

Document #9



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS TX 75202-2733

DEC 21 2015

Mr. Dave Roybal  
Director of Operations  
Transwestern Pipeline Company, LLC  
8501 Jefferson, N.E.  
Albuquerque, New Mexico 87113

RE: Transwestern Pipeline Company, LLC – Application for Renewal of Operating Permit,  
Compressor Station No. 6 - Laguna, Part 71 Title V Permit Number R6NM-2-08R2  
(replaces R6NM-01-08R1)

Dear Mr. Roybal:

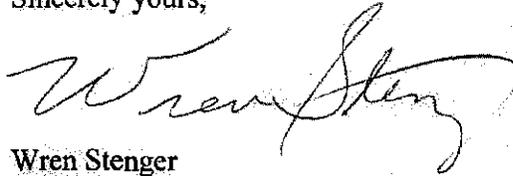
We are in receipt of your renewal application dated October 31, 2012, and supporting documentation dated August 11 and 20, 2014. Additional application information requested and received in our office on October 2 and 14, 2015, provided clarification for statements contained in the renewal application.

In accordance with Title V of the Clean Air Act and 40 Code of Federal Regulations (CFR) Part 71, the U.S. Environmental Protection Agency (EPA) has determined that cause exists for a renewal of the Part 71 Title V permit. Requirements found in 40 CFR § 71.11 state notice shall be provided on the preparation of a draft permit. The EPA will publish a public notice of the permitting action in a local newspaper of general circulation and allow for a 30-day public comment period. We will notify you of the date of public notice for submission of comments and the opportunity to request a public hearing.

Enclosed is a copy of the statement of basis, public notice, and draft permit for your review. Copies of these documents may also be obtained at the EPA Region 6 Web Site: <http://www.epa.gov/caa-permitting/part-71-operating-permits-tribal-lands-epas-south-central-region>. The draft permit and the statement of basis will also be available at the Pueblo of Laguna Library in Laguna, New Mexico. The EPA will consider and answer all comments in making its final decision on the permit and keep a record of the persons commenting and the issues raised during the public participation process.

Should you have any questions regarding the draft permit, please feel free to contact Randy Pitre of my staff at the above address, or e-mail at [pitre.randy@epa.gov](mailto:pitre.randy@epa.gov), or telephone at (214) 665-7299.

Sincerely yours,



Wren Stenger  
Director, Multimedia Planning and Permitting Division

Enclosures

cc: (w/Enclosures)

Adam M. Ringia  
Environmental and Natural Resources Director  
Pueblo of Laguna Environmental Program

Ms. Jeanne Hoadley  
Air and Water Quality Specialist  
Santa Fe National Forest

CDR Meredith Bond, P.E., USPHS  
Deputy Chief  
U.S. Fish and Wildlife Service  
Branch of Air Quality

Mr. John Bunyak  
Chief, Policy, Planning and Permit Review Branch  
Air Resources Division  
National Park Service - AIR

**FEDERAL CLEAN AIR ACT TITLE V OPERATING PERMIT**

**FOR**

**TRANSWESTERN PIPELINE COMPANY, LLC**

**COMPRESSOR STATION No. 6 - LAGUNA**

**LAGUNA, CIBOLA COUNTY, NEW MEXICO**

Based On

40 Code of Federal Regulations (CFR) Part 71

Federal Operating Permit Program

Promulgated July 1, 1996



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

FEDERAL CLEAN AIR ACT TITLE V OPERATING PERMIT

Issue Date:            --/--/----                      Permit Number: R6NM-2-08R2  
Effective Date:        --/--/----                      Replaces Permit Number: R6NM-01-08R1  
Expiration Date:       --/--/----

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

Transwestern Pipeline Company, LLC  
Compressor Station No. 6 - Laguna  
Laguna, Cibola County, New Mexico

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit.

This source is authorized to operate in the following location(s):

0.5 miles south of Laguna, New Mexico in Cibola County,  
Latitude: 35° 01' 56"; Longitude: 107° 40' 40"  
Laguna Pueblo in New Mexico

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by the Environmental Protection Agency (EPA) and citizens under the Clean Air Act.

Any control measure and/or equipment not properly installed, operated and maintained will be considered a violation of the permit.

The permit number cited above should be referenced in future correspondence regarding this facility.

\_\_\_\_\_  
Wren Stenger  
Director  
Multimedia Planning and Permitting Division  
United States Environmental Protection Agency

\_\_\_\_\_  
Date

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## Terms, Abbreviations and Acronyms

Source Facility	Transwestern Pipeline Company, LLC, Compressor Station No. 6 - Laguna
CAA	Clean Air Act [42 United States Code Section 7401 <u>et seq.</u> ]
CFR	Code of Federal Regulations
HAP	Hazardous Air Pollutant
hr	hour
ID. No.	Identification Number
MMBtu	Million British Thermal Units
mmscf/yr	Million Standard Cubic Feet per year
NOx	Nitrogen Oxides
PM10	Particulate matter less than 10 microns in diameter
PM2.5	Particulate matter less than 2.5 microns in diameter
SO <sub>2</sub>	Sulfur Dioxide
EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds
IC engine	internal combustion engine – formerly referred to as reciprocating engine

## List of Tables

Table 1.	Source Emission Points and Control Devices
Table 2.	Potential to Emit in Tons per Year
Table 3:	Applicable Requirements

**1. Source Identification and Unit Specific Information**

**1.1. General Source Information**

Owner and Operator: Transwestern Pipeline Company, LLC  
8501 Jefferson N.E.  
Albuquerque, New Mexico 87113

Plant Name: Compressor Station No. 6 - Laguna

Plant location: 0.5 miles South of Laguna, New Mexico

EPA Region: 6

State: New Mexico

Tribe: Laguna

County: Cibola

Reservation: Laguna Pueblo

Plant mailing address: 8501 Jefferson N.E.  
Albuquerque, New Mexico 87113

Responsible Official: Dave Roybal  
Director of Operations  
Transwestern Pipeline Company, LLC  
8501 Jefferson N.E.  
Albuquerque, New Mexico 87113  
Phone: (575) 347-6514

Plant Contact: Lawrence Campbell  
Transwestern Pipeline Company, LLC  
8501 Jefferson N.E.  
Albuquerque, New Mexico 87113  
Phone: (575) 625-8022

Standard Industrial Code (SIC) Code: 4922

Aerometric Information Retrieval System (AIRS) Facility System Plant ID. No.:  
R6NM-2-08R2 (replaces R6NM-01-08R1)

**Description of Process:**

Transwestern Pipeline Company, LLC, Compressor Station No. 6 – Laguna, with SIC code 4922, is a natural gas compression and transmission facility with pressurized natural gas as its principal product.

**1.2. Source Emission Points and Potential to Emit**

Table 1 below provides important information related to significant emissions units at Transwestern Pipeline Company, LLC’s Compressor Station No. 6 – Laguna, including dates of installation, size of the units, serial numbers, and any associated control equipment. Table 2 lists the potential to emit (PTE) of air pollutants from the source which will be used to determine and report deviations to EPA, as required by Conditions 3.2.6.4 and 3.2.9 of this permit.

**Table 1: Source Emission Points and Control Devices – Transwestern Pipeline Company, LLC, Compressor Station No. 6 - Laguna**

Unit No.	Type of Unit Serial No.	Manufacturer Model No. Design Heat Input	Operating Range or Size of Unit	Date of Installation	Primary Use	Control Equipment
601	I/C Engine 107510	Clark TVC-12 34.65 MMBtu/hr	4500-HP	1967	Compressor drive	None
602	I/C Engine 107511	Clark TVC-12 34.65 MMBtu/hr	4500-HP	1967	Compressor drive	None
603	I/C Engine 107512	Clark TVC-12 34.65 MMBtu/hr	4500-HP	1967	Compressor drive	None
621	RIC Engine 129011	Waukesha 4.2 MMBtu/hr	470-HP	1967	Electrical generation	None
MIST		Fixed Roof Storage Tank	1,100-GAL	1966	Natural Gas Condensate	None
T-2		Fixed Roof Storage Tank	500-BBL	1966	Natural Gas Condensate	None

**Table 2: Potential to Emit in Tons per Year (tpy)<sup>1</sup> - Transwestern Pipeline Company, Compressor Station No. 6 - Laguna**

Unit ID	NOx	VOC	SO2	PM2.5	PM10 <sup>2</sup>	CO	Lead	HAP <sup>3</sup>	GHG
601, Clark TVC-12, NG fired Engine,	498.4	18.22	0.09	7.31	7.31	151.2	0	11.6	17,757.12
602, Clark TVC-12, NG fired Engine,	498.4	18.22	0.09	7.31	7.31	151.2	0	11.6	17,757.12
603, Clark TVC-12, NG fired Engine,	498.4	18.22	0.09	7.31	7.31	151.2	0	11.6	17,757.12
621, Waukesha F3520GU, NG Engine	0.46	0.01	0.0001	0.004	0.004	0.78	0	0.01	24.57
FUG		1.34						0.001	513.90
MIST 1, 100 Gal. Tank		5.54					0	0.02	2,200.0
T-2, 500 Bbl. Tank		28.17					0	0.06	11,080.0
Truck Loading		0.04					0	0.01	
MAIN - SSM		0.92						0.0009	272.42
<b>TOTALS tpy</b>	<b>1,495.66</b>	<b>90.68</b>	<b>0.2701</b>	<b>21.934</b>	<b>21.934</b>	<b>454.38</b>	<b>0</b>	<b>34.9019</b>	<b>67,362.25</b>

<sup>1</sup> Numbers contained in this table are for uncontrolled emissions, are for information purposes only, and are not an enforceable conditions. See Condition 4.2 for applicable enforceable limitations.

<sup>2</sup> The PM<sub>10</sub> emission levels for the source are within an attainment area. Precursors for PM<sub>2.5</sub>, including NOx, SO<sub>2</sub>, and VOC are monitored for "grandfathered" units or controlled for NESHAP applicable units. While the PM<sub>10</sub> emission rates for the Clark engines are listed for informational purposes, they may not be reflective of PTE for these engines, as they could represent calculations from a bad test. (total PM<sub>10</sub> emission levels for this source in the attainment area are considered de minimus for implementation of the PM<sub>2.5</sub> Rule, and therefore PM<sub>2.5</sub> monitoring will not be required in this permit action.)

NOx - oxides of nitrogen

VOC - volatile organic compounds (non-HAP)

SO<sub>2</sub> - sulfur dioxide

PM<sub>10</sub> - particulate matter with a diameter 10 microns or less

CO - carbon monoxide

HAP - hazardous air pollutants (see CAA Section 112(b))

NG - natural gas

<sup>3</sup> Mostly formaldehyde

## **2. Permit Shield [40 CFR § 71.6(f)]**

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

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

2.1.2. The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance; or

2.1.3. The ability of the EPA to obtain information from a source under Section 114 of the CAA.

2.2. Compliance with the terms and conditions of this permit shall be deemed in compliance with the applicable requirements specifically listed in this permit as of the date of permit issuance.

## **3. Applicable Requirements and General Permit Conditions**

### **3.1. Applicable Requirements**

The source will continue to comply with all applicable requirements. For applicable requirements that will become effective during the term of the permit, the source will meet such requirements on a timely basis. The permittee shall comply with all the applicable requirements of federal regulations. In particular, the permittee shall comply with the following:

**Table 3: Applicable Requirements for Transwestern Pipeline Company, LLC  
Compressor Station No. 6 - Laguna**

Citation	Requirement	Comment
40 CFR 71	Federal Operating Permits Program	Unit Nos. 601, 602, 603, 621
40 CFR 63, Subpart A	General Provisions	Unit No. 621
40 CFR 63, Subpart ZZZZ	National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE)	Unit No. 621

The Transwestern Pipeline Company, LLC, Compressor Station No. 6 - Laguna application was reviewed for compliance with the Part 71 Operating Permit Program. Based on the information provided by Transwestern Pipeline Company, LLC in their application, Compressor Station No. 6 (Laguna) would be subject to the following General Permit Requirements:

### 3.2. General Permit Requirements

Conditions in this section apply to all emissions units located at the facility, including any units not specifically listed in Table 1.

3.2.1. All equipment shall be operated in accordance with the manufacturer's design values for that equipment.

3.2.2 The amount of natural gas burned in the following emissions units shall not exceed the following amounts on a rolling 12-month average:

Emissions Unit No. 601 – 289 mmscf/yr;  
Emissions Unit No. 602 – 289 mmscf/yr  
Emissions Unit No. 603 – 289 mmscf/yr  
Emissions Unit No. 621 – 35.04 mmscf/yr

3.2.3. The actual heat input for Emissions Unit No. 601, Emissions Unit No. 602, and Emissions Unit No. 603 shall not exceed 34.65 MMBtu/hr, adjusted for elevation; and for Emissions Unit No. 621, the actual heat input shall not exceed 4.2 MMBtu/hr, adjusted for elevation.

3.2.4. **Compliance Tests:** Compliance tests from units at this source will be conducted, using applicable EPA Methods established within 40 CFR Part 51, Appendix M, or as otherwise specified in the permit by applicable requirements.

3.2.5. **Monitoring**

3.2.5.1. Fuel consumption for Emissions Unit Nos. 601, 602, 603 and 621 shall be monitored with a flow meter monthly for each unit, in MMscf (of natural gas).

3.2.5.2. Heat input rate for Unit Nos. 601, 602, 603, and 621 shall be monitored Monthly on a per unit basis for individual highest rate in MMBtu/hr.

3.2.6. **Reporting/Recordkeeping**

3.2.6.1. The permittee shall keep records on all startup, shutdown, repair and maintenance activities performed on all emission units. These records shall identify the relevant emission unit and describe the work performed, and calculate any associated emissions.

3.2.6.2. The fuel flow/consumption for each emissions unit (Unit Nos. 601, 602, 603, and 621) shall be recorded on a monthly basis and an annual 12-month rolling average.

3.2.6.3. The records of fuel consumption shall be maintained for each emission unit (Unit Nos. 601, 602, 603, and 621), for the last five years.

3.2.6.4. The actual heat input rate for emission Unit Nos. 601, 602, 603, and 621 shall be recorded on a monthly average basis as well as an annual 12-month rolling average. If the emissions rate of any of the engines deviates more than 2% above the PTE listed in Table 2 of this permit, then the permittee shall evaluate the deviation to determine if there has been a physical change or change in method of operation at the source, report the deviation and the results of the evaluation to EPA in the report required by Condition 3.2.9 below, and apply for a modification of this permit, if necessary.

3.2.6.5. The records of heat input shall be maintained for emission Unit Nos. 601, 602, 603, and 621, for at least the last five years.

Conditions in this section apply to all emissions units located at the facility, including any units not specifically listed in Table 1.

- 3.2.7. The permittee shall keep records of the serial numbers for each emission unit. The emission units for the RICE and their serial numbers are: Unit No. 601 with serial number 107510; Unit No. 602 with serial number 107511; Unit No. 603 with serial number 107512; Unit No. 621 with serial number 129011.
- 3.2.8. Retention of records and support information shall be for a period of at least five years from the date of measurement or report. Support information includes all calibration and maintenance records, all original strip-chart recordings or monitoring instrumentation, and copies of all reports required by this permit.
- 3.2.9. The permittee shall submit to the EPA reports of any monitoring and recordkeeping required under this permit semi-annually by April 1 and October 1 of each year. The report due on April 1 shall cover the prior six-month period from September 1 through the end of February. The report due on October 1 shall cover the prior six-month period from March 1 through the end of August.

Copies of these records shall also be sent to:

Environmental Director  
Pueblo of Laguna  
P.O. Box 194  
Laguna, NM 87026

#### **4. Engine NESHAP Requirements**

##### **4.1 General Provisions**

The permittee shall comply with the requirements from the NESHAP General Provisions, 40 CFR Part 63, Subpart A, for Emissions Unit No. 621 only.

##### **4.2 Requirements for Emissions Unit No. 621**

4.2.1. For Emissions Unit No. 621, the permittee shall meet the requirements in 4.2.2 through 4.2.4 below.

4.2.2. Change oil and filter every 500 hours of operation or annually, whichever comes first; inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and inspect all hoses and

belts every 500 hours of operation or annually, whichever comes first, and replace as necessary [40 CFR § 63.6002, Table 2c].

4.2.3. Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply [40 CFR § 63.6002, Table 2c].

4.2.4. Permittee must install a non-resettable hour meter, if one is not already installed. [40 CFR § 63.6625(f)]

### **4.3 General Compliance Requirements for Unit No. 621**

4.3.1. Emissions Unit No. 621 must be in compliance with the operating limitations and requirements in Condition 4.2 at all times [40 CFR § 63.6605(a)].

4.3.2. The permittee must operate and maintain Unit No. 621, including air pollution control and monitoring equipment, in a manner consistent with good air pollution control practices for minimizing emissions [40 CFR § 63.6605(b)].

### **4.4 Performance Requirements for Unit No. 621**

4.4.1 As an emergency stationary RICE, the permittee must operate Emissions Unit No. 621 according to the requirements of 40 CFR § 63.6640(f).

4.4.2 Any operation other than emergency operation, maintenance and testing emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in paragraphs f(1) through (4) of 40 CFR § 63.6640, is prohibited [40 CFR § 63.6640(f)].

4.4.3 If Emissions Unit No. 621 is not operated according to the requirements in 40 CFR § 63.6640(f)(1) through (f)(4), Emissions Unit No. 621 will not be considered an emergency stationary RICE and it must meet all requirements for non-emergency engines [40 CFR § 63.6640(f)].

4.4.4 There is no time limit on the use of emergency stationary RICE in emergency situations [40 CFR § 63.6640(f)(2)].

4.4.5 Emissions Unit No. 621 may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours per year for non-

emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power as part of a financial arrangement with another entity [40 CFR § 63.6640(f)(3)].

4.4.6 Permittee may operate Emissions Unit No. 621 for any combination of the purposes specified in 40 CFR § 63.6640(f)(2)(i) through (iii) for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraphs 40 CFR § 63.6640(f)(3) and (4) counts as part of the 100 hours per calendar year allowed by this paragraph [40 CFR § 63.6640(f)(2)].

#### **4.5 Continuous Compliance Requirements for Emissions Unit No. 621**

Emissions Unit No. 621 shall be operated and maintained according to the manufacturer's emission-related operation and maintenance instructions. In the alternative, permittee may develop and follow its own maintenance plan which must provide to the extent practicable for the maintenance and operation of Emission Unit No. 621 in a manner consistent with good air pollution control practice for minimizing emissions [40 CFR § 63.6640(a), Table 6].

#### **4.6 Recordkeeping Requirements for Emissions Unit No. 621**

4.6.1. You must keep a copy of each notification and report submitted to comply with 40 CFR Part 63, Subpart ZZZZ, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirement in 40 CFR § 63.10(b)(2)(xiv).

4.6.2. Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or any air pollution control and monitoring equipment.

4.6.3. Records of all required maintenance performed on any air pollution control and monitoring equipment.

4.6.4. The permittee must keep records of the operating and maintenance conducted on Emissions Unit No. 621 necessary to ensure compliance with Condition 4.5 above.

#### **4.7 Reporting Requirements for Emissions Unit No. 621**

4.7.1. Permittee must report each instance in which an applicable emissions limitation, operating limitation or requirement in 40 CFR Part 63, Subpart ZZZZ, Table 2(c) is not met.

4.7.2. These instances are deviations from the emission and operating limitations in 40 CFR Part 63, Subpart ZZZZ. These deviations must be reported according to the requirements in 40 CFR § 63.6650.

## 5. Title V Administrative Requirements

### 5.1. Annual Fee Payment [40 CFR §§ 71.6(a)(7) and 71.9]

5.1.1. The permittee shall pay an annual permit fee in accordance with the procedures outlined below [40 CFR § 71.9(a)].

5.1.2. The permittee shall pay the annual permit fee each year. The fee shall be received no later than July 20 of each year.

5.1.3. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of EPA.

5.1.4. The permittee shall send fee payment and a completed fee filing form to:

For regular US postal service mail  
mail

For non-US Postal Service express  
mail  
(FedEx, Airborne, DHL, and UPS)

US Environmental Protection Agency  
FOIA and Miscellaneous Payments  
Cincinnati Finance Center  
PO Box 979078  
St. Louis, MO 63197-9000

U.S. Bank  
Government Lockbox 979078  
US EPA FOIA & Misc. Payments  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101

Contact: Craig Steffen 513-487-2091,  
or Eric Volck 513-487-2105

Contact: 314-418-1028

For electronic payment (identify permit number for payment in form)

Automated Clearinghouse (ACH) for receiving US currency  
PNC Bank  
ABA: 051036706  
Account Number: 310006  
CTX Format Transaction Code 22 – checking

Environmental Protection Agency  
808 17<sup>th</sup> Street, NW  
Washington, DC 20074

Contact: Jesse White 301-887-6548

5.1.5. The permittee shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by the same deadline as required for fee payment to the address listed in Section 5.5. of this permit [Note that an annual emissions report, required at the same time as the fee calculation worksheet by 40 CFR § 71.9(h), has been incorporated into the fee calculation worksheet form as a convenience].

5.1.6. Basis for calculating annual fee:

5.1.6.1. The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all "regulated pollutants (for fee calculation)" emitted from the source by the emissions fee (in dollars/ton) in effect at the time of calculation.

5.1.6.1.1. "Actual emissions" means the actual rate of emissions in tons per year of any regulated pollutant (for fee calculation) emitted from a part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions unit's actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year [See 40 CFR § 71.9(c)(6)].

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

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

5.1.6.1.4. The permittee should note that the presumptive fee amount is revised each calendar year to account for inflation, and it is available from EPA prior to the start of each calendar year.

5.1.6.2. The permittee shall exclude the following emissions from the calculation of fees:

- 5.1.6.2.1. The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year. See 40 CFR § 71.9(c)(5)(i).
- 5.1.6.2.2. Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation. See 40 CFR § 71.9(c)(5)(ii).
- 5.1.6.2.3. The insignificant quantities of actual emissions not required to be listed or calculated in a permit application pursuant to 40 CFR § 71.5(c)(11) [40 CFR § 71.9(c)(5)(iii)].
- 5.1.7. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official in accordance with 40 CFR § 71.5(d).
- 5.1.8. The permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for five years following submittal of fee payment. Emission-related data include, for example, emissions-related forms provided by EPA and used by the permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept in accordance with 40 CFR § 71.6(a)(3)(ii) [See 40 CFR § 71.9(i)].
- 5.1.9. Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with 40 CFR § 71.9(l).
- 5.1.10. The EPA will not act on applications for permit renewal or modification if the permittee fails to pay all fees, interest, and penalties owed in full [See 40 CFR § 71.9(m)].
- 5.1.11. When notified by EPA of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of notification [See 40 CFR § 71.9(j)(1) and (2)].
- 5.1.12. If the permittee thinks that the EPA-assessed fee is in error and wishes to challenge the fee, the permittee shall provide a written explanation of the alleged error to EPA along with full payment of the assessed fee [See 40 CFR § 71.9(j)(3)].
- 5.2. Blanket Compliance Statement** [40 CFR §§ 71.6(a)(6)(i) and (ii)]

5.2.1. The permittee must comply with all conditions of this Part 71 permit. Any permit noncompliance, including: violation of any applicable requirement; any permit term or condition; any fee or filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any regulation or order issued by the permitting authority pursuant to this part constitutes a violation of the CAA and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit [40 CFR §§ 71.6(a)(6)(i) and (ii)].

5.2.2. Determinations of deviations, continuous or intermittent compliance status, or violations of this permit, are not limited to the applicable testing or monitoring methods required by the underlying regulations of this permit; other credible evidence must be considered in such determinations [Section 113(a) and 113(e)(1) of the CAA].

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

The permittee shall submit to EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, annually each year no later than April 1. The compliance certification shall cover the same 12 month period as the two consecutive semi-annual monitoring reports. The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official consistent with 40 CFR § 71.5(d).

5.3.1. The certification shall include the following:

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

5.3.1.2. Identification of the method(s) or other means used for determining the compliance status with each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. If necessary, the owner or operator also shall identify any other material information, e.g., operating hours records, that must be included in the certification to comply with section 113(c)(2) of the CAA, which prohibits knowingly making a false certification or omitting material information.

- 5.3.1.3. The compliance status of each term and condition of the permit for the period covered by the certification based on the method or means designated above. The certification shall identify each deviation and take it into account in the compliance certification.
- 5.3.1.4. Any other requirements sufficient to assure or determine compliance, consistent with 40 CFR §§ 71.6(c)(5)(iii)(D) and 71.6(c)(6).

#### **5.4. Duty to Provide and Supplement Information**

The permittee shall furnish to EPA, within a time specified by EPA, any information that EPA may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential should be accompanied by a claim of confidentiality according to the provisions of 40 CFR part 2, subpart B. The permittee, upon becoming aware that any relevant facts were omitted or that incorrect information was submitted in the permit application, shall promptly submit such supplemental facts or corrected information. The permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after this permit is issued. [40 CFR §§ 71.6(a)(6)(v) and 71.5(b)]

#### **5.5. Submissions [40 CFR §§ 71.5(d), 71.6, and 71.9]**

Any document required to be submitted by this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. All documents required to be submitted, including records, reports, test data, monitoring data, emissions-related data, notifications, and compliance certifications, shall be submitted to:

Air Enforcement Branch,  
Mailcode: 6EN-A  
1445 Ross Avenue  
Dallas, TX 75202-2733

while the fee calculation worksheets (that include the annual emissions worksheet and report) and applications for renewals and permit modifications shall be submitted to:

Air Permits Section,

Mailcode: 6PD-R  
1445 Ross Avenue  
Dallas, TX 75202-2733

**5.6. Severability Clause [40 CFR § 71.6(a)(5)]**

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

**5.7. Permit Actions [40 CFR § 71.6(a)(6)(iii)]**

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

**5.8. Administrative Permit Amendments [40 CFR § 71.7(d)]**

The permittee may request the use of administrative permit amendment procedures for a permit revision that:

- 5.8.1. Corrects typographical errors;
- 5.8.2. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
- 5.8.3. Requires more frequent monitoring or reporting by the permittee;
- 5.8.4. Allows for a change in ownership or operational control of a source where EPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA;
- 5.8.5. Incorporates into this permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of sections 71.7 and 71.8 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in section 71.6; and

- 5.8.6. Incorporates any other type of change which EPA has determined to be similar to those listed above in subparagraphs 5.8.1. through 5.8.5. [Note to permittee: If these subparagraphs do not apply, please contact EPA for a determination as to similarity prior to submitting your request for an administrative permit amendment under this provision].

**5.9. Minor Permit Modifications [40 CFR § 71.7(e)(1)]**

- 5.9.1. The permittee may request the use of minor permit modification procedures only for those modifications that:

5.9.1.1. Do not violate any applicable requirement;

5.9.1.2. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

5.9.1.3. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.

5.9.1.4. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

5.9.1.4.1. A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and

5.9.1.4.2. An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the CAA.

5.9.1.5. Are not modifications under any provision of title I of the CAA; and

5.9.1.6. Are not required to be processed as a significant modification.

- 5.9.2. Notwithstanding the list of changes eligible for minor permit modification procedures in paragraph 5.9.1. above, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such

minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.

5.9.3. An application requesting the use of minor permit modification procedures shall meet the requirements of 40 CFR § 71.5(c) and shall include the following:

5.9.3.1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

5.9.3.2. The source's suggested draft permit;

5.9.3.3. Certification by a responsible official, consistent with 40 CFR § 71.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

5.9.3.4. Completed forms for the permitting authority to use to notify affected States as required under 40 CFR § 71.8.

5.9.4. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until EPA takes any of the actions authorized by 40 CFR § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

5.9.5. The permit shield under 40 CFR § 71.6(f) may not extend to minor permit modifications [See 40 CFR § 71.7(e)(1)(vi)].

**5.10. Group Processing of Minor Permit Modifications [40 CFR § 71.7(e)(2)]**

5.10.1. Group processing of modifications by EPA may be used only for those permit modifications:

5.10.1.1. That meet the criteria for minor permit modification procedures under paragraphs 5.9.1. of this permit; and

5.10.1.2. That collectively are below the threshold level of 10 percent of the emissions allowed by the permit for the emissions unit for which the

change is requested, 20 percent of the applicable definition of major source in 40 CFR § 71.2, or five tons per year, whichever is least.

5.10.2. An application requesting the use of group processing procedures shall be submitted to EPA, shall meet the requirements of 40 CFR § 71.5(c), and shall include the following:

5.10.2.1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

5.10.2.2. The source's suggested draft permit.

5.10.2.3. Certification by a responsible official, consistent with 40 CFR § 71.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.

5.10.2.4. A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under subparagraph 5.10.1.2. above.

5.10.2.5. Completed forms for the permitting authority to use to notify affected States as required under 40 CFR § 71.8.

5.10.3. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by 40 CFR § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

5.10.4. The permit shield under 40 CFR § 71.6(f) may not extend to group processing of minor permit modifications. [See 40 CFR § 71.7(e)(1)(vi)].

**5.11. Significant Permit Modifications** [40 CFR § 71.7(e)(3)]

5.11.1. The permittee must request the use of significant permit modification procedures for those modifications that:

5.11.1.1. Do not qualify as minor permit modifications or as administrative amendments.

5.11.1.2. Are significant changes in existing monitoring permit terms or conditions.

5.11.1.3. Are relaxations of reporting or recordkeeping permit terms or conditions.

5.11.2. Nothing herein shall be construed to preclude the permittee from making changes consistent with 40 CFR Part 71 that would render existing permit compliance terms and conditions irrelevant.

5.11.3. Permittees must meet all requirements of 40 CFR Part 71 including those for applications, public participation, and review by affected States as they apply to permit issuance and permit renewal. For the application to be determined complete, the permittee must supply all information that is required by 40 CFR § 71.5(c) for permit issuance and renewal, but only that information that is related to the proposed change. [See 40 CFR §§ 71.7(e)(3)(ii) and 71.5(a)(2).]

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

The EPA shall reopen and revise this permit under the following circumstances:

5.12.1. Additional applicable requirements under the CAA become applicable to a major part 71 source with a remaining permit term of three or more years. Such a reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to 40 CFR § 71.7(c)(3).

5.12.2. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offsets plans shall be deemed to be incorporated into the permit.

5.12.3. The EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or

other terms or conditions of the permit.

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

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

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

**5.14. Inspection and Entry [40 CFR § 71.6(c)(2)]**

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow EPA or an authorized representative to perform the following:

5.14.1. Enter upon the permittee's premises where a 40 CFR Part 71 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

5.14.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

5.14.3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

5.14.4. As authorized by the CAA, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**5.15. Transfer of Ownership or Operation [40 CFR § 71.7(d)(1)(iv)]**

A change in ownership or operational control of this facility may be treated as an administrative permit amendment if EPA determines no other changes in this permit are necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA.

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

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

- 5.16.1. Each change is not addressed or prohibited by this permit;
- 5.16.2. Each change shall comply with all applicable requirements and may not violate any existing permit term or condition;
- 5.16.3. Changes under this provision may not include changes or activities subject to any requirement under Title IV or that are modifications under any provision of Title I of the CAA;
- 5.16.4. The permittee shall provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under 40 CFR § 71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change;
- 5.16.5. The permit shield does not apply to changes made under this provision;
- 5.16.6. The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.
- 5.17. Permit Expiration and Renewal [40 CFR §§ 71.5(a)(1)(iii), 71.6(a)(11), 71.7(b), 71.7(c)(1)(i) and (ii), 71.8(d)]**
  - 5.17.1. This permit shall expire upon the earlier occurrence of the following events:
    - 5.17.1.1. Five years elapses from the date of issuance; or
    - 5.17.1.2. The source is issued a part 70 permit by an EPA-approved permitting authority.
  - 5.17.2. Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted at least six months, but not more than 18 months, prior to the expiration of this permit.
  - 5.17.3. If the permittee submits a timely and complete permit application for renewal, consistent with 40 CFR § 71.5(a)(2), but the permitting authority has failed to issue or deny the renewal permit, then the permit shall not expire until the renewal permit has been issued or denied and any permit shield granted pursuant to section 40 CFR 71.6(f) may extend beyond the original

permit term until renewal.

- 5.17.4. The permittee's failure to have a 40 CFR Part 71 permit, where timely and complete application for renewal was submitted, is not a violation of this part until EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.
- 5.17.5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation and affected State and tribal review.
- 5.17.6. The application for renewal shall include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.
- 5.18. **Credible Evidence:** (40 CFR Part 70 and EPA's Credible Evidence Rule, 62 Fed. Reg. 8314 (Feb. 24, 1997))

Notwithstanding any other provisions of any applicable rule or regulation or requirement of this permit that state specific methods that may be used to assess compliance with applicable requirements, any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements, if the appropriate performance or compliance test or procedure had been performed, shall be considered for purposes of Title V compliance certifications. Furthermore, for purposes of establishing whether or not a person has violated or is in violation of any emissions limitation or standard or permit condition, nothing in this permit shall preclude the use, including the exclusive use, by any person of any such credible evidence or information.



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