



# United States Environmental Protection Agency General Air Quality Permit for New or Modified Minor Sources of Air Pollution in Indian Country

<http://www.epa.gov/air/tribal/tribalnsr.html>

## General Air Quality Permit for New or Modified Minor Source Compression Ignition Engines in Indian Country

Last Modified: July 1, 2016

Version 1.0

### Information about this General Permit:

#### *Applicability*

Pursuant to the provisions of the Clean Air Act (CAA), Subchapter I, part D and 40 CFR part 49, subpart C, this permit authorizes the construction or modification, and operation of each stationary source of compression ignition (CI) reciprocating internal combustion engines for which a reviewing authority issues an Approval of the Request for Coverage (permitted source).

#### *Eligibility*

To be eligible for coverage under this General Permit, the permitted source must qualify as a minor source as defined in 40 CFR 49.152.

#### *Request for Coverage*

Requirements for submitting a Request for Coverage are contained in Section 7 of this General Permit.

#### *Incorporation of Documents*

The information contained in each reviewing authority's Approval of the Request for Coverage is hereby incorporated into this General Permit.

#### *Termination*

Section 6 of this General Permit addresses a reviewing authority's ability to revise, revoke and reissue, or terminate this General Permit. It also addresses the reviewing authority's ability to terminate an individual permitted source's Approval of the Request for Coverage under this General Permit.

#### *Definitions*

The terms used herein shall have the meaning defined in 40 CFR 49.152, unless otherwise defined in Attachment B of this permit. If a term is not defined, it shall be interpreted in accordance with normal business use.

## Permit Terms and Conditions

The following applies to each permittee and permitted source with respect to only the affected emissions units and any associated air pollution control equipment listed in that permitted source's Approval of the Request for Coverage.

### Section 1 – General Provisions

#### 1. *Construction and Operation*

The permittee shall construct or modify and shall operate the affected emissions units and any associated air pollution control technologies in compliance with this permit and all other applicable federal air quality regulations; and in a manner consistent with representations made by the permittee in the Request for Coverage, to the extent the reviewing authority relies upon these representations in issuing the Approval of the Request for Coverage.

#### 2. *Location*

This permit only authorizes the permittee to construct or modify, and to operate the permitted source in the location listed in the reviewing authority's Approval of the Request for Coverage for that permitted source.

#### 3. *Liability*

This permit does not release the permittee from any liability for compliance with other applicable federal and tribal environmental laws and regulations, including the CAA.

#### 4. *Severability*

The provisions of this permit are severable. If any portion of this permit is held invalid, the remaining terms and conditions of this permit shall remain valid and in force.

#### 5. *Compliance*

The permittee must comply with all provisions of this permit, including emission limitations that apply to the affected emissions units at the permitted source. Noncompliance with any permit provision is a violation of the permit and may constitute a violation of the CAA; is grounds for an enforcement action; and is grounds for the reviewing authority to revoke the Approval of the Request for Coverage and terminate the permitted source's coverage under this General Permit.

#### 6. *National Ambient Air Quality Standards (NAAQS)/Prevention of Significant Deterioration (PSD) Protection*

The permitted source must not cause or contribute to a NAAQS violation and, in an attainment area, must not cause or contribute to a PSD increment violation.

#### 7. *Unavailable Defense*

It is not a defense for the 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 provisions of this permit.

#### 8. *Property Rights*

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

#### 9. *Information Requests*

You, as the permittee, shall furnish to the reviewing authority, within 30 days, unless another timeframe is specified by the EPA, any information that the reviewing authority may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating coverage under the permit or to determine compliance with the permit. For any such information claimed to be confidential, the permittee must submit a claim of confidentiality in accordance with 40 CFR part 2, subpart B.

#### 10. *Inspection and Entry*

- Upon presentation of proper credentials, the permittee must allow a representative of the reviewing authority to:
- a. Enter upon the premises where a source is located or emissions-related activity is conducted or where records are required to be kept under the conditions of the permit;
  - b. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;
  - c. Inspect, during normal business hours or while the source is in operation, any facilities, equipment (including monitoring and air pollution control equipment), practices or operations regulated or required under the permit;
  - d. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements; and
  - e. Record any inspection by use of written, electronic, magnetic and photographic media.

#### 11. *Posting of Coverage*

The most current Approval of the Request for Coverage for the permitted source must be posted prominently at the facility, and each affected emissions unit and any associated air pollution control technology must be labeled with the identification number listed in the Approval of the Request for Coverage for that permitted source.

#### 12. *Duty to Obtain Source-Specific Permit*

If the reviewing authority intends to terminate a permitted source's coverage under this General Permit for cause as provided in Section 6 of this General Permit, then the permittee shall apply for and obtain a source-specific permit as required by the reviewing authority.

#### 13. *Credible Evidence*

For the purpose of establishing whether the permittee violated or is in violation of any requirement of this permit, nothing shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a permitted source would have been in compliance with applicable requirements if the permittee had performed the appropriate performance or compliance test or procedure.

### **Section 2: Emission Limitations and Standards**

14. The permittee shall install, maintain and operate each affected emission unit, including any associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions of NSR regulated pollutants and considering the manufacturer's recommended operating procedures at all times, including periods of startup, shutdown, maintenance and malfunction. The reviewing authority will determine whether the permittee is using acceptable operating and maintenance procedures based on information available to the reviewing authority which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the permitted source.

#### 15. *Operational Limit*

The permittee shall comply with one of the six options below for permitted sources. The Approval of Request for Coverage shall specify the option chosen by the permitted source.

- a. *Non-Emergency (Prime) Engines with Generator Sets:*
  - i. Option 1 (*attainment, unclassifiable, attainment/unclassifiable and marginal, moderate and serious ozone nonattainment areas*):
    1. Each non-emergency engine at the permitted source is a CI engine greater than 751 horsepower (hp);

2. Each non-emergency CI engine greater than 751 hp is equipped with a generator set; and
  3. The combined maximum engine power of all non-emergency CI engines at the permitted source is no greater than 3,450 hp.
  - ii. Option 2 (*attainment, unclassifiable, attainment/unclassifiable and marginal, moderate and serious ozone nonattainment areas*):
    1. Each non-emergency engine at the permitted source is a CI engines greater than 751 hp;
    2. Each non-emergency CI engine greater than 751 hp is equipped with a generator set; and
    3. Annual fuel use of all non-emergency engines shall not exceed 1,650,000 gallons in any 12-month period.
  - b. *Non-Emergency (Prime) Engines With or Without Generator Sets*:
    - i. Option 3 (*attainment, unclassifiable, attainment/unclassifiable and marginal and moderate ozone nonattainment areas*):
      1. Each non-emergency engine at the permitted source is a CI engine greater than 75 hp; and
      2. The combined maximum engine power of all non-emergency CI engines at the permitted source is no greater than 1,100 hp.
    - ii. Option 4 (*attainment, unclassifiable, attainment/unclassifiable and marginal and moderate ozone nonattainment areas*):
      1. Each non-emergency engine at the permitted source is a CI engine greater than 75 hp; and
      2. Annual fuel use in all non-emergency engines shall not exceed 525,000 gallons in any 12-month rolling period.
  - c. *Other Non-Emergency (Prime) Engines* (with or without generator sets, no individual size restriction):
    - i. Option 5 (*attainment, unclassifiable, attainment/unclassifiable and marginal, moderate and serious ozone nonattainment areas*): The combined maximum engine power of all non-emergency CI engines at the permitted source is no greater than 750 hp.
    - ii. Option 6 (*attainment, unclassifiable, attainment/unclassifiable and marginal, moderate and serious ozone nonattainment areas*): Annual fuel use in all non-emergency CI engines shall not exceed 360,000 gallons in any 12-month period.
16. The combined maximum engine power of all emergency generator engines at the permitted source shall be below 1,000 hp in attainment areas or 500 hp in ozone nonattainment areas classified as serious or lower, and there shall be no emergency generator engines in severe and extreme ozone nonattainment areas. All emergency engines must be emergency generator engines.
17. The combined maximum heat input of all boilers and heaters at the permitted source shall not exceed 10 million British thermal units per hour (MMBtu/hr) in attainment, unclassifiable, or attainment/unclassifiable areas or 5 MMBtu/hr in marginal, moderate, or serious ozone nonattainment areas.
18. Each affected non-emergency CI engine, excluding nonroad mobile engines, shall comply with the following limitations and standards:
- a. Distillate fuel shall be diesel or biodiesel containing no more than 15 parts per million (ppm) (0.0015 percent) sulfur.
  - b. Each engine shall be model year 2014 or later and be certified by the manufacturer to the applicable standards in 40 CFR 1039.101 through 1039.104, for all pollutants, for the same model year and maximum engine power.

### **Section 3: Monitoring and Testing Requirements**

19. The permittee shall monitor fuel use on a monthly basis in gallons.

### **Section 4: Recordkeeping Requirements**

20. The permittee shall maintain all records required to be kept onsite by this permit for at least five years from the date of origin, unless otherwise stated.

21. The permit application and all documentation supporting that application shall be maintained by the permittee for the duration of time the affected emissions unit(s) is/are covered under this permit.

22. For each engine, the permittee shall maintain records of:

- a. The amount of fuel used each month for each engine;
- b. For each fuel shipment, fuel supplier certification showing the sulfur content of fuel;
- c. For each engine required to be certified, documentation from the manufacturer that each engine is certified to the applicable standards;
- d. If subject to Condition 15.a.ii, 15.b.ii, or 15.c.ii, the 12-month rolling total of fuel used is calculated each month by adding the current month's fuel use to the previous 11 months of fuel use.
- e. The maintenance plan for each engine; and
- f. All maintenance activities conducted for each engine on a monthly basis.

### **Section 5: Notification and Reporting Requirements**

23. *Notification of Construction or Modification, and Operations*

The permittee shall submit a written or electronic notice to the reviewing authority within 30 days from when the permittee begins actual construction or modification, and within 30 days when the permittee begins initial operations or resumes operation after a modification.

24. *Notification of Change in Ownership or Operator*

If the permitted source changes ownership or operator, then the new owner or operator must submit a written or electronic notice to the reviewing authority within 90 days after the change in ownership or operator is effective. In the report, the new permittee must provide the reviewing authority a written agreement containing a specific date for transfer of ownership or operator, and an effective date on which the new owner or operator assumes partial and/ or full coverage and liability under this permit. The submittal must identify the previous owner or operator, and update the name, street address, mailing address, contact information, and any other information about the source if it would change as a result of the change of ownership or operator. The current owner or operator shall ensure that the permitted source remains in compliance with the General Permit until any such transfer of ownership or operator is effective.

25. *Notification of Closure*

The permittee must submit a report of any permanent or indefinite closure to the reviewing authority in writing within 90 days after the cessation of all operations at the permitted source. The notification must identify the owner, the current location, and the last operating location of the permitted source. It is not necessary to submit a report of closure for regular, seasonal closures.

## 26. Annual Reports

The permittee shall submit an annual report on or before March 15 of each year to the reviewing authority. The annual report shall cover the period from January 1 to December 31 of the previous year and shall include:

- a. An evaluation of the permitted source's compliance status with the requirements of Section 2 during the calendar year;
- b. Summaries of the required monitoring, testing and recordkeeping in Sections 3 and 4; and
- c. Summaries of deviation reports submitted pursuant to Condition 27.

## 27. Deviation Reports

The permittee shall promptly report to the reviewing authority any deviations as defined at 40 CFR 71.6(a)(3)(iii)(C) from permit requirements including deviations attributable to upset conditions. Deviation reports shall include:

- a. Identity of the affected emissions unit(s) where the deviation occurred;
- b. Nature of the deviation;
- c. Length of time of the deviation;
- d. Probable cause of the deviation; and
- e. Any corrective actions or preventive measures taken as a result of the deviation to minimize emissions from the deviation and to prevent future deviations.
- f. For the purposes of this permit, *promptly* shall be defined to mean within 30 days after the end of the month in which the permittee discovered the deviation.

## 28. Performance Test Reports

The permittee shall submit a test report to the reviewing authority within 60 days after the completion of any required performance test. At a minimum, the test report shall include:

- a. A description of the affected emissions unit and sampling location(s);
- b. The time and date of each test;
- c. A summary of test results, reported in units consistent with the applicable standard;
- d. A description of the test methods and quality assurance procedures used;
- e. A summary of any deviations from the proposed test plan and justification for why the deviation(s) was necessary;
- f. The amount and type of fuel burned, raw material consumed, and product produced, as applicable, during each test run;
- g. Operating parameters of the affected emissions units and control equipment during each test run;
- h. Sample calculations of equations used to determine test results in the appropriate units; and
- i. The name of the company or entity performing the analysis.

## 29. Reporting and Notification Address

The permittee shall send all required reports to the reviewing authority at the mailing address specified in the Approval of the Request for Coverage.

## 30. Signature Verifying Truth, Accuracy, and Completeness

All reports required by this permit shall be signed by a responsible official as to the truth, accuracy, and completeness of the information. The report must state that, based on information and belief formed after reasonable inquiry, the statements and information are true, accurate, and complete. If the permittee discovers that any reports or notification submitted to the reviewing authority contain false, inaccurate, or incomplete information, the permittee shall notify the reviewing authority immediately and correct or amend the report as soon as is practicable.

## **Section 6: Changes to this General Permit**

### **31. *Revising, Reopening, Revoking and Reissuing, or Terminating for Cause***

The General Permit may be revised, reopened, revoked and reissued or terminated for cause. The filing of a request by you, the permittee, for a permit revision, revocation and re-issuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. This provision also applies to the documents incorporated by reference.

### **32. *Terminating Coverage under this Permit***

The reviewing authority may terminate a previously issued Approval of the Request for Coverage, and thereby terminate that permittee's authorization to construct or modify, and that permitted source's authorization to operate under this General Permit for cause as defined in Attachment B. The reviewing authority may provide the permittee with notice of the intent to terminate, and delay the effective date of the termination to allow the permittee to obtain a source-specific permit as required by the reviewing authority.

### **33. *Change in Ownership or Operator***

If the permitted source changes ownership or operator, the reviewing authority may change the Approval of the Request for Coverage to reflect the new ownership or operator in accordance with the administrative amendment provisions in 40 CFR 49.159(f).

### **34. *Permit Becomes Invalid***

Authority to construct and operate under this permit becomes invalid if the permittee does not commence construction within 18 months after the effective date of the request for coverage under a general permit, if the permittee discontinues construction for a period of 18 months or more, or if the permittee does not complete construction within a reasonable time. The reviewing authority may extend the 18-month period upon a satisfactory showing that an extension is justified, according to 40 CFR 49.156(e)(8).

## **Section 7: Obtaining Coverage under this General Permit**

35. To obtain coverage under this General Permit, an applicant must submit a Request for Coverage to the appropriate reviewing authority for the area in which the permitted source is or will be located (the Request for Coverage Form can be found at <http://www.epa.gov/air/tribal/tribalnsr.html>). Attachment C contains a list of reviewing authorities and their area of coverage.

## **Attachment A: Abbreviations and Acronyms**

ASTM	American Society for Testing and Materials
CAA	Federal Clean Air Act
CFR	Code of Federal Regulations
CI	compression ignition
EPA	United States Environmental Protection Agency
HP	horsepower
kW	kilowatt
LPG	liquified petroleum gas
NAAQS	National Ambient Air Quality Standards
NSR	new source review
ppm	parts per million
PSD	Prevention of Significant Deterioration
SI	spark ignition



## Attachment B: Definitions

For the purposes of this General Permit:

*Approval of the Request for Coverage* means a reviewing authority's letter granting an applicant's request for construction or modification, and operation of a true minor source under the terms and conditions of this General Permit.

*Biodiesel* means a combustion fuel made from fatty acids or methyl esters that complies with the specifications of ASTM 6751.

*Brake power* means the usable power output of the engine and is different than the electrical output of a generator set.

*Cause* means with respect to the reviewing authority's ability to terminate a permitted source's coverage under a permit that:

1. The permittee is not in compliance with the provisions of this General Permit;
2. The reviewing authority determines that the emissions resulting from the construction or modification of the permitted source significantly contribute to NAAQS violations, which are not adequately addressed by the requirements in this General Permit;
3. The reviewing authority has reasonable cause to believe that the permittee obtained Approval of the Request for Coverage by fraud or misrepresentation; or
4. The permittee failed to disclose a material fact required by the Request for Coverage or the regulations applicable to the permitted source of which the applicant had or should have had knowledge at the time the permittee submitted the Request for Coverage.

*Certified* means, with respect to an engine, an engine that belongs to an engine family that has a certificate of conformity that complies with the emission standards and requirements in 40 CFR parts 60, 89, 90, 1039, 1048, or 1054, as appropriate.

*Compression ignition* means relating to a type of stationary internal combustion engine that is not an SI engine and are typically diesel engines where the heat generated from compression is enough to initiate the combustion process, without needing any external spark.

*Construction* means any physical change or change in the method of operation including fabrication, erection, installation, demolition, or modification of an emission unit that would result in a change of emissions.

*Distillate fuel* means fuel oils, including recycled oils that comply with the specifications for fuel oil numbers 1 and 2, as defined by ASTM 396, or equivalent.

*Emergency engine* means an engine that is operated to provide electrical power or mechanical work during an emergency situation. Examples include engines used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or an engine used to pump water in the case of fire, flood, or other event.

*Emergency generator engine* means an emergency engine designed solely for the purpose of providing electrical power during power outages.

*Maximum engine power* means the maximum brake power of the engine.

*Permittee* means the owner or operator of a permitted source.

*Permitted source* means each compression ignition engine for which a reviewing authority issues an Approval of the Request for Coverage.

*Request for Coverage* means a permit application that contains all the information required in the standard application form.

*Responsible official* means one of the following:

1. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is directly responsible for the overall operation of the permitted source.
2. For a partnership or sole proprietorship: a general partner or the proprietor, respectively.
3. For a public agency: Either a principal executive officer or ranking elected official, such as a chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

*SI engine* is either a gasoline-fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark ignition engines usually use a throttle to regulate intake air flow to control power during normal operation. Spark ignition engines are dual-fuel engines in which a liquid fuel (typically diesel fuel) is used for compression ignition and gaseous fuel (typically natural gas) is used as the primary fuel at an annual average ratio of less than 2 parts diesel fuel to 100 parts total fuel on an energy equivalent basis.

## Attachment C – List of the EPA Reviewing Authorities and Areas of Coverage

<b>EPA Region</b>	<b>Address for Request for Coverage</b>	<b>Address for All Other Notifications and Reports</b>	<b>Area Covered</b>	<b>Phone Number</b>
Region I	EPA New England 5 Post Office Square, Suite 100 Mail Code OEPO5-2 Boston, MA 02109-3912	EPA New England 5 Post Office Square, Suite 100 Mail Code OES04-2 Boston, MA 02109-3912	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont	888- 372-7341, 617-918-1111
Region II	Chief, Air Programs Branch Clean Air and Sustainability Division EPA Region 2 290 Broadway, 25 <sup>th</sup> Floor New York, NY 10007-1866	Chief, Air Compliance Branch Division of Enforcement and Compliance Assistance EPA Region 2 290 Broadway, 21 <sup>st</sup> Floor New York, NY 10007-1866	New Jersey, New York, Puerto Rico, and Virgin Islands	877-251-4575
Region III	Office of Permits and Air Toxics 3AP10 EPA Region 3 1650 Arch Street Philadelphia, PA 19103	Office of Air Enforcement and Compliance Assurance 3AP20 EPA Region 3 1650 Arch Street Philadelphia, PA 19103	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia	800-438-2474, 215-814-5000
Region IV	Chief, Air Permits Section EPA Region 4 APTMD 61 Forsyth Street Atlanta, GA 30303	Chief, Air & EPCRA Enforcement Branch EPA Region 4 APTMD 61 Forsyth Street, SW Atlanta, GA 30303	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee	800-241-1754, 404-562-9000
Region V	Air Permits Section Air Programs Branch (AR-18J) EPA Region 5 77 West Jackson Blvd Chicago, Illinois 60604	Air Enforcement and Compliance Assurance Branch (AE-17J) Air and Radiation Division EPA Region 5 77 West Jackson Blvd Chicago, Illinois 60604	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin	800-621-8431, 312-353-2000
Region VI	Multimedia Planning and Permitting Division EPA Region 6 1445 Ross Avenue (6PD-R) Dallas, TX 75202	Compliance and Enforcement Correspondence: Compliance Assurance and Enforcement Division EPA Region 6 1445 Ross Avenue (6EN) Dallas, TX 75202	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas	800-887-6063, 214-665-2760
Region VII	Chief, Air Permitting & Compliance Branch EPA Region 7	Chief, Air Permitting & Compliance Branch EPA Region 7	Iowa, Kansas, Missouri, and Nebraska	800-223-0425, 913-551-7003

<b>EPA Region</b>	<b>Address for Request for Coverage</b>	<b>Address for All Other Notifications and Reports</b>	<b>Area Covered</b>	<b>Phone Number</b>
	11201 Renner Blvd Lenexa, KS 66219	11201 Renner Blvd Lenexa, KS 66219		
Region VIII	U.S. Environmental Protection Agency, Region 8 Office of Partnerships and Regulatory Assistance Tribal Air Permitting Program, 8P-AR 1595 Wynkoop Street Denver, Colorado 80202	U.S. Environmental Protection Agency, Region 8 Office of Enforcement, Compliance & Environmental Justice Air Toxics and Technical Enforcement Program, 8ENF-AT 1595 Wynkoop Street Denver, Colorado 80202	Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming	800-227-8917, 303-312-6312
Region IX	Chief, Permits Office (Air-3) Air Division EPA Region 9 75 Hawthorne St San Francisco, CA 94105	Enforcement Division Director Attn: Air & TRI Section (ENF-2-1) EPA Region 9 75 Hawthorne St San Francisco, CA 94105	American Samoa, Arizona, California, Guam, Hawaii, Navajo Nation Nevada, and Northern Mariana Islands	866-EPA-9378, 415-947-8000
Region X	Tribal Air Permits Coordinator U.S. EPA, Region 10, AWT-150 1200 Sixth Avenue, Suite 900 Seattle, WA 98101	Tribal Air Permits Coordinator U.S. EPA, Region 10, AWT-150 1200 Sixth Avenue, Suite 900 Seattle, WA 98101	Alaska, Idaho, Oregon, and Washington	800-424-4372, 206-553-1200