March 7, 1999

MEMORANDUM

SUBJECT: Potential to Emit (PTE) Transition Policy for Part 71 Implementation in Indian Country

FROM: John S. Seitz, Director /s/
Office of Air Quality Planning and Standards (MD-10)

Eric V. Schaeffer, Director /s/
Office of Regulatory Enforcement (2241A)

TO: See Addressees

What is the purpose of this memorandum?

This memorandum discusses EPA's transition policy concerning potential to emit (PTE) limits for stationary air pollution sources located in Indian country.[1] Under this policy, EPA would treat a source as nonmajor for the purposes of the Federal Operating Permits Program (part 71) if its actual emissions are and remain below 50 percent of the PTE thresholds for major source status, for every consecutive 12-month period (beginning with the 12 months immediately preceding the date of this memorandum) and it maintains adequate records to demonstrate that its actual emissions are kept below these levels.

What is meant by "Indian country"?

Indian country, as defined in 40 CFR 71.2, means: (1) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (2) all dependent Indian communities

[1]For purposes of administering the part 71 program, EPA treats areas for which EPA believes the Indian country status is in question as Indian country [40 CFR 71.4(b)].

within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and (3) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition parallels the definition of Indian country contained in 18 U.S.C. section 1151 and has been applied extensively by the federal courts.

Why is EPA issuing this policy?

On July 1, 1996, EPA published final regulations, codified in 40 CFR part 71, for the Federal title V operating permits program (61 FR 34202). Subsequently, on February 19, 1999, EPA promulgated regulations setting forth EPA's approach for issuing Federal operating permits to stationary sources in Indian country (64 FR 8247). These regulations will trigger the requirement for sources in Indian country that are subject to part 71 to submit permit applications within one year, or sooner in some cases.

Sources located in areas covered by EPA-approved part 70 programs can often avoid major source permitting under title V of the Clean Air Act (CAA) by obtaining enforceable "synthetic minor" limitations on their operations.[2] However, unlike mechanisms available for many such sources, a Federal mechanism is not currently in place to create practicably enforceable synthetic minor limits for sources in Indian country. As stated in the recent final part 71 rule, EPA's view is that State or local permits that may have been issued to sources in Indian country (and limitations in such permits) are not effective in limiting the PTE of sources for purposes of avoiding the part 71 program, or for any purpose under the CAA, unless EPA has explicitly approved the State or local permitting program as applying in Indian country. As a result, some sources located in Indian country are not yet able to obtain enforceable limits to avoid being major sources under the part 71 program, even though their actual emissions may be well below the relevant major source thresholds. The EPA believes that the lack of a mechanism

[2]The term "synthetic minor" refers to air pollution sources whose maximum capacity to emit air pollution under their physical and operational design is large enough to exceed the major source threshold but are limited by an enforceable emissions restriction that prevents this physical potential from being realized. Through such synthetic minor permits, sources avoid triggering major source requirements.

to create enforceable synthetic minor limits is a disadvantage for Indian country sources who might want to obtain limits on their operations to avoid major source status under title V.

The EPA expects the minor preconstruction permit program for Indian country now being developed and other activities currently underway to provide mechanisms to limit emissions of Indian country sources in the future. However, there will be a gap between the part 71 program permit application requirement and the development of those broadly available Federal mechanisms. Because of this gap, EPA intends to implement today's policy to facilitate smooth implementation of the program, and to ensure that early implementation of the program can focus attention on creating high-quality permits for higher-emitting part 71 sources.

Who may take advantage of this policy?

Air pollution sources may take advantage of this policy if they are located in Indian country, would be covered by the part 71 program, and their potential emissions equal or exceed a major source threshold, but their actual emissions are at or below 50 percent of the threshold. The decision to utilize this policy is purely voluntary and at the discretion of the source. All sources are free to apply for a part 71 permit.

Why would sources want to take advantage of this policy?

Title V requires operating permits for major sources as well as other types of sources, as described in part 71 (see section 71.3). If a source takes advantage of this policy for all regulated air pollutants for which the source would be a major source, EPA would treat it as a nonmajor source for purposes of title V. If the source is not otherwise subject to title V, EPA would not require it to apply for a permit or to pay part 71 permit fees.

Are there any exceptions to this PTE policy?

Major sources for the purposes of title V include any stationary sources that are major sources as defined in section 112, section 302, or part D of title I of the CAA. Consistent with EPA's once-in-always-in policy for maximum achievable control technology (MACT) standards, this policy would not apply to any source that is already required to obtain a title V permit due to being subject to a MACT standard.

Likewise, this policy would not be relevant for Indian country sources with actual emissions above 50 percent of a major source threshold, but still below the major source threshold. For those sources, the only practicably enforceable mechanism currently available to limit PTE would be a limit developed by a Tribe or State with Clean Air Act programs that EPA had explicitly approved as applying in the sources' areas of Indian country.

Additionally, if a source is subject to title V for a reason other than its PTE (see 40 CFR part 71, section 71.3), then it remains subject to title V regardless of this policy. For example, if the source currently has a prevention of significant deterioration (PSD) permit under part C of title I of the CAA, then it is required to get a title V permit.

What do sources need to do to qualify under this policy?

Sources would need to do three things. First, they would need to send a letter to the appropriate EPA Regional Office indicating their intent to take advantage of this policy prior to the deadline for submittal of their part 71 permit application. The EPA believes it is appropriate to ask sources to take this step, even though EPA's transition policy for part 70 programs does not discuss it, because EPA is less familiar with source populations in specific areas than are state, local and tribal governments. This notification action will assist EPA in identifying sources and makes it clear to the Agency which sources are intending to take advantage of this policy. Second, sources would need to maintain their actual emissions, for every consecutive 12-month period (beginning with the 12 months immediately preceding the date of this memorandum), at levels that never exceed 50 percent of any of the major stationary source thresholds applicable to that source. Third, sources would need to keep records on site to demonstrate that emissions are below these thresholds for the entire transition period. A source having a PTE which is at or above the major source threshold, and which has actual emissions above the 50 percent threshold without complying with major source requirements of the CAA (or without otherwise limiting its potential to emit), could be subject to enforcement.

How long will this policy be in place?

The EPA would implement this policy from the date of this memorandum until either EPA adopts and implements a mechanism that a source can use to limit its PTE, or EPA explicitly approves a tribe's or state's program providing such a mechanism

for the relevant area of Indian country. Where the mechanism is the Federal preconstruction permit program referred to above, this policy would extend to a date to be specified in the rule that establishes the preconstruction program.

What is the connection between the Tribal Authority Rule (TAR) *and this policy?*

The Tribal Authority Rule (TAR), officially titled "Indian Tribes: Air Quality Planning and Management; Final Rule," was published on February 12, 1998 in the Federal Register. The TAR authorizes EPA to treat eligible tribes in the same manner as States for some purposes under the CAA and to approve tribal air quality programs meeting the applicable minimum requirements of the CAA. The EPA expects that many Tribes will develop and seek approval of CAA programs, including programs that may provide a practicably enforceable mechanism for limiting sources' PTE. Such a mechanism could be used to limit PTE for sources of any size. Note that if Tribes obtain EPA approval of their own part 70 programs, they will be free to require title V permits of all major sources (and minor sources, if they choose to do so) notwithstanding this policy.

Who should read this memorandum, and who are the contacts for more information?

We are asking Regional Offices to send this memorandum to States and Indian tribes within their Regions. Questions concerning specific issues and cases should be directed to the appropriate Regional Office. The Regional Office staff may contact Scott Voorhees of the Operating Permits Group (919-541-5348), Lynn Hutchinson of the Integrated Implementation Group(919-541-5795), John Walke (202-260-9856) or Mike Thrift (202-260-7709) of the Office of General Counsel, or Carol Holmes of the Office of Regulatory Enforcement (202-564-8907). The document is also available on the Internet, at http://www.epa.gov/ttn/oarpg under "Actions Sorted by CAA Title, Operating Permits & New Source Review (Title V), Memoranda, Policy & Guidance Memos."

The policies set forth in this memorandum are intended solely as guidance, do not represent final Agency action, and cannot be relied upon to create any rights enforceable by any party.

Addressees:
Director, Office of Ecosystem Protection, Region I
Director, Division of Environmental Planning and Protection, Region II
Director, Air Protection Division, Region III
Director, Air, Pesticides, and Toxics Management Division, Region IV
Director, Air and Radiation Division, Region V
Director, Multimedia Planning and Permitting Division, Region VI
Director, Air, RCRA, and Toxics Division, Region VII
Assistant Regional Administrator, Office of Partnership and Regulatory Assistance, Region VIII
Director, Air Division, Region IX
Director, Office of Air, Region X
Regional Counsels, Regions I-X
Director, Office of Environmental Stewardship, Region I
Director, Division of Enforcement and Compliance Assurance, Region II
Director, Enforcement Coordination Office, Region III
Director, Compliance Assurance and Enforcement Division, Region VI
Director, Enforcement Coordination Office, Region VII
Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, Region VIII
Enforcement Coordinator, Office of Regional Enforcement Coordination, Region IX

cc: C. Holmes, OECA
J. Ketcham-Colwill, OPAR
J. Walke, OGC
T. Smith, OAQPS
J. Havard OGC
M. Thrift, OGC
S. Voorhees, OAQPS
S. Hitte, OAQPS
C. Carraway, OAQPS
J. Swanson, OAQPS
A. Hanson, OW
D. Laroche, OAR
Regional Tribal Air Coordinators, Regions I-II, IV-X

JEO

ENGINEERING
ARCHITECTURE
SURVEYING
PLANNING

June 16, 2000

Ward Burns
Angela Catalano
U. S. Environmental Protection Agency
Air Permitting & Compliance Branch
901 North Fifth Street
Kansas City, Kansas 66101

REC'D
JUN 20 2000
APCO

RE: Pender Nebraska Municipal Power Plant
Pender, Nebraska

Dear Ms. Catalano – Dear Mr. Burns.

I have secured from the internet and have reviewed the PTE Transition Policy for Part 71 Implementation.

I have also conferred with Bob Fendrick, Utilities Superintendent and with Al Maul, the Village Attorney.

Mr. Maul would like to have a telephone conference call with you and me as soon as he returns to his office on the 23rd. Mr. Maul and I will initiate that call.

Very Truly Yours,
JEO Consulting Group, Inc.,
(Engineers for the Village of Pender)

By _____
B. A. "Nick" Johnson

C-file
Village Office
Al Maul

142 West 11th Street, P.O. Box 207, Wahoo, NE 68066-0207 • Tel: (402)443-4661 • Fax: (402)443-3508
Wahoo, NE • Nebraska City, NE • Norfolk, NE • Hastings, NE • Carroll, IA

31-173-02005

Maul & Bodlak, L.L.P.
Attorneys at Law
113 South 5th Street
P. O. Box 490
Pender, NE 68047

Albert E. Maul
Tammy Maul-Bodlak

Telephone: (402) 385-3016
FAX: (402) 385-3158

February 22, 2001

REC'D
FEB 27 2001
APCO

Attn: Ward Burns
Environmental Protection Agency
Air Permitting & Compliance Branch
901 N. 5th Street
Kansas City, KS 66101

RE: Village of Pender - Power Generation Plant

Dear Mr. Burns:

This office represents the Village of Pender in regard to matters regarding the electrical power plant and the Environmental Protection Agency. As we have previously discussed by telephone, it is the position of the Village of Pender that the power plant location is not on Indian land nor is the power plant, nor the Village of Pender, located within Indian country as defined by the 8th Circuit Court of Appeals as well as the State Court system. In my recent telephone discussions with you, I do understand that at this time the Environmental Protection Agency deems this area to be within disputed Indian lands.

Accordingly, in a spirit of cooperation, but without acknowledging that the Village of Pender is within Indian country, please be advised that the Village of Pender will keep records of the days and hours of operation, as well as fuel consumption records to verify that the Village of Pender has Low Emitter status per U.S. EPA Low Emitter Rule under 40 CFR Part 71. These records have been provided to the State of Nebraska Department of Environmental Quality over the past several years.

If you have any questions regarding this letter, the intended procedure, or any other questions regarding the Pender Power Plant, please contact me immediately.

Respectfully Submitted,

Albert E. Maul
Village Attorney
AEM:ln

cc: Bob Fendrick
Municipal Superintendent
Pender, NE 68047

Connie Miller
Village Clerk
Pender, NE 68047

Senator Pat Engel
District #17
Box 94604
State Capitol
Lincoln, NE 68509

Rep. Doug Bereuter
Cornhusker Plaza
301 S. 13th Street
Suite 100
Lincoln, NE 68508

Fw: Two more sources in Thurston County , NE?

PatriciaA Scott to: MarkA Smith 04/02/2012 10:04 AM
Cc: Jane Kloeckner, Robert Webber

FYI
----- Forwarded by PatriciaA Scott/R7/USEPA/US on 04/02/2012 10:02 AM -----

From: "Smith, Clark" <clark.smith@nebraska.gov>
To: PatriciaA Scott/R7/USEPA/US@EPA
Date: 04/02/2012 08:57 AM
Subject: RE: Two more sources in Thurston County, NE?

Pat,

For all of the sources listed, we have either not permitted them, or their permits "expired". None of them have received a construction permit. The reason I put "expired" in quotes, is that Blue Ox (Automatic Equipment Mfg Co) and Thurston Manufacturing used to be covered by our VOC/HAP General Permit. That permit has been reissued, however, these companies did not reapply for coverage. In addition, we have EPA designated as the permitting authority for them in our IIS system.

Just to let you know, we also have the following sources listed as being active in Thurston Co:

Emerson Mfg, Pender
Pender Grain, Pender
Central Valley Ag, Thurston
Crop Production Services, Thurston

The only one of these that we show having an active permit is Central Valley Ag. They were issued a construction permit in 1994. I do not know where these would fall out in EPA's minor source programs, but thought you would want to know they were once on our radar.

Clark

W. Clark Smith, Supervisor
Air Quality Permitting Section
Department of Environmental Quality
Phone: 402.471.4204
Email: clark.smith@nebraska.gov

From: PatriciaA Scott [mailto:Scott.PatriciaA@epamail.epa.gov]
Sent: Friday, March 30, 2012 5:55 PM
To: Smith, Clark
Subject: Two more sources in Thurston County, NE?

Clark,

Do you have record of NDEQ ever issued any air permits - operating or construction - to the following sources? If so, are they still in affect?

Pender Municipal Power Plant
Blue Ox (Automatic Equipment NFG
Thurston Manufacturing

Thanks again,

Pat

FMI

Farabee Mechanical Inc.

P.O. Box 1748
Hickman, NE 68372-1748
Phone (402) 792-2612
Fax (402) 792-2712

10 April 2012

Melissa Ellis, Air Toxics Coordinator
NE Dept. of Environmental Quality
1200 N St., Ste. 400
Lincoln, NE 68508

Ms. Ellis,

Please find enclosed for Pender Municipal Light & Power Plant, Pender, Nebraska:

- Notice of Applicability (may be a duplicate notification)

Should you have any questions regarding this submission, please contact me via email: farabeecsm@inebraska.com

Respectfully,

Farabee Mechanical, Inc.

Donna Oehm

Donna Oehm
Client Services Manager

CC: EPA REGION VII (IA NE KS MO)
DIRECTOR, AIR AND WASTE MANAGEMENT
RE: RICE NESHAP ZZZZ
901 N 5TH ST
KANSAS CITY KS 66101

FMI
PO Box 1748
Hickman NE 68372-1748
Phone: (402) 792-2612
Fax: (402) 792-2712

Initial Notification of Applicability

National Emission Standards for Hazardous Air Pollutants:
Stationary Reciprocating Internal Combustion Engines
40 CFR part 63, subpart ZZZZ

☑ **Yes, I am subject to 40 CFR Part 63 Subpart ZZZZ National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines**

NAICS Code(s): 221122 "Electric Power Distribution"

Compliance Date: ☑ Existing Source: May 3, 2013
☐ New/reconstructed source: upon initial startup

Company Name:	Pender Municipal Light & Power Plant
Facility Name (if different):	
Facility Physical Location Address:	205 N. 3rd St Pender, NE 68047

My facility is a: ☑ Area Source ☐ Major Source

Owner name / title:	City of Pender
Owner/Company address:	PO Box 549
Owner telephone number:	(402) 385-3121
Owner email address (if available):	villageofpender@huntel.net
Person to Contact:	
Name / Title:	Frank Fendrick, Utilities Superintendent
Telephone Number:	(402) 385-3121
Email address (if available):	villageofpender@huntel.net

FMI
PO Box 1748
Hickman NE 68372-1748
Phone: (402) 792-2612
Fax: (402) 792-2712

Initial Notification of Applicability

National Emission Standards for Hazardous Air Pollutants:
Stationary Reciprocating Internal Combustion Engines
40 CFR part 63, subpart ZZZZ

Brief description of the stationary RICE at the facility, including number of engines and the site-rated HP of each engine:			
Unit 1	Fairbanks-Morse 38TDD8-1/8	2160 hp	non-emergency
Unit 2	Fairbanks-Morse 38TDD8-1/8	2880 hp	non-emergency
Unit 3	Fairbanks-Morse 38DD8-1/8	800 hp	non-emergency
Unit 4	Fairbanks-Morse 38DD8-1/8	1280 hp	non-emergency

I hereby certify that the information presented herein is correct to the best of my knowledge.

Frank Fendrick — **(Signature)**

5-Apr-12 — **(Date)**

Frank Fendrick, Utilities Superintendent — **(Printed Name/Title)**

(402) 385-3121 — **(Telephone Number)**

****Return both pages (signed) to FMI via fax or email: farabeecsm@inebraska.com**

FMI

Farabee Mechanical Inc.

P.O. Box 1748
Hickman, NE 68372-1748
Phone (402) 792-2612
Fax (402) 792-2712

04 June 2012

EPA REGION VII (IA NE KS MO)
DIRECTOR, AIR AND WASTE MANAGEMENT
RE: RICE NESHAP ZZZZ
901 N 5TH ST
KANSAS CITY KS 66101

For Pender Municipal Light & Power Plant, please find enclosed:

- Notice of Proposed Upgrade or Modification

It is my understanding that Pender is on Tribal lands and would have EPA Region 7 jurisdiction. I am cc'ing NDEQ as a courtesy.

Respectfully,

Farabee Mechanical, Inc.
Donna Oehm
Donna Oehm
Client Services Manager

CC: Melissa Ellis, Air Toxics Coordinator
NE Dept of Environmental Quality
1200 N. St., Ste. 400
Lincoln, NE 68508

FMI

Farabee Mechanical Inc.

P.O. Box 1748

Hickman, NE 68372-1748
Phone (402) 792-2612
Fax (402) 792-2712

Notice of Proposed Exhaust System Upgrade or Modification

Date	29-May-2012	**Permit Holder**	Pender Municipal Light & Power Plant
Permit #	pending	**Regulating Authority**	NDEQ - Air 1200 N St., Ste 400 Lincoln, NE 68508
Facility ID	46375		cc: EPA Region VII 901 N 5th St. Kansas City KS 66101
Location	205 N. 3rd St., PO Box 549 Pender, NE 68047		
Unit # and Model	UNIT 1: Fairbanks-Morse 38TDD8-1/8		

Description of proposed changes

Remove existing exhaust silencer and tail pipe. Install new oxidation catalyst/silencer combination unit and replace tail pipe. New silencer will bring unit into RICE-NESHAP compliance with performance test to be completed after installation.

Additionally, crankcase emissions filtration system will be placed to condense oil mist and return to crankcase. Remaining crankcase emissions will be returned to combustion air inlet resulting in no net emissions for the crankcase vent system per RICE-NESHAP regulations.

Will exhaust location change ?	Yes		No	X
Will exhaust height be modified ?	Yes		No	X

Stack height after modification	
Height of tallest building within 50 feet	Power plant building 18'
Tentative date of completion	1/15/2013
Permit Holder's Representative	Frank Fendrick, Utilities Superintendent
Contact information for permit holder	(402) 385-3121 fax (402) 385-3862 email: villageofpender@huntel.net
Signature	Frank Fendrick

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

JUL 02 2012

Plant Manager
Pender Municipal Power Plant
205 N 3rd
Pender, NE 68047

Dear Manager:

On July 1, 2011, the Environmental Protection Agency (EPA) promulgated a final Federal Implementation Plan (FIP) that implements New Source Review (NSR) preconstruction air pollution control requirements in Indian country. As set forth in the FIP, the Federal minor NSR program in Indian country found at 40 CFR Part 49, Sections 49.151 through 49.165, serves the following purposes:

(1) It establishes a preconstruction permitting program for new and modified minor sources and minor modifications at major sources located in Indian country to meet the requirements of section 110(a)(2)(C) of the Act.

(2) It establishes a registration system that will allow the reviewing authority to develop and maintain a record of minor source emissions in Indian country.

(3) It provides a mechanism for an otherwise major source to voluntarily accept restrictions on its potential to emit to become a synthetic minor source. This mechanism may also be used by an otherwise major source of HAPs to voluntarily accept restrictions on its potential to emit to become a synthetic minor HAP source. Such restrictions must be enforceable as a practical matter.

(4) It provides an additional mechanism for case-by-case maximum achievable control technology (MACT) determinations for those major sources of HAPs subject to such determinations under section 112(g)(2) of the Act.

(5) It sets forth the criteria and procedures that the reviewing authority (as defined in §49.152(d)) will use to administer the program.

We have identified the Pender Municipal Power Plant as a source potentially subject to the Federal minor NSR program. In a letter dated February 22, 2001, the Village of Pender indicated to EPA Region 7 that it would comply with the recordkeeping requirements of the 1999 Potential to Emit (PTE) transition policy by which EPA would treat a source as nonmajor for the purposes of the Federal Part 71 program if it keeps records to show that its actual emissions are below 50 percent of the PTE thresholds for major source status. The policy specified that it would be implemented until EPA adopts and implements a mechanism that a source can use to limit its PTE. Since, as listed above, a purpose of the Federal minor NSR program is to provide such a mechanism, its implementation terminates the PTE

transition policy. Pursuant to 40 CFR 49.158(c)(3) and (4), existing sources previously operating under a synthetic minor mechanism such as the 1999 PTE transition policy, now must obtain a synthetic minor permit. An application must be submitted no later than September 4, 2012. If you do not submit your synthetic minor permit application, your source will no longer be considered a synthetic minor source and will become subject to all requirements for major sources.

Enclosed are forms you can use to apply for synthetic minor status under the Federal Minor NSR Program in Indian country, including the "New Source General Application" and "Synthetic Minor Limit Application". Use of the forms is optional, but if you choose not to use them you must provide all of the information described in 40 CFR 49.154 *Permit Application Requirements* and 40 CFR 49.158 *Synthetic Minor Source Permits*. Please note that we are not requiring a modeling analysis for your existing source previously operating under the 1999 PTE transition policy. Should you propose to construct a new source or modify an existing source, then an air quality analysis may be required. The authority to review applications and issue NSR and operating permits to stationary sources on Indian country in Iowa, Kansas, Nebraska, and Missouri has been delegated to EPA Region 7. You should submit your application forms, or required application contents, to:

Bob Webber
Air Permitting Tribal Coordinator
EPA, Region 7
901 N. 5th Street
Kansas City, Kansas 66101

If interested, the following websites contain information intended to assist you with understanding the Tribal Minor NSR Rule and the EPA Region 7 Air program:

EPA's Tribal Minor NSR website: http://www.epa.gov/air/tribal/tribalnsr.html
Region 7 Air Program website: http://www.epa.gov/region07/air/nsr/nsr.htm

We understand that there is a question about the exact location of the Omaha Indian Reservation boundaries; however EPA considers your facility to be located within this Reservation. Thus, we encourage you to submit a timely application for a synthetic minor source permit to ensure that your source can continue to be considered a synthetic minor source. Please contact Bob Webber of my staff at (913) 551-7251 or webber.robert@epa.gov if you have any questions about the permitting process.

Sincerely,

Leslye E Werner

for Mark A. Smith, Chief
Air Permitting and Compliance Branch
Air and Waste Management Division

cc: Mr. Amem Sheridan
Omaha Tribe of Omaha
Shelley Schneider
Nebraska Department of Environmental Quality

Pender, Ne Muncipal Power Plant
Dave Peterson
to:
Robert Webber
08/01/2012 01:46 PM
Cc:
"Village of Pender (villageofpender@huntel.net)"
Hide Details
From: Dave Peterson <dpeterson@jeo.com>

To: Robert Webber/R7/USEPA/US@EPA

Cc: "Village of Pender (villageofpender@huntel.net)" <villageofpender@huntel.net>

1 Attachment


image001.png

Bob, I am completing the Tribal Air Permitting requirement for the Village of Pender, Nebraska. Per your letter, dated July 2, 2012, you are requesting an Application for New Construction and also an Application for Synthetic Minor Limit. My question is, with this being an existing facility would a Registration for Existing Sources be more appropriate than the Application for New Construction, this way actual emissions for 2011 and total allowable or potential emissions would be provided? Or is it your intent to review the annual emissions that could be emitted if the power plant were to operate to the maximum hours, per their permit with the Nebraska Department of Environmental Quality?

Please call or reply with questions or comments.
Respectfully

DAVID R. PETERSON, PE | Electrical Department Manager
JEO CONSULTING GROUP INC
803 W. Norfolk Avenue | PO Box 1424 | Norfolk, Nebraska 68702-1424
o: 402.371.6416 | m: 402.750.4820 | f: 402.371.5109
dpeterson@jeo.com

VILLAGE OF PENDER

416 Main Street
Pender, Nebraska 68047

Power Plant: 402-385-3121
City Office: 402-385-3232
Fax: 402-385-2349
E-mail: pendervillage@huntel.net

August 27, 2012

REC'D
SEP 04 2012
APCO

Bob Webber
Environmental Protection Agency
Region 7
901 North 5th Street
Kanas City, Kansas 66101

RE: Village of Pender, Nebraska
Pender, New Source General Application/Synthetic Minor Limit Application
Facility ID # 46375

Dear Bob:

Please find enclosed a New Source General Application (Application) for the Village of Pender Municipal Power Plant, owned by the Village of Pender (Village). The purpose of the Application is to seek approval for continued operations with three (3) dual fuel and one (1) diesel generators.

Power Plant Description

The Village currently operates a municipal power plant consisting of three (3) dual fueled and one (1) diesel only, compression ignition engine generators with nameplate capacity totaling 5,080 kW. The Village does have a capacity lease agreement with Municipal Energy Agency of Nebraska (MEAN) for 3,955 kW. The MEAN capacity lease agreement is for the purpose of economic dispatching by MEAN electric power and energy from such generating facilities for the common benefit of all Participants and can also be used for distribution system-wide outage or blackout caused by the transmission interconnection or distribution system or weather. With advanced notice to MEAN, the excess generation, not leased to MEAN, is permitted to be utilized by the Village for any reason. During emergencies the Participant is allowed to separate from the grid and begin to self-generate to stabilize the distribution system. An annual URGE test and monthly testing and unit exercising is also completed to ensure the engines are able to operate reliable if called upon. During the present year, several MEAN Participants were required to operate during most of the summer months to comply with the MEAN agreement.

The current recordkeeping procedures for each generator, on a monthly and annual basis include hours run, kwh generated, gallons diesel consumed and natural gas cfm consumed. From the current recordkeeping procedures, included is the annual State of Nebraska Department of Environmental Quality 2011 Air Emissions Inventory. Also include is the 2012 results of the URGE testing completed by the City and MEAN.

Permit

The Village is requesting approval for the New Source General and Synthetic Minor Limit Applications. This would provide for the facility to be permitted as a synthetic minor Class II source.

The Village is in the process of completing testing and installation of diesel oxidation catalyst on each exhaust system of the generators to comply with National Emission Standards for Hazardous Air Pollutants (NESHAP) for stationary reciprocating internal combustion engines (RICE) rule with compliance by July 1, 2013. This data is not available in time for the dead line of this application.

Respectfully Submitted

Arden Shadbolt
Board Chairperson
Village of Pender, NE

OMB Control No. 2060-0003
Approval expires 04/30/2012

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
FEDERAL MINOR NEW SOURCE REVIEW PROGRAM IN INDIAN COUNTRY

Application for New Construction
(Form NEW)

Please check all that apply to show how you are using this form:

- ☒ **Proposed Construction of a New Source**
- ☐ **Proposed Construction of New Equipment at an Existing Source**
- ☐ **Proposed Modification of an Existing Source**
- ☐ **Other – Please Explain**

Please submit information to:

Bob Webber, Tribal NSR Coordinator
Air Permitting & Compliance Branch
Air and Waste Management Division
U.S. Environmental Protection Agency, Region VII
901 North 5th Street
Kansas City, KS 66208
Phone: 913-551-7251
Fax: 913-551-9251
webber.robert@epa.gov

A. GENERAL SOURCE INFORMATION

1. (a) **Company Name** Village of Pender (b) **Operator Name** Frank Fendrick	2. **Source Name** Pender Municipal Power Plant Facility # 46375
3. Type of Operation Diesel/Dual Fuel Generator Power Plant	4. Portable Source? ☐ Yes ☒ No 5. Temporary Source? ☐ Yes ☒ No
6. NAICS Code Class II Minor Source	7. SIC Code
8. Physical Address (home base for portable sources) 205 N 3rd Pender, NE 68047	

9. Reservation*	10. County*	11a. Latitude*	11b. Longitude*
Omaha Indian Reservation	Thurston	42°06'53.07"N	96°42'19.55"W
12a. Quarter Quarter Section*	**12b. Section***	**12c. Township***	**12d. Range***
SW ¼ NW ¼	26	T25N	R6E

*Provide all proposed locations of operation for portable sources

B. PREVIOUS PERMIT ACTIONS (Provide information in this format for each permit that has been issued to this source. Provide as an attachment if additional space is necessary)

Source Name on the Permit Pender Municipal Power Plant
Permit Number (xx-xxx-xxxxx-xxxx.xx) Facility ID# 46375 State of Nebraska Department of Environmental Quality
Date of the Permit Action

Source Name on the Permit
Permit Number (xx-xxx-xxxxx-xxxx.xx)
Date of the Permit Action

Source Name on the Permit
Permit Number (xx-xxx-xxxxx-xxxx.xx)
Date of the Permit Action

Source Name on the Permit
Permit Number (xx-xxx-xxxxx-xxxx.xx)
Date of the Permit Action

Source Name on the Permit
Permit Number (xx-xxx-xxxxx-xxxx.xx)
Date of the Permit Action

C. CONTACT INFORMATION

Company Contact Village of Pender	Title
Mailing Address: PO Box 5 Pender, NE 68047	
Email Address	
Telephone Number: 402-385-3121	Facsimile Number: 402-385-3862
Operator Contact (if different from company contact)	Title
Mailing Address	
Email Address	
Telephone Number	Facsimile Number
Source Contact Frank Fendrick	Title: Utility Supt.
Mailing Address: PO Box 5 Pender, NE 68047	
Email Address	
Telephone Number: 402-385-3121	Facsimile Number: 402-385-3862
Compliance Contact Frank Fendrick	Title: Utility Supt.
Mailing Address: PO Box 5 Pender, NE 68047	
Email Address	
Telephone Number: 402-385-3121	Facsimile Number: 402-385-3862

D. ATTACHMENTS

Include all of the following information (see the attached instructions)

☒ **FORM SYNMIN** - New Source Review Synthetic Minor Limit Request Form, if synthetic minor limits are being requested.

☒ Narrative description of the proposed production processes. This description should follow the flow of the process flow diagram to be submitted with this application.

☒ Process flow chart identifying all proposed processing, combustion, handling, storage, and emission control equipment.

☒ A list and descriptions of all proposed emission units and air pollution-generating activities.

☐ Type and quantity of fuels, including sulfur content of fuels, proposed to be used on a daily, annual and maximum hourly basis.

☐ Type and quantity of raw materials used or final product produced proposed to be used on a daily, annual and maximum hourly basis.

☒ Proposed operating schedule, including number of hours per day, number of days per week and number of weeks per year.

☐ A list and description of all proposed emission controls, control efficiencies, emission limits, and monitoring for each emission unit and air pollution generating activity.

☒ **Criteria Pollutant Emissions** - Estimates of Current Actual Emissions, Current Allowable Emissions, Post-Change Uncontrolled Emissions, and Post-Change Allowable Emissions for the following air pollutants: particulate matter, PM_{10}, $PM_{2.5}$, sulfur oxides (SOx), nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compound (VOC), lead (Pb) and lead compounds, fluorides (gaseous and particulate), sulfuric acid mist (H_2SO_4), hydrogen sulfide (H_2S), total reduced sulfur (TRS) and reduced sulfur compounds, including all calculations for the estimates.

These estimates are to be made for each emission unit, emission generating activity, and the project/source in total.

☐ **Modeling – Air Quality Impact Analysis (AQIA)**

☐ **ESA (Endangered Species Act)**

☐ **NHPA (National Historic Preservation Act)**

E. TABLE OF ESTIMATED EMISSIONS

The following tables provide the total emissions in tons/year for all pollutants from the calculations required in Section D of this form, as appropriate for the use specified at the top of the form.

E(i) – Proposed New Source

Pollutant	Potential Emissions (tpy)	Proposed Allowable Emissions (tpy)	
PM			PM - Particulate Matter PM_{10} - Particulate Matter less than 10 microns in size $PM_{2.5}$ - Particulate Matter less than 2.5 microns in size SOx - Sulfur Oxides NOx - Nitrogen Oxides CO - Carbon Monoxide VOC - Volatile Organic Compound Pb - Lead and lead compounds Fluorides - Gaseous and particulates H_2SO_4 - Sulfuric Acid Mist H_2S - Hydrogen Sulfide TRS - Total Reduced Sulfur RSC - Reduced Sulfur Compounds
PM_{10}			
$PM_{2.5}$			
SO_x			
NO_x			
CO			
VOC			
Pb			
Fluorides			
H_2SO_4			
H_2S			
TRS			
RSC			

See Attached

Emissions calculations must include fugitive emissions if the source is one the following listed sources, pursuant to CAA Section 302(j):

(a) Coal cleaning plants (with thermal dryers);
(b) Kraft pulp mills;
(c) Portland cement plants;
(d) Primary zinc smelters;
(e) Iron and steel mills;
(f) Primary aluminum ore reduction plants;
(g) Primary copper smelters;
(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;
(i) Hydrofluoric, sulfuric, or nitric acid plants;
(j) Petroleum refineries;
(k) Lime plants;
(l) Phosphate rock processing plants;
(m) Coke oven batteries;
(n) Sulfur recovery plants;
(o) Carbon black plants (furnace process);
(p) Primary lead smelters;
(q) Fuel conversion plants;
(r) Sintering plants;
(s) Secondary metal production plants;
(t) Chemical process plants
(u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
(v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
(w) Taconite ore processing plants;
(x) Glass fiber processing plants;
(y) Charcoal production plants;
(z) Fossil fuel-fired steam electric plants of more that 250 million British thermal units per hour heat input, and
(aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.

E(ii) – Proposed New Construction at an Existing Source or Modification of an Existing Source

Pollutant	Current Actual Emissions (tpy)	Current Allowable Emissions (tpy)	Post-Change Potential Emissions (tpy)	Post-Change Allowable Emissions (tpy)
PM				
PM_{10}				
$PM_{2.5}$				
SO_x				
NO_x				
CO				
VOC				
Pb				
Fluorides				
H_2SO_4				
H_2S				
TRS				
RSC				

PM - Particulate Matter
PM_{10} - Particulate Matter less than 10 microns in size
$PM_{2.5}$ - Particulate Matter less than 2.5 microns in size
SOx - Sulfur Oxides
NOx - Nitrogen Oxides
CO - Carbon Monoxide
VOC - Volatile Organic Compound
Pb - Lead and lead compounds
Fluorides - Gaseous and particulates
H_2SO_4 - Sulfuric Acid Mist
H_2S - Hydrogen Sulfide
TRS - Total Reduced Sulfur
RSC - Reduced Sulfur Compounds

The public reporting and recordkeeping burden for this collection of information is estimated to average 20 hours per response, unless a modeling analysis is required. If a modeling analysis is required, the public reporting and recordkeeping burden for this collection of information is estimated to average 60 hours per response .Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

OMB Control No. 2060-0003
Approval expires 04/30/2012

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
FEDERAL MINOR NEW SOURCE REVIEW PROGRAM IN INDIAN COUNTRY

Application For Synthetic Minor Limit
(Form SYNMIN)

Please submit information to:

Bob Webber, Tribal NSR Coordinator
Air Permitting & Compliance Branch
Air and Waste Management Division
U.S. Environmental Protection Agency, Region VII
901 North 5th Street
Kansas City, KS 66208
Phone: 913-551-7251
Fax: 913-551-9251
webber.robert@epa.gov

A. GENERAL INFORMATION

Company Name	**Source Name**
Village of Pender, NE	Pender Municipal Power Plant Facility # 46375
Company Contact or Owner Name	Title
Frank Fendrick	Utility Supt.
Mailing Address	
PO Box S Pender, NE 68047	
Email Address	
Telephone Number	Facsimile Number
402-385-3121	402-385-3862

B. ATTACHMENTS

For each criteria air pollutant, hazardous air pollutant and for all emission units and air pollutant-generating activities to be covered by a limitation, include the following:

☒ **Item 1** - The proposed limitation and a description of its effect on current actual, allowable and the potential to emit.
☒ **Item 2** - The proposed testing, monitoring, recordkeeping, and reporting requirements to be used to demonstrate and assure compliance with the proposed limitation.
☐ **Item 3** - A description of estimated efficiency of air pollution control equipment under present or anticipated operating conditions, including documentation of the manufacturer specifications and guarantees.
☒ **Item 4** - Estimates of the Post-Change Allowable Emissions that would result from compliance with the proposed limitation, including all calculations for the estimates.
☒ **Item 5** – Estimates of the potential emissions of Greenhouse Gas (GHG) pollutants:

EPA Minor New Source Review Program in Indian Country
Application for New Construction
Village of Pender Municipal Power Plant
Facility ID# 46375

Listing and Description of All Proposed Emission Units
And Air Pollution-Generating Activities

Unit ID	Equipment Description	Max. Engine Capacity (HP)	Max. Engine Capacity Rating (kW)	Max. Engine Capacity Rating	Year of Installation	Fuel Type	Notes
1	Elec. Gen.	2,160	1,550	5.290	1967	Dual Fuel	1&3
2	Elec. Gen.	2,880	2,070	7.065	1972	Diesel	2&3
3	Elec. Gen.	800	560	1.911	1952	Dual Fuel	1&3
4	Elec. Gen.	1,280	900	3.072	1961	Dual Fuel	1&3

Notes

1 Unit 1,3&4 can be operated with Diesel Fuel only or Dual Fuel
2 Unit 2 can be operated with Diesel Fuel only.

EPA Minor New Source Review Program in Indian Country
Application for New Construction
Village of Pender Municipal Power Plant
Facility ID# 46375

Table E. Table of Estimated Allowable Emissions (Diesel Only Generation)

Unit ID	Equipment Description	Category	Year of Installation	Max. Engine Capacity (HP)	Max. Engine Capacity Rating (kW)	Max. Engine Capacity Rating MMBtu/hr	gallons/hour	Hours	gallons/year	Fuel Type
1	Elec. Gen.	Recipr.	1967	2,160	1,550	5.290	110	8,760	965,396	Dual Fuel
2	Elec. Gen.	Recipr.	1972	2,880	2,070	7.065	147	8,760	1,289,271	Diesel
3	Elec. Gen.	Recipr.	1952	800	560	1.911	40	8,760	348,788	Dual Fuel
4	Elec. Gen.	Recipr.	1961	1,280	900	3.072	64	8,760	560,552	Dual Fuel

Diesel Only Generation	PM	PM10	PM2.5	SOx	NOx	CO	VOC	CO2	CH4
From Webfire 5/30/2012	lb/1,000 Gal	lb/1,000 Gal	lb/1,000 Gal	lb/1,000 Gal	lb/1,000 Gal	lb/1,000 Gal	lb/1,000 Gal	lb/1,000 Gal	lb/1,000 Gal
SCC 2-02-004-01	9.55	7.85	7.55	0	438	116	11.5	22,600	1.11

Potential Pollutant Emissions Summary (lb/hour)

Unit ID	lb/hour	PM	PM10	PM2.5	SOx	NOx	CO	VOC	GHG CO2	GHG CH4
1		1.052	0.865	0.832	-	48.270	12.784	1.267	2,490.63	0.122
2		1.406	1.155	1.111	-	64.464	17.073	1.693	3,326.20	0.163
3		0.380	0.313	0.301	-	17.439	4.619	0.458	899.84	0.044
4		0.611	0.502	0.483	-	28.028	7.423	0.736	1,446.17	0.071
Total	**lb/hour**	**3.449**	**2.835**	**2.727**		**158.200**	**41.898**	**4.154**	**8,162.85**	**0.401**

Potential Pollutant Emissions Summary (ton/year)

Unit ID		PM	PM10	PM2.5	SOx	NOx	CO	VOC	GHG CO2	GHG CH4
1	ton/year	4.610	3.789	3.644	0.000	211.422	55.993	5.551	10,908.97	0.536
2		6.156	5.060	4.867	0.000	282.350	74.778	7.413	14,568.76	0.716
3		1.665	1.369	1.317	0.000	76.385	20.230	2.006	3,941.31	0.194
4		2.677	2.200	2.116	0.000	122.761	32.512	3.223	6,334.24	0.311
Total	**ton/year**	**15.108**	**12.419**	**11.944**	**0.000**	**692.918**	**183.512**	**18.193**	**35,753.28**	**1.756**

Notes

1 Unit 1,3&4 can be operated with Diesel Fuel only or Dual Fuel
2 Unit 2 can be operated with Diesel Fuel only.

EPA Minor New Source Review Program in Indian Country
Application for New Construction
Village of Pender Municipal Power Plant
Facility ID# 46375

Table E. Table of Estimated Allowable Emissions (Dual Fuel Only Generation)

Unit ID	Equipment Description	Category	Year of Installation	Max. Engine Capacity (HP)	Max. Engine Capacity Rating (kW)	Max. Engine Capacity Rating MMBtu/hr	hp-hour	Hours	hp-hours /year	Fuel Type
1	Elec. Gen.	Recipr.	1967	2,160	1,550	5.290	2,160	8,760	18,921,600	Dual Fuel
2	Elec. Gen.	Recipr.	1972	2,880	2,070	7.065	2,880	8,760	25,228,800	Diesel
3	Elec. Gen.	Recipr.	1952	800	560	1.911	800	8,760	7,008,000	Dual Fuel
4	Elec. Gen.	Recipr.	1961	1,280	900	3.072	1,280	8,760	11,212,800	Dual Fuel

Duel Fuel Generation	PM	PM10	PM2.5	SOx	NOx	CO	VOC	CO2	CH4
	lb/Mbtu	lb/Mbtu	lb/Mbtu	lb/1,000 hp-hr	lb/1,000 hp-hr	lb/1,000 hp-hr	lb/1,000 hp-hr	lb/1,000 hp-hr	lb/1,000 hp-hr
From Webfire 5/30/2012	0	0.0573	0.0556	0	18	7.5	1.4	772	3.97
SCC 2-02-004-02									

Potential Pollutant Emissions Summary (lb/hour)

Unit ID	lb/hour	PM	PM10	PM2.5	SOx	NOx	CO	VOC	GHG CO2	CH4
1		-	3.031	2.941	-	38.880	16.200	3.024	1,667.52	8.575
2										
3		-	1.095	1.063	-	14.400	6.000	1.120	617.60	3.176
4		-	1.760	1.708	-	23.040	9.600	1.792	988.16	5.082
Total	**lb/hour**	-	**5.886**	**5.712**	-	**76.320**	**31.800**	**5.936**	**3,273.28**	**16.833**

Potential Pollutant Emissions Summary (ton/year)

Unit ID		PM	PM10	PM2.5	SOx	NOx	CO	VOC	GHG CO2	CH4
1	ton/year	0.000	13.277	12.883	0.000	170.294	70.956	13.245	7,303.74	37.559
2										
3		0.000	4.796	4.654	0.000	63.072	26.280	4.906	2,705.09	13.911
4		0.000	7.710	7.481	0.000	100.915	42.048	7.849	4,328.14	22.257
Total	**ton/year**	**0.000**	**25.783**	**25.018**	**0.000**	**334.282**	**139.284**	**26.000**	**14,336.97**	**73.728**

Notes

1 Unit 1,3&4 can be operated with Diesel Fuel only or Dual Fuel
2 Unit 2 can be operated with Diesel Fuel only.

EPA Minor New Source Review Program In Indian Country
Application for New Construction
Village of Pender Municipal Power Plant
Facility ID# 46375

Table E. Table of Estimated Allowable Emissions (Diesel and Dual Fuel Generation)

Unit ID	Equipment Description	Category	Year of Installation	Max. Engine Capacity (HP)	Max. Engine Capacity Rating (kW)	Max. Engine Capacity Rating MMBtu/hr	gallons/hour	hp-hour	Hours	Fuel Type
1	Elec. Gen.	Recipr.	1967	2,160	1,550	5.290	110	2,160	8,760	Dual Fuel
2	Elec. Gen.	Recipr.	1972	2,880	2,070	7.065	147	2,880	8,760	Diesel
3	Elec. Gen.	Recipr.	1952	800	560	1.911	40	800	8,760	Dual Fuel
4	Elec. Gen.	Recipr.	1961	1,280	900	3.072	64	1,280	8,760	Dual Fuel

	PM	PM10	PM2.5	SOx	NOx	CO	VOC	CO2	CH4
Diesel Only Generation	lb/1,000 Gal	lb/1,000 Gal	lb/1,000 Gal	lb/1,000 Gal	lb/1,000 Gal	lb/1,000 Gal	lb/1,000 Gal	lb/1,000 Gal	lb/1,000 Gal
From Webfire 5/30/2012	9.55	7.85	7.55	0	438	116	11.5	22,600	1.11
SCC 2-02-004-01									

	PM	PM10	PM2.5	SOx	NOx	CO	VOC	CO2	CH4
Duel Fuel Generation	lb/Mbtu	lb/Mbtu	lb/Mbtu	lb/1,000 hp-hr	lb/1,000 hp-hr	lb/1,000 hp-hr	lb/1,000 hp-hr	lb/1,000 hp-hr	lb/1,000 hp-hr
From Webfire 5/30/2012	0	0.0573	0.0556	0	18	7.5	1.4	772	3.97
SCC 2-02-004-02									

Potential Pollutant Emissions Summary (lb/hour)

Unit ID	lb/hour	PM	PM10	PM2.5	SOx	NOx	CO	VOC	GHG CO2	CH4
1		-	3.031	2.941	-	38.880	16.200	3.024	1,667.52	8.575
2		1.406	1.155	1.111	-	64.464	17.073	1.693	3,326.20	0.163
3		-	1.095	1.063	-	14.400	6.000	1.120	617.60	3.176
4		-	1.760	1.708	-	23.040	9.600	1.792	988.16	5.082
Total	**lb/hour**	**1.406**	**7.042**	**6.823**		**140.784**	**48.873**	**7.629**	**6,599.48**	**16.996**

Potential Pollutant Emissions Summary (ton/year)

Unit ID		PM	PM10	PM2.5	SOx	NOx	CO	VOC	GHG CO2	CH4
1	ton/year	0.000	13.277	12.883	0.000	170.294	70.956	13.245	7,303.74	37.559
2		6.156	5.060	4.867	0.000	282.350	74.778	7.413	14,568.76	0.716
3		0.000	4.796	4.654	0.000	63.072	26.280	4.906	2,705.09	13.911
4		0.000	7.710	7.481	0.000	100.915	42.048	7.849	4,328.14	22.257
Total	**ton/year**	**6.156**	**30.843**	**29.885**	**0.000**	**616.632**	**214.062**	**33.413**	**28,905.72**	**74.443**

Notes

1 Unit 1,3&4 operated with Dual Fuel.
2 Unit 2 operated with Diesel Fuel.

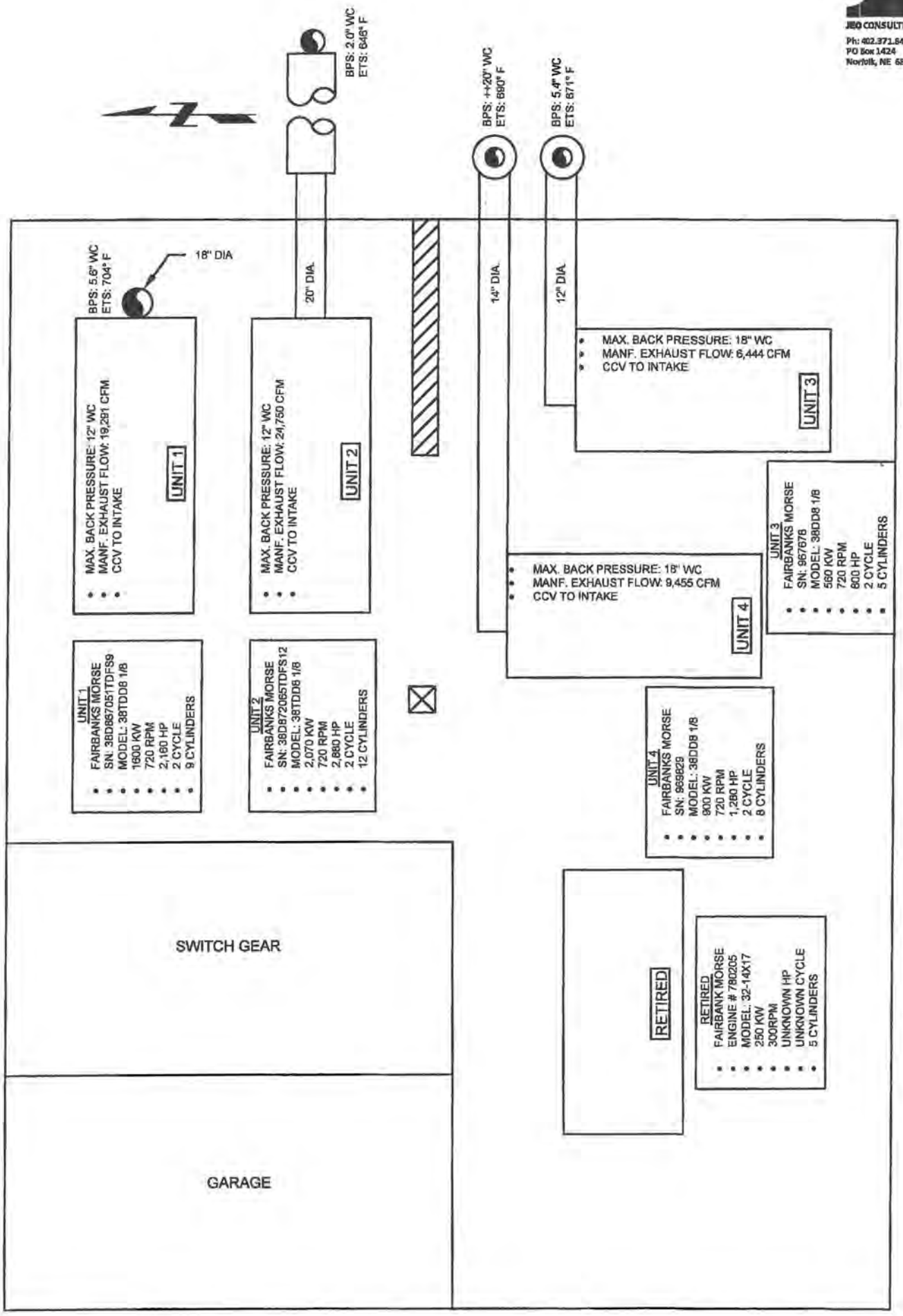
EXHIBIT 3

PROJECT:
POWER PLANT
PENDER, NEBRASKA

PROJECT NO.
120828
FILE NAME
EXHIBIT 3.DWG
SHEET
EX-3

DATE
7-18-12
DRAWN BY
JJJ
REVISION

JEO CONSULTING GROUP INC
Ph: 402.371.8416
PO Box 1424
Norfolk, NE 68702



42°06'53.07" N
96°42'19.55" W

MEAN GENERATION TEST REPORT FORM

DATE: 7/23/2012
CITY OF: Pender
TESTED BY: Jerry
TEST OBSERVED BY: Bob Meade

NAME PLATE KW	1550	2070	560	900				5080

HE	UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5	UNIT 6	UNIT 7	Gross
START	20,845.0	126,142.0	72,695.0	20834				240,516
HOUR ONE	20,859.0	128,139.0		20843				169,841
HOUR TWO	20,873.0	130,205.0	72,696.0	20852				244,626
METER MULTIPLIER	100.0	1.0	100.0	100				301
TOTAL	2,800.0	4,063.0	100.0	1800.00				8,763
AVERAGE	1,400.0	2,031.5	50.0	900.00				4,382

COMMENTS		
TOTAL NAME PLATE KW	5080	KW
START TEMP	103	DEGREES
ENDING TEMP	107	DEGREES
START TIME	14:55:00	
ENDING TIME	16:55:00	
RUN TIME	2:00:00	HOURS
CONTRACT CAPACITY	3955	KW

NAME PLATE KW						

HE	AUX	AUX	AUX	TOTAL AUX	NET
START	8,032				
HOUR ONE	8,033				
HOUR TWO	8,033				
METER MULTIPLIER	100				
TOTAL	100.00				8763.00
AVERAGE	50.00			50.00	4331.50
2.5 % Contract Required		<=enter a "1" if no Aux meters			

How long from the time notification is given by MEAN Dispatch can your plant reach:

	During Working Hours	Off Hours		24x7 Contact Phone Numbers	
Warm -up			MINUTES	Office/Plant	
Plant Half Load			MINUTES	Mobile	
Plant Full Load			MINUTES	Other / Home	
COMMENTS					

version 2004

FUEL CONSUMPTION INFORMATION

DATE: 7/23/2012
CITY OF: Pender
TESTED BY: Jerry
TEST OBSERVED BY: Bob Meade

How much fuel does each unit consume per hour:

NAME PLATE KW	1550	2070	560	900				5080	
	UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5	UNIT 6	UNIT 7	Total	
DIESEL START UP								-	
GAS START								-	
GAS 1ST HOUR								-	
GAS 2ND HOUR								-	
GAS TOTAL	35.10		1.26	22.60				58.96	
GAS AVERAGE	17.55		0.63	11.30				29.48	Total MCF
								1,000,000	BTU/MCF
Total BTUs Gas	17,550,000	-	630,000	11,300,000	-	-	-	29,480,000	Total BTUs Gas
DIESEL START UP								-	
DIESEL START								-	
DIESEL 1ST HOUR								-	
DIESEL 2ND HOUR								-	
DIESEL TOTAL	31.00	359.00	2.00	20.00				412.00	
DIESEL AVERAGE	15.50	179.50	1.00	10.00				206.00	Total Gallons
								137,500	BTU/Gallon
Total BTU Deisel	2,131,250	24,681,250	137,500	1,375,000	-	-	-	28,325,000	Total BTUs Diesel
Gross Gen KWH	1,400	2,032	50	900.00				4,382	KWh
Heat Rate Gross Gen	14,058	12,149	15,350	14,083	-	-	-	13,193	BTU/KWh
Net of Aux. Gen KWH	1,384	2,008	49	890	-	-	-	4,332	
Heat Rate Net of Aux Gen	14,220	12,290	15,527	14,246	-	-	-	13,345	BTU/KWh
2010 results								12,765	
2009 results								11,921	
								Pwe 7/25/11	

Village of Pender, Nebraska Municipal Power Plant

2012 Air Emisions URGE Test

Emissions Statement

Electrical Generation Data

Diesel Fuel Oil Only									
		Horse	Hours	Rating	Gen Total	Fuel	NG	Gals Fuel Oil/	MCF Gas/
	Unit #	Power	Run Time	kW	kwh's	Gallons	mcf	kwh Generated	kwh Generated
	1	2160	0.0	1550	0	0	0	0.0000	0
	2	2880	2.0	2070	4063	359	0	0.0884	0
	3	800	0.0	560	0	0	0	0.0000	0
	4	1280	0.0	900	0	0	0	0.0000	0
Total Diesel Fuel Oil			2.0	5080	4063	359	0	0.0884	0

Duel Fuel									
		Horse	Hours	Rating	Gen Total	Fuel	NG	Gals Fuel Oil/	MCF Gas/
		Power	Run time	kW	kwh's	Gallons	mcf	kwh Generated	kwh Generated
	1	2160	2.0	1550	2800	31	35.1	0.0111	0.0125
	2	2880	0.0	2070	0	0	0		
	3	800	1.0	560	100	2	1.26	0.0200	0.0126
	4	1280	2.0	900	1800	20	22.6	0.0111	0.0126
Total Duel Fuel			5.0	5080	4700	53	58.96	0.0113	0.0125

Village of Pender, Nebraska Municipal Power Plant

2012 Air Emisions URGE Test

Diesel Only Generation															
Emission Factors	Webfire			lb/1000 Gal		lb/1000 Gal		lb/1000 Gal	lb/1000 Gal	lb/1000 Gal	lb/1000 Gal			lb/1000 Gal
Diesel Only	SCC 2-02-004-01			116		438		7.85	7.55	0	11.5			22600
				Gal/1000 Gal		Gal/1000 Gal		Gal/1000 Gal	Gal/1000 Gal	Gal/1000 Gal	Gal/1000 Gal			Gal/1000 Gal
				0.001		0.001		0.001	0.001	0.001	0.001			0.001
												Greatest	Other	
		Horse	Fuel	NG	CO	NH3	NOx	Lead	PM10	PM2.5	Sox	VOC	Single HAP	HAP's	CO2
	Unit #	Power	Gallons/hour	mcf/hour	lb	lb	lb	lb	lb	lb	lb	lb	lb	lb	lb
Diesel Only	1	2160	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Diesel Only	2	2880	180	0	20.82	0.00	78.62	0.00	1.41	1.36	0.00	2.06	0.00	0.00	4056.70
Diesel Only	3	800	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Diesel Only	4	1280	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Gallons/mcf			180	0											
Diesel Totals lbs					20.82	0.00	78.62	0.00	1.41	1.36	0.00	2.06	0.00	0.00	4056.70
					Ton	Ton	Ton	Ton	Ton	Ton	Ton	Ton	Ton	Ton	Ton
Diesel Only Tons per hour					0.01	0.00	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.03
Diesel Only Total Tons per hour									0.05						
Diesel Only Tons per Year, 8,760 hours					91.20	0.00	344.36	0.00	6.17	5.94	0.00	9.04	0.00	0.00	17768.35
Diesel Only Tons Total per Year 8,760 hours									456.71						
Diesel/Natural Gas Generation															
Emission Factors	Webfire			lb/1000hp-hrs		lb/1000hp-hrs		lb/MMBtu	lb/MMBtu	lb/1000hp-hrs	lb/1000hp-hrs			lb/1000hp-hrs
Duel-Fuel	SCC 2-02-004-02			7.5		18		0.0573	0.0556	0	1.4			772
Coversion Factors														
				hp-hr/1000hp-hrs		hp-hrs/1000hp-hrs				hp-hrs/1000hp-hrs	hp-hrs/1000hp-hrs			hp-hr/1000hp-hrs
				0.001		0.001				0.001	0.001			0.001
				Btu/hp-hr (1/7163)		Btu/hp-hr (1/7163)				Btu/hp-hr (1/7163)	Btu/hp-hr (1/7163)			Btu/hp-hr (1/7163)
				0.000139606		0.000139606				0.000139606	0.000139606			0.000139606
				btu/MMBtu		btu/MMBtu				btu/MMBtu	btu/MMBtu			btu/MMBtu
				1000000		1000000				1000000	1000000			1000000
				MMBtu/Gal		MMBtu/Gal		MMBtu/Gal	MMBtu/Gal	MMBtu/Gal	MMBtu/Gal			MMBtu/Gal
				0.139		0.139		0.139	0.139	0.139	0.139			0.139
				MMBtu/Mcf		MMBtu/Mcf		MMBtu/Mcf	MMBtu/Mcf	MMBtu/Mcf	MMBtu/Mcf			MMBtu/Mcf
				1		1		1	1	1	1			1
												Greatest	Other	
		Horse	Fuel	NG	CO	NH3	NOx	Lead	PM10	PM2.5	Sox	VOC	Single HAP	HAP's	CO2
	Unit #	Power	Gallons/hour	mcf/hour											
Duel-Fuel	1	2160	16	17.55	20.63	0.00	49.52	0	1.13	1.10	0.00	3.85			2123.67
Duel-Fuel	2	2880	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Duel-Fuel	3	800	2	1.26	1.61	0.00	3.86	0	0.09	0.09	0.00	0.30			165.76
Duel-Fuel	4	1280	10	11.3	13.29	0.00	31.89	0	0.73	0.71	0.00	2.48			1367.68
Total Gallons/mcf			28	30											
Duel-Fuel Totals lbs					35.53	0.00	85.27	0.00	1.94	1.89	0.00	6.63	0.00	0.00	3657.11
Duel-Fuel Tons per hour					0.02	0.00	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.83
Duel-Fuel Total Tons per hour									0.07						
Duel-Fuel Tons per year, 8,760 hours					155.62	0.00	373.48	0.00	8.52	8.26	0.00	29.05	0.00	0.00	16018.15
Duel-Fuel Tons Total 8,760 hours									574.93						
Total Tons per Year					246.82	0.00	717.84	0.00	14.69	14.20	0.00	38.09	0.00	0.00	33786.49
Total Facility Tons per Year									1031.63						

State of Nebraska
Department of Environmental Quality

2011 AIR EMISSIONS INVENTORY

FORM 1.0 GENERAL INFORMATION

Facility Name		Facility ID #	NAICS Code
Pender Municipal Power Plant		46375	
Facility Location (Address Or Directions) 205 N 3rd		City Or Nearest Community Pender	Zip Code 68047
Facility Mailing Address (if different from above) PO Box 5		City, State Pender, NE	Zip Code 68047-0680
County Name Thurston	Classification Class II Minor	Facility Phone Number 402-385-3121	Facility Contact Frank Fendrick
		Facility Fax Number 402-385-3862	Email Address

Fill out the information below after completing all applicable forms.

EMISSIONS STATEMENT

Total Plant Emissions (Tons Per Year)

CO	NH3	NOx	Lead	PM10	PM2.5	SOx	VOC	Greatest Single HAP	Other HAPs
0.30	0.00	0.90	0.00	0.02	0.02	0.00	0.05	0.00	0.00

Total Plant Greenhouse Gas Emissions (Tons Per Year)

CO2	N2O	CH4	PFCs	HFCs	SF6
42.50	0.00	0.00	0.00	0.00	0.00

Chargeable Emissions (Tons)

NOx	Lead	PM10	SOx	VOC	Greatest Single HAP	Other HAPs
0.00	0.00	0.00	00.0	0.00	0.00	0.00

CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS

Note: This certification must be signed by a responsible official as defined in Title 129. Unsigned inventories will be considered incomplete and may be subject to penalties.

I certify under penalty of law that, based on information and belief formed after reasonable inquiry, the statements and information contained in this inventory are true, accurate, and complete.

Signature of Responsible Official	Name & Title (printed)	Date

Complete and Return Forms to:

Department of Environmental Quality
Air Compliance Unit
PO Box 98922
Lincoln, NE 68509-8922

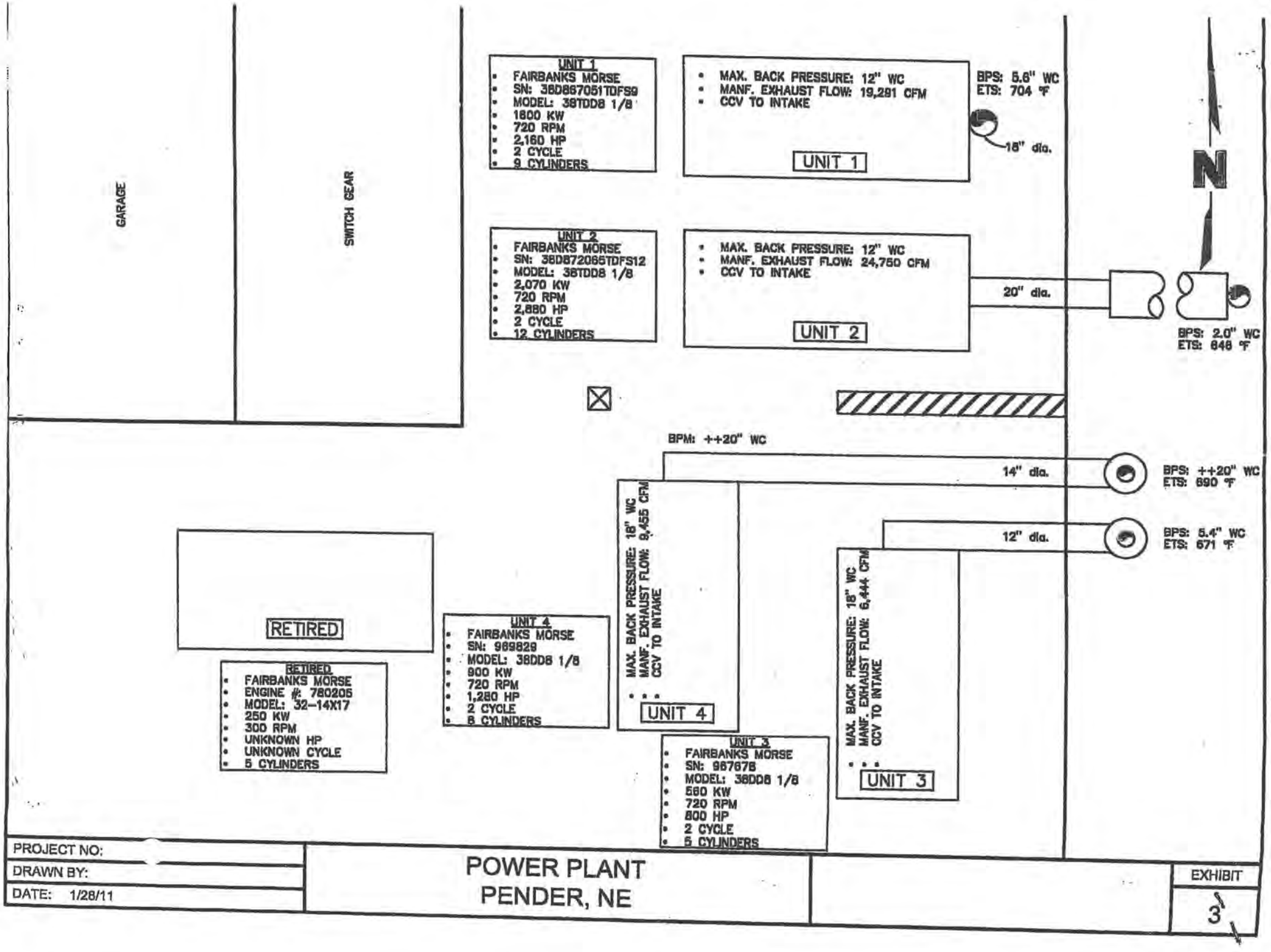
REMEMBER TO SIGN THIS REPORT. ALL INVENTORIES MUST BE COMPLETED IN A PERMANENT TYPE MARKER.

FORM 1.1 PROCESS FLOW DIAGRAM

Facility Name	Facility ID#	Year of Inventory
Pender Municipal Power Plant	46375	2011

Please use this page or a separate sheet to provide a process flow diagram. Do not forget to include all processes used in your facility which produce air emissions. Make sure to label each process. Identify all emission points (including fugitive, if required) and air pollution control equipment. Be sure to provide an identification number for each emission point. Use the same identification number(s) throughout the entire inventory form.

Duplicate this form as needed.



PROJECT NO:	POWER PLANT PENDER, NE	EXHIBIT
DRAWN BY:		3
DATE: 1/28/11		

FORM 2.1 EMISSION POINT INFORMATION

Facility Name	Facility ID#	Year of Inventory
Pender Municipal Power Plant	46375	2011

Point Identification

Point No.	Process Number	Point Description

Source Classification Code (SCC)	SCC Description

Emissions Calculations

Air Pollutant	Annual Throughput (A)	Emission Factor (lb/unit) (B)	Emission Factor Source	Emission Control (C) (1.0 - Control Efficiency)	Actual Emissions (tons/yr)* {A x B x C/2000}
CO					
NH3					
NOx					
Lead					
PM10					
PM2.5					
SOx					
VOC					

See Emissions Inventory

* Transfer these tonnages to Form 12.0 Emissions Fee Calculation Worksheet to aid in determination of total plant emissions and any chargeable emissions.

Duplicate this form as needed.

FORM 2.3 GREENHOUSE GAS EMISSIONS

Facility Name	Facility ID#	Year of Inventory
Pender Municipal Power Plant	46375	2011

Point Identification

Point No.	Process Number	Point Description
Source Classification Code (SCC)		SCC Description

Emissions Calculations

Air Pollutant	Annual Throughput (A)	Emission Factor (lb/unit) (B)	Emission Factor Source	Emission Control (C) (1.0 - Control Efficiency)	Actual Emissions (tons/yr)* {A x B x C/2000}
CO2					
N2O	See Emissions Inventory				
CH4					
PFCs					
HFCs					
SF6					

* Transfer the total greenhouse gas emission tonnages to Form 1.0 General Information.

Duplicate this form as needed.

FORM 3.0 FUEL COMBUSTION WORKSHEET

Facility Name	Facility ID#	Year of Inventory
Pender Municipal Power Plant	46375	2011

Unit I.D. No.	Equipment Description	Combustion Equipment Category (turbine, reciprocating, boiler, pulverized coal, hand fired, large bore, etc.)	Year Installed	Maximum Design Rate (Million BTU/hr)	Fuel Type (No. 2 fuel oil, natural gas, propane, anthracite coal, etc.) Primary / Secondary Fuel
		See Emissions Inventory			

Annual Throughput Information

Unit I.D. No.	Annual Throughput (Units/yr)	SCC Code	Heat Content of Fuel (BTU/Fuel Unit)	% Sulfur by Weight (coal and fuel oil only)	% Ash by Weight (coal and fuel oil only)

Use Forms 2.0 & 2.1 to provide stack information, control equipment information, operating rate data, and emission calculations.

Duplicate this form as needed.

FORM 12.0 EMISSIONS FEE CALCULATION WORKSHEET

Facility Name	Facility ID#	Year of Inventory
Pender Municipal Power Plant	46375	2011

Use one row to list the emissions from one emission point. Sum the emissions in the page total box at the bottom of the column. If more than one page is needed, use the first row of the duplicated page to list the page totals from this page. Emissions MUST be expressed in tons per year and rounded to two decimal places (XX.XX).

Emission Point	CO	NH3	NOx	Lead	PM10	PM2.5	SOx	VOC	Greatest Single HAP	Other HAPs
		Not Applicable								
Page Totals										

NOTE: FILL OUT THE LOWER PORTION OF THIS FORM ONE TIME ONLY.

Total Plant Emissions: (Make sure to use the sum of ALL page totals for each pollutant for the actual emissions below. Transfer the totals below to the front page under Total Plant Emissions under the "Emissions Statement".)

CO	NH3	NOx	Lead	PM10	PM2.5	SOx	VOC	Greatest Single HAP	Other HAPs

****

Chargeable Emissions (MAJOR SOURCES ONLY): A source is considered major if it emits or has the potential to emit 10 tons or more of any single hazardous air pollutant (HAP), 25 tons per year or more of any combination of hazardous air pollutants, 5 tons per year or more of lead, or 100 tons per year or more of PM10, SOx, NOx, VOC, or CO. Emission fees are calculated using actual emissions up to and including 4,000 tons per year for each regulated pollutant. Fees are not charged for CO, NH3, PM2.5 and greenhouse gases.

CO	NH3	NOx	Lead	PM10	PM2.5	SOx	VOC	Greatest Single HAP	Other HAPs
NO FEES	NO FEES				NO FEES				

Copy the Total Plant Emissions and Chargeable Emissions to the Emissions Statement on Form 1.0.

SEND COMPLETED FORMS AND ANY SUPPORTING INFORMATION TO THE ADDRESS LISTED AT THE BOTTOM OF FORM 1.0.

Village of Pender, Nebraska Municipal Power Plant

2011 Air Emisions Inventory

Diesel Only Generation															
Emission Factors	Webfire				lb/1000 Gal		lb/1000 Gal		lb/1000 Gal	lb/1000 Gal	lb/1000 Gal	lb/1000 Gal			lb/1000 Gal
Diesel Only	SCC 2-02-004-01				116		438		7.85	7.55	0	11.5			22600
					Gal/1000 Gal		Gal/1000 Gal		Gal/1000 Gal	Gal/1000 Gal	Gal/1000 Gal	Gal/1000 Gal			Gal/1000 Gal
					0.001		0.001		0.001	0.001	0.001	0.001			0.001
		Horse	Fuel	NG	CO	NH3	NOx	Lead	PM10	PM2.5	Sox	VOC	Greatest Single HAP	Other HAP's	CO2
	Unit #	Power	Gallons	mcf	lb	lb	lb	lb	lb	lb	lb	lb	lb	lb	lb
Diesel Only	1	2160	92	0	10.67	0.00	40.30	0.00	0.72	0.69	0.00	1.06	0.00	0.00	2079.20
Diesel Only	2	2880	1520	0	176.32	0.00	665.76	0.00	11.93	11.48	0.00	17.48	0.00	0.00	34352.00
Diesel Only	3	800	155	0	17.98	0.00	67.89	0.00	1.22	1.17	0.00	1.78	0.00	0.00	3503.00
Diesel Only	4	1280	330	0	38.28	0.00	144.54	0.00	2.59	2.49	0.00	3.80	0.00	0.00	7458.00
Total Gallons/mcf			2097	0											
Diesel Totals lbs					243.25	0.00	918.49	0.00	16.46	15.83	0.00	24.12	0.00	0.00	47392.20
					Ton	Ton	Ton	Ton	Ton	Ton	Ton	Ton	Ton	Ton	Ton
Diesel Only Tons					0.12	0.00	0.46	0.00	0.01	0.01	0.00	0.01	0.00	0.00	23.70
Diesel Only Total Tons					0.61										
Diesel/Natural Gas Generation															
Emission Factors	Webfire				lb/1000hp-hrs		lb/1000hp-hrs		lb/MMBtu	lb/MMBtu	lb/1000hp-hrs	lb/1000hp-hrs			lb/1000hp-hrs
Duel-Fuel	SCC 2-02-004-02				7.5		18		0.0573	0.0556	0	1.4			772
Coversion Factors															
					hp-hr/1000hp-hrs		hp-hrs/1000hp-hrs				hp-hrs/1000hp-hrs	hp-hrs/1000hp-hrs			hp-hr/1000hp-hrs
					0.001		0.001				0.001	0.001			0.001
					Btu/hp-hr (1/7163)		Btu/hp-hr (1/7163)				Btu/hp-hr (1/7163)	Btu/hp-hr (1/7163)			Btu/hp-hr (1/7163)
					0.000139606		0.000139606				0.000139606	0.000139606			0.000139606
					btu/MMBtu		btu/MMBtu				btu/MMBtu	btu/MMBtu			btu/MMBtu
					1000000		1000000				1000000	1000000			1000000
					MMBtu/Gal		MMBtu/Gal		MMBtu/Gal	MMBtu/Gal	MMBtu/Gal	MMBtu/Gal			MMBtu/Gal
					0.139		0.139		0.139	0.139	0.139	0.139			0.139
					MMBtu/Mcf		MMBtu/Mcf		MMBtu/Mcf	MMBtu/Mcf	MMBtu/Mcf	MMBtu/Mcf			MMBtu/Mcf
					1		1		1	1	1	1			1
		Horse	Fuel	NG	CO	NH3	NOx	Lead	PM10	PM2.5	Sox	VOC	Greatest Single HAP	Other HAP's	CO2
	Unit #	Power	Gallons	mcf											
Duel-Fuel	1	2160	185	119	151.52	0.00	363.66	0	8.29	8.05	0.00	28.28			15596.81
Duel-Fuel	2	2880	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Duel-Fuel	3	800	160	84	111.24	0.00	266.97	0	6.09	5.91	0.00	20.76			11450.13
Duel-Fuel	4	1280	100	84	102.51	0.00	246.01	0	5.61	5.44	0.00	19.13			10551.28
Total Gallons/mcf			445	287											
Duel-Fuel Totals lbs					365.27	0.00	876.64	0.00	19.99	19.40	0.00	68.18	0.00	0.00	37598.22
Duel-Fuel Tons					0.18	0.00	0.44	0.00	0.01	0.01	0.00	0.03	0.00	0.00	18.80
Duel-Fuel Total Tons					0.67										
Total Tons					0.80	0.00	0.90	0.00	0.02	0.02	0.00	0.05	0.00	0.00	42.50
Total Facility Tons					1.28										

Village of Pender, Nebraska Municipal Power Plant

2011 Air Emisions Inventory

Emissions Statement

Electrical Generation Data

Diesel Fuel Oil Only									
		Horse	Hours	Rating	Gen Total	Fuel	NG	Gals Fuel Oil/	MCF Gas/
	Unit #	Power	Run Time	kW	kwh's	Gallons	mcf	kwh Generated	kwh Generated
	1	2160	1.0	1550	1300	92	0	0.0708	0
	2	2880	12.0	2070	19531	1520	0	0.0778	0
	3	800	6.0	560	1800	155	0	0.0861	0
	4	1280	6.0	900	4200	330	0	0.0786	0
Total Diesel Fuel Oil			25.0	5080	26831	2097	0	0.0782	0

Duel Fuel									
		Horse	Hours	Rating	Gen Total	Fuel	NG	Gals Fuel Oil/	MCF Gas/
		Power	Run time	kW	kwh's	Gallons	mcf	kwh Generated	kwh Generated
	1	2160	11.0	1550	12400	185	119	0.0149	0.0096
	2	2880	0.0	2070	0	0	0		
	3	800	16.0	560	6600	160	84	0.0242	0.0127
	4	1280	12.0	900	7400	100	84	0.0135	0.0114
Total Duel Fuel			39.0	5080	26400	445	287	0.0169	0.0109

665

FMI

Farabee Mechanical Inc.

P.O. Box 1748
Hickman, NE 68372-1748
Phone (402) 792-2612
Fax (402) 792-2712

08 October 2012

EPA REGION VII (IA NE KS MO)
DIRECTOR, AIR AND WASTE MANAGEMENT
RE: RICE NESHAP ZZZZ
901 N 5TH ST
KANSAS CITY KS 66101

For Pender Municipal Light & Power Plant, please find enclosed:

- Notice of Intent to Test
- Test Protocol

It is my understanding that Pender is on Tribal lands and would have EPA Region 7 jurisdiction. I am cc'ing NDEQ as a courtesy.

Respectfully,

Farabee Mechanical, Inc.
Donna Oehm
Donna Oehm
Client Services Manager

cc: Air Toxics Coordinator
NE Dept of Environmental Quality
1200 N. St., Ste. 400
Lincoln, NE 68508

PERFORMANCE TEST PROTOCOL

List all pollutants to be sampled.

	POLLUTANT	NUMBER OF SAMPLING POINTS	TOTAL TIME PER TEST RUN	NUMBER OF TEST RUNS	TEST METHOD TO BE USED
1	CO inlet	1	1 hour	3	10 & ASTM 6522-00
2	O_2	1	1 hour	3	3A & ASTM 6522-00
3	CO outlet	1	1 hour	3	10 & ASTM 6522-00
4	O_2	1	1 hour	3	3A & ASTM 6522-00

Pender Municipal Power Plant, Pender, NE, has installed a catalyst unit monitoring system on each RICE.

Testing will be performed on the inlet and outlet of each catalyst to demonstrate CO reduction and/or <23 ppm outlet limit. The CO on the inlet and outlet will be corrected to 15% O_2 for calculations. Each RICE will be base loaded for testing.

Facility ID: 46375

FMI
PO Box 1748
Hickman NE 68372-1748
Phone: (402) 792-2612
Fax: (402) 792-2712

Notification of Intent to Test

National Emission Standards for Hazardous Air Pollutants:
Stationary Reciprocating Internal Combustion Engines
40 CFR part 63, subpart ZZZZ

NAICS Code(s): 221122 "Electric Power Distribution"

Compliance Date: ☑ Existing Source: May 3, 2013
☐ New/reconstructed source: upon initial startup

Company Name:	Pender Municipal Power Plant
Facility Name (if different):	
Facility Physical Location Address:	205 N. 3rd Pender NE 68047

My facility is a: ☑ Area Source ☐ Major Source

Owner name / title:	Village of Pender
Owner/Company address:	PO Box 5
Owner telephone number:	(402) 385-3121
Owner email address (if available):	villageofpender@huntel.net
Person to Contact:	
Name / Title:	Frank Fendrick
Telephone Number:	(402) 385-3121
Email address (if available):	villageofpender@huntel.net

**Return both pages (signed) to FMI via fax or email: farabeecsm@inebraska.com

FMI
PO Box 1748
Hickman NE 68372-1748
Phone: (402) 792-2612
Fax: (402) 792-2712

Notification of Intent to Test

National Emission Standards for Hazardous Air Pollutants: Stationary Reciprocating Internal Combustion Engines
40 CFR part 63, subpart ZZZZ

Brief description of the stationary RICE at the facility, including number of engines and the site-rated HP of each engine:		
Unit 1	Fairbanks-Morse 38TDD8-1/8	2160 hp
Unit 2	Fairbanks-Morse 38TDD8-1/8	2880 hp
Unit 3	Fairbanks-Morse 38DD8-1/8	800 hp
Unit 4	Fairbanks-Morse 38DD8-1/8	1280 hp

This facility has installed and intends to conduct a performance test on December 11th and 12th, 2012.

* Continuous Parametric Monitoring System (CPMS)
* Catalyst / Silencer Units

I hereby certify that the information presented herein is correct to the best of my knowledge.

Frank Fendrick
(Signature)

October 5, 2012
(Date)

Frank Fendrick, Utilities Superintendent
(Printed Name/Title)

(402) 385-3121
(Telephone Number)

**Return both pages (signed) to FMI via fax or email: farabeecsm@inebraska.com

RE: Synthetic Minor Permit Application for Pender Power Plant

Robert Webber to: Dave Peterson 11/02/2012 04:43 PM
Cc: Jon Knodel

Dave,

I appreciate your quick response to the request for additional information regarding the previously submitted Synthetic Minor Permit Application. The application is now determined to be administratively complete pursuant to 40 CFR § 49.154.

Please be advised that the application completeness determination does not constitute a thorough evaluation of the merits of the application. If we determine that additional information is necessary to evaluate or take final action on the application, we may request additional information from the Village of Pender and require a response in a reasonable time period.

I look forward to working with you in preparing the synthetic minor permit.

Respectfully,

Bob Webber
Air Permitting & Compliance Branch
Air and Waste Management Division
U.S. Environmental Protection Agency, Region VII
11201 Renner Boulevard
Lenexa, KS 66219
Phone: 913-551-7251
webber.robert@epa.gov

*** PLEASE NOTE THAT EPA REGION 7 HAS RELOCATED ***
The EPA Region 7 office relocated from Kansas City, KS to Lenexa, KS and began full operations on October 15, 2012. Staff phone numbers remain the same. Please mail correspondence to the following address:

U.S. Environmental Protection Agency, Region VII
11201 Renner Boulevard
Lenexa, KS 66219

Dave Peterson | Bob, Included is the additional information neces... | 11/02/2012 03:42:05 PM

From: Dave Peterson <dpeterson@jeo.com>
To: Robert Webber/R7/USEPA/US@EPA
Cc: "Village of Pender (villageofpender@huntel.net)" <villageofpender@huntel.net>
Date: 11/02/2012 03:42 PM
Subject: RE: Synthetic Minor Permit Application for Pender Power Plant

Bob, Included is the additional information necessary to complete the New Source General Application with synthetic minor limits.
Please review and call or reply with questions or comments.
Respectfully

DAVID R. PETERSON, PE | Electrical Department Manager
JEO CONSULTING GROUP INC

803 W. Norfolk Avenue | PO Box 1424 | Norfolk, Nebraska 68702-1424
o: 402.371.6416 | m: 402.750.4820 | f: 402.371.5109
dpeterson@jeo.com

From: Webber.Robert@epamail.epa.gov [mailto:Webber.Robert@epamail.epa.gov]
Sent: Thursday, November 01, 2012 5:58 PM
To: Dave Peterson
Cc: Knodel.Jon@epamail.epa.gov
Subject: Synthetic Minor Permit Application for Pender Power Plant

Mr. Peterson,

During a telephone conversation yesterday with Frank Fendrick, Utility Superintendent with the Village of Pender, he directed me to you to address issues related to the synthetic minor construction permit application for the Village of Pender Municipal Power Plant. As I indicated during our conversation today I am in the process of reviewing the application. The application will need to be supplemented to provide for each regulated NSR pollutant and/or HAP and for all emissions units to be covered by an emissions limitation, the following information:

1. The proposed emission limitation and a description of its effect on actual emissions or the potential to emit. Proposed emission limitations must have a reasonably short averaging period, taking into consideration the operation of the source and the methods to be used for demonstrating compliance.
2. The proposed testing, monitoring, recordkeeping and reporting requirements to be used to demonstrate and assure compliance with the proposed limitation.
3. Estimates of the allowable emissions and/or potential to emit that would result from compliance with the proposed limitation, including all calculations for the estimates.
4. Proposed operating schedule, including number of hours per day, number of day per week and number of weeks per year.
5. Type and quantity of fuels, including sulfur content of fuels, proposed to be used on a daily, annual and maximum hourly basis.

You indicated you had not seen the outreach material that I provided to the Village of Pender during my visit in July. An electronic copy is attached:

(See attached file: draft R7 handout derived from Feb 2012 OAQPS Training.pdf)

You also asked for an example of a synthetic minor application from a similar RICE source in Indian . While EPA Region 7 has not received such an application, EPA Region 6 has received an application from a Casino located in Indian Country with RICE engines. The application can be found on the following Region 6 website: http://yosemite.epa.gov/r6/Apermit.nsf/AirP. Please be advised that I am not aware of whether the application has been determined to be complete.

Guidance for proposing synthetic minor permit limits can also be found on state permitting authority websites. One example that includes several examples can be found at the Minnesota Pollution Control Agency website: http://www.pca.state.mn.us/index.php/air/air-permits-and-rules/air-permits-and-forms/air-permits/proposing-synthetic-minor-permit-limits.html.

I look forward to discussing the application again tomorrow and plan to be available all day.

Sincerely,

Bob Webber

Air Permitting & Compliance Branch
Air and Waste Management Division
U.S. Environmental Protection Agency, Region VII
11201 Renner Boulevard
Lenexa, KS 66219
Phone: 913-551-7251
webber.robert@epa.gov

*** PLEASE NOTE THAT EPA REGION 7 HAS RELOCATED ***
The EPA Region 7 office relocated from Kansas City, KS to Lenexa, KS and began full operations on October 15, 2012. Staff phone numbers remain the same. Please mail correspondence to the following address:

U.S. Environmental Protection Agency, Region VII
11201 Renner Boulevard

Lenexa, KS 66219 DOC110212-11022012143420.pdf

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

NEBRASKA ET AL. *v.* PARKER ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

No. 14–1406. Argued January 20, 2016—Decided March 22, 2016

In 1854, the Omaha Tribe entered into a treaty with the United States agreeing to establish a 300,000-acre reservation and to "cede" and "forever relinquish all right and title to" its remaining land in present-day Nebraska for a fixed sum of money. In 1865, the Omaha Tribe again entered into a treaty with the United States agreeing to "cede, sell, and convey" land for a fixed sum. When, in 1872, the Tribe sought to sell more of its land to the United States, Congress took a different tack. In lieu of a fixed-sum purchase, Congress authorized the Secretary of the Interior to survey, appraise, and sell tracts of reservation land to western settlers and to deposit any proceeds from the land sales in the U. S. Treasury for the Tribe's benefit. Congress took the same approach in 1882 when it passed the Act in question. That Act authorized the Secretary of the Interior to survey, appraise, and sell roughly 50,000 acres of reservation land lying west of a railroad right-of-way. W. E. Peebles purchased a tract under the terms of the 1882 Act and established the village of Pender.

In 2006, the Tribe amended its Beverage Control Ordinance and sought to subject Pender retailers to the amended ordinance. See 18 U. S. C. §1161 (permitting tribes to regulate liquor sales on reservation land and in "Indian country"). Pender and its retailers brought a suit against the Tribe in Federal District Court to challenge the ordinance, and the State intervened on their behalf. They alleged that they were not within the reservation boundaries or in Indian country and therefore could not be subject to the ordinance. They sought declaratory relief and a permanent injunction prohibiting the Tribe from asserting its jurisdiction over the disputed land. Concluding that the 1882 Act did not diminish the Omaha Reservation, the District Court denied relief, and the Eighth Circuit affirmed.

Syllabus

Held: The 1882 Act did not diminish the Omaha Indian Reservation. Pp. 5–12.

(a) Only Congress may diminish the boundaries of an Indian reservation, and its intent to do so must be clear. *Solem* v. *Bartlett*, 465 U. S. 463, 470. This Court's framework for determining whether an Indian reservation has been diminished is well settled and starts with the statutory text. *Hagen* v. *Utah*, 510 U. S. 399, 411. Here, the 1882 Act bears none of the common textual indications that express such clear intent, *e.g.,* "[e]xplicit reference to cession or other language evidencing the present and total surrender of all tribal interests" or "an unconditional commitment from Congress to compensate the Indian tribe for its opened land," *Solem*, *supra,* at 470. The Act's language opening the land "for settlement under such rules and regulations as [the Secretary] may prescribe," 22 Stat. 341, falls into a category of surplus land acts that "merely opened reservation land to settlement," *DeCoteau* v. *District County Court for Tenth Judicial Dist.*, 420 U. S. 425, 448. A comparison of the text of the 1854 and 1865 treaties, which unequivocally terminated the Tribe's jurisdiction over its land, with the 1882 Act confirms this conclusion. Pp. 5–8.

(b) In diminishment cases, this Court has also examined "all the circumstances surrounding the opening of a reservation," *Hagen, supra,* at 412, including the contemporaneous understanding of the Act's effect on the reservation. Here, such historical evidence cannot overcome the text of the 1882 Act, which lacks any indication that Congress intended to diminish the reservation. Dueling remarks by legislators about the 1882 Act are far from the unequivocal evidence required in diminishment cases. Pp. 8–10.

(c) Finally, and to a lesser extent, the Court may look to subsequent demographic history and subsequent treatment of the land by government officials. See *Solem, supra,* at 471–472. This Court has never relied solely on this third consideration to find diminishment, and the mixed record of subsequent treatment of the disputed land in this case cannot overcome the statutory text. Petitioners point to the Tribe's absence from the disputed territory for more than 120 years, but this subsequent demographic history is the "least compelling" evidence in the diminishment analysis. *South Dakota* v. *Yankton Sioux Tribe*, 522 U. S. 329, 356. Likewise, evidence of the subsequent treatment of the disputed land by government officials has similarly limited value. And, while compelling, the justifiable expectations of the non-Indians living on the land cannot alone diminish reservation boundaries. Pp. 10–12.

(d) Because the parties have raised only the single question of diminishment, the Court expresses no view about whether equitable considerations of laches and acquiescence may curtail the Tribe's

Syllabus

power to tax the retailers of Pender. Cf. *City of Sherrill* v. *Oneida Indian Nation of N. Y.*, 544 U. S. 197, 217–221. P. 12.

774 F. 3d 1166, affirmed.

THOMAS, J., delivered the opinion for a unanimous Court.

SUPREME COURT OF THE UNITED STATES

No. 14–1406

NEBRASKA, ET AL., PETITIONERS *v.*
MITCH PARKER, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

[March 22, 2016]

JUSTICE THOMAS delivered the opinion of the Court.

The village of Pender, Nebraska sits a few miles west of an abandoned right-of-way once used by the Sioux City and Nebraska Railroad Company. We must decide whether Pender and surrounding Thurston County, Nebraska, are within the boundaries of the Omaha Indian Reservation or whether the passage of an 1882 Act empowering the United States Secretary of the Interior to sell the Tribe's land west of the right-of-way "diminished" the reservation's boundaries, thereby "free[ing]" the disputed land of "its reservation status." *Solem* v. *Bartlett*, 465 U. S. 463, 467 (1984). We hold that Congress did not diminish the reservation in 1882 and that the disputed land is within the reservation's boundaries.

I

A

Centuries ago, the Omaha Tribe settled in present-day eastern Nebraska. By the mid-19th century, the Tribe was destitute and, in exchange for much-needed revenue, agreed to sell a large swath of its land to the United States. In 1854, the Tribe entered into a treaty with the

United States to create a 300,000-acre reservation. Treaty with the Omahas (1854 Treaty), Mar. 16, 1854, 10 Stat. 1043. The Tribe agreed to "cede" and "forever relinquish all right and title to" its land west of the Mississippi River, excepting the reservation, in exchange for $840,000, to be paid over 40 years. *Id.,* at 1043–1044.

In 1865, after the displaced Wisconsin Winnebago Tribe moved west, the Omaha Tribe agreed to "cede, sell, and convey" an additional 98,000 acres on the north side of the reservation to the United States for the purpose of creating a reservation for the Winnebagoes. Treaty with the Omaha Indians (1865 Treaty), Mar. 6, 1865, 14 Stat. 667–668. The Tribe sold the land for a fixed sum of $50,000. *Id.*, at 667.

In 1872, the Tribe again expressed its wish to sell portions of the reservation, but Congress took a different tack than it had in the 1854 and 1865 Treaties. Instead of purchasing a portion of the reservation for a fixed sum, Congress authorized the Secretary of the Interior to survey, appraise, and sell up to 50,000 acres on the western side of the reservation "to be separated from the remaining portion of said reservation" by a north-south line agreed to by the Tribe and Congress. Act of June 10, 1872 (1872 Act), ch. 436, §1, 17 Stat. 391. Under the 1872 Act, a nonmember could purchase "tracts not exceeding one hundred and sixty acres each" or "the entire body offered." *Ibid.* Proceeds from any sales would be "placed to the credit of said Indians on the books of the treasury of the United States." *Ibid.* But the proceeds were meager. The 1872 Act resulted in only two sales totaling 300.72 acres.

Then came the 1882 Act, central to the dispute between petitioners and respondents. In that Act, Congress again empowered the Secretary of the Interior "to cause to be surveyed, if necessary, and sold" more than 50,000 acres lying west of a right-of-way granted by the Tribe and approved by the Secretary of the Interior in 1880 for use

by the Sioux City and Nebraska Railroad Company. Act of Aug. 7, 1882 (1882 Act), 22 Stat. 341. The land for sale under the terms of the 1882 Act overlapped substantially with the land Congress tried, but failed, to sell in 1872. Once the land was appraised "in tracts of forty acres each," the Secretary was "to issue [a] proclamation" that the "lands are open for settlement under such rules and regulations as he may prescribe." §§1, 2, *id.,* at 341. Within one year of that proclamation, a nonmember could purchase up to 160 acres of land (for no less than $2.50 per acre) in cash paid to the United States, so long as the settler "occup[ied]" it, made "valuable improvements thereon," and was "a citizen of the United States, or . . . declared his intention to become such." §2, *id.,* at 341. The proceeds from any land sales, "after paying all expenses incident to and necessary for carrying out the provisions of th[e] act," were to "be placed to the credit of said Indians in the Treasury of the United States." §3, *id.,* at 341. Interest earned on the proceeds was to be "annually expended for the benefit of said Indians, under the direction of the Secretary of the Interior." *Ibid.*

The 1882 Act also included a provision, common in the late 19th century, that enabled members of the Tribe to select individual allotments, §§5–8, *id.*, at 342–343, as a means of encouraging them to depart from the communal lifestyle of the reservation. See *Solem, supra*, at 467. The 1882 Act provided that the United States would convey the land to a member or his heirs in fee simple after holding it in trust on behalf of the member and his heirs for 25 years. §6, 22 Stat. 342. Members could select allotments on any part of the reservation, either east or west of the right-of-way. §8, *id.*, at 343.

After the members selected their allotments—only 10 to 15 of which were located west of the right-of-way—the Secretary proclaimed that the remaining 50,157 acres west of the right-of-way were open for settlement by non-

members in April 1884. One of those settlers was W. E. Peebles, who "purchased a tract of 160 acres, on which he platted the townsite for Pender." *Smith* v. *Parker*, 996 F. Supp. 2d 815, 828 (Neb. 2014).

B

The village of Pender today numbers 1,300 residents. Most are not associated with the Omaha Tribe. Less than 2% of Omaha tribal members have lived west of the right-of-way since the early 20th century.

Despite its longstanding absence, the Tribe sought to assert jurisdiction over Pender in 2006 by subjecting Pender retailers to its newly amended Beverage Control Ordinance. The ordinance requires those retailers to obtain a liquor license (costing $500, $1,000, or $1,500 depending upon the class of license) and imposes a 10% sales tax on liquor sales. Nonmembers who violate the ordinance are subject to a $10,000 fine.

The village of Pender and Pender retailers, including bars, a bowling alley, and social clubs, brought a federal suit against members of the Omaha Tribal Council in their official capacities to challenge the Tribe's power to impose the requirements of the Beverage Control Ordinance on nonmembers. Federal law permits the Tribe to regulate liquor sales on its reservation and in "Indian country" so long as the Tribe's regulations are (as they were here) "certified by the Secretary of the Interior, and published in the Federal Register." 18 U. S. C. §1161. The challengers alleged that they were neither within the boundaries of the Omaha Indian Reservation nor in Indian country and, consequently, were not bound by the ordinance.

The State of Nebraska intervened on behalf of the plaintiffs, and the United States intervened on behalf of the Omaha Tribal Council members. The State's intervention was prompted, in part, by the Omaha Tribe's demand that Nebraska share with the Tribe revenue that the State

received from fuel taxes imposed west of the right-of-way. In addition to the relief sought by Pender and the Pender retailers, Nebraska sought a permanent injunction prohibiting the Tribe from asserting tribal jurisdiction over the 50,157 acres west of the abandoned right-of-way.

After examining the text of the 1882 Act, as well as the contemporaneous and subsequent understanding of the 1882 Act's effect on the reservation boundaries, the District Court concluded that Congress did not diminish the Omaha Reservation in 1882. 996 F. Supp. 2d, at 844. Accordingly, the District Court denied the plaintiffs' request for injunctive and declaratory relief barring the Tribe's enforcement of the Beverage Control Ordinance. The Eighth Circuit affirmed. *Smith* v. *Parker*, 774 F. 3d 1166, 1168–1169 (2014). We granted certiorari to resolve whether the 1882 Act diminished the Omaha Reservation. 576 U. S. ___ (2015).

II

We must determine whether Congress "diminished" the Omaha Indian Reservation in 1882. If it did so, the State now has jurisdiction over the disputed land. *Solem*, 465 U. S., at 467. If Congress, on the other hand, did not diminish the reservation and instead only enabled nonmembers to purchase land within the reservation, then federal, state, and tribal authorities share jurisdiction over these "opened" but undiminished reservation lands. *Ibid.*

The framework we employ to determine whether an Indian reservation has been diminished is well settled. *Id.*, at 470–472. "[O]nly Congress can divest a reservation of its land and diminish its boundaries," and its intent to do so must be clear. *Id.*, at 470. To assess whether an Act of Congress diminished a reservation, we start with the statutory text, for "[t]he most probative evidence of diminishment is, of course, the statutory language used to open

the Indian lands." *Hagen* v. *Utah*, 510 U. S. 399, 411 (1994). Under our precedents, we also "examine all the circumstances surrounding the opening of a reservation." *Id*., at 412. Because of "the turn-of-the-century assumption that Indian reservations were a thing of the past," many surplus land Acts did not clearly convey "whether opened lands retained reservation status or were divested of all Indian interests." *Solem, supra,* at 468. For that reason, our precedents also look to any "unequivocal evidence" of the contemporaneous and subsequent understanding of the status of the reservation by members and nonmembers, as well as the United States and the State of Nebraska. *South Dakota* v. *Yankton Sioux Tribe*, 522 U. S. 329, 351 (1998).

A

As with any other question of statutory interpretation, we begin with the text of the 1882 Act, the most "probative evidence" of diminishment. *Solem*, *supra*, at 470; see, *e.g., United States* v. *Ron Pair Enterprises, Inc.*, 489 U. S. 235, 241 (1989) ("The task of resolving the dispute over the meaning of [a statutory text] begins where all such inquiries must begin: with the language of the statute itself"). Common textual indications of Congress' intent to diminish reservation boundaries include "[e]xplicit reference to cession or other language evidencing the present and total surrender of all tribal interests" or "an unconditional commitment from Congress to compensate the Indian tribe for its opened land." *Solem, supra,* at 470. Such language "providing for the total surrender of tribal claims in exchange for a fixed payment" evinces Congress' intent to diminish a reservation, *Yankton Sioux*, *supra*, at 345, and creates "an almost insurmountable presumption that Congress meant for the tribe's reservation to be diminished," *Solem*, *supra*, at 470–471. Similarly, a statutory provision restoring portions of a reservation to "the public

domain" signifies diminishment. *Hagen,* 510 U. S., at 414. In the 19th century, to restore land to the public domain was to extinguish the land's prior use—its use, for example, as an Indian reservation—and to return it to the United States either to be sold or set aside for other public purposes. *Id.,* at 412–413.

The 1882 Act bore none of these hallmarks of diminishment. The 1882 Act empowered the Secretary to survey and appraise the disputed land, which then could be purchased in 160-acre tracts by nonmembers. 22 Stat. 341. The 1882 Act states that the disputed lands would be "open for settlement under such rules and regulations as [the Secretary of the Interior] may prescribe." *Ibid.* And the parcels would be sold piecemeal in 160-acre tracts. *Ibid.* So rather than the Tribe's receiving a fixed sum for all of the disputed lands, the Tribe's profits were entirely dependent upon how many nonmembers purchased the appraised tracts of land.

From this text, it is clear that the 1882 Act falls into another category of surplus land Acts: those that "merely opened reservation land to settlement and provided that the uncertain future proceeds of settler purchases should be applied to the Indians' benefit." *DeCoteau* v. *District County Court for Tenth Judicial Dist.*, 420 U. S. 425, 448 (1975). Such schemes allow "non-Indian settlers to own land on the reservation." *Seymour* v. *Superintendent of Wash. State Penitentiary*, 368 U. S. 351, 356 (1962). But in doing so, they do not diminish the reservation's boundaries.

Our conclusion that Congress did not intend to diminish the reservation in 1882 is confirmed by the text of earlier treaties between the United States and the Tribe. See *Mattz* v. *Arnett*, 412 U. S. 481, 504 (1973) (comparing statutory text to earlier bills). In drafting the 1882 Act, Congress legislated against the backdrop of the 1854 and 1865 Treaties—both of which terminated the Tribe's juris-

diction over their land "in unequivocal terms." *Ibid.* Those treaties "ced[ed]" the lands and "reliquish[ed]" any claims to them in exchange for a fixed sum. 10 Stat. 1043–1044; see also 14 Stat. 667 ("The Omaha tribe of Indians do hereby *cede, sell, and convey* to the United States a tract of land from the north side of their present reservation . . . " (emphasis added)). The 1882 Act speaks in much different terms, both in describing the way the individual parcels were to be sold to nonmembers and the way in which the Tribe would profit from those sales. That 1882 Act also closely tracks the 1872 Act, which petitioners do not contend diminished the reservation. The change in language in the 1882 Act undermines petitioners' claim that Congress intended to do the same with the reservation's boundaries in 1882 as it did in 1854 and 1865. Petitioners have failed at the first and most important step. They cannot establish that the text of the 1882 Act evinced an intent to diminish the reservation.

B

We now turn to the history surrounding the passage of the 1882 Act. The mixed historical evidence relied upon by the parties cannot overcome the lack of clear textual signal that Congress intended to diminish the reservation. That historical evidence in no way "*unequivocally* reveal[s] a widely held, contemporaneous understanding that the affected reservation would shrink as a result of the proposed legislation." *Solem*, 465 U. S., at 471 (emphasis added); see also *Exxon Mobil Corp.* v. *Allapattah Services, Inc.*, 545 U. S. 546, 568 (2005) (describing the "often murky, ambiguous, and contradictory" nature of extratextual evidence of congressional intent).

Petitioners rely largely on isolated statements that some legislators made about the 1882 Act. Senator Henry Dawes of Massachusetts, for example, noted that he had been "assured that [the 1882 Act] would *leave an ample*

reservation" for the Tribe. 13 Cong. Rec. 3032 (1882) (emphasis added). And Senator John Ingalls of Kansas observed "that this bill practically breaks up that portion at least of the reservation which is to be sold, and provides that it shall be disposed of to private purchasers." *Id.*, at 3028. Whatever value these contemporaneous floor statements might have, other such statements support the opposite conclusion—that Congress never intended to diminish the reservation. Senator Charles Jones of Florida, for example, spoke of "white men purchas[ing] titles to land *within* this reservation and settl[ing] down with the Indians on it." *Id.*, at 3078 (emphasis added). Such dueling remarks by individual legislators are far from the "clear and plain" evidence of diminishment required under this Court's precedent. *Yankton Sioux*, 522 U. S.*,* at 343 (internal quotation marks omitted); see also *Solem,* 465 U. S., at 478 (noting that it was unclear whether statements referring to a "'reduced reservation'" alluded to the "reduction in Indian-owned lands that would occur once some of the opened lands were sold to settlers or to the reduction that a complete cession of tribal interests in the opened area would precipitate").

More illuminating than cherry-picked statements by individual legislators would be historical evidence of "the manner in which the transaction was negotiated" with the Omaha Tribe. *Id.*, at 471.[1] In *Yankton Sioux*, for example, recorded negotiations between the Commissioner of

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[1] Until this Court's 1903 decision in *Lone Wolf* v. *Hitchcock*, 187 U. S. 553, 566–568, the question whether Congress could unilaterally abrogate treaties with tribes and divest them of their reservation lands was unsettled. Thus, what the tribe agreed to has been significant in the Court's diminishment analysis. See, *e.g., South Dakota* v. *Yankton Sioux Tribe*, 522 U. S. 329, 351–353 (1998). Historical evidence of how pre-*Lone Wolf* sales of lands were negotiated has been deemed compelling, whereas historical evidence of negotiations post-*Lone Wolf* might be less so. See, *e.g.*, *Hagen* v. *Utah*, 510 U. S. 399, 416–417 (1994).

Indian Affairs and leaders of the Yankton Sioux Tribe unambiguously "signaled [the Tribe's] understanding that the cession of the surplus lands dissolved tribal governance of the 1858 reservation." 522 U. S., at 353. No such unambiguous evidence exists in the record of these negotiations. In particular, petitioners' reliance on the remarks of Representative Edward Valentine of Nebraska, who stated, "You cannot find one of those Indians that does not want the western portion sold," and that the Tribe wished to sell the land to those who would "'reside upon it and cultivate it'" so that the Tribe members could "benefit of these improvements," 13 Cong. Rec. 6541, falls short. Nothing about this statement or other similar statements unequivocally supports a finding that the existing boundaries of the reservation would be diminished.

C

Finally, we consider both the subsequent demographic history of opened lands, which serves as "one additional clue as to what Congress expected would happen once land on a particular reservation was opened to non-Indian settlers," *Solem*, 465 U. S., at 472, as well as the United States' "treatment of the affected areas, particularly in the years immediately following the opening," which has "some evidentiary value," *id.,* at 471. Our cases suggest that such evidence might "reinforc[e]" a finding of diminishment or nondiminishment based on the text. *Mattz*, 412 U. S., at 505; see also, *e.g., Rosebud Sioux Tribe* v. *Kneip*, 430 U. S. 584, 604–605 (1977) (invoking subsequent history to reject a petitioner's "strained" textual reading of a congressional Act). But this Court has never relied solely on this third consideration to find diminishment.

As petitioners have discussed at length, the Tribe was almost entirely absent from the disputed territory for more than 120 years. Brief for Petitioners 24–30. The Omaha Tribe does not enforce any of its regulations—

including those governing businesses, fire protection, animal control, fireworks, and wildlife and parks—in Pender or in other locales west of the right-of-way. 996 F. Supp. 2d, at 832. Nor does it maintain an office, provide social services, or host tribal celebrations or ceremonies west of the right-of-way. *Ibid.*

This subsequent demographic history cannot overcome our conclusion that Congress did not intend to diminish the reservation in 1882. And it is not our role to "rewrite" the 1882 Act in light of this subsequent demographic history. *DeCoteau*, 420 U. S., at 447. After all, evidence of the changing demographics of disputed land is "the least compelling" evidence in our diminishment analysis, for "[e]very surplus land Act necessarily resulted in a surge of non-Indian settlement and degraded the 'Indian character' of the reservation, yet we have repeatedly stated that not every surplus land Act diminished the affected reservation." *Yankton Sioux*, 522 U. S., at 356.

Evidence of the subsequent treatment of the disputed land by Government officials likewise has "limited interpretive value." *Id.*, at 355. Petitioners highlight that, for more than a century and with few exceptions, reports from the Office of Indian Affairs and in opinion letters from Government officials treated the disputed land as Nebraska's. Brief for Petitioners 24–38; see also 996 F. Supp. 2d, at 828, 830. It was not until this litigation commenced that the Department of the Interior definitively changed its position, concluding that the reservation boundaries were in fact not diminished in 1882. See *id.*, at 830–831. For their part, respondents discuss late-19th-century statutes referring to the disputed land as part of the reservation, as well as inconsistencies in maps and statements by Government officials. Brief for Respondent Omaha Tribal Council et al. 45–52; Brief for United States 38–52; see also 996 F. Supp. 2d, at 827, 832–833. This "mixed record" of subsequent treatment of the disputed

land cannot overcome the statutory text, which is devoid of any language indicative of Congress' intent to diminish. *Yankton Sioux*, *supra*, at 356.

Petitioners' concerns about upsetting the "justifiable expectations" of the almost exclusively non-Indian settlers who live on the land are compelling, *Rosebud Sioux*, *supra*, at 605, but these expectations alone, resulting from the Tribe's failure to assert jurisdiction, cannot diminish reservation boundaries. Only Congress has the power to diminish a reservation. *DeCoteau*, 420 U. S., at 449. And though petitioners wish that Congress would have "spoken differently" in 1882, "we cannot remake history." *Ibid.*

* * *

In light of the statutory text, we hold that the 1882 Act did not diminish the Omaha Indian Reservation. Because petitioners have raised only the single question of diminishment,[2] we express no view about whether equitable considerations of laches and acquiescence may curtail the Tribe's power to tax the retailers of Pender in light of the Tribe's century-long absence from the disputed lands. Cf. *City of Sherrill* v. *Oneida Indian Nation of N. Y.*, 544 U. S. 197, 217–221 (2005).

The judgment of the Court of Appeals for the Eighth Circuit is affirmed.

It is so ordered.

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[2] See, *e.g.*, Plaintiff's Brief in Support of Motion for Summary Judgment in No. 4:07–cv–03101 (D Neb.), pp. 31, 38 (defendants cannot "impose an alcohol tax and licensing scheme outside the boundaries of the Omaha Reservation"); Plaintiff Intervenor's Brief in Support of Plaintiff's Motion for Summary Judgment in No. 4:07–cv–03101 (D Neb.), pp. 1–2; see also *Smith* v. *Parker*, 996 F. Supp. 2d 815, 834 (Neb. 2014) ("In this case, I must decide whether Congress's Act of August 7, 1882 . . . diminished the boundaries of the Omaha Indian Reservation, or whether the Act simply permitted non-Indians to settle within existing Omaha Reservation boundaries"); *Smith* v. *Parker*, 774 F. 3d 1166, 1167 (CA8 2014) ("Appellants challenge the district court's determination that the Omaha Indian Reservation was not diminished by an 1882 act of Congress").

VILLAGE OF PENDER
416 Main Street
Pender, NE 68047

Power Plant: (402) 385-3121
City Office: (402) 385-3232
Email: villageofpender@abbnebraska.com

March 25, 2016

Bob Webber
EPA Region 7
11201 Renner Blvd
Lenexa KS 66219

Re: Reclassification of Engines under NESHAP ZZZZ
Pender Municipal Light & Power Plant
Facility ID # 46375

Dear Mr. Webber:

The Pender Municipal Light & Power Plant owns and operates Engines Unit # 1, 2, 3, and 4. The engines are subject to the 40 CFR 63, Subpart ZZZZ (NESHAP 4Z) requirements and have had oxidation catalyst installed to meet the NESHAP 4Z emission limits.

In previous submittals, the engines were classified as "non-limited use" engines. The Pender Municipal Light & Power Plant is now requesting that the engines be reclassified under NESHAP 4Z from "non-limited use" engines to "limited use" engines. The Pender Municipal Light & Power Plant understands that a "limited use" engine is defined under the NESHAP 4Z regulations as any stationary reciprocating internal combustion engine that operates less than 100 hours per year.

The initial performance testing of the engines was conducted on April 18, 2013. Since that date, the engines have operated for less than 100 hours per year and thus have never operated as "non-limited use" engines. Because the engines have operated for less than 100 hours per year, the engines can be classified as "limited use" engines. "Limited use" engines are required to conduct subsequent performance testing every 8,760 hours of operation or every five years, whichever comes first, as opposed to "non-limited use" engines which are required to test every 8,760 hours of operation or every three years, whichever comes first.

Should the engines be required to operate for more than 100 hours per year in the future, the Pender Municipal Light & Power Plant will notify EPA Region 7 within 15 days to reclassify the engines as "non-limited use" and will conduct performance testing within 90 days of exceeding 100 hours per year of operation, unless the previous performance testing was conducted less than three years prior to the exceedance of the 100 hours per year threshold. In that case, the testing will be conducted within three years of the previous testing. Also, if the engines exceed 100 hours per year of operation, compliance reporting will be done semi-annually instead of annually.

If you have any questions concerning this information, please contact me.

Sincerely,

Frank Fendrick
Pender Municipal Light & Power
Utilities Superintendent

Copy: NDEQ & Omaha Tribe Chairman

Webber, Robert

From: Dave Peterson <dpeterson@jeo.com>
Sent: Monday, April 02, 2018 3:05 PM
To: 'City of Pender - Light Plant (villageofpender@abbnebraska.com)'
Cc: Webber, Robert
Subject: FW: Pender Municipal Power Plant - maximum engine flow rates
Attachments: 2012-15 Air Emissions Data Provided.pdf; 2012-15 Electrical Generation Data.pdf

Bruce,
Sorry, I was out of town for the Holiday.
I have copied Robert Webber on this email in an effort to provide data in a manner as efficient as possible.

1. 2012 Emission Inventory Report, Unit #4 (gals/hr) – Included is the 2012 Pender Power Plan Operation Report, as provided by the Village.
   The recordings for April is 3 hours with 260 gallons (86.67 gal/hr) diesel only and 2400 KWH (800 kW/hr), the gallons of diesel fuel reported appears to be overestimated.
2. 2013 Emission Test Report for MACT ZZZZ gals/hr, Units #2 & 4, I do not have a copy of this test report, Included is the hours of operation, fuel usage and kwh data provided by the Village. Also the totals used in the 2013 Inventory.
3. 2014 Emission Inventory Report, Unit #4 (gals/hr) - Included is the 2014 Pender Power Plan Operation Report, as provided by the Village.
   The recordings for July is 2.9 hours with 240 gallons (82.76 gal/hr) diesel only and 2060 KWH (710 kW/hr), the gallons of diesel fuel reported appears to be overestimated.
4. 2015 Emission Inventory Report, Unit #2 (gals/hr) - Included is the 2015 Pender Power Plan Operation Report, as provided by the Village.
   The recordings for July is 0.7 hours with 116 gallons (165.7 gal/hr) diesel only and 113 KHW (161 kW/hr), Aug is 2.4 hours with 362 gallons (150.8 gal/hr) and 4480 KWH (1867 kW/hr), the gallons of diesel fuel reported appears to be overestimated.

In 2017, diesel fuel day tanks and meters were installed for each generator unit to better improve accuracy of fuel usage.

If there is any additional data that I can provide, please let me know.
Respectfully

DAVID R. PETERSON, PE | Senior Electrical Engineer
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dpeterson@jeo.com
www.jeo.com

From: villageofpender@abbnebraska.com [mailto:villageofpender@abbnebraska.com]
Sent: Thursday, March 29, 2018 10:50 AM
To: Dave Peterson <dpeterson@jeo.com>
Subject: Fwd: Pender Municipal Power Plant - maximum engine flow rates

Dave would you have and answer for this? Or any ideas where I could find the answer?
Thanks Bruce Paeper Village of Pender

From: "Webber, Robert" <Webber.Robert@epa.gov>
To: "villageofpender" <villageofpender@abbnebraska.com>
Sent: Thursday, March 29, 2018 10:05:34 AM
Subject: Pender Municipal Power Plant - maximum engine flow rates

Good Morning Mr. Paeper,

As I mentioned on our phone call, I noticed that the flow rate values (gal/hr) for Unit 2 and Unit 4 provided in the 2012 permit application appear to be lower than the diesel fuel usage rates (gal/hr) for those two units derived from several emissions reports for the Pender Municipal Power Plant (see table below).

Reported Fuel Usage (gal/hr) for Diesel-Only Operations * higher than Flow Rate provided in 2012 Application						
Engine-Generator Emission Unit ID	Site-rated Horsepower Output (hp)	**2012 Application Flow Rate *(gals/hr)***	2012 Emission Inventory Report *(gals/hr)*	2013 Emission Test Report for MACT ZZZZ *(gals/hr)*	2014 Emission Inventory Report *(gals/hr)*	2015 Emission Inventory Report *(gals/hr)*
Unit 1	2,160	**110**	80.00	-	75.00	77.75
Unit 2	2,880	**147**	119.21	*170	134.08	*154.19
Unit 3	800	**40**	0.00	-	0.00	0.00
Unit 4	1,280	**64**	*86.67	*71	*66.67	22.22

Since I am planning to send out a pre-draft of the permit for review next week, I request that you verify the maximum flow rates (gal/hr) for each engine by the end of this week. Please let me know if you have any questions.

Very Respectfully,

Bob Webber
Air Permitting & Compliance Branch
Air and Waste Management Division
U.S. Environmental Protection Agency, Region VII
11201 Renner Boulevard
Lenexa, KS 66219
Phone: 913-551-7251
webber.robert@epa.gov

2012 Pender Power Plant -Operation Report

year-2012	Unit #	Hours run	Diesil-Gallons	NG-mcf	KWH		Month	Unit#	Hours run	Diesil-Gallons	NG-Mcf	KWH
Jan. 11th	1	4 hrs	55 gallons	52 MCF	4800 KWH		July	1	17hrs	116 gallons	264 MCF	15300 KWH
	2	2.6 hrs	288 gallons	0 MCF	3328 KWH		10th	2	15.2 hrs	1591 gallons	0 MCF	19400 KWH
	3						23 rd	3				
	4							4	16.2 hrs	130 gallons	33 MCF	8800 KWH
	total	6.6 hrs	343 gallons	52 MCF	8128KWH			total	48.4 hrs	1837 gallons	297 MCF	43500KWH
Febr. 10th	1						Aug.	1				
	2	4.1 hrs	523 gallons	0 MCF	7127 KWH		21st	2				
	3							3	6 hrs	30 gallons	18 MCF	2100 KWH
	4							4				
	total	4.1 hrs	523 gallons	0 MCF	7127 KWH			total	6 hrs	30 gallons	18 MCF	2100KWH
March	1	2 hrs	270 gallons		2900 KWH		Sept	1	3 hrs	30 gallons	29MCF	2900 KWH
8th	2	2 hrs	360 gallons	0 MCF	4000KWH		27th	2				
	3	4 hrs	43 gallons	14 MCF	1800 KWH			3				
30th	4							4				
	total	8 hrs	673 gallons	14 MCF	8700KWH			total	3 hrs	30 gallons	29 MCF	2900 KWH
April	1						Oct.	1				
12th	2						29th	2	3.9 hrs	425 gallons	0 MCF	5680 KWH
	3							3				
	4	3 hrs	260 gallons	0 MCF	2400 KWH			4				
	total	3 hrs	260 gallons	0 MCF	2400 KWH			total	3.9 hrs	425 gallons	0 MCF	5680 KWH
May	1	4 hrs	165 gallons	48 MCF	4200 KWH		Nov.	1				
25th	2						19th	2				
	3							3	4 hrs	10 gallons	21 MCF	2020 KWH
	4							4				
	total	4 hrs	165 gallons	48 MCF	4200 KWH			total	4 hrs	10 gallons	21 MCF	2020 KWH
June	1						Dec.	1	5 hrs	290 gallons	0 MCF	3930 KWH
28th	2	4 hrs	600 gallons	0 MCF	7290 KWH		11th	2	4.8 hrs	576 gallons	0 MCF	7050 KWH
	3							3				
	4							4				
	total	4 hrs	600 gallons	0 MCF	7290 KWH			total	9.8 hrs	866 gallons	0 MCF	10980 KWH
Annual	Unit #	Hours run	Diesil-gallons	NG-Mcf	KWH							
	1	35 hrs	926 galllons	364 MCF	34030 KWH							
	2	36.6 hrs	4363 gallons	0 MCF	53875 KWH							
	3	14 hrs	82 gallons	53 MCF	5920 KWH							
	4	19.2 hrs	390 gallons	83 MCF	11200 KWH							
	total	104.8 hrs	5761 gallons	500MCF	105025 KWH							

Air Quality Report
Year 2013

	Unit #	Hours run	Diesil-Gallons	NG-mcf	KWH
23	1				
	2				
	3	3.5	40	14	1650
	4				
	total				
30	1	4	70	33	4270
	2				
	3				
	4				
	total				
27	1				
	2	4	514		6450
	3				
	4				
	total				
	1	5	70	51	5400
18	2	4.4	594		7350
	3	2-4	40-40	8-24	900-2300
	4	5-4.5	220-250		1800-3500
	total				
	1				
	2				
	3				
	4				
	total				
	1				
	2				
	3				
	4				
	total	36.4	1880	130	33580

	Unit #	Hours run	Diesil-gallons	NG-Mcf	KWH
	1	12.9	610	99	16800
	2	13.2	1140		21320
	3	14.5	160	69	7130
	4	12.4	560	92	7400
	total	58	2470	190	52650

Month	Unit#	Hours run	Diesil-Gallons	NG-Mcf	KWH
July 30	1	3.9	80	15	1800
	2				
	3				
	4				
	total				
Aug. 5	1	8	264		3280
	2	2.3	276		3450
	3	3	80	14	1300
	4	2.9	40	22	2100
	total				
Sept	1				
	2				
	3				
	4				
	total				
Oct. 30	1	1	26		500
	2	2.5	270		4080
	3				
	4				
	total				
Nov. 26	1				
	2				
	3	2	10	9	1000
	4				
	total				
Dec. 18	1				
	2				
	3				
	4	2.3	100		1640
	total	[illegible]	1096	60	[illegible]

Year 2014

Month	Unit #	Hours run	Diesil-Gallons	NG-mcf	KWH
Jan. 24	1				
	2	2.3	290		3580
	3				
	4				
	total				
Febr. 26	1				
	2				
	3				
	4	2.2	100		1560
	total				
March	1				
	2				
	3				
	4				
	total				
April 29	1	2	150		2300
	2				
	3				
	4				
	total				
May	1				
	2				
	3				
	4				
	total				
June 24	1				
	2				
	3	2	40	8	920
	4				
	total				

Month	Unit#	Hours run	Diesil-Gallons	NG-Mcf	KWH
July 8	1	3	30	24	3110
	2	2.6	367		4590
	3	3	10	11	1400
	4	2.9	240		2060
	total				
Aug.	1				
	2				
	3				
	4				
	total				
Sept	1				
	2				
	3				
	4				
	total				
Oct.	1				
	2				
	3				
	4				
	total				
Nov.	1				
	2				
	3				
	4				
	total				
Dec.	1				
	2				
	3				
	4				
	total				

Annual	Unit #	Hours run	Diesil-gallons	NG-Mcf	KWH
	1	5	180	34	5410
	2	4.9	657	–	8170
	3	5.6	50	[redacted]19	2320
	4	4.9	340		3620
	total	20.4	1227	53	19520

000 019,520

Air Quality Report

Year 2015

Month	Unit #	Hours run	Diesil-Gallons	NG-mcf	KWH
Jan.	1				
	2				
	3				
	4				
	total				
Febr.	1				
	2				
	3				
	4				
	total				
March	1				
	2				
	3				
	4				
	total				
April	1				
	2				
	3				
	4				
	total				
May	1				
	2				
	3				
	4				
	total				
June	1				
	2				
	3				
	4				
	total				

Month	Unit#	Hours run	Diesil-Gallons	NG-Mcf	KWH
July 29	1	1	28		860
	2	.7	116		1153
	3	1	10	4.4	430
	4	1.2	10		630
	total				
Aug. 8	1	3	233		3290
	2	2.4	362		4480
	3	3.1	30	11.1	1320
	4	2.7	90		1940
	total				
Sept 24	1				
	2				
	3				
	4	2.4	40		650
	total				
Oct.	1				
	2				
	3				
	4				
	total				
Nov.	1				
	2				
	3				
	4				
	total				
Dec.	1				
	2				
	3				
	4				
	total				

Annual	Unit #	Hours run	Diesil-gallons	NG-Mcf	KWH
	1	4	311		4150
	2	3.1	478		4593
	3	4.1	30	15.5	1750
	4	4.3	40		3220

Village of Pender, Nebraska Municipal Power Plant

2012 Air Emisions Inventory

Emissions Statement

Electrical Generation Data

Diesel Fuel Oil Only										
		Horse	Hours	Rating	Gen Total	Fuel	NG	Gals Fuel Oil/	MCF Gas/	Gallons/
	Unit #	Power	Run Time	kW	kwh's	Gallons	mcf	kwh Generated	kwh Generated	Hour
	1	2160	7.0	1550	6830	560	0	0.0820	0	80.00
	2	2880	36.6	2070	53875	4363	0	0.0810	0	119.21
	3	800	0.0	560	0	0	0		0	
	4	1280	3.0	900	2400	260	0	0.1083	0	86.67
Total Diesel Fuel Oil			46.6	5080	63105	5183	0	0.0821	0	111.22

Duel Fuel									
		Horse	Hours	Rating	Gen Total	Fuel	NG	Gals Fuel Oil/	MCF Gas/
		Power	Run time	kW	kwh's	Gallons	mcf	kwh Generated	kwh Generated
	1	2160	28.0	1550	27200	366	393	0.0135	0.0144
	2	2880	0.0	2070	0	0	0		
	3	800	14.0	560	5920	83	53	0.0140	0.0090
	4	1280	16.2	900	8800	130	33	0.0148	0.0038
Total Duel Fuel			58.2	5080	41920	579	479	0.0138	0.0114

Village of Pender, Nebraska Municipal Power Plant

2013 Air Emisions Inventory

Emissions Statement

Electrical Generation Data

Diesel Fuel Oil Only										
		Horse	Hours	Rating	Gen Total	Fuel	NG	Gals Fuel Oil/	MCF Gas/	Gallons/
	Unit #	Power	Run Time	kW	kwh's	Gallons	mcf	kwh Generated	kwh Generated	Hour
	1	2160	4.0	1550	3730	290	0	0.0777	0	72.50
	2	2880	13.2	2070	21320	1654	0	0.0776	0	125.30
	3	800	0.0	560	0	0	0			
	4	1280	11.8	900	6940	620	0	0.0893	0	52.54
Total Diesel Fuel Oil			29.0	5080	31990	2564	0	0.0802	0	88.41

Duel Fuel									
		Horse	Hours	Rating	Gen Total	Fuel	NG	Gals Fuel Oil/	MCF Gas/
		Power	Run time	kW	kwh's	Gallons	mcf	kwh Generated	kwh Generated
	1	2160	11.9	1550	11470	220	99	0.0192	0.0086
	2	2880	0.0	2070	0	0	0		
	3	800	14.5	560	7130	160	69	0.0224	0.0097
	4	1280	2.9	900	2100	40	22	0.0190	0.0105
Total Duel Fuel			29.3	5080	20700	420	190	0.0203	0.0092

Village of Pender, Nebraska Municipal Power Plant

2014 Air Emisions Inventory

Emissions Statement

Electrical Generation Data

Diesel Fuel Oil Only										
		Horse	Hours	Rating	Gen Total	Fuel	NG	Gals Fuel Oil/	MCF Gas/	Gallons/
	Unit #	Power	Run Time	kW	kwh's	Gallons	mcf	kwh Generated	kwh Generated	Hour
	1	2160	2.0	1550	2300	150	0	0.0652	0	75.00
	2	2880	4.9	2070	8170	657	0	0.0804	0	134.08
	3	800	0.0	560	0	0	0		0	
	4	1280	5.1	900	3620	340	0	0.0939	0	66.67
Total Diesel Fuel Oil			12.0	5080	14090	1147	0	0.0814	0	95.58

Duel Fuel									
		Horse	Hours	Rating	Gen Total	Fuel	NG	Gals Fuel Oil/	MCF Gas/
		Power	Run time	kW	kwh's	Gallons	mcf	kwh Generated	kwh Generated
	1	2160	3.0	1550	3110	30	34	0.0096	0.0109
	2	2880	0.0	2070	0	0	0		
	3	800	5.0	560	2320	50	19	0.0216	0.0082
	4	1280	0.0	900	0	0	0		
Total Duel Fuel			8.0	5080	5430	80	53	0.0147	0.0098

Village of Pender, Nebraska Municipal Power Plant

2015 Air Emisions Inventory

Emissions Statement

Electrical Generation Data

Diesel Fuel Oil Only										
		Horse	Hours	Rating	Gen Total	Fuel	NG	Gals Fuel Oil/	MCF Gas/	Gallons/
	Unit #	Power	Run Time	kW	kwh's	Gallons	mcf	kwh Generated	kwh Generated	Hour
	1	2160	4.0	1550	4150	311	0	0.0749	0	77.75
	2	2880	3.1	2070	4593	478	0	0.1041	0	154.19
	3	800	0.0	560	0	0	0		0	
	4	1280	6.3	900	3220	140	0	0.0435	0	22.22
Total Diesel Fuel Oil			13.4	5080	11963	929	0	0.0777	0	69.33

Duel Fuel									
		Horse	Hours	Rating	Gen Total	Fuel	NG	Gals Fuel Oil/	MCF Gas/
		Power	Run time	kW	kwh's	Gallons	mcf	kwh Generated	kwh Generated
	1	2160	0.0	1550	0	0	0		
	2	2880	0.0	2070	0	0	0		
	3	800	4.1	560	1750	40	15.5	0.0229	0.0089
	4	1280	0.0	900	0	0	0		
Total Duel Fuel			4.1	5080	1750	40	15.5	0.0229	0.0089