Statement of Basis
Air Pollution Control
Draft Title V Permit to Operate
Permit No. V-ML-2709500005-2014-10

The purpose of this document is to set forth the legal and factual basis for permit conditions, including references to applicable provisions of the Clean Air Act (CAA or Act) and implementing regulations. This document also gives the derivation of conditions as required by 40 C.F.R. § 71.11(b).

1. GENERAL INFORMATION

a. Applicant and Stationary Source Information

Owner	Facility (SIC Code: 7011, 4911)
Mille Lacs Band Corporate Commission 777 Grand Avenue, Highway 169 Onamia, Minnesota 56359	Grand Casino Mille Lacs 777 Grand Avenue, Highway 169 Onamia, Minnesota 56359

Responsible Official	Facility Contact
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b. Facility Description

The Mille Lacs Band Corporate Commission installed three diesel-fired generator sets, EU001, EU002, and EU003, at the facility in 2001 – 2004. The United States Environmental Protection Agency (EPA) permitted these three generator sets in a 2005 Prevention of Deterioration (PSD) Air Quality Construction Permit (No. PSD-ML-R50007-05-01) issued on October 13, 2005. A fourth generator set, EU004, was installed in 2005. EPA did not issue a permit authorizing the construction of unit EU004 because the modification was not a major modification to a major stationary source, and the potential to emit of the modification alone was below the threshold for a major source. The Grand Casino Mille Lacs uses the four generators for backup power and peak load management.

The facility also operates a fifth generator set, EU005, for emergency backup only. This generator was installed in 1992. Until 2005, the generator was used as the backup generator for the casino. In 2005, the generator was reinstalled as the emergency generator for the laundry machines. The permit limits unit EU005 to 100 hours of operation per year for nonemergency purposes.

The generator sets are located approximately 13.5 kilometers (km) north-northwest of the town of Onamia, Minnesota on land that is held in trust for the Mille Lacs Band of Ojibwe. All electricity generated is used onsite.

c. Area Classification

The facility is located in Mille Lacs County, which is in attainment with National Ambient Air Quality Standards for all criteria pollutants.

Grand Casino Mille Lacs is located on land that is held in trust for the Mille Lacs Band of Ojibwe Indians, and that is within the boundaries of the Mille Lacs Indian Reservation. The EPA is responsible for issuing and enforcing any air quality permits for this source until the Tribe has EPA approval to do so.

There are no PSD Class I areas within 100 kilometers of the facility.

d. Title V Major Source Status

The facility has the potential to emit more than 100 tons of NOx. Therefore, the facility is a major Title V source and must obtain a Title V permit.

e. Permit History

EPA issued PSD Permit PSD-ML-R50007-05-01 to the Grand Casino Mille Lacs on October 13, 2005. That permit authorized the installation of units EU001-EU003 and established annual operating limitations of 300 hours per year, per engine.

EPA issued an initial Part 71 operating permit, V-ML-2709500005-2009-01, to the Grand Casino Mille Lacs on August 27, 2009. That permit included EU004 as a generator with no annual operating limitations. The initial operating permit expired on August 27, 2014.

On February 24, 2014, Grand Casino Mille Lacs applied for a renewal of its Part 71 operating permit. EPA found the application to be complete on April 8, 2014. Since the facility submitted the application at least six months prior to the August 27, 2014, expiration date and EPA found the permit application to be complete, the facility has been granted an application shield allowing the facility to continue operating until EPA acts on the application for renewal of the Part 71 operating permit.

On July 11, 2014, EPA requested additional information from the facility. The facility submitted its response to the request for additional information on August 7, 2014.

2. PROCESS DESCRIPTION

a. Summary

Four generator sets, denoted EU001, EU002, EU003, and EU004, are used for backup power and peak load management. EU001 and EU002 are Caterpillar Model 3516B engines each driving a 2,000 kW generator to produce electricity. The third generator set is a Caterpillar Model 3512B engine driving a 1,400 kW generator. The fourth generator set is a Caterpillar Model 3512 DITA engine driving a 1,250 kW generator. Each generator set burns diesel fuel with a maximum sulfur content of 0.0015%. EU001-EU004 have recently been modified to use an oxidation catalyst to control carbon monoxide emissions.

The fifth generator, EU005, is an emergency backup generator. The engine is a Detroit Diesel Model 12V92 engine driving a 500 kW generator. This engine also uses diesel fuel with a maximum sulfur content of 0.0015%.

ID	Description	Manufacturer/Model	Serial No.	Output and Horsepower Rating	Date Installed
EU001	Generator Set, Main Casino	Caterpiller/3516B	KFDNOO00628	2,000 kW at 2,885 BHP	2001
EU002	Generator Set, Event Center	Caterpillar/3516B	CFDN1516	2,000 kW at 2,885 BHP	2004
EU003	Generator Set, Hotel	Caterpillar/3512B	CMC00369	1,400 kW at 2,059 BHP	2001
EU004	Generator Set, Chiller	Caterpillar/3512 DITA	HCMJ01609	1,250 kW at 1,818 BHP	2005
EU005	Emergency Generator Set	Detroit Diesel/12V92	4A03035	500 kW at 545 BHP	1992

b. Insignificant Activities

The Permittee claimed the following activities to be insignificant under 40 C.F.R. § 71.5(c)(11)(ii)(A):

Qty	Activity
1	Generator 1, Casino Fuel Tank (3,400 gal)
1	Generator 2, Event Center Diesel Fuel Tank (3,250 gal)
1	Generator 3, Hotel Diesel Fuel Tank (2,400 gal)
1	Generator 4, Chiller Diesel Fuel Tank (2,400 gal)
1	Diesel Fuel Tank (1,000 gal)
1	Laundry Generator Diesel Fuel Tank (150 gal)
1	Gasoline Fuel Tank (500 gal)

6	Used Cooking Oil Grease Tank (250 gal each)

c. Potential Emissions

Emission Unit	NOx (tpy)	CO (tpy)	VOC (tpy)	PM (tpy)	PM_{10} (tpy)	$PM_{2.5}$ (tpy)	SO_2 (tpy)	HAPs (tpy)
EU001[1]	10.22	0.8	0.15	0.11	0.09	0.09	0.00	0.0043
EU002[1]	10.22	0.8	0.15	0.11	0.09	0.09	0.00	0.0043
EU003[1]	7.57	1.67	0.23	0.1	0.08	0.08	0.00	0.0920
EU004[2]	209.1	40.87	2.32	4.73	3.89	3.77	0.09	0.0837
EU005[3]	3.27	0.75	0.09	0.1	0.08	0.08	0.00	0.0127
TOTAL	240.39	44.88	2.93	5.16	4.24	4.11	0.10	0.1081

1 Emission estimates are based on 300 hours of operation per year at maximum fuel flow, as required by PSD Permit PSD-ML-R50007-05-01.

2 Emission estimates are based on 8,760 hours of operation per year at maximum designed fuel flow.

3 Emission estimate for the emergency generator is based on 500 hours of operation per year as recommended by the September 6, 1995, memo entitled *Calculating Potential to Emit (PTE) for Emergency Generators*.

For EU001-EU003, PTE is based on 300 hours of operation per year as provided in PSD Permit PSD-ML-R50007-05-01. For EU004, PTE is based on 8,760 hours of operation per year since the engine has no restriction on its annual hours of operation. For EU005, PTE is based on up to 500 hours of operation per year since the engine is an emergency engine, consistent with the September 6, 1995, memo from John S. Seitz, Director of the Office of Air Quality Planning and Standards, entitled *Calculating Potential to Emit (PTE) for Emergency Generators*.

The NOx emission factors for EU001 and EU002 are based on the current permitted NOx emission limit of 68.16 lbs/hr. The NOx emission factor for EU003 is based on the current permitted NOx emission limit of 50.49 lbs/hr. For EU004, NOx emissions are calculated based on the NOx emission factor provided by Ziegler for a Caterpillar 3512 DITA engine, 47.74 lbs/hr. EU005 NOx emissions are calculated based on the uncontrolled emission factor of 0.024 lb/hp-hr listed in AP-42, Volume I, Fifth Edition, Table 3.4-1, and is converted to 13.08 lb/hr as follows: 13.08 lb/hr = 0.024 lb/hp-hr * 545 hp.

CO, VOC, and PM emission factors were all provided by Ziegler for engines EU001—EU004. For EU001 and EU002, these values are 5.31 lbs/hr for CO, 0.97 lbs/hr for VOC, and 0.76 lbs/hr for PM. For EU003, these values are 11.15 lbs/hr for CO, 1.53 lbs/hr for VOC, and 0.68 lbs/hr for PM. For EU004, these values are 9.33 lbs/hr for CO, 0.53 lbs/hr for VOC, and 1.08 lbs/hr for PM. EU005 CO, VOC, and PM emissions factors are based on values listed in AP-42, Volume I, Fifth Edition, Table 3.4-1.

The PM_{10} emission factor was calculated based on the fraction of PM_{10} in PM provided in AP-42, Volume I, Fifth Edition, Table 3.4-2. The PM_{10} emission factor is calculated using the following equation: PM_{10} Emission Factor = (0.0573 lb PM_{10}/MMBTU / 0.0697 lb PM/MMBTU) * PM Emission Factor.

The $PM_{2.5}$ Emission factor is calculated based on the combined filterable particulate fraction of less than 3.0 μm and condensable particulate fraction in the PM, provided in AP-42, Volume I, Fifth Edition, Table 3.4-2, multiplied by the emission factor for PM. The $PM_{2.5}$ emission factor is calculated using the following equation: $PM_{2.5}$ Emission Factor = ((0.0479 lb $PM_{3.0}$/MMBTU + 0.0077 lb PM_{con}/MMBTU)/0.0697 lb PM/MMBTU) * PM Emission Factor.

The SO_2 emission factor is calculated by taking the maximum content of sulfur in the fuel, 0.0015%, and determining the amount of SO_2 that results if all sulfur in the fuel reacts with oxygen from the atmosphere. The SO_2 emission factor is calculated as follows: SO_2 Emission Factor = Fuel Rate (gal/hr) * 7.05 lb/gal fuel density * 0.0015 part S/100 part fuel * lbmol S/32 lb S * 64 lb SO_2/lbmol SO_2.

HAP emission factors, in pounds per MMBTU, are taken from AP-42, Volume I, Fifth Edition, Tables 3.4-3 and 3.4-4. The heat capacity of the fuel, 137,000 BTU/gal, is from Appendix A of AP-42. HAP emission factors are calculated as follows: HAP Emission Factor (lb/hr) = HAP Emission Factor (lb/MMBTU) * Maximum Fuel Flow Rate (gal/hr) * 137,000 BTU/gal * 1 MMBTU/ 1,000,000 BTU.

Potential to emit is calculated by multiplying the emission factor, in pounds per hour, by the maximum allowable hours of operation for engine. The equation used to calculate PTE is the following: PTE (tpy) = Emission Factor (lb/hr) * Annual Operating Hours (hr/yr) / 2000 lb/ton.

d. Actual Emissions

The applicant reported the actual hours of operation or each engine in 2013. The actual hours of operation and corresponding actual emissions are given in the following table.

Emission Unit	Hours	NOx (tpy)	CO (tpy)	VOC (tpy)	PM (tpy)	PM_{10} (tpy)	$PM_{2.5}$ (tpy)	SO_2 (tpy)	HAPs (tpy)
EU001	66	1.90	0.01	0.03	0.03	0.02	0.02	0.00	9.37E-04
EU002	59	1.5	0.01	0.03	0.02	0.02	0.02	0.00	8.47E-04
EU003	69	1.3	0.00	0.05	0.02	0.02	0.02	0.00	7.28E-04
EU004	65	1.17	0.01	0.02	0.04	0.03	0.03	0.00	6.26E-04
EU005	6	0.04	0.01	0.00	0.00	0.00	0.00	0.00	1.71E-05
TOTAL	[redacted]	5.91	0.04	0.13	0.11	0.09	0.09	0.00	0.0032

e. PTE History

In 2005, EPA issued PSD Permit PSD-ML-R50007-05-01, which restricted the annual hours of operation for EU001, EU002, and EU003 to 300 hours per year per

generator set. This annual operating hour limitation is a federally enforceable limitation designed to limit the annual NOx emission rate to 10.22 tons per year, 10.22 tons per year, and 7.57 tons per year for EU001, EU002, and EU003, respectively. The total NOx PTE was 28.01 tons per year. The annual operating limitation and monitoring, testing, recordkeeping, and reporting are designed to ensure that NOx emissions from these three units are at or below the permitted emission levels.

The unrestricted potential to emit NOx from EU004 is 209.1 tons per year. The addition of the fourth generator set did not trigger PSD for two reasons. First, the 2005 PSD permit established a facility-wide PTE for all regulated pollutants, before the fourth generator set was installed, of less than 250 tons per year. Since the annual NOx PTE is below the major source threshold, the facility is not a major source under PSD requirements. Therefore, the addition of EU004 is not a modification of a major stationary source. Second, the addition of EU004 is not in itself a major source since the NOx PTE for EU004 is below the 250 ton per year threshold. EU004 is included in this permit with no restriction on its operations.

In the permit application for this renewal, the applicant requested the addition of a fifth generator set, EU005, which is used to provide backup power for the laundry facility. The generator set was originally installed in 1992 and served as the backup generator for the entire casino. In 2005, the laundry facility was constructed. EU005 was then moved to serve as the backup generator at the laundry facility. Since its installation in 1992, EU005 has accumulated 773 hours of operation throughout its lifetime. Additionally, the engine has not operated for more than 500 hours in any year since its initial installation. Since being reinstalled in 2005 at the laundry facility, the engine has operated for no more than 14 hours in any year.

Although EU005 does not have any restrictions on its operation from construction permits, the PTE for NOx was calculated based on 500 hours of operation per year in accordance with the September 6, 1995, memo entitled *Calculating Potential to Emit (PTE) for Emergency Generators*. The memo is available online at http://www.epa.gov/ttn/caaa/t5/memoranda/emgen.pdf. The memo states that 500 hours is an appropriate default assumption for estimating the number of hours that an emergency generator could be expected to operate under worst-case conditions. Since EU005 is an emergency generator, 500 hours of operation is a reasonable number of hours to use to calculate the potential to emit. At 500 hours of operation per year, EU005 has the potential to emit 3.27 tons of NOx per year. Therefore, this engine, even if the reinstallation was combined with the installation of EU004, would not have triggered major source PSD requirements.

EU005 is subject to the requirements for emergency generators at 40 C.F.R. Part 63, Subpart ZZZZ. The particular requirements that apply to EU005 will be discussed later in this statement of basis. As part of the requirements for emergency generators at 40 C.F.R. § 63.6640(f), EU005 may not operate for more than 100 hours per year for nonemergency purposes, such as for maintenance and testing. Operation during

emergencies is unrestricted. The permit includes the 100 hour per year operating restriction for nonemergency purposes as an enforceable condition for EU005, but the statement of basis will use 500 hours of operation per year to calculate the potential to emit for all pollutants for EU005.

f. Previously Unpermitted Emission Units Added to the Permit

Emergency generator EU005 is being added to this permit. EU005 was not included in the previous permit because it had no applicable requirements.

The engine, initially installed in 1992 and reinstalled in 2005, did not trigger major source PSD requirements. At the time of installation, there was no minor NSR program in effect for sources located on tribal lands. Therefore, there was no obligation for the facility to obtain a construction permit for the installation of the engine.

EU005 is subject to the requirements of 40 C.F.R. Part 63, Subpart ZZZZ. While the standard existed at the time of permit issuance in 2009, the initial compliance date for existing units, such as EU005, was May 3, 2013. The initial compliance date was more than three years from the issuance of the previous permit. Since EU005 did not yet have to comply with 40 C.F.R. Part 63, Subpart ZZZZ, there were no applicable requirements to include in the permit.

3. APPLICABLE REQUIREMENTS

a. PSD Permit

The EPA issued the facility a PSD Permit (Permit No. PSD-ML-R50007-05-01) on October 13, 2005. In accordance with 40 C.F.R. § 71.6(a)(1), the applicable PSD permit terms were included in the permit with the exception of the Notification of Construction and Startup requirements. EPA has not incorporated Notification of Construction and Startup requirements into the Title V permit because, as requirements that applied only at the time of construction and initial startup, they are obsolete.

b. Title V Permitting

In accordance with 40 C.F.R. § 71.3(a)(1), all major stationary sources are required to obtain a Title V operating permit. "Major source" is defined at 40 C.F.R. § 71.2 as any stationary source belonging to a single major industrial grouping that directly emits or has the potential to emit 100 tons per year or more of any criteria pollutant. Since Grand Casino Mille Lacs has the potential to emit more than 100 tons per year of NOx, the facility is subject to the requirements of Title V permitting.

c. Restrictions on Potential To Emit

Potential to emit is defined in 40 C.F.R. § 52.21 as the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restriction on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation, or the effect it would have on emissions, is federally enforceable.

Although Grand Casino Mille Lacs is subject to the requirements of the Title V permitting program based on its potential to emit NOx, it has relatively low actual emissions. Grand Casino Mille Lacs has request that limits on its potential to emit for generator sets EU001—EU003 from the 2005 PSD permit be carried over into its Title V permit to avoid certain regulatory requirements which could apply only to major sources.

d. New Source Performance Standards (NSPS)

40 C.F.R. Part 60, Subpart A: General Provisions, applies to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which commenced after the date of publication of any standard in Part 60. The general provisions under Subpart A apply to sources that are subject to the specific subparts of Part 60. 40 C.F.R. Part 60, Subpart A, does not apply to the Grand Casino Mille Lacs facility because no specific subparts of Part 60 apply to the five generator sets at the facility.

40 C.F.R. Part 60, Subpart IIII: Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, establishes emissions standards and compliance requirements for the control of emissions from stationary compression ignition internal combustion engines that commenced construction, modification, or reconstruction after July 11, 2005. 40 C.F.R. Part 60, Subpart IIII, does not apply to the Grand Casino Mille Lacs facility because the five generator sets were constructed before July 11, 2005.

40 C.F.R. Part 60, Subpart JJJJ: Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, establishes emission standards and compliance requirements for the control of emissions from stationary spark ignition internal combustion engines that commenced construction, modification, or reconstruction after June 12, 2006, where the spark ignition internal combustion engines are manufactured on or after specified manufacture trigger dates. 40 C.F.R. Part 60, Subpart JJJJ, does not apply to the Grand Casino Mille Lacs facility because the five generator sets were constructed before June 12, 2006. Further, the engines are not spark ignition internal combustion engines.

e. National Emission Standards for Hazardous Air Pollutants (NESHAP)

The facility has the potential to emit all HAPs at a rate of 0.1081 tons per year. As a result, the facility does not have the potential to emit 10 tons per year or more of any single HAP or 25 tons per year or more of total HAPs. Therefore, the facility is not a major source of HAPs. However, since the facility emits some HAPs, the facility is an area source of HAPs.

Pursuant to 40 C.F.R. § 63.6585, EU001—EU005 are subject to 40 C.F.R. Part 63, Subpart ZZZZ: National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, since the engines are stationary reciprocating internal combustion engines (RICE) located at an area source of HAPs. Pursuant to 40 C.F.R. § 63.6590(a)(1)(iii), each engine is considered an existing stationary RICE since the engines were all constructed before June 12, 2006. EU001—EU004 are compression ignition (CI), non-emergency, non-black start stationary RICE with a site rating of greater than 500 horsepower as defined in 40 C.F.R. § 63.6675. EU001—EU004 may be limited-use stationary RICE since they operate for less than 100 hours per year. EU005 is a CI emergency stationary RICE as defined in 40 C.F.R. § 63.6675.

The following regulations from 40 C.F.R. Part 63, Subpart ZZZZ, apply to the engines at the facility and have been incorporated into the operating permit:

i. EU001—EU004: Existing CI, non-emergency, non-black start engines with a site rating of greater than 500 horsepower.

1. 40 C.F.R. § 63.6603(a)
2. 40 C.F.R. § 63.6604(a)
3. 40 C.F.R. § 63.6612(a)
4. 40 C.F.R. § 63.6615
5. 40 C.F.R. § 63.6620(a), (b), (d), (e)(1), (e)(2), (i)
6. 40 C.F.R. § 63.6625(b), (g), (h)
7. 40 C.F.R. § 63.6630
8. 40 C.F.R. § 63.6635(a), (b), (c)
9. 40 C.F.R. § 63.6640(a), (b), (e)
10. 40 C.F.R. § 63.6645(a), (g), (h)
11. 40 C.F.R. § 63.6650(a), (b), (c), (e), (f)
12. 40 C.F.R. § 63.6655(a), (b), (d), (e)
13. 40 C.F.R. § 63.6660(a), (b), (c)
14. Table 2b, entry 2
15. Table 2d, entry 3
16. Table 3, entries 4 and 5
17. Table 4, entries 1 and 3
18. Table 5, entry 1 and 2
19. Table 6, entry 10 and 12
20. Table 7, entry 1

ii. EU005: Existing CI emergency engine.

1. 40 C.F.R. § 63.6603(a)
2. 40 C.F.R. § 63.6605(a), (b)
3. 40 C.F.R. § 63.6625(e), (f), (h), (i)
4. 40 C.F.R. § 63.6640(a), (b), (e), (f)
5. 40 C.F.R. § 63.6645(a), (e)
6. 40 C.F.R. § 63.6650(a), (b), (c), (d), (e)
7. 40 C.F.R. § 63.6655(a), (d), (e), (f)
8. 40 C.F.R. § 63.6660(a), (b), (c)
9. Table 2d, entry 4
10. Table 6, entry 9

Pursuant to 40 C.F.R. § 63.6595(a)(1), the initial compliance date for EU001-EU005 was May 3, 2013. However, in its application, the applicant states that it requested and received a one-year extension to the initial compliance date from EPA Region 5. Therefore, the initial compliance date was May 3, 2014.

In October 2013, the facility installed oxidation catalysts on EU001—EU004. The facility also installed continuous parameter monitoring systems (CPMS) in accordance with 40 C.F.R. § 63.6625(b). The facility conducted an initial compliance test from November 4 through 7, 2013, for EU001—EU004 and set the required parameters for both the CO reduction requirements and CO limitation requirements. The facility submitted the Notification of Compliance Status, as required by 40 C.F.R. § 63.6630(c). As a result, initial compliance requirements have not been included in the permit.

Since the facility is subject to 40 C.F.R. Part 63, Subpart ZZZZ, the facility is also subject to the requirements of 40 C.F.R. 63, Subpart A: General Provisions. 40 C.F.R. § 63.6665 and 40 C.F.R. Part 63, Subpart ZZZZ, Table 8 lists the applicable requirements from 40 C.F.R. Part 63, Subpart A.

f. Compliance Assurance Monitoring (CAM)

Pursuant to 40 C.F.R. § 64.2, the CAM requirements of 40 C.F.R. Part 64 apply to a pollutant-specific emissions unit at a major source that is required to obtain a part 71 permit if the unit satisfies all of the following criteria:

i. The unit is subject to an emission limitation or standard for the applicable regulated air pollutant (or a surrogate thereof), other than an emission limitation or standard that is exempt under 40 C.F.R. § 64.2(b)(1);

ii. The unit uses a control device to achieve compliance with any such emission limitation or standard; and

iii. The unit has potential pre-control device emissions of the applicable regulated air pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source.

EU001-EU003 are not subject to CAM. While each emission unit has a NOx emission limit, compliance with the emission limit is achieved through an enforceable restriction on its annual operating limitation and not through the use of a control device. EU001-EU003 are subject to 40 C.F.R. Part 63, Subpart ZZZZ, a standard proposed after November 15, 1990, pursuant to section 112 of the Clean Air Act, but are exempt from CAM pursuant to 40 C.F.R. § 64.2(b)(1)(i).

EU004 and EU005 are not subject to CAM. Both emissions units are not subject to emission limitations. EU004 and EU005 are both subject to 40 C.F.R. Part 63, Subpart ZZZZ, a standard proposed after November 15, 1990, pursuant to section 112 of the Clean Air Act, but are exempt from CAM pursuant to 40 C.F.R. § 64.2(b)(1)(i).

4. CHANGES BETWEEN THE PREVIOUS PERMIT AND DRAFT PERMIT

a. Formatting Changes

The formatting of the permit has changed. As a result, condition numbering may have changed between the previous permit and the current permit. Where relevant, the numbering of a permit condition in the previous permit will be presented alongside the number of a permit condition in the current permit.

b. Applicant-Requested Changes and EPA's Decision

i. The applicant requested the NOx performance testing interval match the testing interval for CO from 40 C.F.R. Part 63, Subpart ZZZZ. The applicant also requested that the test report submittal be changed from 45 days after the performance tests to 60 days after the performance tests.

Revising the permit to provide that the Permittee test at least once every three to five years strengthens the testing requirement, since testing could be done more often than once every five years, as provided in the previous permit. Therefore, the NOx performance testing interval has been changed to allow testing for both NOx and CO emissions at the same time, every three to five years. EPA has also changed the submission of testing results for NOx and CO testing to match.

Condition 2.0(C)3.i in the previous permit is now the condition in Section II:(C)(3)(a). Section II:(C)(3)(a) now reads as follows:

> Periodic performance tests for emission units EU001—EU003: The Permittee shall conduct performance tests every **three to** five calendar years, **whenever CO performance testing is required by 40 C.F.R.**

Part **63, Subpart ZZZZ, Table 6** ~~starting on or before the fifth anniversary of the initial compliance test~~, to determine compliance with all NOx emission limits. Within **60**~~45~~ days of the performance tests, the Permittee shall submit to EPA a written report of the results of such performance tests.

ii. The applicant requested that the testing notification be changed to 60 days before the scheduled test date and the test report submittal to 60 days after completion of the test for both NOx and CO.

EPA notes that the current notification requirement in condition 3.0(B)1 allows for the notification of the test to be submitted *at least* 30 days before the planned test date. Therefore, the applicant can already submit the test notification 60 days in advance of the test. EPA will not change condition 3.0(B)1 since the condition already allows for the submission of a test notification 60 days in advance of the test. EPA will allow the Permittee to submit a copy of performance test results within 60 days after completion of the NOx and CO test for consistency.

Condition 3.0(B)1 has been renumbered to Section III:(B)(1). Section III:(B)(1) continues to read the same as it did before.

Condition 3.0(A)2 has been renumbered to Section III:(A)(2). Section III:(A)(2) now reads as follows:

> Within **60**~~45~~ days after the completion of a performance test, the Permittee shall submit a copy of the results to EPA.

iii. The applicant requests the removal of condition 2.0(C)5 since it is an initial compliance test requirement that has been completed and is now obsolete.

EPA agrees that this condition is obsolete and has removed condition 2.0(C)5 from the permit.

c. <u>Other Changes to the Permit</u>

i. Condition 1.0(A) has been renumbered to Section I:(A) and has been updated to remove the company contact and AFS Plant ID from the permit. This information is better suited for the statement of basis. A brief description of EU005 has also been added.

ii. Condition 1.0(B) has been renumbered to Section I:(B). EU001—EU004 have been moved to Section I:(B)(1). Exhaust height, diameter, flow, and temperature have been removed from Section I:(B)(1). The fuel type for EU001 – EU004 has been updated to reflect the use of ultra-low sulfur diesel

fuel, as required by 40 C.F.R. Part 63, Subpart ZZZZ. Section I:(B)(2) has been added for EU005.

iii. Condition 2.0(B) has been renumbered to Section II:(B). Section II:(B) has the following added language for permit clarity: "The Work Practice and Operational Requirements in Section II:(B) apply to EU001 – EU004 unless otherwise indicated."

iv. Conditions 2.0(C)(1), (2), and (4)(a) have been renumbered to Section II:(C)(1), (2), and (4)(a), respectively. Each condition has been rewritten to specify which engines each condition applies to specifically.

v. Condition 2.0(C)3.vi has been renumbered to Section II:(C)(3)(f). Section II:(C)(3)(f) has been rewritten to move the statement after the numbered list to the paragraph before the numbered list.

vi. Condition 2.0(D) has been renumbered to Section II:(D). Section II:(D) has been modified to add a number before the paragraph that begins "The Permittee shall maintain […]".

vii. Condition 3.0(A) has been renumbered to Section III:(A). Section III:(A) has been renamed to "General Recordkeeping and Reporting".

viii. Section III:(A)(4) has been added to better reflect the recordkeeping requirements of 40 C.F.R. § 71.6(a)(3)(ii)(A). This condition lists the information that records required by the permit shall have, as appropriate.

ix. Condition 3.0(C)2 has been renumbered to Section III:(C)(2) and adds additional language from 40 C.F.R. § 71.6(a)(3)(iii).

x. Condition 3.0(C)(1)(iii) has been renumbered to Section III:(C)(3). Section III:(C)(3) now has an additional condition Section III:(C)(3)(d) to better match 40 C.F.R. § 71.6(a)(3)(iii)(C).