Pa. Code §§ 129.91 and 129.100]

(a) The permittee shall record data and perform sufficient calculations to demonstrate compliance with each of the emission limits for this boiler.

(b) The permittee shall keep records to demonstrate compliance with §§ 129.96—129.99, for NO_x, as applicable, in the following manner:

(1) The records must include sufficient data and calculations to demonstrate that the requirements of 25 Pa. Code § 129.96—129.99, as applicable, are met.

(2) Data or information required to determine compliance shall be recorded and maintained in a time frame consistent with the averaging period of the requirement.

(3) The records shall be retained by the owner or operator for 5 years and made available to the Department or appropriate approved local air pollution control agency upon receipt of a written request from the Department or appropriate approved local air pollution control agency.

[Compliance with paragraph (a) also demonstrates compliance with 25 Pa. Code §129.97(i)]

021 [25 Pa. Code §139.16]**Sulfur in fuel oil.**

Results of the fuel oil sulfur test shall be recorded in accordance with the units specified in 25 Pa. Code § 123.22 (relating to combustion units).

V. REPORTING REQUIREMENTS.**# 022 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

[Additional authority for this permit condition is also derived from 25 Pa. Code §§ 129.91 and 123.51(c).]

The required data reports shall be submitted to the Department's Central Office, in hardcopy and computer-readable-media formats as specified by the Department, within thirty (30) days following the close of each calendar quarter.

VI. WORK PRACTICE REQUIREMENTS.**# 023 [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(h) and 129.93.]

(a) The permittee shall perform an annual tune-up on the combustion process for this boiler. The annual tune-up shall consist of, at a minimum, the following:

(1) Inspection, adjustment, cleaning or replacement of fuel burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer.

(2) Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO_x, and to the extent practicable, minimize the emissions of CO.

**SECTION D. Source Level Requirements**

(3) Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer.

(b) The annual combustion tune-up shall be made in accordance with EPA document "Combustion Efficiency Optimization Manual for Operators of Oil and Gas-fired Boilers," September 1983 (EPA-3401/1-83-023) or equivalent procedures approved by the Department in writing.

024 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

[Additional authority for this permit condition is also derived from 25 Pa. Code §§ 129.91 and 123.51(b).]

The continuous source monitors (CEMs) for oxides of nitrogen (NOx), carbon dioxide (CO₂), and an exhaust flow meter must be approved by the Department and operated and maintained in accordance with the requirements of Chapter 139 of the Rules and Regulations of the Pennsylvania Department of Environmental Protection and the Department's Continuous Source Monitoring Manual. All submittals shall be made in accordance with the time line specified in the Department's Continuous Source Monitoring Manual.

025 [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 NO_x 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.

(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 NO_x 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 NO_x 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 NO_x Ozone Season allowances for those years.

026 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

[Transport Rule (TR) NO_x 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 NO_x Annual source and each TR NO_x 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 NO_x Annual allowances under §§ 97.411(a)(2) and (b) and 97.412 and to determine compliance with the TR NO_x 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

**SECTION D. Source Level Requirements**

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 (rounded to the nearest whole number), as determined by the Administrator in accordance with § 97.425(b), of multiplying—

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

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

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

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

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

**SECTION D. Source Level Requirements**

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.

(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

**SECTION D. Source Level Requirements**

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 Annual source and each TR NOx Annual unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.

(i) The certificate of representation under § 97.416 for the designated representative for the source and each TR NOx Annual unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under § 97.416 changing the designated representative.

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

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

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

(f) Liability.

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

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

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

027 [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.

**SECTION D. Source Level 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.

(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.

**SECTION D. Source Level Requirements**

(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.

(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.

**SECTION D. Source Level 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.

(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.

028 [25 Pa. Code §127.441]

Operating permit terms and conditions.

[Transport Rule (TR) NOX Ozone Season Trading Program Requirements (40 CFR § 97.806)]

**SECTION D. Source Level Requirements****(a) Designated representative requirements.**

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

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

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

(2) The emissions data determined in accordance with §§97.830 through 97.835 shall be used to calculate allocations of CSAPR NOX Ozone Season Group 2 allowances under §§97.811(a)(2) and (b) and 97.812 and to determine compliance with the CSAPR NOX Ozone Season Group 2 emissions limitation and assurance provisions under paragraph (c) of this section, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with §§97.830 through 97.835 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

(c) NOX emissions requirements**(1) CSAPR NOX Ozone Season Group 2 emissions limitation.**

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

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

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

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

(2) CSAPR NOX Ozone Season Group 2 assurance provisions.

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

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

(B) The amount by which total NOX emissions from all base CSAPR NOX Ozone Season Group 2 units at base CSAPR

**SECTION D. Source Level Requirements**

NOX Ozone Season Group 2 sources in the State (and Indian country within the borders of such State) for such control period exceed the State assurance level.

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

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

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

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

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

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

(3) Compliance periods.

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

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

(4) Vintage of CSAPR NOX Ozone Season Group 2 allowances held for compliance.

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

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

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

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

**SECTION D. Source Level Requirements**

- (i) Such authorization shall only be used in accordance with the CSAPR NOX Ozone Season Group 2 Trading Program; and
- (ii) Notwithstanding any other provision of this subpart, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- (7) Property right. A CSAPR NOX Ozone Season Group 2 allowance does not constitute a property right.
- (d) Title V permit requirements.
- (1) No title V permit revision shall be required for any allocation, holding, deduction, or transfer of CSAPR NOX Ozone Season Group 2 allowances in accordance with this subpart.
- (2) A description of whether a unit is required to monitor and report NOX emissions using a continuous emission monitoring system (under subpart H of part 75 of this chapter), an excepted monitoring system (under appendices D and E to part 75 of this chapter), a low mass emissions excepted monitoring methodology (under §75.19 of this chapter), or an alternative monitoring system (under subpart E of part 75 of this chapter) in accordance with §§97.830 through 97.835 may be added to, or changed in, a title V permit using minor permit modification procedures in accordance with §§70.7(e)(2) and 71.7(e)(1) of this chapter, provided that the requirements applicable to the described monitoring and reporting (as added or changed, respectively) are already incorporated in such permit. This paragraph explicitly provides that the addition of, or change to, a unit's description as described in the prior sentence is eligible for minor permit modification procedures in accordance with §§70.7(e)(2)(i)(B) and 71.7(e)(1)(i)(B) of this chapter.
- (e) Additional recordkeeping and reporting requirements.
- (1) Unless otherwise provided, the owners and operators of each CSAPR NOX Ozone Season Group 2 source and each CSAPR NOX Ozone Season Group 2 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
- (i) The certificate of representation under §97.816 for the designated representative for the source and each CSAPR NOX Ozone Season Group 2 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under §97.816 changing the designated representative.
- (ii) All emissions monitoring information, in accordance with this subpart.
- (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NOX Ozone Season Group 2 Trading Program.
- (2) The designated representative of a CSAPR NOX Ozone Season Group 2 source and each CSAPR NOX Ozone Season Group 2 unit at the source shall make all submissions required under the CSAPR NOX Ozone Season Group 2 Trading Program, except as provided in §97.818. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in parts 70 and 71 of this chapter.
- (f) Liability.
- (1) Any provision of the CSAPR NOX Ozone Season Group 2 Trading Program that applies to a CSAPR NOX Ozone Season Group 2 source or the designated representative of a CSAPR NOX Ozone Season Group 2 source shall also apply to the owners and operators of such source and of the CSAPR NOX Ozone Season Group 2 units at the source.
- (2) Any provision of the CSAPR NOX Ozone Season Group 2 Trading Program that applies to a CSAPR NOX Ozone Season Group 2 unit or the designated representative of a CSAPR NOX Ozone Season Group 2 unit shall also apply to the owners and operators of such unit.
- (g) Effect on other authorities. No provision of the CSAPR NOX Ozone Season Group 2 Trading Program or exemption

**SECTION D. Source Level Requirements**

under §97.805 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NOX Ozone Season Group 2 source or CSAPR NOX Ozone Season Group 2 unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

029 [25 Pa. Code §127.512]**Operating permit terms and conditions.**

[Additional authority for this permit condition is also derived from 25 Pa. Code §§ 139.101 and 123.51(b).]

The continuous monitors shall be operated and maintained to achieve at least one of the following data availability requirements:

(a) Carbon Dioxide, Oxides of Nitrogen and Flow Meter -- \geq 95% valid hours/calendar quarter, where a valid hour is defined as \geq 75% valid readings/hour (45 minutes/hour), or,

(b) Carbon Dioxide, Oxides of Nitrogen and Flow Meter -- \geq 90% valid hours/calendar month, where a valid hour is defined as \geq 75% valid readings/hour (45 minutes/hour).

VII. ADDITIONAL REQUIREMENTS.**# 030 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

In addition to the Federal requirements under 40 CFR Part 97 of this Operating Permit, all units that meet the applicability requirements in 25 Pa. Code § 145.203 shall meet any applicable requirement of 25 Pa Code §§ 145.204, 145.205,145.212,145.213, 145.221, 145.222, and 145.223.

031 [25 Pa. Code §145.204.]**Incorporation of Federal regulations by reference.**

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

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

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

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

032 [25 Pa. Code §145.205.]**Emission reduction credit provisions.**

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

(1) Prior to issuing the permit or plan approval, the Department will permanently reduce the Commonwealth's CAIR NOx trading budget or CAIR NOx Ozone Season trading budget, or both, as applicable, beginning with the sixth control period following the date the Plan Approval or permit to commence operations or increase emissions is issued. The Department

**SECTION D. Source Level Requirements**

will permanently reduce the applicable CAIR NO_x budgets by an amount of allowances equal to the ERCs or creditable emission reductions relied upon in the applicability determination for the non-CAIR unit subject to Chapter 127, Subchapter E or in the amount equal to the emissions trade authorized under Chapter 127, as if these emissions had already been emitted.

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

033 [25 Pa. Code §145.212.]**CAIR NO_x allowance allocations.**

(a) Provisions not incorporated by reference.

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

(b) Baseline heat input.

Baseline heat input for each CAIR NO_x unit will be converted as follows:

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

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

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

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

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

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

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

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

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

(vi) Calculations will be based on the best output data available on or before January 31 of the year the allocations are published. If unit level electrical or steam output data are not available from EIA, or submitted by this date by the owner or

**SECTION D. Source Level Requirements**

operator of the CAIR NOx unit, then heat input data for the period multiplied by 0.25 and converted to MWh will be used to determine total output.

(c) Existing unit, new unit and subsection (f)(1) qualifying resource allocation baseline.

For each control period beginning with January 1, 2010, and each year thereafter, the Department will allocate to qualifying resources and CAIR NOx units, including CAIR NOx units issued allowances under subsection (e), a total amount of CAIR NOx allowances equal to the number of CAIR NOx allowances remaining in the Commonwealth's CAIR NOx trading budget under 40 CFR 96.140 (relating to State trading budgets) for those control periods using summed baseline heat input data as determined under subsections (b) and (f)(1) from a baseline year that is 6 calendar years before the control period.

(d) Proration of allowance allocations.

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

(e) Allocations to new CAIR NOx units.

By March 31, 2011, and March 31 each year thereafter, the Department will allocate CAIR NOx allowances under § 145.211(c) (relating to timing requirements for CAIR NOx allowance allocations) to CAIR NOx units equal to the previous year's emissions at each unit, unless the unit has been issued allowances of the previous year's vintage in a regular allocation under § 145.211(b). The Department will allocate CAIR NOx allowances under this subsection of a vintage year that is 5 years later than the year in which the emissions were generated. The number of CAIR NOx allowances allocated may not exceed the actual emission of the year preceding the year in which the Department makes the allocation. The allocation of these allowances to the new unit will not reduce the number of allowances the unit is entitled to receive under another provision of this subchapter.

(f) Allocations to qualifying resources and units exempted by section 405(g)(6)(a) of the Clean Air Act.

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

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

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

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

**SECTION D. Source Level Requirements**

Public Utility Commission or its designee.

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

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

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

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

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

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

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

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

where,

AA is the unit's prorated allocation,

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

BNA is the total number of CAIR NOx allowances in the Commonwealth's CAIR NOx trading budget,

TRA is the total number of CAIR NOx allowances requested by all units requesting allowances under this paragraph.

(3) The Department will review each CAIR NOx allowance allocation request under this subsection and will allocate CAIR NOx allowances for each control period under a request as follows:

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

(ii) On or after January 1 of the year of allocation, the Department will determine the sum of the CAIR NOx allowances requested.

(4) Up to 1.3% of the Commonwealth's CAIR NOx trading budget is available for allocation in each allocation cycle from 2011-2016 to allocate 2010-2015 allowances for the purpose of offsetting SO2 emissions from units described in paragraph (2). Beginning January 1, 2017, and for each allocation cycle thereafter, the units will no longer be allocated CAIR NOx allowances under paragraph (2). Any allowances remaining after this allocation will be allocated to units under subsection (c) during the next allocation cycle.

(5) Notwithstanding the provisions of paragraphs (2)—(4), the Department may extend, terminate or otherwise modify the allocation of NOx allowances made available under this subsection for units exempted under section 405(g)(6)(a) of the Clean Air Act after providing notice in the Pennsylvania Bulletin and at least a 30-day public comment period.

SECTION D. Source Level Requirements

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

034 [25 Pa. Code §145.213.]**Supplemental monitoring, recordkeeping and reporting requirements for gross electrical output and useful thermal energy for units subject to 40 CFR 96.170--96.175.**

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

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

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

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

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

035 [25 Pa. Code §145.222.]**CAIR NOx Ozone Season allowance allocations.**

(a) Provisions not incorporated by reference.

The requirements of 40 CFR 96.342 (relating to CAIR NOx Ozone Season allowance allocations) are not incorporated by reference. Instead of 40 CFR 96.342, the requirements in this section apply.

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

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

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

**SECTION D. Source Level Requirements**

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

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

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

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

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

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

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

(vi) Calculations will be based on the best output data available on or before January 31 of the year the allocations are published. If unit level electrical or steam output data are not available from EIA, or submitted by this date by the owner or operator of the CAIR NOx Ozone Season unit, then heat input data for the period multiplied by 0.25 and converted to MWh will be used to determine total output.

(c) Existing unit, new unit and subsection (f)(1) qualifying resource allocation baseline.

For each control period beginning with the 2010 control period and thereafter, the Department will allocate to qualifying resources and CAIR NOx Ozone Season units, including CAIR NOx Ozone Season units issued allowances under subsection (e), a total amount of CAIR NOx Ozone Season allowances equal to the number of CAIR NOx Ozone Season allowances remaining in the Commonwealth's CAIR NOx Ozone Season trading budget under 40 CFR 96.140 (relating to State trading budgets) for those control periods using summed baseline heat input data as determined under subsections (b) and (f)(1) from an ozone season control period in a baseline year that is 6 calendar years before the control period.

(d) Proration of allowance allocations.

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

(e) Allocations to new CAIR NOx Ozone Season units.

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

**SECTION D. Source Level Requirements**

year in which the Department makes the allocation. The allocation of these allowances to the new unit will not reduce the number of allowances the unit is entitled to receive under another provision of this subchapter.

(f) Allocations to qualifying resources.

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

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

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

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

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

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

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

036 [25 Pa. Code §145.223.]

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

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

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

**SECTION D. Source Level Requirements**

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

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

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

037 [40 CFR Part 63 NESHAPS for Source Categories §40 CFR 63.11194]

SUBPART JJJJJJ - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources

What is the affected source of this subpart?

Should the consumption of residual fuel oil in this boiler exceed the limitations for a "gas-fired boiler", defined pursuant to 40 CFR Section 63.11237, the boiler is subject to the provisions of

40 CFR Part 63 Subpart JJJJJJ National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers.

The owner/operator shall comply with all applicable requirements.

038 [40 CFR Part 63 NESHAPS for Source Categories §40 CFR Subpart 63.10042]

SUBPART UUUUUU - National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units

What definitions apply to this subpart?

Pursuant to 40 CFR Section 63 .9981, should the consumption of residual fuel oil in this boiler equal or exceed the limitations for a "oil fired electric utility steam generating unit", defined pursuant to 40 CFR Section 63.10042, the boiler is subject to the provisions of

40 CFR Part 63 Subpart UUUUUU National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units.

The owner/operator shall comply with all applicable requirements.

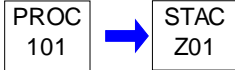
***** Permit Shield in Effect. *****

**SECTION D. Source Level Requirements**

Source ID: 101

Source Name: ZEP DEGREASER

Source Capacity/Throughput:

**I. RESTRICTIONS.**

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

II. TESTING REQUIREMENTS.

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

III. MONITORING REQUIREMENTS.

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

IV. RECORDKEEPING REQUIREMENTS.

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

V. REPORTING REQUIREMENTS.

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

VI. WORK PRACTICE REQUIREMENTS.**# 001 [25 Pa. Code §129.63]****Degreasing operations**

Cold cleaning machines. Except for those subject to the Federal National emissions standards for hazardous air pollutants (NESHAP) for halogenated solvent cleaners under 40 CFR Part 63 (relating to National emission standards for hazardous air pollutants for source categories), this subsection applies to cold cleaning machines that use 2 gallons or more of solvents containing greater than 5% VOC content by weight for the cleaning of metal parts.

(1) Immersion cold cleaning machines shall have a freeboard ratio of 0.50 or greater.

(2) Immersion cold cleaning machines and remote reservoir cold cleaning machines shall:

(i) Have a permanent, conspicuous label summarizing the operating requirements in paragraph (3). In addition, the label shall include the following discretionary good operating practices:

(A) Cleaned parts should be drained at least 15 seconds or until dripping ceases, whichever is longer. Parts having cavities or blind holes shall be tipped or rotated while the part is draining. During the draining, tipping or rotating, the parts should be positioned so that solvent drains directly back to the cold cleaning machine.

(B) When a pump-agitated solvent bath is used, the agitator should be operated to produce a rolling motion of the solvent with no observable splashing of the solvent against the tank walls or the parts being cleaned.

(C) Work area fans should be located and positioned so that they do not blow across the opening of the degreaser unit.

SECTION D. Source Level Requirements

(ii) Be equipped with a cover that shall be closed at all times except during cleaning of parts or the addition or removal of solvent. For remote reservoir cold cleaning machines which drain directly into the solvent storage reservoir, a perforated drain with a diameter of not more than 6 inches shall constitute an acceptable cover.

(3) Cold cleaning machines shall be operated in accordance with the following procedures:

(i) Waste solvent shall be collected and stored in closed containers. The closed containers may contain a device that allows pressure relief, but does not allow liquid solvent to drain from the container.

(ii) Flushing of parts using a flexible hose or other flushing device shall be performed only within the cold cleaning machine. The solvent spray shall be a solid fluid stream, not an atomized or shower spray.

(iii) Sponges, fabric, wood, leather, paper products and other absorbent materials may not be cleaned in the cold cleaning machine.

(iv) Air agitated solvent baths may not be used.

(v) Spills during solvent transfer and use of the cold cleaning machine shall be cleaned up immediately.

(4) After December 22, 2002, a person may not use, sell or offer for sale for use in a cold cleaning machine any solvent with a vapor pressure of 1.0 millimeter of mercury (mm Hg) or greater and containing greater than 5% VOC by weight, measured at 20°C (68°F) containing VOCs.

(5) On and after December 22, 2002, a person who sells or offers for sale any solvent containing VOCs for use in a cold cleaning machine shall provide, to the purchaser, the following written information:

(i) The name and address of the solvent supplier.

(ii) The type of solvent including the product or vendor identification number.

(iii) The vapor pressure of the solvent measured in mm hg at 20°C (68°F).

(6) A person who operates a cold cleaning machine shall maintain for at least 2 years and shall provide to the Department, on request, the information specified in paragraph (5). An invoice, bill of sale, certificate that corresponds to a number of sales, Safety Data Sheet (SDS), or other appropriate documentation acceptable to the Department may be used to comply with this section.

(7) Paragraph (4) does not apply:

(i) To cold cleaning machines used in extreme cleaning service.

(ii) If the owner or operator of the cold cleaning machine demonstrates, and the Department approves in writing, that compliance with paragraph (4) will result in unsafe operating conditions.

(iii) To immersion cold cleaning machines with a freeboard ratio equal to or greater than 0.75.

VII. ADDITIONAL REQUIREMENTS.

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

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



SECTION E. Alternative Operation Requirements.

No Alternative Operations exist for this Title V facility.

**SECTION F. Emission Restriction Summary.**

Source Id	Source Description		
044	POWER HOUSE BOILER 4		
Emission Limit		Pollutant	
0.100	Lbs/MMBTU	LFG, 30-day avg	NOX
0.100	Lbs/MMBTU	natural gas, 30-day avg	NOX
0.200	Lbs/MMBTU	No. 4 residual oil, 30-day avg	NOX
322.000	Tons/Yr		NOX
0.120	Lbs/MMBTU		TSP
3.960	Tons/Yr	NG or No. 4 resid oil	VOC
20.000	PPMV	LFG, as hexane at 3% O2.	VOC
121.000	Tons/Yr	LFG	VOC
045	POWER HOUSE BOILER 5		
Emission Limit		Pollutant	
0.100	Lbs/MMBTU	LFG, 30-day avg	NOX
0.100	Lbs/MMBTU	nat gas, 30-day avg	NOX
0.200	Lbs/MMBTU	No. 4 resid oil, 30-day avg	NOX
322.000	Tons/Yr		NOX
0.120	Lbs/MMBTU		TSP
3.960	Tons/Yr	NG or No. 4 resid oil	VOC
20.000	PPMV	LFG, as hexane at 3% O2	VOC
121.000	Tons/Yr	LFG	VOC

Site Emission Restriction Summary

Emission Limit	Pollutant
----------------	-----------

**SECTION G. Miscellaneous.**

The following previously issued operating permit serves as the basis for certain terms and conditions set forth in this Title V Permit:

OP-09-0066 (Revised)

The Department has determined that the emissions from the following activities, excluding those indicated as site level requirements, in Section C, of this permit, do not require additional limitations, monitoring, or recordkeeping:

- Lube oil reservoirs (2- 2500 gallons each) and vents
- Road dust
- Trinco 400 PT Sandblaster with Dust Collector 400 cfm
- Welding room

 March 2006. APS: 346039, AUTH: 618815. The Department amended this permit for cause to address the non-completion of the requirements of the previous plan approval for Source 043 and the ability to operate on Land Fill Gas (LFG). Changes also made to incorporate the Chapter 145 NOx Budget requirements and the deletion of the Chapter 123 Nox Allocation requirements.

 February 2007. APS: 346039, AUTH: 632151. The Department renewed this TVOP. No new sources have been installed since the last permit amendment. No sources at his facility are subject to CAM. The boilers are exempted from 40 CFR 63, Subpart DDDDD, as noted in 40 CFR § 63.7491(c).

- The Department has changed the compliance certification and deviation reporting periods and due dates at this renewal.
- Boiler #3 (Source 043) has been removed from the operating permit as it last operated on June 21, 2004 and a maintenance and deactivation plan was not submitted within the time frame required by 25 Pa. Code § 127.11a.
- VOC emission limit from the amended RACT permit has been incorporated into the Title V permit for Sources 044 and 045.

 May 2009. APS: 346039, AUTH: 711656. Major modification to incorporate the federal CAIR regulations.

 May, 2013. APS: 346039, AUTH: 899030. The Department renewed the Operating Permit. The following changes are made.
 Section A

- FML01 is replaced by FML04. FML04 represents a No. 4 residual fuel oil source meeting the requirements in Section D
- The ZEP Degreaser is added as a source

Section C

- Condition #010 is reworded to reflect current Department guidelines. The requirement to take corrective action for excess emissions identified during daily monitoring is included.
- The requirement to keep records for emissions increases is included.
- The requirement to submit compliance certifications to the Department in paper form and to the EPA in electronic format is added.
- The requirement to maintain air pollution control devices as well as sources in Section G with good operating and maintenance practices is included.
- A Condition indicating that each CAIR source is subject to 40 CFR Section 97.106, 97.206 and 97.306 is included.

Section D

Source IDs 044, 045

(Restrictions)

"Residual fuel oil" is clarified to "No 4 residual fuel oil" in Conditions #002, #003 and #005.

(Testing)

- The ability for the permittee to obtain Department approval for a change in submission deadline for stack test submissions is included.
- The requirements of 25 Pa. Code Section 139.53(b) relating to summarizing test data and indicating compliance are added.
- The requirements to use PSIMS for submissions is included under the authority of 25 Pa. Code Section 139.53 (a).
- The following testing condition is included: If the permittee should ever use No. 4 residual fuel oil for 30 or more cumulative days within a 12-month rolling period, the permittee shall perform stack testing to measure emissions of NOx, CO, SOx, PM/PM10/PM2.5 (filterable and condensable) and VOC. Stack testing shall be performed no later than 90 days following the 30th day of cumulative



SECTION G. Miscellaneous.

fuel usage.

(Recordkeeping)

-Conditions are included to record information, when No. 4 residual fuel oil is used, to determine when 40 CFR Part 63 subparts JJJJJ and UUUUU and the stack testing requirements for 30 days of cumulative No 4 fuel oil usage are triggered.

(Monitoring, Recordkeeping, Work Practice, Additional)

- The following conditions relating to Pennsylvania's NOx Budget Trading Program are removed (the Condition Number refers to the May 22, 2009 issuance of the TVOP):

- Condition #009
- Condition #014
- Condition #016
- Condition #017
- Condition #018
- Condition #021
- Condition #024
- Condition #025
- Condition #026
- Condition #027
- Condition #028
- Condition #031
- Condition #032

and replaced with the provisions of the Pennsylvania State Implementation Plan (SIP) for the CAIR program as codified under 25 Pa. Code Sections 145.204, 145.205, 145.212, 145.213, 145.221, 145.222 and 145.223.

- A condition is included that in addition to the Federal requirements under 40 CFR Part 97 of this Operating Permit, all units subject to 25 Pa. Code Section 145.203 shall meet any applicable requirement of 25 Pa. Code Sections 145.204, 145.205, 145.212, 145.213, 145.221, 145.222, and 145.223.

(Additional)

A condition is added to indicate the applicability of 40 CFR Part 63 Subpart JJJJJ once the fuel limitations of a "gas fired boiler" are no longer met.

A condition is added to indicate the applicability of 40 CFR Part 63 Subpart UUUUU if the fuel consumption profile of an "oil fired electric generating unit, " pursuant to 40 CFR Section 63.10042 is met.

Source ID 101

- The requirements of 25 Pa. Code Section 129.63(a) for cold cleaning machines are added.

January, 2017: Significant Modification

APS Id No. 346039; Auth Id No.1156449: RACT II, Case-by-case and presumptive RACT requirements have been incorporated into the operating permit for Source Id Nos. 044 and 045. Source Id No. 101 is exempt from RACT II requirements since this source does not emit NOx. Presumptive RACT II conditions and citations are included for all affected sources where applicable. Specific changes made to the permit are as follows:

Section D of the permit:

Source Id Nos. 044 and 045,

Condition #002(b)- The pounds per MMBtu NOx emission limits have been added for each fuel burnt;

Condition #012- NOx emission monitoring and calculation methods under RACT II have been added;

Condition #016- Recordkeeping requirements under RACT II have been added; and

Condition #018 (c)- Initial tune-up requirements have been removed from the permit because compliance has been demonstrated already.

May, 2019. APS: 346039, AUTH: 1205325. Permit renewal. The following updates have been made during this renewal:

- 1) Federal CAIR conditions replaced by CSAPR conditions, State CAIR conditions retained.
- 2) Added stacktesting requirements relative to: 1) operating conditions, 2) testing on a recurring basis and 3) due dates in accordance with 25 Pa. Code 127.441.
- 3) Added requirements for all source test submissions in accordance with 25 Pa. Code 127.441.
- 4) Update the requirement for #4 fuel oil sulfur content from a maximum of 0.5% to 0.25% in accordance with 25 Pa. Code

**SECTION G. Miscellaneous.**

123.22(e)(2)(i).

- 5) Added method for determination of fuel oil sulfur content in accordance with 25 Pa. Code 123.22(f)
- 6) Added requirement for fuel oil delivery receipts in accordance with 25 Pa. Code 123.22(g)
- 7) Added reporting requirement in accordance with 25 Pa. Code 139.16 and 25 Pa. Code 123.22
- 8) Added requirement to receive receipt certifying sulfur content or testing to perform a test in accordance with 25 Pa. Code 127.441.
- 9) Deleted requirement for notifications to EPA, pursuant to 25 PA Code §127.462(c).
- 10) Deleted requiremet to submit testing submittals through PSIMS.
- 11) Added the following individuals as authorized representatives of the Responsible Official:
Mr. Joseph M. Dick, General Manager, PA Peaking, 610-595-8101, Joseph.dick@exeloncorp.com and
Mr. Daniel Lannon, Plant Manager, PA Peaking, 267-533-5665, Daniel.lannon@exeloncorp.com



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