

US EPA ARCHIVE DOCUMENT

United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

**AFTER-THE-FACT CONSTRUCTION PERMIT
WITH SYNTHETIC MINOR LIMITS**

Permit Number: MIN-SM-27139R0001-2013-03

Issue Date: Draft

Effective Date: Draft

In accordance with the provisions of the Clean Air Act (CAA) and 40 C.F.R. Part 49,

Shakopee Mdewakanton Sioux Community of Minnesota

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

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

**Mystic Lake Casino Hotel
2400 Mystic Lake Boulevard
Prior Lake, Minnesota 55372**

Mystic Lake Casino Hotel is located on reservation lands held by the United States government in trust for the Shakopee Mdewakanton Sioux Community of Minnesota.

Terms and conditions not otherwise defined in this permit have the meaning assigned to them in 40 C.F.R. Part 49. All terms and conditions of the permit are enforceable by the U.S. Environmental Protection Agency and citizens under the CAA.



Susan Hedman
Regional Administrator
U.S. EPA, Region 5

2-17-2015
Date

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Abbreviations and Acronyms

CAA	Clean Air Act
C.F.R.	Code of Federal Regulations
CO	Carbon Monoxide
EPA	Environmental Protection Agency
EU	Emission Unit
Facility	Mystic Lake Casino Hotel
g	gram
hr	hour
kW	kilowatt
NAAQS	National Ambient Air Quality Standards
NO ₂	Nitrogen Dioxide
NO _x	Oxides of Nitrogen
NMHC	Non-methane Hydrocarbon
NSPS	New Source Performance Standards
Permittee	Shakopee Mdewakanton Sioux Community of Minnesota
PM	Particulate Matter
PSD	Prevention of Significant Deterioration
SMSC	Shakopee Mdewakanton Sioux Community of Minnesota

1.0 FACILITY DESCRIPTION

A. General Source Information

Owner: Shakopee Mdewakanton Sioux Community of Minnesota
2330 Sioux Trail NW
Prior Lake, Scott County, Minnesota 55372

Facility: Mystic Lake Casino Hotel
2400 Mystic Lake Boulevard
Prior Lake, Scott County, Minnesota 55372

County: Scott

Reservation: Shakopee Mdewakanton Sioux Community of Minnesota

SIC Code: 7011, Hotels and Motels; 4911, electric generating facilities
NAICS Code: 721120, Casino Hotel

This after-the-fact permit establishes federally enforceable nitrogen oxide (NO_x) emission limits for eight diesel-fired fuel generators at the Shakopee Mdewakanton Sioux Community of Minnesota's (SMSC) Mystic Lake Casino Hotel by limiting the annual fuel usage of each generator. SMSC owns and operates the Mystic Lake Casino Hotel, including the eight diesel-fired generators. The generators currently provide emergency power for the casino and hotel. This permit will allow the generators to also provide backup power and peak load management for the casino and hotel under contract with Minnesota Valley Electric Cooperative. Electricity generated at the facility will not be sold for distribution. The permit provides for maximum annual fuel usage at the eight generators, based on a 12-month rolling sum. Section 2.0 A. lists the specific fuels use limits for each generator.

B. Emission Unit Descriptions

EU	Location	Make & Model	Serial number	Month/ Yr Mfg	Month/ Yr Installed	Primary Fuel	Rated kW	Horse Power	MMBtu/hr
103	Hotel	Caterpillar 3516	1HZ02629	Oct-03	Jul-04	Diesel	2250	3196	21.65
104	Ent/Cab/MLM P-MSQ	Caterpillar 3516	SBJ00374	Mar-08	Dec-08	Diesel	2000	2937	19.68
109	Ent/Cab/MLM P-MSQ	Caterpillar 3516	025Z06281	Aug-98	May-99	Diesel	1600	2288	15.86
110	Ent/Cab/MLM P-MSQ	Caterpillar 3516	25Z05012	Sep-95	Jun-96	Diesel	1275	1825	12.87
111	Buffet	Caterpillar 3516B	GZS00745	Jul-05	Apr-06	Diesel	2000	2885	18.79
113	Roof-AA/DD/CC	Caterpillar 3516C	SBJ00774	Nov-08	Sep-09	Diesel	2000	2937	19.68
114	Roof-AA/DD/CC	Caterpillar 3516C	SBJ00775	Nov-08	Sep-09	Diesel	2000	2937	19.68
115	Roof-AA/DD/CC	Caterpillar 3516C	SBJ00776	Nov-08	Sep-09	Diesel	2000	2937	19.68

** Shaded rows are units subject to NESHAP requirements; Other units are subject to NSPS requirements.

2.0 UNIT-SPECIFIC REQUIREMENTS

A. Emission Limitations and Standards

The Permittee shall comply with the following requirements:

1. Nitrogen Oxide (NO_x) Limitations and Requirements
 - i. EU 103
 - a. Limit NO_x emissions to no greater than 64.02 pounds per hour expressed as NO₂, averaged over the duration of the emission performance test. Compliance with this limit shall be demonstrated using applicable monitoring and periodic testing requirements listed in Condition 2.0 B. of this permit. [40 C.F.R. § 49.155(a)(2)]
 - b. Limit NO_x emissions to no greater than 22.41 tons per year expressed as NO₂, based on a 12 month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly emissions during the previous 12 months. [40 C.F.R. § 49.155(a)(2)]
 - c. Limit fuel usage to ultra-low sulfur diesel fuel with a maximum sulfur content of 0.0015%. Compliance with this limit shall be demonstrated via recordkeeping as required in Condition 2.0 C.1.i.b. [40 C.F.R. §§ 60.4207(b) and 80.510(b)]
 - d. Limit fuel usage to no greater than 108,500 gallons per year, based on a 12 month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly fuel usage (in gallons) during the previous 12 months. [40 C.F.R. § 49.155(a)(2)]
 - e. Limit fuel usage to diesel fuel with a minimum cetane index of 40, or maximum aromatic content of 35 volume percent. [40 C.F.R. §§ 60.4207(b) and 80.510(b)]
 - ii. EU 104
 - a. Limit NO_x emissions to no greater than 35.93 pounds per hour expressed as NO₂, averaged over the duration of the emission performance test. Compliance with this limit shall be demonstrated using applicable monitoring and periodic testing requirements listed in Condition 2.0 B. of this permit. [40 C.F.R. § 49.155(a)(2)]
 - b. Limit NO_x emissions to no greater than 12.58 tons per year expressed as NO₂, based on a 12 month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly emissions during the previous 12 months. [40 C.F.R. § 49.155(a)(2)]
 - c. Limit fuel usage to ultra-low sulfur diesel fuel with a maximum sulfur content of 0.0015%. Compliance with this limit shall be demonstrated via recordkeeping as required in Condition 2.0 C.1.i.b. of this permit. [40 C.F.R. §§ 60.4207(b) and 80.510(b)]
 - d. Limit fuel usage to no greater than 99,610 gallons per year, based on a 12 month rolling sum. Compliance with this limit shall be based on a

- rolling sum of monthly fuel usage (in gallons) during the previous 12 months. [40 C.F.R. § 49.155(a)(2)]
- e. Limit fuel usage to diesel fuel with a minimum cetane index of 40, or maximum aromatic content of 35 volume percent.
[40 C.F.R. §§ 60.4207(b) and 80.510(b)]
- iii. EU 109
- a. Limit NO_x emissions to no greater than 62.56 pounds per hour expressed as NO₂, averaged over the duration of the emission performance test. Compliance with this limit shall be demonstrated using applicable monitoring and periodic testing requirements listed in Condition 2.0 B. of this permit. [40 C.F.R. § 49.155(a)(2)]
- b. Limit NO_x emissions to no greater than 21.90 tons per year expressed as NO₂, based on a 12 month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly emissions during the previous 12 months. [40 C.F.R. § 49.155(a)(2)]
- c. Limit fuel usage to ultra-low sulfur diesel fuel with a maximum sulfur content of 0.0015%. Compliance with this limit shall be demonstrated via recordkeeping as required in Condition 2.0 C.1.i.b. of this permit. [40 C.F.R. §§ 60.4207(b) and 80.510(b)]
- d. Limit fuel usage to no greater than 80,150 gallons per year, based on a 12 month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly fuel usage (in gallons) during the previous 12 months. [40 C.F.R. § 49.155(a)(2)]
- e. Limit fuel usage to diesel fuel with a minimum cetane index of 40, or maximum aromatic content of 35 volume percent.
[40 C.F.R. §§ 60.4207(b) and 80.510(b)]
- iv. EU 110
- a. Limit NO_x emissions to no greater than 66.00 pounds per hour expressed as NO₂, averaged over the duration of the emission performance test. Compliance with this limit shall be demonstrated using applicable monitoring and periodic testing requirements listed in Condition 2.0 B. of this permit. [40 C.F.R. § 49.155(a)(2)]
- b. Limit NO_x emissions to no greater than 23.10 tons per year expressed as NO₂, based on a 12 month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly emissions during the previous 12 months. [40 C.F.R. § 49.155(a)(2)]
- c. Limit fuel usage to ultra-low sulfur diesel fuel with a maximum sulfur content of 0.0015%. Compliance with this limit shall be demonstrated via recordkeeping as required in Condition 2.0 C.1.i.b. of this permit. [40 C.F.R. §§ 60.4207(b) and 80.510(b)]
- d. Limit fuel usage to no greater than 65,030 gallons per year, based on a 12 month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly fuel usage (in gallons) during the previous 12 months. [40 C.F.R. § 49.155(a)(2)]

- e. Limit fuel usage to diesel fuel with a minimum cetane index of 40, or maximum aromatic content of 35 volume percent.
[40 C.F.R. §§ 60.4207(b) and 80.510(b)]

- v. EU 111
 - a. Limit NO_x emissions to no greater than 63.21 pounds per hour expressed as NO₂, averaged over the duration of the emission performance test. Compliance with this limit shall be demonstrated using applicable monitoring and periodic testing requirements listed in Condition 2.0 B. of this permit. [40 C.F.R. § 49.155(a)(2)]
 - b. Limit NO_x emissions to no greater than 22.12 tons per year expressed as NO₂, based on a 12 month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly emissions during the previous 12 months. [40 C.F.R. § 49.155(a)(2)]
 - c. Limit fuel usage to ultra-low sulfur diesel fuel with a maximum sulfur content of 0.0015%. Compliance with this limit shall be demonstrated via recordkeeping as required in Condition 2.0 C.1.i.b. of this permit. [40 C.F.R. §§ 60.4207(b) and 80.510(b)]
 - d. Limit fuel usage to no greater than 94,990 gallons per year, based on a 12 month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly fuel usage (in gallons) during the previous 12 months. [40 C.F.R. § 49.155(a)(2)]
 - e. Limit fuel usage to diesel fuel with a minimum cetane index of 40, or maximum aromatic content of 35 volume percent.
[40 C.F.R. §§ 60.4207(b) and 80.510(b)]

- vi. EU 113
 - a. Limit NO_x emissions to no greater than 35.93 pounds per hour expressed as NO₂, averaged over the duration of the emission performance test. Compliance with this limit shall be demonstrated using applicable monitoring and periodic testing requirements listed in Condition 2.0 B. of this permit. [40 C.F.R. § 49.155(a)(2)]
 - b. Limit NO_x emissions to no greater than 12.58 tons per year expressed as NO₂, based on a 12 month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly emissions during the previous 12 months. [40 C.F.R. § 49.155(a)(2)]
 - c. Limit fuel usage to ultra-low sulfur diesel fuel with a maximum sulfur content of 0.0015%. Compliance with this limit shall be demonstrated via recordkeeping as required in Condition 2.0 C.1.i.b. of this permit. [40 C.F.R. §§ 60.4207(b) and 80.510(b)]
 - d. Limit fuel usage to no greater than 99,610 gallons per year, based on a 12 month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly fuel usage (in gallons) during the previous 12 months. [40 C.F.R. § 49.155(a)(2)]
 - e. Limit fuel usage to diesel fuel with a minimum cetane index of 40, or maximum aromatic content of 35 volume percent.

[40 C.F.R. §§ 60.4207(b) and 80.510(b)]

- vii. EU 114
- a. Limit NO_x emissions to no greater than 35.93 pounds per hour expressed as NO₂, averaged over the duration of the emission performance test. Compliance with this limit shall be demonstrated using applicable monitoring and periodic testing requirements listed in Condition 2.0 B. of this permit. [40 C.F.R. § 49.155(a)(2)]
 - b. Limit NO_x emissions to no greater than 12.58 tons per year expressed as NO₂, based on a 12 month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly emissions during the previous 12 months. [40 C.F.R. § 49.155(a)(2)]
 - c. Limit fuel usage to ultra-low sulfur diesel fuel with a maximum sulfur content of 0.0015%. Compliance with this limit shall be demonstrated via recordkeeping as required in Condition 2.0 C.1.i.b. of this permit. [40 C.F.R. §§ 60.4207(b) and 80.510(b)]
 - d. Limit fuel usage to no greater than 99,610 gallons per year, based on a 12 month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly fuel usage (in gallons) during the previous 12 months. [40 C.F.R. § 49.155(a)(2)]
 - e. Limit fuel usage to diesel fuel with a minimum cetane index of 40, or maximum aromatic content of 35 volume percent. [40 C.F.R. §§ 60.4207(b) and 80.510(b)]
- viii. EU 115
- a. Limit NO_x emissions to no greater than 35.93 pounds per hour expressed as NO₂, averaged over the duration of the emission performance test. Compliance with this limit shall be demonstrated using applicable monitoring and periodic testing requirements listed in Condition 2.0 B. of this permit. [40 C.F.R. § 49.155(a)(2)]
 - b. Limit NO_x emissions to no greater than 12.58 tons per year expressed as NO₂, based on a 12 month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly emissions during the previous 12 months. [40 C.F.R. § 49.155(a)(2)]
 - c. Limit fuel usage to ultra-low sulfur diesel fuel with a maximum sulfur content of 0.0015%. Compliance with this limit shall be demonstrated via recordkeeping as required in Condition 2.0 C.1.i.b. of this permit. [40 C.F.R. §§ 60.4207(b) and 80.510(b)]
 - d. Limit fuel usage to no greater than 99,610 gallons per year, based on a 12 month rolling sum. Compliance with this limit shall be based on a rolling sum of monthly fuel usage (in gallons) during the previous 12 months. [40 C.F.R. § 49.155(a)(2)]
 - e. Limit fuel usage to diesel fuel with a minimum cetane index of 40, or maximum aromatic content of 35 volume percent. [40 C.F.R. §§ 60.4207(b) and 80.510(b)]

ix. Good Air Pollution Control Practices

At all times, including start-up, shut-down, and malfunction, maintain and operate all sources including associated air pollution control equipment regulated by this permit in a manner consistent with good air pollution control practices for minimizing emissions. The determination of whether acceptable operating and maintenance practices are being used will be made by EPA based on information that is available to EPA. This may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspections of the facility. [40 C.F.R. § 49.155(a)]

x. New Source Performance Standards – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (40 C.F.R. Part 60, Subpart III)

- a. Operate EU 104, 113, 114 and 115 to comply with the emission standards (for oxides of nitrogen, carbon monoxide, hydrocarbon, particulate matter, and exhaust opacity) set forth for new non-road stationary compression ignition engines at 40 C.F.R. §§ 89.112 and 89.113 and continue to meet them for the entire life of the engine. The emission standards are as follows:

-NMHC + NO_x = 6.4 g/k W-hr

-CO = 3.5 g/k W-hr

-PM = 0.20 g/k W-hr

-Exhaust Opacity:

- 20% during acceleration mode

- 15% during lugging mode

- 50% during peaks in either acceleration or lugging mode

[40 C.F.R §§ 60.4204(b), 60.4201, and 60.4206]

- b. To demonstrate compliance with the emission standards listed above in condition 2.0 A.1.xi.a of this permit, the Permittee shall:
1. Operate and maintain EU 104, 113, 114 and 115 according to the manufacturer's emission-related written instructions [40 C.F.R. § 60.4211(a)(1)];
 2. Change only those emission-related settings that are permitted by the manufacturer of EU 104, 113, 114 and 115 [40 C.F.R § 60.4211(a)(2)];
 3. Meet the requirements of 40 C.F.R. parts 89, 94 and/or 1068 as they apply to EU 104, 113, 114 and 115 [40 C.F.R. § 60.4211(a)(3)] ; and
 4. Purchase engines certified to meet the emission standards. Obtain from the manufacturer, a certification that generator emissions will be at or below the emission standards. The engine shall be installed and configured according to the

manufacturer's emission-related specifications. [40 C.F.R. § 60.4211(c)]

- xii. National Emission Standards for Hazardous Air Pollutants for Source Categories Subpart ZZZZ-Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (40 C.F.R. Part 63, Subpart ZZZZ)
 - a. By the compliance date of May 3, 2013, EU 103, 109, 110 and 111 must limit the concentration of CO in the stationary RICE exhaust to 23 ppmvd at 15 % O₂; or
 - b. Reduce CO emissions by 70% or more.
 - c. Operating Limitations – If complying with this standard by choosing to reduce CO emissions using an oxidation catalyst, maintain the catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water at 100 % load plus or minus 10% from the pressure drop across the catalyst that was measured during the initial performance test; and
 - d. Maintain the temperature of the stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 450°F and less than or equal to 1350 ° F.
 - e. Initial Performance Testing – Conduct initial performance tests as specified in 40 C.F.R. § 63.6612, within 180 days after the effective date of this permit, and according to the provisions in 40 C.F.R. § 63.7(a)(2).
 - f. Subsequent Performance Testing – Conduct performance tests as specified in 40 C.F.R. §§ 63.6615 – 63.6620, and the applicable requirements in Tables 3-6 of 40 C.F.R. Part 63, Subpart ZZZZ. Testing should be performed once every 8,760 hours or 5 years, whichever comes first.

B. Monitoring and Testing

1. Monitoring

- i. EU 103, 104, 109, 110, 111, 113, 114 and 115 shall be equipped with a fuel meter and a runtime meter. [40 C.F.R. § 49.155(a)(3)]
- ii. The Permittee shall calculate NO_x emissions and determine fuel usage to demonstrate compliance with the requirements of Condition 2.0 A by the 15th day of each calendar month. For 12-month rolling sums, the Permittee shall add the present monthly total to the previous 11 months of data. [40 C.F.R. § 49.155(a)(3)]
- iii. The Permittee shall calculate NO_x emissions using the NO_x emission factor determined from the most recent performance test as required by Condition 2.0 B.2. of this permit. Prior to the initial performance test, the Permittee shall use the emission factors based on manufacturer data, or

AP-42 if manufacturer data is not available, when calculating NO_x emissions for each unit. [40 C.F.R. § 49.155(a)(3)]

- iv. Monthly NO_x emission shall be calculated using the following equation:

$$\text{NO}_x = F \times \text{EF}_{\text{gal}} / 2000$$

Where: NO_x is the monthly NO_x emissions, in tons;
F is the engine's monthly MMBtu generated, calculated by (137,000 Btu/gal burned)/1,000,000 in MMBtu;
EF_{gal} is the NO_x emission factor, in pounds/MMBtu.

- v. If a fuel meter fails on any individual generator, monthly NO_x emissions shall be calculated using the following equation:

$$\text{NO}_x = H \times \text{EF}_{\text{hour}} / 2000$$

Where: No_x is the monthly NO_x emissions, in tons;
H is the engine's monthly operating hours, in hours;
EF_{hour} is the NO_x emission factor, in pounds/hour.

- vi. The Permittee shall prepare and submit to EPA for approval an Operations and Maintenance Manual. [40 C.F.R. § 49.155(a)(3)]
- vii. The Permittee shall operate and maintain EU 103, 104, 109, 110, 111, 113, 114 and 115 in accordance with the submitted Operations and Maintenance Manual. [40 C.F.R. § 49.155(a)(3)]
- viii. The Permittee shall conduct monthly, annual and triennial maintenance and inspection activities in accordance with the manual. The Permittee shall perform necessary follow-up to ensure each emission unit is maintained appropriately, including but not limited to filter replacement, leak repair, and oil and fluid changes, etc. [40 C.F.R. § 49.155(a)(3)]

2. Performance Testing

- i. Initial Compliance Test. Within 180 days of the effective date of this permit, and at other times as may be required by the EPA under Section 114 of the CAA, the Permittee shall conduct performance tests for NO_x on EU 103, 104, 109, 110, 111, 113, 114 and 115 to determine compliance with the emission limits set forth in Section 2. A. of this permit. For each test, the Permittee shall use the Reference Test Method specified in Condition 2.0 B.2.iii. of this permit. Within 45 days of the performance test(s), the Permittee shall furnish the EPA a written report of the results of such performance test(s). [40 C.F.R. § 49.155(a)(3)]

- ii. Periodic Performance Tests. The Permittee shall conduct a NO_x performance test on each of the engines (EU 103, 104, 109, 110, 111, 113, 114 and 115) once every five years (on or before the anniversary of the initial compliance test). The Permittee shall conduct the tests to determine compliance with the applicable NO_x emission limits established in Condition 2.0 A.1. For each test, the Permittee shall use the Reference Test Method in Condition 2.0 B.2.iii. of this permit. Within 45 days of the performance test(s), the Permittee shall furnish the EPA with a written report of the results of such performance tests. [40 C.F.R. § 49.155(a)(3)]
- iii. Reference Test Methods. The Permittee shall test EU 103, 104, 109, 110, 111, 113, 114 and 115 for emissions of nitrogen compounds in accordance with the methods and procedures specified in Method 7E of 40 C.F.R. Part 60, Appendix A for testing NO_x emissions, unless an alternative test method has been approved in advance of the test by the EPA. [40 C.F.R. § 49.155(a)(3)]
- iv. Representative Testing Conditions. Performance tests shall be conducted under such conditions as the EPA shall specify to the facility operator based on representative performance of the affected facility. The Permittee shall make available to the EPA such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test. [40 C.F.R. § 49.155(a)(3)]
- v. Operating Conditions for Performance Testing. All performance tests shall be conducted at worst-case operating (non-malfunction) conditions for all emission units for each air pollutant. [40 C.F.R. § 49.155(a)(3)]
- vi. Failure to Demonstrate Compliance. Upon the EPA's written notice that the facility has failed to demonstrate compliance with an applicable emission limit, unless an alternative schedule is given in an applicable requirement or compliance document, the Permittee shall:
 - a. Conduct a retest within 30 days of receipt of the EPA written notice.
 - b. Submit to the EPA written notice of testing and submit a test plan for the retest.
 - c. Submit a complete report of the results of the retest within 45 days after completion. [40 C.F.R. § 49.155(a)(3)]

C. Recordkeeping and Reporting

1. Recordkeeping

- i. The Permittee shall maintain at the Tribal Government office a file containing the records specified below. The Permittee shall retain all records at the Tribal Government office for at least five years following the creation of such records. Records that must be retained at this location include all calibration and maintenance records, all original recording for continuous monitoring instrumentation, and copies of all reports required by this permit. Records of all monitoring required by this permit and information about monitoring include, but are not limited to:
 - a. Fuel usage (in gallons) for emissions units EU 103, 104, 109, 110, 111, 113, 114 and 115;
 - b. Fuel supplier certification for emissions units EU 103, 104, 109, 110, 111, 113, 114 and 115. The Permittee shall obtain and maintain a fuel supplier certification for each shipment of fuel oil, certifying that the sulfur content does not exceed 0.0015% by weight;
 - c. Hours of operation for EU 103, 104, 109, 110, 111, 113, 114 and 115;
 - d. Operations and Maintenance Manual;
 - e. Records of maintenance performed on EU 103, 104, 109, 110, 111, 113, 114 and 115;
 - f. Standard operation and maintenance procedures for each emission unit. [40 C.F.R. § 49.155(a)(4)]

- ii. The Permittee shall maintain initial performance test data and results for EU 103, 104, 109, 110, 111, 113, 114 and 115 as required in Condition 2.0 B.2.ii. for at least eight years. The Permittee shall maintain subsequent periodic performance test data and results for at least eight years or, for each unit, for at least two years beyond the most recent periodic performance test on that unit, whichever is later. All of the required performance test data and results shall be retained at the Tribal Government office. Performance test data and results include, but are not limited to:
 - a. Sampling dates and the times of sampling or measurement;
 - b. The operating conditions that existed at the time of sampling or measurement;
 - c. The date analyses were performed;
 - d. The location where samples were taken;
 - e. The company or entity that performed the sampling and analysis;
 - f. The analytical techniques or methods used; and
 - g. The results of the analysis. [40 C.F.R. § 49.155(a)(4)]

2. Reporting

- i. Test Reports. Within 45 days after completion of a set of initial or periodic NO_x emission measurements required under Condition 2.0 B.2. of this permit, the Permittee shall submit a copy of the measurement results to EPA. [40 C.F.R. § 49.155(a)(5)]

- ii. Deviation Reporting. The Permittee shall report to EPA any deviation from any permit requirements, including those attributable to upset conditions, the probable cause of such deviation, and any corrective actions or preventative measures taken within 180 days of the deviation. [40 C.F.R. § 49.155(a)(5)]
- iii. The Permittee shall submit any changes to the Operation and Maintenance Manual to EPA for approval. [40 C.F.R. § 49.155(a)(3)]

3.0 FACILITY-WIDE REQUIREMENTS

A. Notification

1. **Testing Notification.** Written notification of the planned test date shall be postmarked or received by the EPA at least 30 days before the planned test date. The EPA shall reject the results of a test if less than 30 days notice is given unless written authorization of a shorter notice was given by the EPA. If, after 30 days notice for a scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the Permittee shall notify EPA as soon as possible, either by providing at least 7 days prior notice of the rescheduled date of the performance test or by arranging a reschedule date with the EPA by mutual agreement. [40 C.F.R. § 49.155(a)(3)]
2. **Approval of Test Plan.** The Permittee shall submit to the EPA a test plan with or in advance of the test notification required under this section or in response to the EPA's request for supplemental information. If the proposed test plan does not contain sufficient or accurate enough detail to ensure that the performance test meets the requirements of the applicable requirement or compliance document, EPA may reject the plan, and the owner or operator must address any of EPA's comments on revisions and additions that are necessary to make the plan complete before the test date. [40 C.F.R. § 49.155(a)(3)]

4.0 GENERAL PERMIT REQUIREMENTS

A. Definitions

Terms and conditions in this permit have the meaning assigned to them in 40 C.F.R. § 49.152 unless other regulations or statutes are referenced or applicable.

B. Issuance and Effective Date of Permit

This permit shall become effective on the date of signature by the Regional Administrator. The EPA is issuing this permit pursuant to an Amended Administrative Consent Order.

C. Construction without a Permit

If the Permittee constructs or operates any source or modification not in accordance with the terms of any approval to construct, the Permittee shall be subject to appropriate enforcement action.

D. Construction Approval

1. Nothing in this permit shall alter the requirement for the Permittee to obtain a construction permit before commencement of construction or modification of an emission unit.
2. Approval for construction or installation shall not relieve the Permittee of the responsibility to comply fully with applicable provisions of any other requirements of federal law or regulation, including Title V of the CAA.
3. The Permittee is responsible for submitting a timely application for a federal Title V operating permit to authorize continued operation of the subject emissions units.

E. Compliance with Permit Requirements

The Permittee must comply with each permit term and condition. Failure to comply with any term or condition of this permit constitutes a violation of the permit, and may constitute a violation of the CAA and grounds for:

1. An enforcement action under Section 113 of the CAA;
2. Termination, revocation and reissuance, or modification of the permit; or
3. Denial of a federal operating permit application under 40 C.F.R. Part 71.

It is not a defense in an enforcement action for violation of this permit that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

F. Prohibition on Violation of National Ambient Air Quality Standards and Prevention of Significant Deterioration Increments

The generators that are the subject of this construction permit must not cause or contribute to a violation of any National Ambient Air Quality Standard or to a violation of a Prevention of Significant Deterioration increment.

G. Submittals

1. Unless otherwise directed by EPA or this permit, the Permittee shall submit a copy of all test plans, reports, certifications, notifications and other information pertaining to compliance with this permit to:

Air Enforcement and Compliance
Assurance Branch (AE-17J)
Air and Radiation Division
EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

2. The Permittee shall submit permit applications, applications for permit amendments, and other applicable permit information, which includes but is not limited to applications and information regarding installation of control equipment, replacement of an emissions unit, and requests for changes that contravene current permit terms, to:

Air Permits Section
Air Programs Branch (AR-18J)
EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

H. Severability

The terms and conditions in this permit are distinct and severable. Each permit term and condition is independent of the permit as a whole and remains valid regardless of a challenge to any other part of this permit. If any term or condition in this permit is held invalid, such invalidity shall not affect the validity or application of other terms or conditions.

I. Entry and Inspection

The Permittee shall allow an EPA authorized representative, upon presentation of credentials, to:

1. Have a right of entry to, upon, or through any premises where a source subject to this permit is located or where records required by this permit are kept upon presentation of credentials at the offices of the SMSC Business Council;
2. At reasonable times, have access to any records required by this permit and to make copies of any records;
3. Inspect the generators that are the subject of the this permit and any monitoring equipment and method required by or referenced in this permit; and
4. Sample any emissions to assure compliance with this permit or other applicable requirements.

J. Circumvention

The Permittee shall not build, erect, install or use any article, machine, equipment or process, the use of which conceals any emission which would otherwise constitute a violation of an applicable standard.

K. Reservation

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

L. Permit Revision, Reopening, Revocation and Reissuance, or Termination

1. EPA may revise, reopen, revoke and reissue, or terminate this permit for cause. The filing of a request by the Permittee for a permit revision, revocation and re-issuance or termination or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [40 C.F.R. § 49.155]
2. The Permittee shall furnish, within a reasonable time, any information that EPA may request in writing to determine whether cause exists for revising, revoking and reissuing or terminating the permit or to determine compliance with the permit. For any such information claimed to be confidential, the Permittee must also submit a claim of confidentiality in accordance with 40 C.F.R. Part 2, Subpart B. [40 C.F.R. § 49.155]