



AUG 23 2010

Steven Stadler
Kings River Conservation District
4886 E Jensen Ave
Fresno, CA 93725

**Re: Notice of Final Action - Title V Permit
District Facility # C-4305
Project # C-1061912**

Dear Mr. Stadler:

The District has issued the Final Title V Permit for Kings River Conservation District. The preliminary decision for this project was made on June 30, 2010. No comments were received subsequent to the District preliminary decision. Enclosed are the Final Title V Permit and public notice to be published approximately three days from the date of this letter.

Thank you for your cooperation in this matter. Should you have any questions, please contact Mr. Jim Swaney, Permit Services Manager, at (559) 230-5900.

Sincerely,

David Warner
Director of Permit Services

Attachments

cc: Juscelino Siongco, Permit Services Engineer

Seyed Sadredin

Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585



AUG 23 2010

Gerardo C. Rios, Chief
Permits Office (AIR-3)
U.S. EPA - Region IX
75 Hawthorne St
San Francisco, CA 94105

**Re: Notice of Final Action - Title V Permit
District Facility # C-4305
Project # C-1061912**

Dear Mr. Rios:

The District has issued the Final Title V Permit for Kings River Conservation District. The preliminary decision for this project was made on June 30, 2010. No comments were received subsequent to the District preliminary decision. Enclosed are the Final Title V Permit and public notice to be published approximately three days from the date of this letter.

I would like to thank you and your staff for working with us. We appreciate your concurrence with this action. Should you have any questions, please contact Mr. Jim Swaney, Permit Services Manager, at (559) 230-5900.

Sincerely,

David Warner
Director of Permit Services

Attachments

cc: Juscélino Siongco, Permit Services Engineer

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San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT



HEALTHY AIR LIVING™

AUG 23 2010

Mike Tollstrup, Chief
Project Assessment Branch
Air Resources Board
P O Box 2815
Sacramento, CA 95812-2815

**Re: Notice of Final Action - Title V Permit
District Facility # C-4305
Project # C-1061912**

Dear Mr. Tollstrup:

The District has issued the Final Title V Permit for Kings River Conservation District. The preliminary decision for this project was made on June 30, 2010. No comments were received subsequent to the District preliminary decision. Enclosed are the Final Title V Permit and public notice to be published approximately three days from the date of this letter.

I would like to thank you and your staff for working with us. Should you have any questions, please contact Mr. Jim Swaney, Permit Services Manager, at (559) 230-5900.

Sincerely,

David Warner
Director of Permit Services

Attachments

cc: Juscelino Siongco, Permit Services Engineer

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Fresno Bee

**SAN JOAQUIN VALLEY
AIR POLLUTION CONTROL DISTRICT
NOTICE OF FINAL DECISION TO ISSUE
FEDERALLY MANDATED OPERATING PERMIT**

NOTICE IS HEREBY GIVEN that the San Joaquin Valley Air Pollution Control District has made its final decision to issue the initial Federally Mandated Operating Permit to Kings River Conservation District for its electrical power generation facility, 2611 E North Ave, Fresno, California.

The District's analysis of the legal and factual basis for this proposed action, project #C-1061912, is available for public inspection at http://www.valleyair.org/notices/public_notices_idx.htm and the District office at the address below. For additional information regarding this matter, please contact Mr. Jim Swaney, Permit Services Manager, at (559) 230-5900, or contact David Warner, Director of Permit Services, in writing at SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT, 1990 E. GETTYSBURG AVE, FRESNO, CA 93726-0244.



San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT



HEALTHY AIR LIVING™

Permit to Operate

FACILITY: C-4305

EXPIRATION DATE: 06/30/2015

LEGAL OWNER OR OPERATOR:

KINGS RIVER CONSERVATION DISTRICT

MAILING ADDRESS:

4886 E JENSEN AVE
FRESNO, CA 93725-1899

FACILITY LOCATION:

2611 E NORTH AVE
FRESNO, CA

FACILITY DESCRIPTION:

GOVERNMENT SERVICES

The Facility's Permit to Operate may include Facility-wide Requirements as well as requirements that apply to specific permit units.

This Permit to Operate remains valid through the permit expiration date listed above, subject to payment of annual permit fees and compliance with permit conditions and all applicable local, state, and federal regulations. This permit is valid only at the location specified above, and becomes void upon any transfer of ownership or location. Any modification of the equipment or operation, as defined in District Rule 2201, will require prior District approval. This permit shall be posted as prescribed in District Rule 2010.

Seyed Sadredin
Executive Director / APCO

David Warner
Director of Permit Services

San Joaquin Valley Air Pollution Control District

FACILITY: C-4305-0-0

EXPIRATION DATE: 06/30/2015

FACILITY-WIDE REQUIREMENTS

1. The owner or operator shall notify the District of any breakdown condition as soon as reasonably possible, but no later than one hour after its detection, unless the owner or operator demonstrates to the District's satisfaction that the longer reporting period was necessary. [District Rule 1100, 6.1; County Rules 110 (Fresno, Stanislaus, San Joaquin); 109 (Merced); 113 (Madera); and 111 (Kern, Tulare, Kings)] Federally Enforceable Through Title V Permit
2. The District shall be notified in writing within ten days following the correction of any breakdown condition. The breakdown notification shall include a description of the equipment malfunction or failure, the date and cause of the initial failure, the estimated emissions in excess of those allowed, and the methods utilized to restore normal operations. [District Rule 1100, 7.0; County Rules 110 (Fresno, Stanislaus, San Joaquin); 109 (Merced); 113 (Madera); and 111 (Kern, Tulare, Kings)] Federally Enforceable Through Title V Permit
3. The owner or operator of any stationary source operation that emits more than 25 tons per year of nitrogen oxides or reactive organic compounds, shall provide the District annually with a written statement in such form and at such time as the District prescribes, showing actual emissions of nitrogen oxides and reactive organic compounds from that source. [District Rule 1160, 5.0] Federally Enforceable Through Title V Permit
4. Any person building, altering or replacing any operation, article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce, or control the issuance of air contaminants, shall first obtain an Authority to Construct (ATC) from the District unless exempted by District Rule 2020 (12/20/07). [District Rule 2010, 3.0 and 4.0; and 2020] Federally Enforceable Through Title V Permit
5. The permittee must comply with all conditions of the permit including permit revisions originated by the District. All terms and conditions of a permit that are required pursuant to the Clean Air Act (CAA), including provisions to limit potential to emit, are enforceable by the EPA and Citizens under the CAA. Any permit noncompliance constitutes a violation of the CAA and the District Rules and Regulations, and is grounds for enforcement action, for permit termination, revocation, reopening and reissuance, or modification; or for denial of a permit renewal application. [District Rules 2070, 7.0; 2080; and 2520, 9.9.1 and 9.13.1] Federally Enforceable Through Title V Permit
6. A Permit to Operate or an Authority to Construct shall not be transferred unless a new application is filed with and approved by the District. [District Rule 2031] Federally Enforceable Through Title V Permit
7. Every application for a permit required under Rule 2010 (12/17/92) shall be filed in a manner and form prescribed by the District. [District Rule 2040] Federally Enforceable Through Title V Permit
8. The operator shall maintain records of required monitoring that include: 1) the date, place, and time of sampling or measurement; 2) the date(s) analyses were performed; 3) the company or entity that performed the analysis; 4) the analytical techniques or methods used; 5) the results of such analysis; and 6) the operating conditions at the time of sampling or measurement. [District Rule 2520, 9.4.1] Federally Enforceable Through Title V Permit
9. The operator shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, or report. Support information includes copies of all reports required by the permit and, for continuous monitoring instrumentation, all calibration and maintenance records and all original strip-chart recordings. [District Rule 2520, 9.4.2] Federally Enforceable Through Title V Permit

FACILITY-WIDE REQUIREMENTS CONTINUE ON NEXT PAGE

These terms and conditions are part of the Facility-wide Permit to Operate. Any amendments to these Facility-wide Requirements that affect specific Permit Units may constitute modification of those Permit Units.

Facility Name: KINGS RIVER CONSERVATION DISTRICT

Location: 2611 E NORTH AVE, FRESNO, CA

C-4305-0-0, Aug 16 2010 10 44AM - SIONGCCJ

10. The operator shall submit reports of any required monitoring at least every six months unless a different frequency is required by an applicable requirement. All instances of deviations from permit requirements must be clearly identified in such reports. [District Rule 2520, 9.5.1] Federally Enforceable Through Title V Permit
11. Deviations from permit conditions must be promptly reported, including deviations attributable to upset conditions, as defined in the permit. For the purpose of this condition, promptly means as soon as reasonably possible, but no later than 10 days after detection. The report shall include the probable cause of such deviations, and any corrective actions or preventive measures taken. All required reports must be certified by a responsible official consistent with section 10.0 of District Rule 2520 (6/21/01). [District Rules 2520, 9.5.2 and 1100, 7.0] Federally Enforceable Through Title V Permit
12. If for any reason a permit requirement or condition is being challenged for its constitutionality or validity by a court of competent jurisdiction, the outcome of such challenge shall not affect or invalidate the remainder of the conditions or requirements in that permit. [District Rule 2520, 9.7] Federally Enforceable Through Title V Permit
13. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit. [District Rule 2520, 9.8.2] Federally Enforceable Through Title V Permit
14. The permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [District Rule 2520, 9.8.3] Federally Enforceable Through Title V Permit
15. The permit does not convey any property rights of any sort, or any exclusive privilege. [District Rule 2520, 9.8.4] Federally Enforceable Through Title V Permit
16. The Permittee shall furnish to the District, within a reasonable time, any information that the District may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the District copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to EPA along with a claim of confidentiality. [District Rule 2520, 9.8.5] Federally Enforceable Through Title V Permit
17. The permittee shall pay annual permit fees and other applicable fees as prescribed in Regulation III of the District Rules and Regulations. [District Rule 2520, 9.9] Federally Enforceable Through Title V Permit
18. Upon presentation of appropriate credentials, a permittee shall allow an authorized representative of the District to enter the permittee's premises where a permitted source is located or emissions related activity is conducted, or where records must be kept under condition of the permit. [District Rule 2520, 9.13.2.1] Federally Enforceable Through Title V Permit
19. Upon presentation of appropriate credentials, a permittee shall allow an authorized representative of the District to have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit. [District Rule 2520, 9.13.2.2] Federally Enforceable Through Title V Permit
20. Upon presentation of appropriate credentials, a permittee shall allow an authorized representative of the District to inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit. [District Rule 2520, 9.13.2.3] Federally Enforceable Through Title V Permit
21. Upon presentation of appropriate credentials, a permittee shall allow an authorized representative of the District to sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements. [District Rule 2520, 9.13.2.4] Federally Enforceable Through Title V Permit
22. No air contaminants shall be discharged into the atmosphere for a period or periods aggregating more than 3 minutes in any one hour which is as dark or darker than Ringelmann #1 or equivalent to 20% opacity and greater, unless specifically exempted by District Rule 4101 (02/17/05). If the equipment or operation is subject to a more stringent visible emission standard as prescribed in a permit condition, the more stringent visible emission limit shall supersede this condition. [District Rule 4101, and County Rules 401 (in all eight counties in the San Joaquin Valley)] Federally Enforceable Through Title V Permit

FACILITY-WIDE REQUIREMENTS CONTINUE ON NEXT PAGE

These terms and conditions are part of the Facility-wide Permit to Operate.

23. No person shall manufacture, blend, repackage, supply, sell, solicit or apply any architectural coating with a VOC content in excess of the corresponding limit specified in Table of Standards 1 effective until 12/30/10 or Table of Standards 2 effective on and after 1/1/11 of District Rule 4601 (12/17/09) for use or sale within the District. [District Rule 4601, 5.1] Federally Enforceable Through Title V Permit
24. All VOC-containing materials subject to Rule 4601 (12/17/09) shall be stored in closed containers when not in use. [District Rule 4601, 5.4] Federally Enforceable Through Title V Permit
25. The permittee shall comply with all the Labeling and Test Methods requirements outlined in Rule 4601 sections 6.1 and 6.3 (12/17/09). [District Rule 4601, 6.1 and 6.3] Federally Enforceable Through Title V Permit
26. With each report or document submitted under a permit requirement or a request for information by the District or EPA, the permittee shall include a certification of truth, accuracy, and completeness by a responsible official. [District Rule 2520, 9.13.1 and 10.0] Federally Enforceable Through Title V Permit
27. If the permittee performs maintenance on, or services, repairs, or disposes of appliances, the permittee shall comply with the standards for Recycling and Emissions Reduction pursuant to 40 CFR Part 82, Subpart F. [40 CFR 82 Subpart F] Federally Enforceable Through Title V Permit
28. If the permittee performs service on motor vehicles when this service involves the ozone-depleting refrigerant in the motor vehicle air conditioner (MVAC), the permittee shall comply with the standards for Servicing of Motor Vehicle Air Conditioners pursuant to all the applicable requirements as specified in 40 CFR Part 82, Subpart B. [40 CFR Part 82, Subpart B] Federally Enforceable Through Title V Permit
29. Disturbances of soil related to any construction, demolition, excavation, extraction, or other earthmoving activities shall comply with the requirements for fugitive dust control in District Rule 8021 unless specifically exempted under Section 4.0 of Rule 8021 (8/19/2004) or Rule 8011 (8/19/2004). [District Rule 8021 and 8011] Federally Enforceable Through Title V Permit
30. Outdoor handling, storage and transport of any bulk material which emits dust shall comply with the requirements of District Rule 8031, unless specifically exempted under Section 4.0 of Rule 8031 (8/19/2004) or Rule 8011 (8/19/2004). [District Rule 8031 and 8011] Federally Enforceable Through Title V Permit
31. An owner/operator shall prevent or cleanup any carryout or trackout in accordance with the requirements of District Rule 8041 Section 5.0, unless specifically exempted under Section 4.0 of Rule 8041 (8/19/2004) or Rule 8011 (8/19/2004). [District Rule 8041 and 8011] Federally Enforceable Through Title V Permit
32. Whenever open areas are disturbed, or vehicles are used in open areas, the facility shall comply with the requirements of Section 5.0 of District Rule 8051, unless specifically exempted under Section 4.0 of Rule 8051 (8/19/2004) or Rule 8011 (8/19/2004). [District Rule 8051 and 8011] Federally Enforceable Through Title V Permit
33. Any paved road or unpaved road shall comply with the requirements of District Rule 8061 unless specifically exempted under Section 4.0 of Rule 8061 (8/19/2004) or Rule 8011 (8/19/2004). [District Rule 8061 and Rule 8011] Federally Enforceable Through Title V Permit
34. Any unpaved vehicle/equipment area that anticipates more than 50 Average annual daily Trips (AADT) shall comply with the requirements of Section 5.1.1 of District Rule 8071. Any unpaved vehicle/equipment area that anticipates more than 150 vehicle trips per day (VDT) shall comply with the requirements of Section 5.1.2 of District Rule 8071. On each day that 25 or more VDT with 3 or more axles will occur on an unpaved vehicle/equipment traffic area, the owner/operator shall comply with the requirements of Section 5.1.3 of District Rule 8071. On each day when a special event will result in 1,000 or more vehicles that will travel/park on an unpaved area, the owner/operator shall comply with the requirements of Section 5.1.4 of District Rule 8071. All sources shall comply with the requirements of Section 5.0 of District Rule 8071 unless specifically exempted under Section 4.0 of Rule 8071 (9/16/2004) or Rule 8011 (8/19/2004). [District Rule 8071 and Rule 8011] Federally Enforceable Through Title V Permit
35. Any owner or operator of a demolition or renovation activity, as defined in 40 CFR 61.141, shall comply with the applicable inspection, notification, removal, and disposal procedures for asbestos containing materials as specified in 40 CFR 61.145 (Standard for Demolition and Renovation). [40 CFR 61 Subpart M] Federally Enforceable Through Title V Permit

FACILITY-WIDE REQUIREMENTS CONTINUE ON NEXT PAGE
These terms and conditions are part of the Facility-wide Permit to Operate.

36. The permittee shall submit certifications of compliance with the terms and standards contained in Title V permits, including emission limits, standards and work practices, to the District and the EPA annually (or more frequently as specified in an applicable requirement or as specified by the District). The certification shall include the identification of each permit term or condition, the compliance status, whether compliance was continuous or intermittent, the methods used for determining the compliance status, and any other facts required by the District to determine the compliance status of the source. [District Rule 2520, 9.16] Federally Enforceable Through Title V Permit
37. The permittee shall submit an application for Title V permit renewal to the District at least six months, but not greater than 18 months, prior to the permit expiration date. [District Rule 2520, 5.2] Federally Enforceable Through Title V Permit
38. When a term is not defined in a Title V permit condition, the definition in the rule cited as the origin and authority for the condition in a Title V permits shall apply. [District Rule 2520, 9.1.1] Federally Enforceable Through Title V Permit
39. Compliance with permit conditions in the Title V permit shall be deemed in compliance with the following outdated SIP requirements: Rule 401 (Madera, Fresno, Kern, Kings, San Joaquin, Stanislaus, Tulare and Merced), Rule 110 (Fresno, Stanislaus, San Joaquin), Rule 109 (Merced), Rule 113 (Madera), Rule 111 (Kern, Tulare, Kings), and Rule 202 (Fresno, Kern, Tulare, Kings, Madera, Stanislaus, Merced, San Joaquin). A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit
40. Compliance with permit conditions in the Title V permit shall be deemed in compliance with the following applicable requirements: SJVUAPCD Rules 1100, sections 6.1 and 7.0 (12/17/92); 2010, sections 3.0 and 4.0 (12/17/92); 2031 (12/17/92); 2040 (12/17/92); 2070, section 7.0 (12/17/92); 2080 (12/17/92); 4101 (2/17/05); 4601 (12/1709); 8021 (8/19/2004); 8031 (8/19/2004); 8041 (8/19/2004); 8051 (8/19/2004); 8061 (8/19/2004); and 8071 (9/16/2004). A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit
41. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
42. On September 30, 2010, the initial Title V permit was issued. The reporting periods for the Report of Required Monitoring and the Compliance Certification Report are based upon this initial permit issuance date, unless alternative dates are approved by the District Compliance Division. These reports are due within 30 days after the end of the reporting period. [District Rule 2520] Federally Enforceable Through Title V Permit

These terms and conditions are part of the Facility-wide Permit to Operate.

San Joaquin Valley Air Pollution Control District

PERMIT UNIT: C-4305-1-1

EXPIRATION DATE: 06/30/2015

EQUIPMENT DESCRIPTION:

49.7 MW NOMINALLY RATED SIMPLE-CYCLE PEAK-DEMAND POWER GENERATING SYSTEM #1 CONSISTING OF A GENERAL ELECTRIC MODEL LM6000 PC SPRINT NATURAL GAS-FIRED COMBUSTION TURBINE GENERATOR WITH WATER SPRAY PREMIXED COMBUSTION SYSTEM, SERVED BY A SELECTIVE CATALYTIC REDUCTION (SCR) SYSTEM AND AN OXIDATION CATALYST

PERMIT UNIT REQUIREMENTS

1. All equipment shall be maintained in good operating condition and shall be operated in a manner to minimize emissions of air contaminants into the atmosphere. [District NSR Rule] Federally Enforceable Through Title V Permit
2. Particulate matter emissions shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201] Federally Enforceable Through Title V Permit
3. Combustion turbine generator (CTG) and electrical generator lube oil vents shall be equipped with mist eliminators. Visible emissions from lube oil vents shall not exhibit opacity of 5% or greater, except for a period or periods not exceeding three minutes in any one hour. [District NSR Rule and 4101] Federally Enforceable Through Title V Permit
4. The turbine shall be equipped with a continuous monitoring system to measure and record hours of operation and fuel consumption. [District NSR Rule, 40 CFR 60.334(b), and 4703] Federally Enforceable Through Title V Permit
5. The exhaust stack shall be equipped with a continuous emissions monitor (CEM) for NO_x, CO, and O₂. The CEMs shall meet the requirements of 40 CFR part 60, Appendices B and F (for CO), and 40 CFR part 75, Appendices A and B (for NO_x and O₂) and shall be capable of monitoring emissions during startups and shutdowns as well as during normal operating conditions. [District NSR Rule, 1080, 40 CFR 60.334(b), and 4703] Federally Enforceable Through Title V Permit
6. The facility shall install and maintain equipment, facilities, and systems compatible with the District's CEM data polling software system and shall make CEM data available to the District's automated polling system on a daily basis. [District Rule 1080] Federally Enforceable Through Title V Permit
7. Upon notice by the District that the facility's CEM system is not providing polling data, the facility may continue to operate without providing automated data for a maximum of 30 days per calendar year provided the CEM data is sent to the District by a District-approved alternative method. [District Rule 1080] Federally Enforceable Through Title V Permit
8. The exhaust stack shall be equipped with permanent provisions to allow collection of stack gas samples consistent with EPA test methods and shall be equipped with safe permanent provisions to sample stack gases with a portable NO_x, CO, and O₂ analyzer during District inspections. The sampling ports shall be located in accordance with the CARB regulation titled California Air Resources Board Air Monitoring Quality Assurance Volume VI, Standard Operating Procedures for Stationary Source Emission Monitoring and Testing. [District Rule 1081] Federally Enforceable Through Title V Permit
9. The CTG shall be fired exclusively on natural gas with a sulfur content of no greater than 0.40 grain of sulfur compounds (as S) per 100 dry scf of natural gas. [District NSR Rule and 40 CFR 60.333] Federally Enforceable Through Title V Permit

PERMIT UNIT REQUIREMENTS CONTINUE ON NEXT PAGE
These terms and conditions are part of the Facility-wide Permit to Operate.

10. During periods of thermal stabilization, CTG exhaust emissions shall not exceed any of the following limits: NO_x (as NO₂) - 20.0 lb/hr, CO - 6.20 lb/hr, or VOC - 1.60 lb/hr, based on three hour averages. [District NSR Rule and 4102] Federally Enforceable Through Title V Permit
11. Thermal Stabilization is defined as the startup or shutdown time during which the exhaust gas is not within the normal operating temperature range, not to exceed two hours per occurrence. Startup/shutdown emissions shall be counted toward all applicable emission limits (lb/day and lb/year). [District NSR Rule and 4703] Federally Enforceable Through Title V Permit
12. Emission rates from this unit, except during thermal stabilization periods, shall not exceed any of the following limits: NO_x (as NO₂) - 4.25 lb/hr and 2.5 ppmvd @ 15% O₂; SO_x (as SO₂) - 0.53 lb/hr; PM₁₀ - 3.40 lb/hr; CO - 6.20 lb/hr and 6.0 ppmvd @ 15% O₂; or VOC (as methane) - 1.60 lb/hr and 2.0 ppmvd @ 15% O₂. All emission concentration limits are based on three hour rolling averages. [District NSR Rule, 40 CFR 60.332, and 4703] Federally Enforceable Through Title V Permit
13. Ammonia (NH₃) emissions shall not exceed either of the following limits: 6.54 lb/hr or 10 ppmvd @ 15% O₂ (based on a 24 hour rolling average). [District NSR Rule and 4102] Federally Enforceable Through Title V Permit
14. Each one hour period in a three hour rolling average will commence on the hour. The three hour average will be compiled from the three most recent one hour periods. Each one hour period in a twenty-four hour average will commence on the hour. [District NSR Rule] Federally Enforceable Through Title V Permit
15. Emissions from this unit, on days when a startup and/or shutdown occurs, shall not exceed the following: NO_x (as NO₂) - 133.5 lb/day; SO_x (as SO₂) - 12.7 lb/day; PM₁₀ - 81.6 lb/day; CO - 148.8 lb/day; or VOC - 38.4 lb/day. [District NSR Rule] Federally Enforceable Through Title V Permit
16. Annual emissions from the CTG, calculated on a twelve consecutive month rolling basis, shall not exceed any of the following: NO_x (as NO₂) - 19,009 lb/year; SO_x (as SO₂) - 1,656 lb/year; PM₁₀ - 10,618 lb/year; CO - 19,363 lb/year; or VOC - 4,997 lb/year. [District NSR Rule] Federally Enforceable Through Title V Permit
17. Daily emissions will be compiled for a twenty-four hour period starting and ending at twelve-midnight. Each month in the twelve consecutive month rolling average emissions shall commence at the beginning of the first day of the month. The twelve consecutive month rolling average emissions to determine compliance with annual emissions limitations shall be compiled from the twelve most recent calendar months. [District NSR Rule] Federally Enforceable Through Title V Permit
18. Compliance with the ammonia emission limits shall be demonstrated by calculating the daily ammonia emissions using the following equation: (ppmvd @ 15% O₂) = ((a - (b x c/1,000,000)) x (1,000,000 / b)) x d, where a = ammonia injection rate (lb/hr) / (17 lb/lb mol), b = dry exhaust flow rate (lb/hr) / (29 lb/lb mol), c = change in measured NO_x concentration ppmvd @ 15% O₂ across the catalyst, and d = correction factor. The correction factor shall be derived annually during compliance testing by comparing the measured and calculated ammonia slip. [District Rule 4102]
19. Source testing to measure startup NO_x, CO, and VOC mass emission rates shall be conducted at least once every seven years. CEM relative accuracy audit (RAA) shall be determined during startup source testing in accordance with 40 CFR 60, Appendix F. [District Rule 1081] Federally Enforceable Through Title V Permit
20. Source testing to measure the NO_x, CO, VOC, and NH₃ emission rates (lb/hr and ppmvd @ 15% O₂) and PM₁₀ emission rate (lb/hr) shall be at least once every twelve months. [District Rules 1081 and 4703] Federally Enforceable Through Title V Permit
21. The sulfur content of each fuel source shall be: (i) documented in a valid purchase contract, a supplier certification, a tariff sheet or transportation contract or (ii) monitored weekly except after demonstrating compliance with the fuel sulfur content limit for 8 consecutive weeks for a fuel source, then the testing frequency shall not be less than quarterly. If a test shows noncompliance with the sulfur content requirement, the facility must return to weekly testing until eight consecutive weeks show compliance. [District 1081, 2540, 40 CFR 60.334(h)(3)] Federally Enforceable Through Title V Permit

PERMIT UNIT REQUIREMENTS CONTINUE ON NEXT PAGE

These terms and conditions are part of the Facility-wide Permit to Operate.

22. Compliance demonstration (source testing) shall be District witnessed or authorized and samples shall be collected by a certified testing laboratory. Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified 30 days prior to any compliance source test, and a source test plan must be submitted for approval 15 days prior to testing. The results of each source test shall be submitted to the District within 60 days thereafter. [District Rule 1081] Federally Enforceable Through Title V Permit
23. The following test methods shall be used: NO_x - EPA Method 7E or 20, PM₁₀ - EPA Method 5 (front half and back half), CO - EPA Method 10 or 10B, O₂ - EPA Method 3, 3A, or 20, VOC - EPA Method 18 or 25, ammonia - BAAQMD ST-1B, and fuel gas sulfur content - ASTM D3246. NO_x test results shall be corrected to ISO standard conditions as defined in 40 CFR Part 60 Subpart GG Section 60.335. EPA approved alternative test methods as approved by the District may also be used to address the source testing requirements of this permit. The request to utilize EPA approved alternative source testing methods must be submitted in writing and written approval received from the District prior to the submission of the source test plan. [District Rules 1081, 40 CFR 60.335, and 4703] Federally Enforceable Through Title V Permit
24. The permittee shall maintain the following records: date and time, duration, and type of any startup, shutdown, or malfunction; performance testing, evaluations, calibrations, checks, adjustments, any period during which a continuous monitoring system or monitoring device was inoperative, and maintenance of any continuous emission monitor. [District NSR Rule and 4703] Federally Enforceable Through Title V Permit
25. The permittee shall maintain the following records: hours of operation, fuel consumption (scf/hr and scf/rolling twelve month period), continuous emission monitor measurements, calculated ammonia slip, and calculated NO_x mass emission rates (lb/hr and lb/twelve month rolling period). [District NSR Rule and 4703] Federally Enforceable Through Title V Permit
26. All records required to be maintained by this permit shall be maintained for a period of at least five years and shall be made readily available for District inspection upon request. [District NSR Rule and 4703] Federally Enforceable Through Title V Permit
27. Results of continuous emissions monitoring shall be reduced according to the procedure established in 40 CFR, Part 51, Appendix P, paragraphs 5.0 through 5.3.3, or by other methods deemed equivalent by mutual agreement with the District, the ARB, and the EPA. [District Rule 1080] Federally Enforceable Through Title V Permit
28. Audits of continuous emission monitors shall be conducted quarterly, except during quarters in which relative accuracy and total accuracy testing is performed, in accordance with EPA guidelines. The District shall be notified prior to completion of the audits. Audit reports shall be submitted along with quarterly compliance reports to the District. [District Rule 1080] Federally Enforceable Through Title V Permit
29. For the CO CEMs, the owner/operator shall perform a relative accuracy test audit (RATA) as specified by 40 CFR Part 60, Appendix F, 5.11, at least once every four calendar quarters. The permittee shall comply with the applicable requirements for quality assurance testing and maintenance of the continuous emission monitor equipment in accordance with the procedures and guidance specified in 40 CFR Part 60, Appendix F. [District Rule 1080] Federally Enforceable Through Title V Permit
30. For the NO_x and O₂ CEMs, the owner/operator shall perform a relative accuracy test audit (RATA) as specified by 40 CFR Part 75, Appendix A, at least once every two operating quarters, unless incentive criteria has been met which allows the RATA to be performed once every fourth operating quarter. The permittee shall comply with the applicable requirements for quality assurance testing and maintenance of the continuous emission monitor equipment in accordance with the procedures and guidance specified in 40 CFR Part 75, Appendix A. [District Rule 1080] Federally Enforceable Through Title V Permit
31. The permittee shall submit a written report to the APCO for each calendar quarter, within 30 days of the end of the quarter, including: time intervals, data and magnitude of excess emissions, nature and cause of excess emissions (if known), corrective actions taken and preventive measures adopted; averaging period used for data reporting shall correspond to the averaging period for each respective emission standard; applicable time and date of each period during which the CEM was inoperative (except for zero and span checks) and the nature of system repairs and adjustments; and a negative declaration when no excess emissions occurred. [District Rule 1080] Federally Enforceable Through Title V Permit

PERMIT UNIT REQUIREMENTS CONTINUE ON NEXT PAGE

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32. Operator shall submit a semiannual report to the APCO listing any period during which the sulfur content of the fuel being fired in the gas turbine exceeded 0.8% by weight. [40 CFR 60.334] Federally Enforceable Through Title V Permit
33. Permittee shall provide notification and recordkeeping as required under 40 CFR, Part 60, Subpart A, 60.7. [40 CFR 60.334(j)] Federally Enforceable Through Title V Permit
34. The owners and operators of each affected source and each affected unit at the source shall: (i) Operate the unit in compliance with a complete Acid Rain permit application or a superceding Acid Rain permit issued by the permitting authority; and (ii) Have an Acid Rain permit. [40 CFR 72] Federally Enforceable Through Title V Permit
35. The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75. [40 CFR 75] Federally Enforceable Through Title V Permit
36. The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program. [40 CFR 75] Federally Enforceable Through Title V Permit
37. The owners and operators of each source and each affected unit at the source shall: (i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)) not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide. [40 CFR 73] Federally Enforceable Through Title V Permit
38. Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act. [40 CFR 77] Federally Enforceable Through Title V Permit
39. An affected unit shall be subject to the sulfur dioxide requirements starting on the later of January 1, 2000, or the deadline for monitoring certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3) that is not a substitution or compensating unit. [40 CFR 72, 40 CFR 75] Federally Enforceable Through Title V Permit
40. Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program. [40 CFR 72] Federally Enforceable Through Title V Permit
41. An allowance shall not be deducted in order to comply with the requirements under 40 CFR part 73, prior to the calendar year for which the allowance was allocated. [40 CFR 73] Federally Enforceable Through Title V Permit
42. An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or the written exemption under 40 CFR 72.7 and 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization. [40 CFR 72] Federally Enforceable Through Title V Permit
43. An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right. [40 CFR 72] Federally Enforceable Through Title V Permit
44. The owners and operators of each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides. [40 CFR 72] Federally Enforceable Through Title V Permit
45. The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77. [40 CFR 77] Federally Enforceable Through Title V Permit
46. The owners and operators of an affected unit that has excess emissions in any calendar year shall: (i) Pay without demand the penalty required, and pay up on demand the interest on that penalty; and (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77. [40 CFR 77] Federally Enforceable Through Title V Permit

PERMIT UNIT REQUIREMENTS CONTINUE ON NEXT PAGE

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47. The owners and operators of the each affected unit at the source shall keep on site the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Administrator or permitting authority: (i) The certificate of representation for the designated representative for the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site beyond such five-year period until such documents are superceded because of the submission of a new certificate of representation changing the designated representative. [40 CFR 72] Federally Enforceable Through Title V Permit
48. The owners and operators of each affected unit at the source shall keep on site each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Administrator or permitting authority; (ii) All emissions monitoring information, in accordance with 40 CFR part 75; (iii) Copies of all reports, compliance certifications and other submissions and all records made or required under the Acid Rain Program; (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission that demonstrates compliance with the requirements of the Acid Rain Program. [40 CFR 75] Federally Enforceable Through Title V Permit
49. The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR 75 Subpart I. [40 CFR 75] Federally Enforceable Through Title V Permit

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San Joaquin Valley Air Pollution Control District

PERMIT UNIT: C-4305-2-1

EXPIRATION DATE: 06/30/2015

EQUIPMENT DESCRIPTION:

49.7 MW NOMINALLY RATED SIMPLE-CYCLE PEAK-DEMAND POWER GENERATING SYSTEM #2 CONSISTING OF A GENERAL ELECTRIC MODEL LM6000 PC SPRINT NATURAL GAS-FIRED COMBUSTION TURBINE GENERATOR WITH WATER SPRAY PREMIXED COMBUSTION SYSTEM, SERVED BY A SELECTIVE CATALYTIC REDUCTION (SCR) SYSTEM AND AN OXIDATION CATALYST

PERMIT UNIT REQUIREMENTS

1. All equipment shall be maintained in good operating condition and shall be operated in a manner to minimize emissions of air contaminants into the atmosphere. [District NSR Rule] Federally Enforceable Through Title V Permit
2. Particulate matter emissions shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201] Federally Enforceable Through Title V Permit
3. Combustion turbine generator (CTG) and electrical generator lube oil vents shall be equipped with mist eliminators. Visible emissions from lube oil vents shall not exhibit opacity of 5% or greater, except for a period or periods not exceeding three minutes in any one hour. [District NSR Rule and 4101] Federally Enforceable Through Title V Permit
4. The turbine shall be equipped with a continuous monitoring system to measure and record hours of operation and fuel consumption. [District NSR Rule, 40 CFR 60.334(b), and 4703] Federally Enforceable Through Title V Permit
5. The exhaust stack shall be equipped with a continuous emissions monitor (CEM) for NO_x, CO, and O₂. The CEMs shall meet the requirements of 40 CFR part 60, Appendices B and F (for CO), and 40 CFR part 75, Appendices A and B (for NO_x and O₂) and shall be capable of monitoring emissions during startups and shutdowns as well as during normal operating conditions. [District NSR Rule, 1080, 40 CFR 60.334(b), and 4703] Federally Enforceable Through Title V Permit
6. The facility shall install and maintain equipment, facilities, and systems compatible with the District's CEM data polling software system and shall make CEM data available to the District's automated polling system on a daily basis. [District Rule 1080] Federally Enforceable Through Title V Permit
7. Upon notice by the District that the facility's CEM system is not providing polling data, the facility may continue to operate without providing automated data for a maximum of 30 days per calendar year provided the CEM data is sent to the District by a District-approved alternative method. [District Rule 1080] Federally Enforceable Through Title V Permit
8. The exhaust stack shall be equipped with permanent provisions to allow collection of stack gas samples consistent with EPA test methods and shall be equipped with safe permanent provisions to sample stack gases with a portable NO_x, CO, and O₂ analyzer during District inspections. The sampling ports shall be located in accordance with the CARB regulation titled California Air Resources Board Air Monitoring Quality Assurance Volume VI, Standard Operating Procedures for Stationary Source Emission Monitoring and Testing. [District Rule 1081] Federally Enforceable Through Title V Permit
9. The CTG shall be fired exclusively on natural gas with a sulfur content of no greater than 0.40 grain of sulfur compounds (as S) per 100 dry scf of natural gas. [District NSR Rule and 40 CFR 60.333] Federally Enforceable Through Title V Permit

PERMIT UNIT REQUIREMENTS CONTINUE ON NEXT PAGE

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10. During periods of thermal stabilization, CTG exhaust emissions shall not exceed any of the following limits: NO_x (as NO₂) - 20.0 lb/hr, CO - 6.20 lb/hr, or VOC - 1.60 lb/hr, based on three hour averages. [District NSR Rule and 4102] Federally Enforceable Through Title V Permit
11. Thermal Stabilization is defined as the startup or shutdown time during which the exhaust gas is not within the normal operating temperature range, not to exceed two hours per occurrence. Startup/shutdown emissions shall be counted toward all applicable emission limits (lb/day and lb/year). [District NSR Rule and 4703] Federally Enforceable Through Title V Permit
12. Emission rates from this unit, except during thermal stabilization periods, shall not exceed any of the following limits: NO_x (as NO₂) - 4.25 lb/hr and 2.5 ppmvd @ 15% O₂; SO_x (as SO₂) - 0.53 lb/hr; PM₁₀ - 3.40 lb/hr; CO - 6.20 lb/hr and 6.0 ppmvd @ 15% O₂; or VOC (as methane) - 1.60 lb/hr and 2.0 ppmvd @ 15% O₂. All emission concentration limits are based on three hour rolling averages. [District NSR Rule, 40 CFR 60.332, and 4703] Federally Enforceable Through Title V Permit
13. Ammonia (NH₃) emissions shall not exceed either of the following limits: 6.54 lb/hr or 10 ppmvd @ 15% O₂ (based on a 24 hour rolling average). [District NSR Rule and 4102] Federally Enforceable Through Title V Permit
14. Each one hour period in a three hour rolling average will commence on the hour. The three hour average will be compiled from the three most recent one hour periods. Each one hour period in a twenty-four hour average will commence on the hour. [District NSR Rule] Federally Enforceable Through Title V Permit
15. Emissions from this unit, on days when a startup and/or shutdown occurs, shall not exceed the following: NO_x (as NO₂) - 133.5 lb/day; SO_x (as SO₂) - 12.7 lb/day; PM₁₀ - 81.6 lb/day; CO - 148.8 lb/day; or VOC - 38.4 lb/day. [District NSR Rule] Federally Enforceable Through Title V Permit
16. Annual emissions from the CTG, calculated on a twelve consecutive month rolling basis, shall not exceed any of the following: NO_x (as NO₂) - 19,009 lb/year; SO_x (as SO₂) - 1,656 lb/year; PM₁₀ - 10,618 lb/year; CO - 19,363 lb/year; or VOC - 4,997 lb/year. [District NSR Rule] Federally Enforceable Through Title V Permit
17. Daily emissions will be compiled for a twenty-four hour period starting and ending at twelve-midnight. Each month in the twelve consecutive month rolling average emissions shall commence at the beginning of the first day of the month. The twelve consecutive month rolling average emissions to determine compliance with annual emissions limitations shall be compiled from the twelve most recent calendar months. [District NSR Rule] Federally Enforceable Through Title V Permit
18. Compliance with the ammonia emission limits shall be demonstrated by calculating the daily ammonia emissions using the following equation: $(\text{ppmvd @ 15\% O}_2) = ((a - (b \times c / 1,000,000)) \times (1,000,000 / b)) \times d$, where a = ammonia injection rate (lb/hr) / (17 lb/lb mol), b = dry exhaust flow rate (lb/hr) / (29 lb/lb mol), c = change in measured NO_x concentration ppmvd @ 15% O₂ across the catalyst, and d = correction factor. The correction factor shall be derived annually during compliance testing by comparing the measured and calculated ammonia slip. [District Rule 4102]
19. Source testing to measure startup NO_x, CO, and VOC mass emission rates shall be conducted at least once every seven years. CEM relative accuracy audit (RAA) shall be determined during startup source testing in accordance with 40 CFR 60, Appendix F. [District Rule 1081] Federally Enforceable Through Title V Permit
20. Source testing to measure the NO_x, CO, VOC, and NH₃ emission rates (lb/hr and ppmvd @ 15% O₂) and PM₁₀ emission rate (lb/hr) shall be conducted at least once every twelve months. [District Rules 1081 and 4703] Federally Enforceable Through Title V Permit
21. The sulfur content of each fuel source shall be: (i) documented in a valid purchase contract, a supplier certification, a tariff sheet or transportation contract or (ii) monitored weekly except after demonstrating compliance with the fuel sulfur content limit for 8 consecutive weeks for a fuel source, then the testing frequency shall not be less than quarterly. If a test shows noncompliance with the sulfur content requirement, the facility must return to weekly testing until eight consecutive weeks show compliance. [District 1081, 2540, 40 CFR 60.334(h)(3)] Federally Enforceable Through Title V Permit

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22. Compliance demonstration (source testing) shall be District witnessed or authorized and samples shall be collected by a certified testing laboratory. Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified 30 days prior to any compliance source test, and a source test plan must be submitted for approval 15 days prior to testing. The results of each source test shall be submitted to the District within 60 days thereafter. [District Rule 1081] Federally Enforceable Through Title V Permit
23. The following test methods shall be used: NO_x - EPA Method 7E or 20, PM₁₀ - EPA Method 5 (front half and back half), CO - EPA Method 10 or 10B, O₂ - EPA Method 3, 3A, or 20, VOC - EPA Method 18 or 25, ammonia - BAAQMD ST-1B, and fuel gas sulfur content - ASTM D3246. NO_x test results shall be corrected to ISO standard conditions as defined in 40 CFR Part 60 Subpart GG Section 60.335. EPA approved alternative test methods as approved by the District may also be used to address the source testing requirements of this permit. The request to utilize EPA approved alternative source testing methods must be submitted in writing and written approval received from the District prior to the submission of the source test plan. [District Rules 1081, 40 CFR 60,335, and 4703] Federally Enforceable Through Title V Permit
24. The permittee shall maintain the following records: date and time, duration, and type of any startup, shutdown, or malfunction; performance testing, evaluations, calibrations, checks, adjustments, any period during which a continuous monitoring system or monitoring device was inoperative, and maintenance of any continuous emission monitor. [District NSR Rule and 4703] Federally Enforceable Through Title V Permit
25. The permittee shall maintain the following records: hours of operation, fuel consumption (scf/hr and scf/rolling twelve month period), continuous emission monitor measurements, calculated ammonia slip, and calculated NO_x mass emission rates (lb/hr and lb/twelve month rolling period). [District NSR Rule and 4703] Federally Enforceable Through Title V Permit
26. All records required to be maintained by this permit shall be maintained for a period of at least five years and shall be made readily available for District inspection upon request. [District NSR Rule and 4703] Federally Enforceable Through Title V Permit
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29. For the CO CEMs, the owner/operator shall perform a relative accuracy test audit (RATA) as specified by 40 CFR Part 60, Appendix F, 5.11, at least once every four calendar quarters. The permittee shall comply with the applicable requirements for quality assurance testing and maintenance of the continuous emission monitor equipment in accordance with the procedures and guidance specified in 40 CFR Part 60, Appendix F. [District Rule 1080] Federally Enforceable Through Title V Permit
30. For the NO_x and O₂ CEMs, the owner/operator shall perform a relative accuracy test audit (RATA) as specified by 40 CFR Part 75, Appendix A, at least once every two operating quarters, unless incentive criteria has been met which allows the RATA to be performed once every fourth operating quarter. The permittee shall comply with the applicable requirements for quality assurance testing and maintenance of the continuous emission monitor equipment in accordance with the procedures and guidance specified in 40 CFR Part 75, Appendix A. [District Rule 1080] Federally Enforceable Through Title V Permit
31. The permittee shall submit a written report to the APCO for each calendar quarter, within 30 days of the end of the quarter, including: time intervals, data and magnitude of excess emissions, nature and cause of excess emissions (if known), corrective actions taken and preventive measures adopted; averaging period used for data reporting shall correspond to the averaging period for each respective emission standard; applicable time and date of each period during which the CEM was inoperative (except for zero and span checks) and the nature of system repairs and adjustments; and a negative declaration when no excess emissions occurred. [District Rule 1080] Federally Enforceable Through Title V Permit

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32. Operator shall submit a semiannual report to the APCO listing any period during which the sulfur content of the fuel being fired in the gas turbine exceeded 0.8% by weight. [40 CFR 60.334] Federally Enforceable Through Title V Permit
33. Permittee shall provide notification and recordkeeping as required under 40 CFR, Part 60, Subpart A, 60.7. [40 CFR 60.334(j)] Federally Enforceable Through Title V Permit
34. The owners and operators of each affected source and each affected unit at the source shall: (i) Operate the unit in compliance with a complete Acid Rain permit application or a superceding Acid Rain permit issued by the permitting authority; and (ii) Have an Acid Rain permit. [40 CFR 72] Federally Enforceable Through Title V Permit
35. The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75. [40 CFR 75] Federally Enforceable Through Title V Permit
36. The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program. [40 CFR 75] Federally Enforceable Through Title V Permit
37. The owners and operators of each source and each affected unit at the source shall: (i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)) not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide. [40 CFR 73] Federally Enforceable Through Title V Permit
38. Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act. [40 CFR 77] Federally Enforceable Through Title V Permit
39. An affected unit shall be subject to the sulfur dioxide requirements starting on the later of January 1, 2000, or the deadline for monitoring certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3) that is not a substitution or compensating unit. [40 CFR 72, 40 CFR 75] Federally Enforceable Through Title V Permit
40. Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program. [40 CFR 72] Federally Enforceable Through Title V Permit
41. An allowance shall not be deducted in order to comply with the requirements under 40 CFR part 73, prior to the calendar year for which the allowance was allocated. [40 CFR 73] Federally Enforceable Through Title V Permit
42. An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or the written exemption under 40 CFR 72.7 and 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization. [40 CFR 72] Federally Enforceable Through Title V Permit
43. An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right. [40 CFR 72] Federally Enforceable Through Title V Permit
44. The owners and operators of each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides. [40 CFR 72] Federally Enforceable Through Title V Permit
45. The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77. [40 CFR 77] Federally Enforceable Through Title V Permit
46. The owners and operators of an affected unit that has excess emissions in any calendar year shall: (i) Pay without demand the penalty required, and pay up on demand the interest on that penalty; and (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77. [40 CFR 77] Federally Enforceable Through Title V Permit

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47. The owners and operators of the each affected unit at the source shall keep on site the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Administrator or permitting authority: (i) The certificate of representation for the designated representative for the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site beyond such five-year period until such documents are superceded because of the submission of a new certificate of representation changing the designated representative. [40 CFR 72] Federally Enforceable Through Title V Permit
48. The owners and operators of each affected unit at the source shall keep on site each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Administrator or permitting authority; (ii) All emissions monitoring information, in accordance with 40 CFR part 75; (iii) Copies of all reports, compliance certifications and other submissions and all records made or required under the Acid Rain Program; (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission that demonstrates compliance with the requirements of the Acid Rain Program. [40 CFR 75] Federally Enforceable Through Title V Permit
49. The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR 75 Subpart I. [40 CFR 75] Federally Enforceable Through Title V Permit

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