



## PART 70 PERMIT TO OPERATE

Under the authority of RSMo 643 and the Federal Clean Air Act the applicant is authorized to operate the air contaminant source(s) described below, in accordance with the laws, rules, and conditions set forth herein.

**Operating Permit Number:** OP2010-082  
**Expiration Date:** JUL 18 2015  
**Installation ID:** 097-0001  
**Project Number:** 2004-02-061

**Installation Name and Address**

The Empire District Electric Co. (EDEC)  
Asbury Power Plant  
21133 Uphill Lane  
Asbury, MO 64382  
Jasper County

**Parent Company's Name and Address**

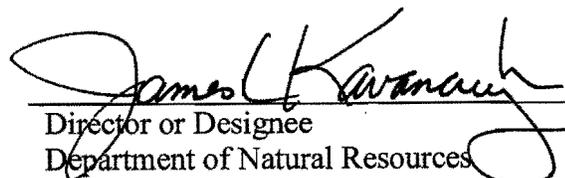
The Empire District Electric Company  
P.O. Box 127  
Joplin, MO 64802

**Installation Description:**

The Empire District Electric Company (Empire District) – Asbury Power Plant (Asbury) is an electric generating facility. Asbury is a steam generating cyclone fired boiler; Maximum Hourly Design Rate (MHDR): 2730 MMBtu/hr; Fuel: sub-bituminous coal, bituminous coal, tire derived fuel (TDF), distillate oil, and petroleum coke; Start-up fuel: distillate oil; Installed: 1970; Boiler powers two steam turbines with a total rated capacity of 231.5 MW located in Jasper County near Asbury, Missouri.

JUL 19 2010

Effective Date

  
Director or Designee  
Department of Natural Resources

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## I. Installation Description and Equipment Listing

### INSTALLATION DESCRIPTION

The Empire District Electric Company (Empire District) – Asbury Power Plant (Asbury) is an electric generating facility. Asbury is a steam generating cyclone fired boiler; Maximum Hourly Design Rate (MHDR): 2730 MMBtu/hr; Fuel: sub-bituminous coal, bituminous coal, tire derived fuel (TDF), distillate oil, and petroleum coke; Start-up fuel: distillate oil; Installed: 1970; Boiler powers two steam turbines with a total rated capacity of 231.5 MW located in Jasper County near Asbury, Missouri.

Reported Air Pollutant Emissions, tons per year								
Year	Particulate Matter ≤ Ten Microns (PM-10)	Particulate Matter ≤ 2.5 Microns (PM-2.5)	Sulfur Oxides (SO <sub>x</sub> )	Nitrogen Oxides (NO <sub>x</sub> )	Volatile Organic Compounds (VOC)	Carbon Monoxide (CO)	Lead (Pb)	Hazardous Air Pollutants (HAPs)
2008	*490.22	*465.26	10755.97	4829.82	27.20	195.75	0.16	81.24
2007	154.13	154.13	9870.00	4112.00	21.20	152.50	0.13	95.65
2006	205.85	205.85	14468.00	5613.88	30.03	213.94	0.18	171.10
2005	184.25	158.70	11964.90	5445.68	28.35	202.47	0.17	128.85
2004	176.21	66.63	7598.69	5560.75	28.82	205.78	0.17	108.89

\*Reporting condensable PM began with the 2008 EIQ reporting year.

### EMISSION UNITS WITH LIMITATIONS

The following list provides a description of the equipment at this installation that emits air pollutants and that are identified as having unit-specific emission limitations.

Emission Unit #	Description of Emission Unit
EP4	Coal Crusher House
EP7	Boiler Exhaust Stack
EP10	Crushed Coal Transfer
EP11	Fly Ash Transfer
EP12	Emergency Generator

### **EMISSION UNITS WITHOUT LIMITATIONS**

The following list provides a description of the equipment that does not have unit specific limitations at the time of permit issuance.

#### Description of Emission Source

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EP1	Coal Truck Unloading
EP2	Coal Pile
EP3	Train Unloading
EP5	Coal Conveyor Belts
EP6	Truck Loading
EP8	Haul Road
EP9	Solvent Containing Parts Washer
	Painting
	One 43,000-gallon No. 2 Distillate Storage Tanks (Installed 1971)
	Approximately Ten Distillate Fired Space Heaters not larger than Ten MMBtus

### **DOCUMENTS INCORPORATED BY REFERENCE**

These documents have been incorporated by reference into this permit.

1. Acid Rain Permit, Issued
2. Clean Air Interstate Rule Permit, Issued

## **II. Plant Wide Emission Limitations**

The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued.

There are no plant-wide emission limitations that apply to this facility.

### III. Emission Unit Specific Emission Limitations

The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued.

<b>EP 4 – Coal Crusher House</b>	
Emission Unit	Description
EP4	Coal crushing house; Maximum Hourly Design Rate (MHDR) 300 ton per hour; Installed pre 2/24/1971; Control Device: baghouse (CD-02)

<p style="text-align: center;"><b>PERMIT CONDITION EP4-001</b> <b>10 CSR 10-6.220</b> <b>Restriction of Emissions of Visible Air Contaminants</b></p>
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**Emission Limitation:**

1. No owner or other person shall cause or permit to be discharged into the atmosphere from any existing source any visible emissions with an opacity greater than 40%.
2. Exception: A person may discharge into the atmosphere from any source of emissions for a period(s) aggregating not more than six minutes in any sixty minutes air contaminates with an opacity up to 60%.

**Monitoring:**

1. The permittee shall conduct opacity readings on this emission unit using the procedures contained in U.S. EPA Test Method 22. Readings are only required when the emission unit is operating and when the weather conditions allow.
2. If no visible or other significant emissions are observed using these procedures, then no further observations would be required. For emission units with visible emissions perceived or believed to exceed the applicable opacity standard, the source representative would then conduct a Method 9 observation.
3. The following monitoring schedule must be maintained:
  - a. Weekly observations shall be conducted for a minimum of eight consecutive weeks after permit issuance. Should no violation of this regulation be observed during this period then;
  - b. Observations must be made once every two weeks for a period of eight weeks. If a violation is noted, monitoring reverts to weekly. Should no violation of this regulation be observed during this period then;
  - c. Observations must be made once per month. If a violation is noted, monitoring reverts to weekly.
4. If the source reverts to weekly monitoring at any time, monitoring frequency will progress in an identical manner from the initial monitoring frequency.
5. Monitoring observation frequency shall not be reset with a new permit unless a new emission source is being observed.

**Record Keeping:**

1. The permittee shall maintain records of all observation results using the provided or equivalent record keeping document (see Attachment B), noting:
  - a. Whether any air emissions (except for water vapor) were visible from the emission units,
  - b. All emission units from which visible emissions occurred, and
  - c. Whether the visible emissions were normal for the process.
2. The permittee shall maintain a record of any equipment malfunctions (see Attachment C or equivalent).
3. The permittee shall maintain records of any USEPA Method 9 opacity test performed in accordance with this permit condition (See Attachment D or equivalent).

**Reporting:**

The permittee shall report to the Air Pollution Control Program’s Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than ten days after any deviation from or exceedance of any of the terms imposed by this regulation, or any malfunction which causes a deviation from or exceedance of this regulation.

<b>EP 7 – Boiler</b>	
Emission Unit	Description
EP 7	Steam generating one cyclone fired boiler; Maximum Hourly Design Rate (MHDR): 2730 MMBtu/hr; Fuel: sub-bituminous coal, bituminous coal, distillate oil, tire derived fuel (TDF) and petroleum coke; Start-up fuel: distillate oil; Installed; 1970; Boiler powers two steam turbines with a total rated capacity of 231.5 MW; Control Devices: Lodge-Cottrell electrostatic precipitator (CD-05)

**PERMIT CONDITION EP7-001**  
**10 CSR 10-3.060**  
**Maximum Allowable Emissions of Particulate Matter from**  
**Fuel Burning Equipment used for Indirect Heating**

**Emission Limitation:**

The permittee shall not emit particulate matter in excess of 0.23 pounds per million BTUs of heat input from boiler #1.

**Monitoring:**

1. The electrostatic precipitators (ESP) shall be equipped with an alarm which indicates failure of the power supply. The alarm shall be accompanied with a monitoring device which will continuously monitor T-R set failure and loss of rapper/vibrator supply.
2. The ESP shall be operated within the parameters outlined in the operating and maintenance plan when the boiler is operating. The operating and maintenance plan shall be developed in accordance with standard manufacturer recommendations for the Boiler and ESP.
3. Periodic monitoring for particulate matter is not required during periods of time greater than one (1) day in which the source does not operate. Exception: Except as defined in 10 CSR 10-6.050, “Start-UP, Shutdown, and Malfunction Conditions.”
4. The permittee shall monitor four (4) specific parameters to indicate the performance of the ESP once per week when the Boiler is operational:

- a. Primary and secondary voltage,
  - b. Primary and secondary current,
  - c. Sparking rate, and
  - d. Number of fields online.
5. The permittee shall inspect rapper operation, T-R set operation, plate electrode alignment, collection surfaces for fouling, mechanical condition of the T-R set, internal structural components, and ash removal systems in accordance with the operation and maintenance plan.
  6. The permittee shall take timely corrective action during periods in which operational conditions of the ESP are outside the parameters established in the operation and maintenance plan. A corrective action may include an investigation of the reason for the excursion, evaluation of the problem that created the excursion and necessary follow-up action to return the emission unit to within the operational range allowed by the operation and maintenance plan.

**Record keeping:**

1. The permittee shall maintain a record of all stack tests for particulate matter performed on the Boiler.
2. The permittee shall maintain records of the four (4) specific parameters monitored:
  - a. Primary and secondary voltage,
  - b. Primary and secondary current,
  - c. Sparking rate, and
  - d. Number of fields online.
3. The permittee shall maintain records of any monitoring or control equipment malfunctions (see Attachment C or equivalent).
4. All records shall be made available for inspection to Missouri Department of Natural Resources' personnel upon request.
5. All records shall be maintained for five (5) years.

**Reporting:**

Empire District shall report to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than ten (10) days after any deviation from or exceedance of any of the terms imposed by this regulation, or any malfunction which causes a deviation from or exceedance of this regulation.

<p><b>PERMIT CONDITION EP7-002</b> <b>10 CSR 10-6.220</b> <b>Restriction of Emissions of Visible Air Contaminants</b></p>
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**Emission Limitation:**

1. No owner or other person shall cause or permit to be discharged into the atmosphere from any existing source any visible emissions with an opacity greater than 40% except during periods of start up, shut down, or malfunction.
2. Exception: A person may discharge into the atmosphere from any source of emissions for a period(s) aggregating not more than six minutes in any sixty minutes air contaminates with an opacity up to 60%.

**Monitoring:**

1. The permittee shall certify, operate, and maintain, in accordance with all the requirements in 40 CFR Part 75 and in accordance with 40 CFR Part 60, Appendix B – Performance Specification 1, a continuous opacity monitoring system (COMS) with the automated data acquisition and handling system for measuring and recording the opacity of emissions (in percent opacity) discharged to the atmosphere.
2. Continuous Opacity Monitoring System (COMS) General Requirements:
  - a. Source operating time includes any time fuel is being combusted and/or a fan is being operated.
  - b. Cycling times include the total time a monitoring system requires to sample, analyze, and record an emission measurement. Continuous monitoring systems for measuring opacity shall complete a minimum of one cycle of operating (sampling, analyzing, and data recording) for each successive ten-second period.
  - c. All COMS shall be certified by the Director after review and acceptance of a demonstration of conformance with 40 CFR Part 60, Appendix B – Performance Specification 1.
  - d. All COMS shall be subject to audits conducted by the Department of Natural Resources.

**Recordkeeping:**

1. The permittee shall maintain a file (hard copy or electronic version) of the following information:
  - a. All information reported in the quarterly summaries, and
  - b. All six-minute opacity averages and daily Quality Assurance (QA) / Quality Control (QC) records. This includes, but is not restricted to the daily monitoring system calibration check done on the continuous opacity monitoring system.
2. The permittee shall maintain a record of any equipment malfunctions (see Attachment C or equivalent).
3. The permittee shall maintain records of any USEPA Method 9 opacity test performed in accordance with this permit condition (see Attachment D or equivalent).
4. The permittee shall maintain accurate records in accordance with 40 CFR Part 75.
5. All records shall be made available for inspection to the Department of Natural Resources' personnel upon request.
6. All records shall be maintained for five (5) years.

**Reporting:**

1. The permittee shall submit a quarterly written report to the Director. All quarterly reports shall be postmarked no later than the thirtieth day following the end of each calendar quarter and shall include the following emissions data:
  - a. A summary including total time for each cause of excess emissions and/or monitor downtime;
  - b. Nature and cause of excess emissions, if known;
  - c. The six minute average opacity values greater than the opacity emission requirements (the average of the values shall be obtained by using the procedures specified in the Reference Method used to determine the opacity of the visible emission);
  - d. The date and time identifying each period during which the COMS was inoperative (except for zero and span checks), include the nature and frequency of system repairs or adjustments that were made during these times; and
  - e. If no excess emissions have occurred during the reporting period and the COMS has not been inoperative, repaired, or adjusted, this information shall be stated in the report.
2. The permittee shall submit reports in accordance with 40 CFR Part 75.

- The permittee shall report to the Air Pollution Control Program’s Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than ten (10) days after any deviation from or exceedance of any of the terms imposed by this regulation, or any malfunction which causes a deviation from or exceedance of this regulation.

**PERMIT CONDITION EP7-003**  
**10 CSR 10-6.260**  
**Restriction of Emission of Sulfur Compounds**

**Emission Limitation:**

- The permittee shall limit the average sulfur emissions into the atmosphere to twelve (12.0) pounds of sulfur dioxide per million BTUs of actual heat input averaged on any consecutive three (3) hour basis.
- No person shall cause or permit the emission of sulfur compounds from any source which causes or contributes to concentrations exceeding those specified in 10 CSR 10-6.010 Ambient Air Quality Standards. [10 CSR 10-6.260(4) & 10 CSR 10-6.010 Ambient Air Quality Standards]

Pollutant	Concentration by Volume	Remarks
Sulfur Dioxide (SO <sub>2</sub> )	0.03 parts per million (ppm) (80 micrograms per cubic meter (µg/m <sup>3</sup> ))	Annual arithmetic mean
	0.14 ppm (365 µg/m <sup>3</sup> )	24-hour average not to be exceeded more than once per year
	0.5 ppm (1300 µg/m <sup>3</sup> )	3-hour average not to be exceeded more than once per year
Hydrogen Sulfide (H <sub>2</sub> S)	0.05 ppm (70 µg/m <sup>3</sup> )	½-hour average not to be exceeded over 2 times per year
	0.03 ppm (42 µg/m <sup>3</sup> )	½-hour average not to be exceeded over 2 times in any 5 consecutive days
Sulfuric Acid (H <sub>2</sub> SO <sub>4</sub> )	10 µg/m <sup>3</sup>	24-hour average not to be exceeded more than once in any 90 consecutive days
	30 µg/m <sup>3</sup>	1-hour average not to be exceeded more than once in any 2 consecutive days

Note: This facility is in compliance with the current National Ambient Air Quality Standards.

**Monitoring:**

Compliance with the SO<sub>2</sub> emission rate of 12.0 lb/MMBtu will be determined by the continuous emissions monitoring system (CEMS) that is operated in accordance with 40 CFR Part 75.

**Recordkeeping:**

- The permittee shall maintain accurate records in accordance with 40 CFR Part 75.
- These records shall be made available for inspection to the Department of Natural Resources’ personnel upon request.
- All records shall be maintained for five (5) years.

**Reporting:**

1. The permittee shall submit reports in accordance with 40 CFR Part 75.
2. The permittee shall report to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City MO 65102, no later than ten days after any deviation from or exceedance of any of the terms imposed by this regulation, or any malfunction which causes a deviation from or exceedance of this regulation.

**PERMIT CONDITION EP7-004**

**10 CSR 10-6.362 Clean Air Interstate Rule Annual NO<sub>x</sub> Trading Program  
10 CSR 10-6.364 Clean Air Interstate Rule Seasonal NO<sub>x</sub> Trading Program  
10 CSR 10-6.366 Clean Air Interstate Rule SO<sub>x</sub> Trading Program**

**Emission Limitation:**

Empire District shall obtain a Clean Air Interstate Rule (CAIR) Source Permit for the Boiler EP7.

A CAIR Permit (Missouri Department of Natural Resources project 2007-06-073, ORIS Code 2076) is being issued to Empire District in conjunction with this Title V permit. (See Attachment F)

**Monitoring/Recordkeeping:**

Empire District shall retain the most current CAIR permit issued to this installation on-site and shall make such permit available to any Missouri Department of Natural Resources' personnel upon request.

**Reporting:**

Empire District shall report any deviations of the monitoring/recordkeeping requirements of this permit condition in the semi-annual monitoring report and annual compliance certification required by Section V of this permit.

**PERMIT CONDITION EP7-005**

**10 CSR 10-6.270 Acid Rain Source Permits Required**

**Emission Limitation:**

The permittee shall obtain an Acid Rain Source Permit for EP7 pursuant to Title IV of the Clean Air Act.

An acid rain permit (Missouri Department of Natural Resources project 2009-11-041, ORIS Code 2076) is being issued to Empire District in conjunction with this Title V permit. SO<sub>2</sub> limitations are referenced in this Title IV: Phase II Acid Rain Permit for the installation. (See Attachment E)

**Monitoring/Record Keeping:**

The permittee shall retain the most current acid rain permit issued to this installation on-site and shall make such permit available to any Missouri Department of Natural Resources' personnel upon request.

**Reporting:**

Empire District shall report any deviations of the monitoring/recordkeeping requirements of this permit condition in the semi-annual monitoring report and annual compliance certification required by Section V of this permit.

**PERMIT CONDITION EP7-006**  
**10 CSR 10-3.060 Maximum Allowable Emissions of Particulate Matter from**  
**Fuel Burning Equipment used for Indirect Heating**  
**40 CFR Part 64 Compliance Assurance Monitoring**

**Emission Limitation:**

The permittee shall not emit particulate matter from Boiler #1 in excess of 0.23 pounds per million BTU of heat input. Opacity monitoring will be used as an indicator trigger.

**Operational Limitation/Equipment Specifications:**

1. The Continuous Opacity Monitoring System shall be operated to provide an indirect and continuous method of assessment of compliance with 10 CSR 10-3.060 Maximum Allowable Emissions of Particulate Matter From Fuel Burning Equipment Used for Indirect Heating.
2. All instruments and control equipment shall be calibrated, maintained and operated according to the manufacture specifications and recommendations.

**Monitoring:**

1. Continuous Opacity Monitoring System (COMS):
  - a. The permittee shall install, calibrate, maintain, and operate a continuous opacity monitoring and automated data acquisition system for measuring and recording the opacity (in percent opacity) in order to provide a reasonable assurance of the performance of the Lodge-Cottrell electrostatic precipitator. Previously installed and certified monitoring systems that conform to provisions of the Performance Specification for COMS meet the monitoring requirements.
  - b. The installation shall conduct a daily calibration check for zero and span adjustments (span value must be 80, 90, or 100 percent) on the monitoring system as outlined by 40 CFR Part 60, Appendix B, Performance Specification 1.
  - c. The permittee shall conduct a quarterly neutral density audit and calibration error test on the COMS.
  - d. COMS neutral density audit filters will be certified annually.
  - e. The performance requirements for the COMS shall be as specified in Table 1: Empire District Asbury Power Plant CAM Monitoring Approach for Boiler #1.
  - f. An excursion and its associated averaging time for each emission unit shall be as specified in Table 1: Empire District Asbury Power Plant CAM Monitoring Approach for Boiler #1.
  - g. Empire District Asbury Power Plant shall conduct monitoring continuously except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities, in accordance with §64.7(c). Although compliance with the PM emission limitation may be exempted in some circumstances during conditions such as startup, shutdown, and malfunction, Empire District Asbury Power Plant is required to operate and maintain the source in accordance with good air pollution control practices for minimizing emissions during such periods. This requires Empire District Asbury Power Plant to minimize periods of startup, shutdown or malfunction, and take corrective action to restore normal operation and prevent recurrence of the problem that led to the excursion except where the excursion was related to an excused startup, shutdown, or malfunction.
  - h. Performance testing for compliance with the applicable PM emission limit shall be performed at the frequency coinciding with each normal permit renewal cycle application.

Table 1:

Empire District Asbury Power Plant CAM Monitoring Approach for Boiler #1	
Particulate Matter (PM) Compliance Indicator	
<b>Indicator</b>	Opacity
<b>Measurement Approach</b>	Continuous Opacity Monitoring System (COMS)
<b>Indicator Range</b>	<p>The following operational levels are based on stack testing information supplied by the Permittee:</p> <p>An excursion is defined as a 1-hour average opacity equal to or greater than 23%.                      Excursions trigger an inspection, corrective action, and a reporting requirement.</p> <p>A PM exceedance has likely occurred when a 3-hour average opacity is greater than 25%.</p>
Performance Criteria	
<b>Data Representativeness</b>	Boiler #1 discharges to a dedicated stack with no bypass capabilities. The stack is equipped with a COMS located downstream of the ESP that complies with the applicable version of 40 CFR Part 60, Appendix B, Performance Specification 1 (PS-1).
<b>Verification of Operational Status</b>	Not applicable since the selected monitoring approach utilizes an existing COMS that was initially installed and evaluated per the applicable version of PS-1.
<b>QA/QC Practices and Criteria</b>	Perform a daily zero and calibration drift check, periodic cleaning of optical surfaces and other periodic QA/QC checks as specified in applicable version of PS-1.
<b>Monitoring Frequency</b>	Continuous [i.e., the COMS is to complete a minimum of one cycle (i.e., sampling, analyzing, and data recording) for each successive 10-second period].

- i. *Proper Maintenance.* At all times, the permittee shall maintain the monitoring system, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment. (40 CFR 64.7(b)).
- j. *Continued Operation.* Except for monitoring system malfunctions, associated repairs, and required quality assurance or control activities (including calibration checks and required zero and span adjustments), the permittee shall conduct all monitoring in continuous operation at all times that the boiler (EP7) is operating. Unit operations are defined when any fuel is burned in the boiler. Periods when the fans are operated for maintenance or cleaning during unit outages are not considered unit operations. Data recorded during monitoring system malfunctions, associated repairs, and required quality assurance or control activities shall not be used for data averages and calculations, or fulfilling a minimum data availability requirement. The permittee shall use all the data collected during all other periods in assessing the operation of the control

device and associated control system. A monitoring system malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring system to provide valid data. Monitoring system failures that are caused in part by poor maintenance or careless operation are not malfunctions. (40 CFR 64.7(c))

- k. The permittee shall follow the following procedure in response to excursions or exceedances.
  - i. Upon detecting an excursion or exceedance, the permittee shall restore operation of the boiler(s) (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable. (40 CFR 64.7(d)(1))
  - ii. Determination of whether the permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process. (40 CFR Part 64.7(d)(2))

**Record Keeping:**

1. The permittee shall keep a record of continuous opacity monitoring system data.
2. The permittee shall record the daily monitoring system calibration check done on the continuous opacity monitoring system.
3. A record of any stack testing conducted on the emission unit, any subsequent testing will be maintained, and all other records required by this rule shall be made available for inspection to the Department of Natural Resources' personnel upon request.
4. All records must be kept for five (5) years.

**Reporting:**

1. General Requirements:  
The permittee shall report to the Air Pollution Control Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than ten (10) days after any likely exceedance of the limits established by this regulation, or any malfunction that causes a likely exceedance.
2. Compliance Assurance Reporting:
  - a. The permittee shall report quarterly excursions and likely exceedances of the PM limit as defined in Table 1.. The quarterly reports should give the day, the duration that the emission unit indicated that an excursion or likely exceedance occurred, and a data summary of the event(s). The data summary shall consist of the magnitude in actual percent opacity of all one-hour averages of opacity greater than twenty-three percent (23%) which indicates an excursion. and the magnitude in actual percent opacity of all three-hour averages of opacity greater than twenty-five (25%) which indicates a likely exceedance. Additionally, the reports shall provide an explanation of why the plant experienced an excursion or likely exceedance (nature and cause) and corrective action taken when necessary by the Empire District Asbury Power Plant to bring the emission unit

back into the limitations set forth in the CAM monitoring approach in Table 1. If no excursions or likely exceedances of the PM limit occurred within the quarter and the continuous opacity monitoring system has not been inoperative, repaired, or adjusted, that information shall be included in the report. All quarterly reports shall be postmarked by the 30<sup>th</sup> day following the end of each calendar quarter.

<b>EP 10 – Crushed Coal Transfer</b>	
Emission Unit	Description
EP 10	Crushed coal transfer to storage silo, Maximum Hourly Design Rate (MHDR) 300 ton per hour; Installed pre 2/24/1971; control device: baghouse

<p style="text-align: center;"><b>PERMIT CONDITION EP10-001</b> <b>10 CSR 10-6.220</b> <b>Restriction of Emissions of Visible Air Contaminants</b></p>
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**Emission Limitation:**

1. No owner or other person shall cause or permit to be discharged into the atmosphere from any existing source any visible emissions with an opacity greater than 40%.
2. Exception: A person may discharge into the atmosphere from any source of emissions for a period(s) aggregating not more than six minutes in any sixty minutes air contaminates with an opacity up to 60%.

**Monitoring:**

1. The permittee shall conduct opacity readings on this emission unit using the procedures contained in U.S. EPA Test Method 22. Readings are only required when the emission unit is operating and when the weather conditions allow.
2. If no visible or other significant emissions are observed using these procedures, then no further observations would be required. For emission units with visible emissions perceived or believed to exceed the applicable opacity standard, the source representative would then conduct a Method 9 observation.
3. The following monitoring schedule must be maintained:
  - a. Weekly observations shall be conducted for a minimum of eight consecutive weeks after permit issuance. Should no violation of this regulation be observed during this period then;
  - b. Observations must be made once every two weeks for a period of eight weeks. If a violation is noted, monitoring reverts to weekly. Should no violation of this regulation be observed during this period then;
  - c. Observations must be made once per month. If a violation is noted, monitoring reverts to weekly.
4. If the source reverts to weekly monitoring at any time, monitoring frequency will progress in an identical manner from the initial monitoring frequency.

**Record Keeping:**

1. The permittee shall maintain records of all observation results (see Attachment B or equivalent), noting:
  - a. Whether any air emissions (except for water vapor) were visible from the emission units,
  - b. All emission units from which visible emissions occurred, and
  - c. Whether the visible emissions were normal for the process.

2. The permittee shall maintain a record of any equipment malfunctions (see Attachment C or equivalent).
3. The permittee shall maintain records of any U.S. EPA Method 9 opacity test performed in accordance with this permit condition (See Attachment D or equivalent).

**Reporting:**

The permittee shall report to the Air Pollution Control Program’s Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than ten days after any deviation from or exceedance of any of the terms imposed by this regulation, or any malfunction which causes a deviation from or exceedance of this regulation.

<b>EP 11 – Fly Ash Transfer</b>	
<b>Emission Unit</b>	<b>Description</b>
EP 11	Fly ash transfer to storage silo; Installed 1989: dust collector

**PERMIT CONDITION EP11-001**  
**10 CSR 10-6.220**  
**Restriction of Emission of Visible Air Contaminates**

**Emission Limitation:**

1. No owner or other person shall cause or permit to be discharged into the atmosphere from any existing source any visible emissions with an opacity greater than 40%.
2. Exception: A person may discharge into the atmosphere from any source of emissions for a period(s) aggregating not more than six minutes in any sixty minutes air contaminants with an opacity up to 60%.

**Monitoring:**

1. The permittee shall conduct opacity readings on this emission unit using the procedures contained in U.S. EPA Test Method 22. Readings are only required when the emission unit is operating and when the weather conditions allow.
2. If no visible or other significant emissions are observed using these procedures, then no further observations would be required. For emission units with visible emissions perceived or believed to exceed the applicable opacity standard, the source representative would then conduct a Method 9 observation.
3. The following monitoring schedule must be maintained:
  - a. Weekly observations shall be conducted for a minimum of eight consecutive weeks after permit issuance. Should no violation of this regulation be observed during this period then;
  - b. Observations must be made once every two weeks for a period of eight weeks. If a violation is noted, monitoring reverts to weekly. Should no violation of this regulation be observed during this period then;
  - c. Observations must be made once per month. If a violation is noted, monitoring reverts to weekly.
4. If the source reverts to weekly monitoring at any time, monitoring frequency will progress in an identical manner from the initial monitoring frequency.

**Record Keeping:**

1. The permittee shall maintain records of all observation results (see Attachment B or equivalent), noting:
  - a. Whether any air emissions (except for water vapor) were visible from the emission units,
  - b. All emission units from which visible emissions occurred, and
  - c. Whether the visible emissions were normal for the process.
2. The permittee shall maintain a record of any equipment malfunctions (see Attachment C or equivalent).
3. The permittee shall maintain records of any U.S. EPA Method 9 opacity test performed in accordance with this permit condition (See Attachment D or equivalent).

**Reporting:**

The permittee shall report to the Air Pollution Control Program’s Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than ten days after any deviation from or exceedance of any of the terms imposed by this regulation, or any malfunction which causes a deviation from or exceedance of this regulation.

<b>EP 12 – Emergency Generator</b>	
<b>Emission Unit</b>	<b>Description</b>
EP 12	No. 1, No. 2, or Jet A (Distillate oil) fired standby generator to supply emergency power to the installation; Maximum Hourly Design Rate (MHDR): 175 KW; Installed pre 2/24/1971

<b>PERMIT CONDITION EP 12-001</b> <b>10 CSR 10-6.260</b> <b>Restriction of Emission of Sulfur Compounds</b>
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**Emission Limitation:**

1. Emissions from any existing source operation shall not contain more than two thousand (2000) parts per million by volume of sulfur dioxide.
2. Stack gasses shall not contain more than seventy (70) milligrams per cubic meter of sulfuric acid or sulfur trioxide or any combination of those gasses averaged on any consecutive three (3) hour period.
3. No person shall cause or permit the emission of sulfur compounds from any source which causes or contributes to concentrations exceeding those specified in 10 CSR 10-6.010 Ambient Air Quality Standards. [10 CSR 10-6.260(4) & 10 CSR 10-6.010 Ambient Air Quality Standards]

Pollutant	Concentration by Volume	Remarks
Sulfur Dioxide (SO <sub>2</sub> )	0.03 parts per million (ppm) (80 micrograms per cubic meter (µg/m <sup>3</sup> ))	Annual arithmetic mean
	0.14 ppm (365 µg/m <sup>3</sup> )	24-hour average not to be exceeded more than once per year
	0.5 ppm (1300 µg/m <sup>3</sup> )	3-hour average not to be exceeded more than once per year
Hydrogen Sulfide (H <sub>2</sub> S)	0.05 ppm (70 µg/m <sup>3</sup> )	½-hour average not to be exceeded over 2 times per year
	0.03 ppm (42 µg/m <sup>3</sup> )	½-hour average not to be exceeded over 2 times in any 5 consecutive days
Sulfuric Acid (H <sub>2</sub> SO <sub>4</sub> )	10 µg/m <sup>3</sup>	24-hour average not to be exceeded more than once in any 90 consecutive days
	30 µg/m <sup>3</sup>	1-hour average not to be exceeded more than once in any 2 consecutive days

Note: This facility is in compliance with the current National Ambient Air Quality Standards.

**Monitoring:**

The emission unit shall be limited to burning distillate oil.

**Recordkeeping:**

1. The permittee shall maintain an accurate record of the sulfur content of the fuel used. Fuel purchase receipts, analyzed samples, or certificates that verify the fuel type and sulfur content will be acceptable.
2. These records shall be made available for inspection to the Department of Natural Resources' personnel upon request.
3. All records shall be maintained for five (5) years.

**Reporting:**

The permittee shall report to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City MO 65102, no later than ten days after any deviation from or exceedance of any of the terms imposed by this regulation, or any malfunction which causes a deviation from or exceedance of this regulation.

## IV. Core Permit Requirements

The installation shall comply with each of the following regulations or codes. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued. The following is only an excerpt from the regulation or code, and is provided for summary purposes only.

### **10 CSR 10-6.045 Open Burning Requirements**

- (1) General Provisions. The open burning of tires, petroleum-based products, asbestos containing materials, and trade waste is prohibited, except as allowed below. Nothing in this rule may be construed as to allow open burning which causes or constitutes a public health hazard, nuisance, a hazard to vehicular or air traffic, nor which violates any other rule or statute.
  - (A) Refer to the regulation for a complete list of allowances.
- (2) Certain types of materials may be open burned provided an open burning permit is obtained from the Director. The permit will specify the conditions and provisions of all open burning. The permit may be revoked if the owner or operator fails to comply with the conditions or any provisions of the permit.
- (3) Empire District Electric Co. (EDEC) - Asbury Power Plant may be issued an annually renewable open burning permit for open burning provided that an air curtain destructor or incinerator is utilized and only tree trunks, tree limbs, vegetation or untreated wood waste are burned. Open burning shall occur at least two hundred (200) yards from the nearest occupied structure unless the owner or operator of the occupied structure provides a written waiver of this requirement. Any waiver shall accompany the open burning permit application. The permit may be revoked if Empire District Electric Co. (EDEC) - Asbury Power Plant fails to comply with the provisions or any condition of the open burning permit.
  - (A) In a nonattainment area, as defined in 10 CSR 10-6.020, paragraph (2)(N)5., the Director shall not issue a permit under this section unless the owner or operator can demonstrate to the satisfaction of the Director that the emissions from the open burning of the specified material would be less than the emissions from any other waste management or disposal method.
- (4) Reporting and Record Keeping. New Source Performance Standard (NSPS) 40 CFR Part 60 Subpart CCCC establishes certain requirements for air curtain destructors or incinerators that burn wood trade waste. These requirements are established in 40 CFR 60.2245-60.2260. The provisions of 40 CFR Part 60 Subpart CCCC promulgated as of September 22, 2005, shall apply and are hereby incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N Capitol Street NW, Washington, DC 20401. To comply with NSPS 40 CFR 60.2245-60.2260, sources must conduct an annual Method 9 test. A copy of the annual Method 9 test results shall be submitted to the Director.
- (5) Test Methods. The visible emissions from air pollution sources shall be evaluated as specified by 40 CFR Part 60, Appendix A–Test Methods, Method 9–Visual Determination of the Opacity of Emissions from Stationary Sources. The provisions of 40 CFR Part 60, Appendix A, Method 9 promulgated as of December 23, 1971, is incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N Capitol Street NW, Washington, DC 20401.

### **10 CSR 10-6.050 Start-up, Shutdown and Malfunction Conditions**

- 1) In the event of a malfunction, which results in excess emissions that exceed one hour, the permittee shall submit to the Director within two business days, in writing, the following information:
  - a) Name and location of installation;
  - b) Name and telephone number of person responsible for the installation;
  - c) Name of the person who first discovered the malfunction and precise time and date that the malfunction was discovered.
  - d) Identity of the equipment causing the excess emissions;
  - e) Time and duration of the period of excess emissions;
  - f) Cause of the excess emissions;
  - g) Air pollutants involved;
  - h) Best estimate of the magnitude of the excess emissions expressed in the units of the applicable requirement and the operating data and calculations used in estimating the magnitude;
  - i) Measures taken to mitigate the extent and duration of the excess emissions; and
  - j) Measures taken to remedy the situation that caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.
- 2) The permittee shall submit the paragraph 1 information list to the Director in writing at least ten days prior to any maintenance, start-up or shutdown, which is expected to cause an excessive release of emissions that exceed one hour. If notice of the event cannot be given ten days prior to the planned occurrence, it shall be given as soon as practicable prior to the release. If an unplanned excess release of emissions exceeding one hour occurs during maintenance, start-up or shutdown, the Director shall be notified verbally as soon as practical during normal working hours and no later than the close of business of the following working day. A written notice shall follow within ten working days.
- 3) Upon receipt of a notice of excess emissions issued by an agency holding a certificate of authority under Section 643.140, RSMo, the permittee may provide information showing that the excess emissions were the consequence of a malfunction, start-up or shutdown. The information, at a minimum, should be the paragraph 1 list and shall be submitted not later than 15 days after receipt of the notice of excess emissions. Based upon information submitted by the permittee or any other pertinent information available, the Director or the commission shall make a determination whether the excess emissions constitute a malfunction, start-up or shutdown and whether the nature, extent and duration of the excess emissions warrant enforcement action under Section 643.080 or 643.151, RSMo.
- 4) Nothing in this rule shall be construed to limit the authority of the Director or commission to take appropriate action, under Sections 643.080, 643.090 and 643.151, RSMo to enforce the provisions of the Air Conservation Law and the corresponding rule.
- 5) Compliance with this rule does not automatically absolve the permittee of liability for the excess emissions reported.

### **10 CSR 10-6.060 Construction Permits Required**

The permittee shall not commence construction, modification, or major modification of any installation subject to this rule, begin operation after that construction, modification, or major modification, or begin operation of any installation which has been shut down longer than five years without first obtaining a permit from the permitting authority.

### **10 CSR 10-6.065 Operating Permits**

The permittee shall file a complete application for renewal of this operating permit at least six months before the date of permit expiration. In no event shall this time be greater than eighteen months. [10 CSR 10-6.065(6)(B)1.A(V)] The permittee shall retain the most current operating permit issued to this installation on-site. [10 CSR 10-6.065(6)(C)1.C(II)] The permittee shall make such permit available to any Missouri Department of Natural Resources' personnel upon request. [10 CSR 10-6.065(6)(C)3.B]

### **10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants and 40 CFR Part 61 Subpart M National Emission Standard for Asbestos**

- 1) The permittee shall follow the procedures and requirements of 40 CFR Part 61, Subpart M for any activities occurring at this installation which would be subject to provisions for 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos.
- 2) The permittee shall conduct monitoring to demonstrate compliance with registration, certification, notification, and Abatement Procedures and Practices standards as specified in 40 CFR Part 61, Subpart M.

### **10 CSR 10-6.110 Submission of Emission Data, Emission Fees and Process Information**

- 1) The permittee shall complete and submit an Emission Inventory Questionnaire (EIQ) annually.
- 2) The permittee may be required by the Director to file additional reports.
- 3) Public Availability of Emission Data and Process Information. Any information obtained pursuant to the rule(s) of the Missouri Air Conservation Commission that would not be entitled to confidential treatment under 10 CSR 10-6.210 shall be made available to any member of the public upon request.
- 4) The permittee shall pay an annual emission fee per ton of regulated air pollutant emitted according to the schedule in the rule. This fee is an emission fee assessed under authority of RSMo. 643.079 to satisfy the requirements of the Federal Clean Air Act, Title V.
- 5) The permittee shall complete required reports on state supplied EIQ forms or in a form satisfactory to the Director and the reports shall be submitted to the Director by June 1 after the end of each reporting period.
- 6) The reporting period shall end on December 31 of each calendar year. Each report shall contain the required information for each emission unit for the twelve (12)-month period immediately preceding the end of the reporting period.
- 7) The permittee shall collect, record and maintain the information necessary to complete the required forms during each year of operation of the installation.

### **10 CSR 10-6.130 Controlling Emissions During Episodes of High Air Pollution Potential**

This rule specifies the conditions that establish an air pollution alert (yellow/orange/red/purple), or emergency (maroon) and the associated procedures and emission reduction objectives for dealing with each. The permittee shall submit an appropriate emergency plan if required by the Director.

### **10 CSR 10-6.150 Circumvention**

The permittee shall not cause or permit the installation or use of any device or any other means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission or air contaminant which violates a rule of the Missouri Air Conservation Commission.

**10 CSR 10-6.170**

**Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin**

**Emission Limitation:**

- 1) The permittee shall not cause or allow to occur any handling, transporting or storing of any material; construction, repair, cleaning or demolition of a building or its appurtenances; construction or use of a road, driveway or open area; or operation of a commercial or industrial installation without applying reasonable measures as may be required to prevent, or in a manner which allows or may allow, fugitive particulate matter emissions to go beyond the premises of origin in quantities that the particulate matter may be found on surfaces beyond the property line of origin. The nature or origin of the particulate matter shall be determined to a reasonable degree of certainty by a technique proven to be accurate and approved by the Director.
- 2) The permittee shall not cause nor allow to occur any fugitive particulate matter emissions to remain visible in the ambient air beyond the property line of origin.
- 3) Should it be determined that noncompliance has occurred, the Director may require reasonable control measures as may be necessary. These measures may include, but are not limited to, the following:
  - a) Revision of procedures involving construction, repair, cleaning and demolition of buildings and their appurtenances that produce particulate matter emissions;
  - b) Paving or frequent cleaning of roads, driveways and parking lots;
  - c) Application of dust-free surfaces;
  - d) Application of water; and
  - e) Planting and maintenance of vegetative ground cover.

**Monitoring:**

The permittee shall conduct inspections of its facilities sufficient to determine compliance with this regulation. If the permittee discovers a violation, the permittee shall undertake corrective action to eliminate the violation.

The permittee shall maintain the following monitoring schedule:

- 1) The permittee shall conduct weekly observations for a minimum of eight (8) consecutive weeks after permit issuance.
- 2) Should no violation of this regulation be observed during this period then-
  - a) The permittee may observe once every two (2) weeks for a period of eight (8) weeks.
  - b) If a violation is noted, monitoring reverts to weekly.
  - c) Should no violation of this regulation be observed during this period then-
    - i) The permittee may observe once per month.
    - ii) If a violation is noted, monitoring reverts to weekly.
- 3) If the permittee reverts to weekly monitoring at any time, monitoring frequency will progress in an identical manner to the initial monitoring frequency.
- 4) Monitoring observation frequency shall not be reset with a new permit unless a new emission source is being observed.

**Recordkeeping:**

The permittee shall document all readings on Attachment A, or its equivalent, noting the following:

- 1) Whether air emissions (except water vapor) remain visible in the ambient air beyond the property line of origin.
- 2) Whether the visible emissions were normal for the installation.
- 3) Whether equipment malfunctions contributed to an exceedance.

- 4) Any violations and any corrective actions undertaken to correct the violation.

**10 CSR 10-6.180 Measurement of Emissions of Air Contaminants**

- 1) The Director may require any person responsible for the source of emission of air contaminants to make or have made tests to determine the quantity or nature, or both, of emission of air contaminants from the source. The Director may specify testing methods to be used in accordance with good professional practice. The Director may observe the testing. All tests shall be performed by qualified personnel.
- 2) The Director may conduct tests of emissions of air contaminants from any source. Upon request of the Director, the person responsible for the source to be tested shall provide necessary ports in stacks or ducts and other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.
- 3) The Director shall be given a copy of the test results in writing and signed by the person responsible for the tests.

**10 CSR 10-3.090 Restriction of Emission of Odors**

**This requirement is not federally enforceable.**

No person may cause, permit or allow the emission of odorous matter in concentrations and frequencies or for durations that odor can be perceived when one volume of odorous air is diluted with seven volumes of odor-free air for two separate trials not less than 15 minutes apart within the period of one hour.

**10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants**

**Emission Limitation:**

No owner or other person shall cause or permit to be discharged into the atmosphere from any source any visible emissions in excess of the limits specified by this rule. This permit will contain the opacity limits identified (10, 20 or 40 percent) for the specific emission units.

**Monitoring:**

- 1) The permittee shall conduct opacity readings on each emission unit (including emission units EP4, EP10, and EP11) using the procedures contained in USEPA Test Method 22. The permittee is only required to take readings when the emission unit is operating and when the weather conditions allow. If the permittee observes no visible or other significant emissions using these procedures, then no further observations are required. For emission units with visible emissions perceived or believed to exceed the applicable opacity standard, the source representative would then conduct a Method 9 observation.
- 2) The permittee must maintain the following monitoring schedule:
  - a) The permittee shall conduct weekly observations for a minimum of eight (8) consecutive weeks after permit issuance.
  - b) Should the permittee observe no violations of this regulation during this period then-
    - i) The permittee may observe once every two (2) weeks for a period of eight (8) weeks.
    - ii) If a violation is noted, monitoring reverts to weekly.
    - iii) Should no violation of this regulation be observed during this period then-
      - (1) The permittee may observe once per month.
      - (2) If a violation is noted, monitoring reverts to weekly.
- 3) If the source reverts to weekly monitoring at any time, monitoring frequency will progress in an identical manner from the initial monitoring frequency.

**Recordkeeping:**

The permittee shall maintain records of all observation results using Attachment B (or its equivalent), noting:

- 1) Whether any air emissions (except for water vapor) were visible from the emission units;
- 2) All emission units from which visible emissions occurred;
- 3) Whether the visible emissions were normal for the process;
- 4) The permittee shall maintain records of any equipment malfunctions, which may contribute to visible emissions; and,
- 5) The permittee shall maintain records of all U.S. EPA Method 9 opacity tests performed.

**10 CSR 10-6.250 Asbestos Abatement Projects – Certification, Accreditation, and Business Exemption Requirements**

The permittee shall conduct all asbestos abatement projects within the procedures established for certification and accreditation by 10 CSR 10-6.250. This rule requires individuals who work in asbestos abatement projects to be certified by the Missouri Department of Natural Resources Air Pollution Control Program. This rule requires training providers who offer training for asbestos abatement occupations to be accredited by the Missouri Department of Natural Resources Air Pollution Control Program. This rule requires persons who hold exemption status from certain requirements of this rule to allow the Department to monitor training provided to employees. Each individual who works in asbestos abatement projects must first obtain certification for the appropriate occupation from the Department. Each person who offers training for asbestos abatement occupations must first obtain accreditation from the Department. Certain business entities that meet the requirements for state-approved exemption status must allow the Department to monitor training classes provided to employees who perform asbestos abatement.

**Title VI – 40 CFR Part 82 Protection of Stratospheric Ozone**

- 1) The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
  - a) All containers in which a class I or class II substance is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to §82.106.
  - b) The placement of the required warning statement must comply with the requirements pursuant to §82.108.
  - c) The form of the label bearing the required warning statement must comply with the requirements pursuant to §82.110.
  - d) No person may modify, remove, or interfere with the required warning statement except as described in §82.112.
- 2) The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B:
  - a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to §82.156.
  - b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.
  - c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to §82.161.

- d) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with record keeping requirements pursuant to §82.166. ("MVAC-like" appliance as defined at §82.152).
- e) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156.
- f) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to §82.166.
- 3) If the permittee manufactures, transforms, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, Production and Consumption Controls.
- 4) If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, Servicing of Motor Vehicle Air conditioners. The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.
- 5) The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, Significant New Alternatives Policy Program. *Federal Only - 40 CFR Part 82*

#### **10 CSR 10-6.280 Compliance Monitoring Usage**

- 1) The permittee is not prohibited from using the following in addition to any specified compliance methods for the purpose of submission of compliance certificates:
  - a) Monitoring methods outlined in 40 CFR Part 64;
  - b) Monitoring method(s) approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and
  - c) Any other monitoring methods approved by the Director.
- 2) Any credible evidence may be used for the purpose of establishing whether a permittee has violated or is in violation of any such plan or other applicable requirement. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred by a permittee:
  - a) Monitoring methods outlined in 40 CFR Part 64;
  - b) A monitoring method approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and
  - c) Compliance test methods specified in the rule cited as the authority for the emission limitations.
- 3) The following testing, monitoring or information gathering methods are presumptively credible testing, monitoring, or information gathering methods:
  - a) Applicable monitoring or testing methods, cited in:
    - i) 10 CSR 10-6.030, "Sampling Methods for Air Pollution Sources";
    - ii) 10 CSR 10-6.040, "Reference Methods";
    - iii) 10 CSR 10-6.070, "New Source Performance Standards";
    - iv) 10 CSR 10-6.080, "Emission Standards for Hazardous Air Pollutants"; or
  - b) Other testing, monitoring, or information gathering methods, if approved by the Director, that produce information comparable to that produced by any method listed above.

## V. General Permit Requirements

The installation shall comply with each of the following requirements. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued,

### **10 CSR 10-6.065(6)(C)1.B Permit Duration**

This permit is issued for a term of five years, commencing on the date of issuance. This permit will expire at the end of this period unless renewed.

### **10 CSR 10-6.065(6)(C)1.C General Record Keeping and Reporting Requirements**

- 1) Record Keeping
  - a) All required monitoring data and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report or application.
  - b) Copies of all current operating and construction permits issued to this installation shall be kept on-site for as long as the permits are in effect. Copies of these permits shall be made available to any Missouri Department of Natural Resources' personnel upon request.
- 2) Reporting
  - a) All reports shall be submitted to the Air Pollution Control Program's Enforcement Section, P. O. Box 176, Jefferson City, MO 65102.
  - b) The permittee shall submit a report of all required monitoring by:
    - i) October 1st for monitoring which covers the January through June time period, and
    - ii) April 1st for monitoring which covers the July through December time period.
    - iii) Exception. Monitoring requirements which require reporting more frequently than semi annually shall report no later than 30 days after the end of the calendar quarter in which the measurements were taken.
  - c) Each report shall identify any deviations from emission limitations, monitoring, record keeping, reporting, or any other requirements of the permit, this includes deviations or Part 64 exceedances.
  - d) Submit supplemental reports as required or as needed. Supplemental reports are required no later than ten days after any exceedance of any applicable rule, regulation or other restriction. All reports of deviations shall identify the cause or probable cause of the deviations and any corrective actions or preventative measures taken.
    - i) Notice of any deviation resulting from an emergency (or upset) condition as defined in paragraph (6)(C)7.A of 10 CSR 10-6.065 (Emergency Provisions) shall be submitted to the permitting authority either verbally or in writing within two working days after the date on which the emission limitation is exceeded due to the emergency, if the permittee wishes to assert an affirmative defense. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that indicate an emergency occurred and the permittee can identify the cause(s) of the emergency. The permitted installation must show that it was operated properly at the time and that during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or requirements in the permit. The notice must contain a description of the emergency, the steps taken to mitigate emissions, and the corrective actions taken.

- ii) Any deviation that poses an imminent and substantial danger to public health, safety or the environment shall be reported as soon as practicable.
- iii) Any other deviations identified in the permit as requiring more frequent reporting than the permittee's semiannual report shall be reported on the schedule specified in this permit, and no later than ten days after any exceedance of any applicable rule, regulation, or other restriction.
- e) Every report submitted shall be certified by the responsible official, except that, if a report of a deviation must be submitted within ten days after the deviation, the report may be submitted without a certification if the report is resubmitted with an appropriate certification within ten days after that, together with any corrected or supplemental information required concerning the deviation.
- f) The permittee may request confidential treatment of information submitted in any report of deviation.

**10 CSR 10-6.065(6)(C)1.D Risk Management Plan Under Section 112(r)**

The permittee shall comply with the requirements of 40 CFR Part 68, Accidental Release Prevention Requirements. If the permittee has more than a threshold quantity of a regulated substance in process, as determined by 40 CFR Section 68.115, the permittee shall submit a Risk Management Plan in accordance with 40 CFR Part 68 no later than the latest of the following dates:

- 1) June 21, 1999;
- 2) Three years after the date on which a regulated substance is first listed under 40 CFR Section 68.130; or
- 3) The date on which a regulated substance is first present above a threshold quantity in a process.

**10 CSR 10-6.065(6)(C)1.E Title IV Allowances**

This permit prohibits emissions which exceed any allowances the installation holds under Title IV of the Clean Air Act.

No permit revisions shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program if the increases do not require a permit revision under any other applicable requirement.

Limits cannot be placed on the number of allowances that may be held by an installation. The installation may not use these allowances, however, as a defense for noncompliance with any other applicable requirement.

Any allowances held by a Title IV installation shall be accounted for according to procedures established in rules promulgated under Title IV of the Clean Air Act.

A Title IV acid rain permit is being issued in conjunction with this Title V Part 70 operating permit.

**10 CSR 10-6.065(6)(C)1.F Severability Clause**

In the event of a successful challenge to any part of this permit, all uncontested permit conditions shall continue to be in force. All terms and conditions of this permit remain in effect pending any administrative or judicial challenge to any portion of the permit. If any provision of this permit is invalidated, the permittee shall comply with all other provisions of the permit.

### **10 CSR 10-6.065(6)(C)1.G General Requirements**

- 1) The permittee must comply with all of the terms and conditions of this permit. Any noncompliance with a permit condition constitutes a violation and is grounds for enforcement action, permit termination, permit revocation and re-issuance, permit modification or denial of a permit renewal application.
- 2) The permittee may not use as a defense in an enforcement action that it would have been necessary for the permittee to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit
- 3) The permit may be modified, revoked, reopened, reissued or terminated for cause. Except as provided for minor permit modifications, the filing of an application or request for a permit modification, revocation and reissuance, or termination, or the filing of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- 4) This permit does not convey any property rights of any sort, nor grant any exclusive privilege.
- 5) The permittee shall furnish to the Air Pollution Control Program, upon receipt of a written request and within a reasonable time, any information that the Air Pollution Control Program reasonably may require to determine whether cause exists for modifying, reopening, reissuing or revoking the permit or to determine compliance with the permit. Upon request, the permittee also shall furnish to the Air Pollution Control Program copies of records required to be kept by the permittee. The permittee may make a claim of confidentiality for any information or records submitted pursuant to 10 CSR 10-6.065(6)(C)1.

### **10 CSR 10-6.065(6)(C)1.H Incentive Programs Not Requiring Permit Revisions**

No permit revision will be required for any installation changes made under any approved economic incentive, marketable permit, emissions trading, or other similar programs or processes provided for in this permit.

### **10 CSR 10-6.065(6)(C)1.I Reasonably Anticipated Operating Scenarios**

There are no reasonably anticipated operating scenarios that apply to this facility.

### **10 CSR 10-6.065(6)(C)1.J Emissions Trading**

Empire District - Asbury is subject to the Clean Air Interstate Rule (CAIR), which was issued by the EPA to provide states with a cap and trading system to reduce nitrogen oxides and sulfur dioxide. CAIR provides an interstate solution to emissions that drift from across state boundaries. The CAIR permit is Attachment F.

### **10 CSR 10-6.065(6)(C)3 Compliance Requirements**

- 1) Any document (including reports) required to be submitted under this permit shall contain a certification signed by the responsible official.
- 2) Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized officials of the Missouri Department of Natural Resources, or their authorized agents, to perform the following (subject to the installation's right to seek confidential treatment of information submitted to, or obtained by, the Air Pollution Control Program):
  - a) Enter upon the premises where a permitted installation is located or an emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
  - b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

- c) Inspect, at reasonable times and using reasonable safety practices, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
  - d) As authorized by the Missouri Air Conservation Law, Chapter 643, RSMo or the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the terms of this permit, and all applicable requirements as outlined in this permit.
- 3) All progress reports required under an applicable schedule of compliance shall be submitted semiannually (or more frequently if specified in the applicable requirement). These progress reports shall contain the following:
- a) Dates for achieving the activities, milestones or compliance required in the schedule of compliance, and dates when these activities, milestones or compliance were achieved, and
  - b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measures adopted.
- 4) The permittee shall submit an annual certification that it is in compliance with all of the federally enforceable terms and conditions contained in this permit, including emissions limitations, standards, or work practices. These certifications shall be submitted annually by April 1st, unless the applicable requirement specifies more frequent submission. These certifications shall be submitted to EPA Region VII, 901 North 5th Street, Kansas City, KS 66101, as well as the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102. All deviations and Part 64 exceedances and excursions must be included in the compliance certifications. The compliance certification shall include the following:
- a) The identification of each term or condition of the permit that is the basis of the certification;
  - b) The current compliance status, as shown by monitoring data and other information reasonably available to the installation;
  - c) Whether compliance was continuous or intermittent;
  - d) The method(s) used for determining the compliance status of the installation, both currently and over the reporting period; and
  - e) Such other facts as the Air Pollution Control Program will require in order to determine the compliance status of this installation.

<b>10 CSR 10-6.065(6)(C)6 Permit Shield</b>
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- 1) Compliance with the conditions of this permit shall be deemed compliance with all applicable requirements as of the date that this permit is issued, provided that:
  - a) The application requirements are included and specifically identified in this permit, or
  - b) The permitting authority, in acting on the permit revision or permit application, determines in writing that other requirements, as specifically identified in the permit, are not applicable to the installation, and this permit expressly includes that determination or a concise summary of it.
- 2) Be aware that there are exceptions to this permit protection. The permit shield does not affect the following:
  - a) The provisions of Section 303 of the Act or Section 643.090, RSMo concerning emergency orders,
  - b) Liability for any violation of an applicable requirement which occurred prior to, or was existing at, the time of permit issuance,
  - c) The applicable requirements of the acid rain program,
  - d) The authority of the Environmental Protection Agency and the Air Pollution Control Program of the Missouri Department of Natural Resources to obtain information, or

- e) Any other permit or extra-permit provisions, terms or conditions expressly excluded from the permit shield provisions.

#### **10 CSR 10-6.065(6)(C)7 Emergency Provisions**

- 1) An emergency or upset as defined in 10 CSR 10-6.065(6)(C)7.A shall constitute an affirmative defense to an enforcement action brought for noncompliance with technology-based emissions limitations. To establish an emergency- or upset-based defense, the permittee must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, the following:
  - a) That an emergency or upset occurred and that the permittee can identify the source of the emergency or upset,
  - b) That the installation was being operated properly,
  - c) That the permittee took all reasonable steps to minimize emissions that exceeded technology-based emissions limitations or requirements in this permit, and
  - d) That the permittee submitted notice of the emergency to the Air Pollution Control Program within two working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and any corrective actions taken.
- 2) Be aware that an emergency or upset shall not include noncompliance caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

#### **10 CSR 10-6.065(6)(C)8 Operational Flexibility**

An installation that has been issued a Part 70 operating permit is not required to apply for or obtain a permit revision in order to make any of the changes to the permitted installation described below if the changes are not Title I modifications, the changes do not cause emissions to exceed emissions allowable under the permit, and the changes do not result in the emission of any air contaminant not previously emitted. The permittee shall notify the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 901 North 5th Street, Kansas City, KS 66101, at least seven days in advance of these changes, except as allowed for emergency or upset conditions. Emissions allowable under the permit means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

- 1) Section 502(b)(10) changes. Changes that, under Section 502(b)(10) of the Act, contravene an express permit term may be made without a permit revision, except for changes that would violate applicable requirements of the Act or contravene federally enforceable monitoring (including test methods), record keeping, reporting or compliance requirements of the permit.
  - a) Before making a change under this provision, The permittee shall provide advance written notice to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 901 North 5th Street, Kansas City, KS 66101, describing the changes to be made, the date on which the change will occur, and any changes in emission and any permit terms and conditions that are affected. The permittee shall maintain a copy of the notice with the permit, and the Air Pollution Control Program shall place a copy with the permit in the public file. Written notice shall be provided to the EPA and the Air Pollution Control Program as above at least seven days before the change is to be made. If less than seven days notice is provided because of a need to respond more quickly to these unanticipated conditions,

the permittee shall provide notice to the EPA and the Air Pollution Control Program as soon as possible after learning of the need to make the change.

- b) The permit shield shall not apply to these changes.

#### **10 CSR 10-6.065(6)(C)9 Off-Permit Changes**

- 1) Except as noted below, the permittee may make any change in its permitted operations, activities or emissions that is not addressed in, constrained by or prohibited by this permit without obtaining a permit revision. Insignificant activities listed in the application, but not otherwise addressed in or prohibited by this permit, shall not be considered to be constrained by this permit for purposes of the off-permit provisions of this section. Off-permit changes shall be subject to the following requirements and restrictions:
  - a) The change must meet all applicable requirements of the Act and may not violate any existing permit term or condition; the permittee may not change a permitted installation without a permit revision if this change is subject to any requirements under Title IV of the Act or is a Title I modification;
  - b) The permittee must provide written notice of the change to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 901 North 5th Street, Kansas City, KS 66101, no later than the next annual emissions report. This notice shall not be required for changes that are insignificant activities under 10 CSR 10-6.065(6)(B)3. This written notice shall describe each change, including the date, any change in emissions, pollutants emitted and any applicable requirement that would apply as a result of the change.
  - c) The permittee shall keep a record describing all changes made at the installation that result in emissions of a regulated air pollutant subject to an applicable requirement and the emissions resulting from these changes; and
  - d) The permit shield shall not apply to these changes.

#### **10 CSR 10-6.020(2)(R)12 Responsible Official**

The application utilized in the preparation of this permit was signed by H. R. Colgin, Plant Manager. The current plant manager is Robert W. Bromley. If this person terminates employment, or is reassigned different duties such that a different person becomes the responsible person to represent and bind the installation in environmental permitting affairs, the owner or operator of this air contaminant source shall notify the Director of the Air Pollution Control Program of the change. Said notification shall be in writing and shall be submitted within 30 days of the change. The notification shall include the name and title of the new person assigned by the source owner or operator to represent and bind the installation in environmental permitting affairs. All representations, agreement to terms and conditions and covenants made by the former responsible person that were used in the establishment of limiting permit conditions on this permit will continue to be binding on the installation until such time that a revision to this permit is obtained that would change said representations, agreements and covenants.

**10 CSR 10-6.065(6)(E)6 Reopening-Permit for Cause**

This permit may be reopened for cause if:

- 1) The Missouri Department of Natural Resources (MDNR) receives notice from the Environmental Protection Agency (EPA) that a petition for disapproval of a permit pursuant to 40 CFR § 70.8(d) has been granted, provided that the reopening may be stayed pending judicial review of that determination,
- 2) The Missouri Department of Natural Resources or EPA determines that the permit contains a material mistake or that inaccurate statements were made which resulted in establishing the emissions limitation standards or other terms of the permit,
- 3) Additional applicable requirements under the Act become applicable to the installation; however, reopening on this ground is not required if—:
  - a) The permit has a remaining term of less than three years;
  - b) The effective date of the requirement is later than the date on which the permit is due to expire;or
  - c) The additional applicable requirements are implemented in a general permit that is applicable to the installation and the installation receives authorization for coverage under that general permit,
- 4) The installation is an affected source under the acid rain program and additional requirements (including excess emissions requirements), become applicable to that source, provided that, upon approval by EPA, excess emissions offset plans shall be deemed to be incorporated into the permit; or
- 5) The Missouri Department of Natural Resources or EPA determines that the permit must be reopened and revised to assure compliance with applicable requirements.

**10 CSR 10-6.065(6)(E)1.C Statement of Basis**

This permit is accompanied by a statement setting forth the legal and factual basis for the permit conditions (including references to applicable statutory or regulatory provisions). This Statement of Basis, while referenced by the permit, is not an actual part of the permit.

## **VI. Attachments**

Attachments follow.







**Attachment D**

Method 9 Opacity Emissions Observations								
Company					Observer			
Location					Observer Certification Date			
Date					Emission Unit			
Time					Control Device			
Hour	Minute	Seconds				Steam Plume (check if applicable)		Comments
		0	15	30	45	Attached	Detached	
	0							
	1							
	2							
	3							
	4							
	5							
	6							
	7							
	8							
	9							
	10							
	11							
	12							
	13							
	14							
	15							
	16							
	17							
	18							
SUMMARY OF AVERAGE OPACITY								
Set Number	Time				Opacity			
	Start	End	Sum	Average				

Readings ranged from \_\_\_\_\_ to \_\_\_\_\_ % opacity.

Was the emission unit in compliance at the time of evaluation? \_\_\_\_\_  
 YES NO Signature of Observer

**Attachment E**  
**TITLE IV: ACID RAIN PERMIT**

**TITLE IV: ACID RAIN  
PERMIT**

In accordance with Titles IV and V of the Clean Air Act and Missouri State Rule 10 CSR 10-6.270, *Acid Rain Source Permits Required*, the State of Missouri issues this Acid Rain Permit.

**Installation Name:** The Empire District Electric Co. (EDEC) - Asbury Power Plant  
**ORIS Code:** 2076  
**Project Number:** 2006-03-066041, **Permit Number:** OP2010-082  
**Unit IDs:** 1  
**Effective Dates:** through

The permit application submitted for this source, as corrected by the State of Missouri Department of Natural Resources (MDNR), Air Pollution Control Program (APCP), Operating Permit Section, is attached. The owners and operators of this source must comply with the standard requirements and special provisions set forth in this application.

The number of allowances actually held by an affected source in a unit account may differ from the number allocated by the United States Environmental Protection Agency. Pursuant to 40 CFR 72.84, *Automatic permit amendment*, this does not necessitate a revision to any unit SO<sub>2</sub> allowance allocations identified in this permit.

These units have never burned coal, and are therefore not subject to the Nitrogen Oxides Emissions Reduction Program of the Acid Rain Program.

This acid rain permit is effective for the five-year period shown above, per 40 CFR 72.69, *Issuance and effective date of acid rain permits*. The designated representative must submit an application for renewal of this permit no later than \_\_\_\_\_, per 40 CFR 72.30, *Requirement to apply*, and in conjunction with the operating permit renewal application.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director or Designee,  
Department of Natural Resources



Asbury Power Plant  
Facility (Source) Name (from STEP 1)

Acid Rain - Page 2

### **Permit Requirements**

#### **STEP 3**

Read the standard requirements.

- (1) The designated representative of each affected source and each affected unit at the source shall:
  - (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
  - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
- (2) 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 superseding Acid Rain permit issued by the permitting authority; and
  - (ii) Have an Acid Rain Permit.

### **Monitoring Requirements**

- (1) 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.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the source or unit, as appropriate, with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

### **Sulfur Dioxide Requirements**

- (1) 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 source's compliance account (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 affected units at the source; and
  - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) 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.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
  - (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
  - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).

Asbury Power Plant

Acid Rain - Page 3

Facility (Source) Name (from STEP 1)

### **Sulfur Dioxide Requirements, Cont'd.**

STEP 3, Cont'd.

(4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.

(5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.

(6) 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 an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

(7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

### **Nitrogen Oxides Requirements**

The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

### **Excess Emissions Requirements**

(1) The designated representative of an affected source that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.

(2) The owners and operators of an affected source that has excess emissions in any calendar year shall:

(i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and

(ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

### **Recordkeeping and Reporting Requirements**

(1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:

(i) The certificate of representation for the designated representative for the source and each affected unit at 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 at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;

Asbury Power Plant

Acid Rain - Page

Facility (Source) Name (from STEP 1)

**Recordkeeping and Reporting Requirements, Cont'd.**

**STEP 3, Cont'd.**

- (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
  - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
  - (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) 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 part 72 subpart I and 40 CFR part 75.

**Liability**

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
- (5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
- (6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit.
- (7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

**Effect on Other Authorities**

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating

Asbury Power Plant  
Facility (Source) Name (from STEP 1)

Acid Rain - Page 5

**Effect on Other Authorities, Cont'd.**

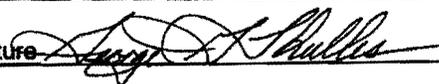
STEP 3, Cont'd.

to applicable National Ambient Air Quality Standards or State Implementation Plans;  
(2) Limiting the number of allowances a source can hold; *provided*, that the number of allowances held by the source shall not affect the source's obligation to comply with any other provisions of the Act;  
(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;  
(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,  
(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

**Certification**

STEP 4  
Read the certification statement, sign, and date.

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name	GEORGE G. THULLESEN	
Signature		Date 11/6/09

**Attachment F**  
**Title V: Clean Air Interstate Rule Permit**

# **TITLE V: CLEAN AIR INTERSTATE RULE (CAIR) PERMIT**

In accordance with Title V of the Clean Air Act and Missouri State Rules 10 CSR 10-6.362, *Clean Air Interstate Rule Annual Nox Trading Program*, 10 CSR 10-6.364, *Clean Air Interstate Rule Seasonal NO<sub>x</sub> Trading Program*, and 10 CSR 10-6.366, *Clean Air Interstate Rule SO<sub>x</sub> Trading Program*, the State of Missouri issues this CAIR Permit.

**Installation Name:** The Empire District Electric Co. (EDEC) - Asbury Power Plant  
**ORIS Code:** 2076  
**Project Number:** 2007-06-073, **Permit Number:** OP2010-082  
**Unit IDs:** 1  
**Effective Dates:** through

The permit application submitted for this source, as corrected by the State of Missouri Department of Natural Resources' Air Pollution Control Program, Operating Permit Section, is attached. The owners and operators of this source must comply with the standard requirements and special provisions set forth in this application.

This CAIR Permit applies only to unit 1 of Empire District Asbury Power Plant.

This CAIR permit is effective for the dates shown above. The designated representative must submit an application for renewal of this permit no later than \_\_\_\_\_, and in conjunction with the operating permit renewal application.

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Date

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Director or Designee,  
Department of Natural Resources



Plant Name (from Step 1) Asbury

CAIR Permit Application  
Page 2

STEP 3,  
continued

(b) Monitoring, reporting, and recordkeeping requirements.

(1) The owners and operators, and the CAIR designated representative, of each CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) and each CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) at the source shall comply with the monitoring, reporting, and recordkeeping requirements of subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96.

(2) The emissions measurements recorded and reported in accordance with subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96 shall be used to determine compliance by each CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) with the CAIR NO<sub>x</sub> emissions limitation, CAIR SO<sub>2</sub> emissions limitation, and CAIR NO<sub>x</sub> Ozone Season emissions limitation (as applicable) under paragraph (c) of §96.106, §96.206, and §96.306 (as applicable).

(c) Nitrogen oxides emissions requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit at the source shall hold, in the source's compliance account, CAIR NO<sub>x</sub> allowances available for compliance deductions for the control period under §96.154(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO<sub>x</sub> units at the source, as determined in accordance with subpart HH of 40 CFR part 96.

(2) A CAIR NO<sub>x</sub> unit shall be subject to the requirements under paragraph (c)(1) of §96.106 for the control period starting on the later of January 1, 2009 or the deadline for meeting the unit's monitor certification requirements under §96.170(b)(1), (2), or (5) and for each control period thereafter.

(3) A CAIR NO<sub>x</sub> allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.106, for a control period in a calendar year before the year for which the CAIR NO<sub>x</sub> allowance was allocated.

(4) CAIR NO<sub>x</sub> allowances shall be held in, deducted from, or transferred into or among CAIR NO<sub>x</sub> Allowance Tracking System accounts in accordance with subparts FF, GG, and II of 40 CFR part 96.

(5) A CAIR NO<sub>x</sub> allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO<sub>x</sub> Annual Trading Program. No provision of the CAIR NO<sub>x</sub> Annual Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §96.105 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

(6) A CAIR NO<sub>x</sub> allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart EE, FF, GG, or II of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> allowance to or from a CAIR NO<sub>x</sub> source's compliance account is incorporated automatically in any CAIR permit of the source that includes the CAIR NO<sub>x</sub> unit.

Sulfur dioxide emission requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source shall hold, in the source's compliance account, a tonnage equivalent of CAIR SO<sub>2</sub> allowances available for compliance deductions for the control period under §96.254(a) and (b) not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO<sub>2</sub> units at the source, as determined in accordance with subpart HHH of 40 CFR part 96.

(2) A CAIR SO<sub>2</sub> unit shall be subject to the requirements under paragraph (c)(1) of §96.206 for the control period starting on the later of January 1, 2010 or the deadline for meeting the unit's monitor certification requirements under §96.270(b)(1), (2), or (5) and for each control period thereafter.

(3) A CAIR SO<sub>2</sub> allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.206, for a control period in a calendar year before the year for which the CAIR SO<sub>2</sub> allowance was allocated.

(4) CAIR SO<sub>2</sub> allowances shall be held in, deducted from, or transferred into or among CAIR SO<sub>2</sub> Allowance Tracking System accounts in accordance with subparts FFF, GGG, and III of 40 CFR part 96.

(5) A CAIR SO<sub>2</sub> allowance is a limited authorization to emit sulfur dioxide in accordance with the CAIR SO<sub>2</sub> Trading Program. No provision of the CAIR SO<sub>2</sub> Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §96.205 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

(6) A CAIR SO<sub>2</sub> allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart FFF, GGG, or III of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR SO<sub>2</sub> allowance to or from a CAIR SO<sub>2</sub> source's compliance account is incorporated automatically in any CAIR permit of the source that includes the CAIR SO<sub>2</sub> unit.

Nitrogen oxides ozone season emissions requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NO<sub>x</sub> Ozone Season allowances available for compliance deductions for the control period under §96.354(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO<sub>x</sub> Ozone Season units at the source, as determined in accordance with subpart HHHH of 40 CFR part 96.

(2) A CAIR NO<sub>x</sub> Ozone Season unit shall be subject to the requirements under paragraph (c)(1) of §96.306 for the control period starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under §96.370(b)(1), (2), (3) or (7) and for each control period thereafter.

(3) A CAIR NO<sub>x</sub> Ozone Season allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.306, for a control period in a calendar year before the year for which the CAIR NO<sub>x</sub> Ozone Season allowance was allocated.

(4) CAIR NO<sub>x</sub> Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NO<sub>x</sub> Ozone Season Allowance Tracking System accounts in accordance with subparts FFFF, GGGG, and IIII of 40 CFR part 96.

(5) A CAIR NO<sub>x</sub> allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO<sub>x</sub> Ozone Season Trading Program. No provision of the CAIR NO<sub>x</sub> Ozone Season Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §96.305 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

(6) A CAIR NO<sub>x</sub> allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart EEEE, FFFF, GGGG, or IIII of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> Ozone Season allowance to or from a CAIR NO<sub>x</sub> Ozone Season source's compliance account is incorporated automatically in any CAIR permit of the source.

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**(d) Excess emissions requirements.**

If a CAIR NO<sub>x</sub> source emits nitrogen oxides during any control period in excess of the CAIR NO<sub>x</sub> emissions limitation, then:

- (1) The owners and operators of the source and each CAIR NO<sub>x</sub> unit at the source shall surrender the CAIR NO<sub>x</sub> allowances required for deduction under §96.154(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and
- (2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

If a CAIR SO<sub>2</sub> source emits sulfur dioxide during any control period in excess of the CAIR SO<sub>2</sub> emissions limitation, then:

- (1) The owners and operators of the source and each CAIR SO<sub>2</sub> unit at the source shall surrender the CAIR SO<sub>2</sub> allowances required for deduction under §96.254(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and
- (2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

If a CAIR NO<sub>x</sub> Ozone Season source emits nitrogen oxides during any control period in excess of the CAIR NO<sub>x</sub> Ozone Season emissions limitation, then:

- (1) The owners and operators of the source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall surrender the CAIR NO<sub>x</sub> Ozone Season allowances required for deduction under §96.354(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and
- (2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

**(e) Recordkeeping and Reporting Requirements.**

(1) Unless otherwise provided, the owners and operators of the CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) and each CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the permitting authority or the Administrator.

(i) The certificate of representation under §96.113, §96.213, and §96.313 (as applicable) for the CAIR designated representative for the source and each CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under §96.113, §96.213, and §96.313 (as applicable) changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96, provided that to the extent that subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96 provides for a 3-year period for recordkeeping, the 3-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable).

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable) or to demonstrate compliance with the requirements of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable).

(2) The CAIR designated representative of a CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) and each CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) at the source shall submit the reports required under the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable) including those under subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96.

**(f) Liability.**

(1) Each CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) and each NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) shall meet the requirements of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable).

(2) Any provision of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable) that applies to a CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) or the CAIR designated representative of a CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) shall also apply to the owners and operators of such source and of the CAIR NO<sub>x</sub> units, CAIR SO<sub>2</sub> units, and CAIR NO<sub>x</sub> Ozone Season units (as applicable) at the source.

(3) Any provision of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable) that applies to a CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) or the CAIR designated representative of a CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) shall also apply to the owners and operators of such unit.

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(g) Effect on Other Authorities.

No provision of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, and CAIR NO<sub>x</sub> Ozone Season Trading Program (as applicable), a CAIR permit application, a CAIR permit, or an exemption under § 96.105, §96.205, and §96.305 (as applicable) shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO<sub>x</sub> source, CAIR SO<sub>2</sub> source, and CAIR NO<sub>x</sub> Ozone Season source (as applicable) or CAIR NO<sub>x</sub> unit, CAIR SO<sub>2</sub> unit, and CAIR NO<sub>x</sub> Ozone Season unit (as applicable) from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

**Certification**

I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name      Harold R. Colgin, II	
Signature <i>Harold R. Colgin II</i>	Date      6-4-07

## STATEMENT OF BASIS

### Permit Reference Documents

These documents were relied upon in the preparation of the operating permit. Because they are not incorporated by reference, they are not an official part of the operating permit.

- 1) Part 70 Operating Permit Application, received February 13, 2004;
- 2) 2008 Emissions Inventory Questionnaire, received May 28, 2009; and
- 3) U.S. EPA document AP-42, *Compilation of Air Pollutant Emission Factors*; Volume I, Stationary Point and Area Sources, Fifth Edition.

### Facility Historical Notes

In 1978, the Lodge Cottrell precipitator replaced the UOP precipitator. The UOP precipitator was left in place and acts as a fall out chamber for the large particle ash.

### Applicable Requirements Included in the Operating Permit but Not in the Application or Previous Operating Permits

In the operating permit application, the installation indicated they were not subject to the following regulation(s). However, in the review of the application, the agency has determined that the installation is subject to the following regulation(s) for the reasons stated.

- 1) 10 CSR 10-6.180, *Measurement of Emissions of Air Contaminants*, is included as a core permit requirement for all installations in Missouri.
- 2) 10 CSR 10-6.280, *Compliance Monitoring Usage*, is included as a core permit requirement for all installations in Missouri.

### Other Air Regulations Determined Not to Apply to the Operating Permit

The Air Pollution Control Program (APCP) has determined the following requirements to not be applicable to this installation at this time for the reasons stated.

#### 10 CSR 10-6.100, *Alternate Emission Limits*

This rule is not applicable because the installation is in an ozone attainment area.

#### 10 CSR 10-6.400, *Restriction of Emission of Particulate Matter from Industrial Process*

The Coal Crusher House, EP4, Crushed Coal Transfer, EP10, and Fly Ash Transfer, EP11, are exempt from this regulation because 10 CSR 10-6.400(1)(B)12 specifically states that the grinding, crushing, and conveying operations at a power plant are exempt from this regulation.

The Boiler, EP7, is exempted from this regulation because 10 CSR 10-6.400(1)(B)6 specifically states that indirect heating sources are exempt from this regulation.

The Emergency Generator, EP12, is exempted from this regulation because 10 CSR 10-6.400(2)(A) specifically states that the liquid and gaseous fuels are not to be considered in determining “process weight” introduced into the emission unit.

The following fugitive emission sources are exempted from this regulation because 10 CSR 10-6.400(1)(B)7 specifically states fugitive emissions are exempt from this regulation.

EP1	Coal Truck Unloading
EP2	Coal Pile
EP3	Train Unloading
EP5	Coal Conveyor Belts
EP6	Truck Loading
EP8	Haul Road

### **Construction Permit Revisions**

The following revisions were made to construction permits for this installation:  
None.

### **New Source Performance Standards (NSPS) Applicability**

10 CSR 10-6.070, *New Source Performance Regulations*

40 CFR Part 60, Subpart D, *Standards of Performance for Fossil Fuel-Fuel-Fired Steam Generators for which Construction commenced after August 17, 1971*

40 CFR Part 60, Subpart Da, *Standards of Performance for Electric Utility Steam Generating Units for which Construction was Commenced after September 18, 1978*

40 CFR Part 60, Subpart Db, *Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units*

The Boiler, EP7, is not subject to these regulations because the boiler was installed in 1970 which is prior to the applicability dates of these regulations.

10 CSR 10-6.070, *New Source Performance Regulations*

40 CSR Part 60, Subpart Y, *Standards of Performance for Coal Preparation Plants*

The original coal handling equipment (coal processing and conveying equipment including breakers and crushers, coal storage systems, and coal transfer and loading systems) was installed prior to October 24, 1974, the applicability date of this subpart. The coal handling equipment is therefore not subject to the requirements of Subpart Y.

In 1990, the installation modified its rail unloading equipment and applied for a construction permit. The modification consisted of the replacement of a coal conveyor belt leading from the train unloading facility. The modification did not increase emissions from the equipment. A “No Permit Required” decision in a letter from Randy Raymond was made for the modification. The Missouri Department of Natural Resources stated that the modification did not meet the definition of modification on reconstruction under the NSPS definition (under 40 CFR 60.2 and 60.15), therefore any NSPS promulgated prior to the modification are not applicable to this installation.

10 CSR 10-6.070, *New Source Performance Regulations*

40 CSR Part 60, Subpart K - *Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978*

40 CSR Part 60, Subpart Ka - *Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984*

40 CSR Part 60, Subpart Kb - *Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 24, 1984*

These regulations do not apply to the storage vessels at the installation because the storage vessels were installed in 1971, which is prior to the applicability dates of these regulations.

#### **Maximum Available Control Technology (MACT) Applicability**

10 CSR 10-6.075, *Maximum Achievable Control Technology Regulations*

40 CFR Part 63, Subpart T, *National Emission Standards for Halogenated Solvent Cleaning*

This regulation does not apply to the parts washers at the installation because they do not use the solvent types covered in this subpart.

10 CSR 10-6.075, *Maximum Achievable Control Technology Regulations*

40 CFR Part 63, Subpart YYYY, *National Emission Standards for Combustion Turbines*

This subpart applies to stationary combustion turbines which extract shaft power from the combustion of fuel and spin an electric generator to generate electricity. The turbines at the installation are steam turbines, which use steam produced from the combustion of fuel in the boiler to provide shaft power to spin an electric generator and generate electricity, and are therefore not subject to this rule.

10 CSR 10-6.075, *Maximum Achievable Control Technology Regulations*

40 CFR Part 63, Subpart DDDDD, *National Emission Standards for Industrial, Commercial, and Institutional Boilers and Process Heaters*

The Boiler, EP7, is not subject to this subpart because §63.7491(c) specifically states that an electric utility steam-generating unit is exempt from this regulation. An electric utility steam-generating unit is defined as a fossil fuel-fired combustion unit of more than 25 megawatts that serves a generator that produces electricity for sale.

#### **National Emission Standards for Hazardous Air Pollutants (NESHAP) Applicability**

10 CSR 10-6.080, *Emission Standards for Hazardous Air Pollutants*

40 CFR Part 61, Subpart M, *National Emission Standard for Asbestos*

This regulation applies to the installation because of the renovation and demolition parts of the subpart which makes the subpart applicable to all sources. It is included as a core permit requirement.

#### **Compliance Assurance Monitoring (CAM) Applicability**

40 CFR Part 64, *Compliance Assurance Monitoring (CAM)*

The CAM rule applies to each pollutant specific emission unit that:

- Is subject to an emission limitation or standard, and
- Uses a control device to achieve compliance, and
- Has pre-control emissions that exceed or are equivalent to the major source threshold.

The Boiler unit utilizes a Continuous Opacity Monitor System to comply with opacity as an indicator of particulate matter emission exceedance. Testing the Boiler for correlation between opacity and particulate matter for CAM purposes the baseline 1-hour average opacity was in the range of 9-11%. This level was achieved due to the conditions of the facility and surrounding atmospheric conditions during the testing.

### Other Regulatory Determinations

#### 10 CSR 3.060, *Maximum Allowable Emissions of Particulate Matter from fuel Burning Equipment Used for Indirect Heating*

The Boiler unit (EP7) utilizes a Continuous Opacity Monitor System and a Compliance Assurance Monitoring plan to track and record actual emissions from the boiler unit. Compliance with the CAM plan in Permit Condition EP7-006 by use of COMS will comply with 10 CSR 3.060.

The Emergency Generator, EP12, is not used for indirect heating and is therefore not subject to this regulation.

#### 10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants*

The Emergency Generator, EP12, is not subject to this regulation because 10 CSR 10-6.220(1)(A), specifically states that internal combustion engines are exempt from this regulation.

The following units are fugitive emission sources and are not subject to this regulation. Fugitive emissions are subject to 10 CSR 10-6.170 *Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin* which is a core permit requirement.

E P1	Coal Truck Unloading
EP2	Coal Pile
EP3	Train Unloading
EP5	Coal Conveyor Belts
EP6	Truck Loading
EP8	Haul Road

#### 10 CSR 10-6.260, *Restriction of Emission of Sulfur Compounds*

The Emergency Generator, EP12, is subject to this rule and is in compliance as summarized in the following calculations:

##### 2000 ppmv SO<sub>2</sub> Limit

General Equation:  $\text{ppmv SO}_2 = \text{SO}_2 \text{ Emission Factor (lb/MMBtu)} \div \text{F factor (wscf/MMBtu)} \div \text{Conversion Factor (lb/scf)}$

1. The SO<sub>2</sub> emission factor is 0.29 lb/MMBtu as listed in AP 42 Table 3.3-1. It assumes that all of the sulfur in the fuel is converted to the SO<sub>2</sub>.
2. The F factor is the ratio of gas volume of products of combustion to the heat content of the fuel. For fuel oil, the F factor is 10, 320 wscf/MMBtu. (40 CFR Part 60 Appendix A Method 19 Table 19-1).
3. The conversion factor is 1.660E-7 lb/scf per ppmv (40 CFR Part 60 Appendix A Method 19).

Calculation for EP12:

$$\text{ppmv SO}_2 = \left( \frac{0.29 \text{ lb}}{\text{MMBtu}} \right) \left( \frac{\text{MMBtu}}{10,320 \text{ ft}^3} \right) \left( \frac{\text{ppmv}}{1.660 \text{ E}^{-7} \text{ lb/scf}} \right) = 169 \text{ ppmv} \ll 2000 \text{ ppmv SO}_2$$

##### 70 mg/m<sup>3</sup> S O<sub>3</sub> limit

Sulfur emissions in the form of SO<sub>3</sub> converted from SO<sub>2</sub> are considered insignificant and it is highly unlikely that the ambient air quality limitations of 10 CSR 10-6.260(3)(B) will be exceeded.

**Other Regulations Not Cited in the Operating Permit or the Above Statement of Basis**

Any regulation which is not specifically listed in either the Operating Permit or in the above Statement of Basis does not appear, based on this review, to be an applicable requirement for this installation for one or more of the following reasons:

1. The specific pollutant regulated by that rule is not emitted by the installation;
2. The installation is not in the source category regulated by that rule;
3. The installation is not in the county or specific area that is regulated under the authority of that rule;
4. The installation does not contain the type of emission unit which is regulated by that rule;
5. The rule is only for administrative purposes.

Should a later determination conclude that the installation is subject to one or more of the regulations cited in this Statement of Basis or other regulations which were not cited, the installation shall determine and demonstrate, to the Air Pollution Control Program's satisfaction, the installation's compliance with that regulation(s). If the installation is not in compliance with a regulation which was not previously cited, the installation shall submit to the Air Pollution Control Program a schedule for achieving compliance for that regulation(s).

Prepared by:

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Tandi Edelman  
Environmental Engineer