



Missouri Department of Natural Resources
Air Pollution Control Program

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 here in.

Operating Permit Number: OP2008-012
Expiration Date: MAR 9 2013
Installation ID: 207-0064
Project Number: 2006-08-089

Installation Name and Address

Essex Power Plant
24687 State Highway E
Essex, MO 63846
Stoddard County

Parent Company's Name and Address

Associate Electric Cooperative, Inc.
2814 South Golden
P.O. Box 754
Springfield, MO 65801

Installation Description:

Essex Power Plant is a 100 MW (nominal) simple-cycle combustion turbine generator that is used for peak power generation. Fuel for the combustion turbine is natural gas and it has a maximum hourly design rate of 1,320 million Btu per hour.

MAR 10 2008

Effective Date

A handwritten signature in cursive script, reading "Steven J. Fisher".

Director or Designee
Department of Natural Resources

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I. Installation Description and Equipment Listing

INSTALLATION DESCRIPTION

Essex Power Plant is a 100 MW (nominal) simple-cycle combustion turbine generator that is used for peak power generation. Fuel for the combustion turbine is natural gas and it has a maximum hourly design rate of 1,320 MMBtu per hour.

Reported Air Pollutant Emissions, tons per year							
Year	Particulate Matter ≤ Ten Microns (PM-10)	Sulfur Oxides (SO _x)	Nitrogen Oxides (NO _x)	Volatile Organic Compounds (VOC)	Carbon Monoxide (CO)	Lead (Pb)	Hazardous Air Pollutants (HAPs)
2006	1.48	0.10	6.07	0.24	0.15	---	0.08
2005	0.26	0.00	1.30	0.05	0.03	---	0.02
2004	0.12	---	0.61	0.02	0.02	---	0.01
2003	0.19	0.01	1.30	0.02	0.03	---	0.01
2002	0.66	0.04	4.50	0.06	0.09	---	0.04

EMISSION UNITS WITH LIMITATIONS

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

Emission Unit #	Description of Emission Unit
EU0010	Combustion Turbine 1

EMISSION UNITS WITHOUT LIMITATIONS

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

Description of Emission Source

Lube Oil System
 Unit Sumps Discharge
 Propane Cylinder Storage
 Transformer Oil in Transformers

DOCUMENTS INCORPORATED BY REFERENCE

These documents have been incorporated by reference into this permit.

- 1) Construction Permit No. 0998-022 A
- 2) Phase II Acid Rain Permit, Project No. 2004-06-125
- 3) NO_x Budget Permit, Project No. 2007-07-087

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.

None.

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.

EU0010 – Combustion Turbine			
Emission Unit	Description	Manufacturer/Model #	2006 EIQ Reference #
EU0010	Combustion Turbine 1 – 100 MW Simple-cycle/dry low- NO _x Combustor Primary Fuel – Natural Gas (1320 MMBtu/hr)	Westinghouse/501D5A EconoPac	EP01

<p>PERMIT CONDITION EU0010-001 10 CSR 10-6.060 Construction Permits Required Construction Permit No. 0998-022A – NO_x and CO</p>

Emission Limitations:

Associated Electric Cooperative, Inc. (AECI) shall emit less than 100 tons each of nitrogen oxides (NO_x) and carbon monoxide (CO) from this installation in every consecutive 12-month period. [CP 0998-022A Special Condition No. 1]

Performance Testing:

A permit modification shall receive approval from the Air Pollution Control Program prior to any changes in the process or throughput processed at this facility other than that which is tested at the time of the performance test. [CP 0998-022A Special Condition No. 5]

Recordkeeping:

AECI shall maintain an accurate record of emissions of NO_x and CO emitted into the atmosphere from this installation. AECI shall record the monthly and running 12-month totals of NO_x and CO from this installation. The emission factors used in these records to demonstrate compliance shall be determined by the required stack tests. [CP 0998-022A Special Condition No. 2]

Reporting:

AECI 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 the end of the month during which the required records indicate the source exceeds the NO_x limitation. [CP 0998-022A Special Condition No. 4]

PERMIT CONDITION EU0010-002

10 CSR 10-6.070 New Source Performance Standards

40 CFR Part 60, Subpart GG

Standards of Performance for Stationary Gas Turbines – EPA Region VII Approval of Custom Fuel Sampling Schedules, Letter Dated January 7, 1998

Emission Limitation:

- 1) The owner or operator shall not cause to be emitted from this unit any gases which contain NO_x in excess of 0.00827 percent by volume (or 80.04 ppmv) at 15 percent oxygen and on a dry basis. [§60.332 (a)(1)]
- 2) The owner or operator shall not cause to be discharged into the atmosphere from this unit any gases which contain sulfur dioxide in excess of 0.015 percent by volume at 15 percent oxygen and on a dry basis, [§60.333 (a)] or
- 3) The owner or operator shall not burn fuel in this unit which contains sulfur in excess of 0.8 percent by weight. [§60.333 (b)]

Monitoring:

The permittee shall comply with the custom fuel sulfur and/or NO_x content monitoring schedule and associated provisions that were approved by Environmental Protection Agency (EPA) Region VII. The custom schedule is valid for only those periods when the unit fires pipeline-quality natural gas. [§60.334(c) and (h)(4)]

Test Methods and Procedures:

- 1) The owner or operator shall conduct the performance tests required in §60.8 using the methods described in §60.335(a).
- 2) The owner or operator shall determine compliance with the nitrogen oxide standard in §60.332(a) by using the following equation:
 - a) For each run of the performance test, the mean nitrogen oxides emission concentration (NO_x) corrected to 15 percent O₂ shall be corrected to ISO standard conditions using the following equation. Notwithstanding this requirement, use of the ISO correction equation is optional for: Lean premix stationary combustion turbines; units used in association with heat recovery steam generators (HRSG) equipped with duct burners; and units equipped with add-on emission control devices:

$$NO_x = (NO_{xo}) \left[\frac{P_r}{P_o} \right]^{0.5} e^{19(H_o - 0.00636)} \left[\frac{288^\circ K}{T_a} \right]^{1.53}$$

where:

NO_x = emission rate of NO_x at 15 percent O₂ and ISO standard ambient conditions, volume percent;

NO_{xo} = observed NO_x concentration, ppm by volume;

P_r = reference combustor inlet absolute pressure at 101.3 kilopascals ambient pressure, mm Hg;

P_o = observed combustor inlet absolute pressure at test, mmHg;

H_o = observed humidity of ambient air, g H₂O/g air;

e = transcendental constant, 2,718; and

T_a = ambient temperature, °K. [§60.335(b)(1)]

- 3) The 3-run performance test required by §60.8 must be performed within ± 5 percent at 30, 50, 75, and 90-to-100 percent of peak load or at four evenly-spaced load points in the normal operating range of the gas turbine, including the minimum point in the operating range and 90-to-100 percent of peak load, or at the highest achievable load point if 90-to-100 percent of peak load cannot be physically achieved in practice. If the turbine combusts both oil and gas as primary or backup fuels, separate performance testing is required for each fuel. Notwithstanding these requirements, performance testing is not required for any emergency fuel (as defined in §60.331). [§60.335(b)(2)]

Recordkeeping:

- 1) The permittee shall maintain record of reports required under §60.7, sulfur content of fuel being fired in the turbine on a daily basis if the turbine is supplied its fuel without intermediate bulk storage.
- 2) The permittee shall maintain records on-site for the most recent 60 months of all records required by this permit and shall immediately make such records available to any Department of Natural Resources' personnel upon request.

Reporting:

- 1) For the purposes of reports under §60.7, periods of excess emissions that shall be reported are defined as follows:
 - a) Sulfur dioxide: Any daily period during which the sulfur content of the fuel being fired in the gas turbine exceeds 0.8 percent. (Compliance with the custom fuel schedule is said to demonstrate compliance with this applicable standard.)
 - b) Emergency fuel: Each period during which an exemption provided in 40 CFR 60.332(k) is in effect shall be included in the report required in 40 CFR 60.7(c). For each period, the type, reasons, and duration of the firing of the emergency fuel shall be reported.
- 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 15 days after the custom fuel schedule recordkeeping indicates an exceedance with the applicable standard pursuant to the regulation.

PERMIT CONDITION EU0010-003

10 CSR 10-6.350

Emission Limitations and Emission Trading of Oxides of Nitrogen

Emission Limitation:

- 1) Beginning May 1, 2004, the permittee shall limit emissions of NO_x from emission unit EU0010 to the rate of 0.25lbs. NO_x /million British thermal units (mmBtu) of heat input during the control period.
- 2) In lieu of complying with the above emission limit, the permittee may comply through the NO_x emissions trading program under 10 CSR 10-6.350(3)(B).
 - a) Compliance with 10 CSR 10-6.350 shall not relieve the permittee of the responsibility to comply fully with applicable provisions of the Air Conservation Law and rules or any other requirements under local, state or federal law. Specifically, compliance with 10 CSR 10-6.350 shall not violate the permit conditions previously established under 10 CSR 10-6.060 or 10 CSR 10-6.065.

Banking/Trading:

- 1) NO_x authorized account representative.
 - a) Each affected unit shall have only one NO_x authorized account representative with respect to all matters under the NO_x trading program. Each affected unit may have only one alternate NO_x authorized account representative who may act on behalf of the NO_x authorized account representative.
 - b) A NO_x authorized account representative may be responsible for multiple units at an installation or within a system of installations with the same owner.
 - c) The department will act on a valid submission made on behalf of the permittee of an affected unit only if the submission has been made, signed and certified by the NO_x authorized account representative or the alternate NO_x authorized account representative.
- 2) Control Period NO_x Allowances.
 - a) By October 31 following each control period, each NO_x authorized account representative shall submit to the department the actual total control period heat input and actual average emission rate in a compliance report consistent with 10 CSR 10-6.350(4) for each affected NO_x unit.
 - b) By November 15th following each control period, the department will issue a notice to each NO_x authorized account representative of the actual NO_x allowances recorded in the unit compliance account for each affected NO_x unit.
- 3) By the end of the NO_x allowance transfer deadline¹, each NO_x unit shall have sufficient NO_x allowances in their compliance account to allow for deductions in 10 CSR 10-6.350(3)(B)4.B.
 - a) The NO_x allowances are available to be deducted for compliance with a unit's NO_x emissions limitation for a control period in a given year only if the NO_x allowances:
 - i) Were allocated for a control period in a prior year or the same year; and
 - ii) Are held in the unit's compliance account or the unit's overdraft account as of the NO_x allowance transfer deadline for that control period.
 - b) The NO_x authorized account representative may identify by serial number the NO_x allowances to be deducted from the unit's compliance account under 10 CSR 10-6.350(3)(B)4.B., (3)(B)4.D., or (3)(B)4.E. Such identification will be made in the compliance certification report submitted in accordance with 10 CSR 10-6.350(4)(A)1.
- 4) NO_x allowances may be banked for future use or transfer into a compliance account or an overdraft account, as follows:
 - a) Any NO_x allowance that is held in a compliance account or an overdraft account, will remain in such account until the NO_x allowance is deducted or transferred under 10 CSR 10-6.350(3)(B)4 – (3)(B)7.
 - b) The director will designate, as a banked NO_x allowance, any NO_x allowance that remains in a compliance account or an overdraft account after the director has made all deductions for a given control period from the compliance account or overdraft account pursuant to 10 CSR 10-6.350(3)(B)4.
- 5) Each year, starting in 2005, after the director has completed the designation of banked NO_x allowances under 10 CSR 10-6.350(3)(B)5.A.(II) and before May 1 of the year, the department will

¹ Close of business on December 31 following the control period or, if December 31 is not a business day, close of business on the first business day thereafter and is the deadline by which NO_x allowances may be submitted for recording in an affected unit's compliance account, or the overdraft account of the installation where the unit is located.

- determine the extent to which banked NO_x allowances may be used for compliance in the control period for the current year.
- 6) Banked NO_x allowances made available for use in 10 CSR 10-6.350(3)(B)5.B.(II) and (3)(B)5.B.(III) may be traded from the control region for which 10 CSR 10-6.350(3)(A)3.² and (3)(A)4.³ are applicable to the control region for which 10 CSR 10-6.350(3)(A)1.⁴ is applicable on a one and one-half to one (1.5:1) basis.
 - 7) Banked NO_x allowances made available for use in 10 CSR 10-6.350(3)(B)5.B.(II) and (3)(B)5.B.(III) may be traded from the control region for which 10 CSR 10-6.350(3)(A)1.⁴, (3)(A)3.² and (3)(A)4.³ are applicable to the control region for which 10 CSR 10-6.350(3)(A)2.⁵ is applicable on a one and one-half to one (1.5:1) basis.
 - 8) Banked NO_x allowances made available for use in 10 CSR 10-6.350(3)(B)5.B.(II) and (3)(B)5.B.(III) may be traded on a one-to-one (1:1) basis unless otherwise specified in 10 CSR 10-6.350(3)(B)5.B.(IV)(b) and (3)(B)5.B.(IV)(c).
 - 9) The director may correct any error in any NO_x Allowance Tracking System account. Within ten business days of making such correction, the director will notify the NO_x authorized account representative for the account. The NO_x authorized account representative will then have ten business days to appeal the correction if they feel the correction was made in error.
 - 10) A NO_x allowance transfer that is submitted for recording following the NO_x allowance transfer deadline and that includes any NO_x allowances allocated for a control period prior to or the same as the control period to which the NO_x allowance transfer deadline applies will not be recorded until after completion of the process of recording of NO_x allowance allocations of 10 CSR 10-6.350.
 - 11) Where a NO_x allowance transfer submitted for recording fails to meet the requirements of 10 CSR 10-6.350(3)(B)9.A., the department will not record such transfer.

Monitoring:

- 1) Compliance shall be measured during the control period.
- 2) All valid data shall be used for calculating NO_x emissions rates.
- 3) Any gas or oil-fired peaking unit that is subject to the emission limitation or trading aspects of 10-6.350 shall:
 - a) Install, certify, operate, maintain, and quality assure a NO_x and diluent CEMS; or
 - b) Install, certify, operate, and quality assure fuel-metering equipment pursuant to 40 CFR Part 75, Appendix D and shall establish a NO_x-to-load curve pursuant to 40 CFR part 75, Appendix E;

Recordkeeping:

- 1) The permittee shall maintain records of the following:
 - a) Total fuel consumed during the control period;
 - b) The total heat input for each emissions unit during the control period;
 - c) Reports of all stack testing conducted to meet the requirements of 10 CSR 10-6.350;

² Cyclone EGUs located in the counties of Buchanan, Jackson, Jasper or Randolph.

³ EGUs, other than cyclone EGUs, located in any county not identified in paragraph (3)(A)1. or (3)(A)2. of 10- 6.350.

⁴ EGUs located in the counties of Bollinger, Butler, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Gasconade, Iron, Lewis, Lincoln, Madison, Marion, Mississippi, Montgomery, New Madrid, Oregon, Pemiscot, Perry, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Warren, Washington and Wayne.

⁵ EGUs located in the City of St. Louis and the counties of Franklin, Jefferson and St. Louis.

- d) All other data collected by a CEMS necessary to convert the monitoring data to the units of the applicable emission limitation;
 - e) All performance evaluations conducted in the past year;
 - f) All monitoring device calibration checks;
 - g) All monitoring system, monitoring device and performance testing measurements;
 - h) Records of adjustments and maintenance performed on monitoring systems and devices; and
 - i) A log identifying each period during which the CEMS or alternate procedure was inoperative, except for zero and span checks, and the nature of the repairs and adjustments performed to make the system operative.
- 2) All records must be kept on-site for a period of five years and made available to the department upon request.

Reporting:

- 1) Each unit must submit an account certificate of representation no later than January 1, 2004 or December 31 of the year in which 10 CSR 10-6.350 becomes applicable for units installed after January 1, 2004.
- 2) Projected NO_x allowances.
 - a) By March 1, 2004, the NO_x authorized account representative for each affected unit shall submit to the department a report containing the following:
 - i) The projected control period NO_x emission rate for each affected unit;
 - ii) The average of the three most recent control period heat inputs, unless those three periods are not representative of normal operation; and
 - iii) A plan identifying the methodology for compliance with the emission limitations of 10 CSR 10-6.350.
 - b) The department will review each report and make any amendments within 15 working days.
 - c) The department will develop a summary of projected NO_x allowances on a unit by unit and statewide basis for distribution on or before May 1 of each year.
- 3) NO_x authorized account representatives must request all of the ERCs needed from the compliance set-aside account for the 2004 and 2005 control periods by February 28, 2004. The request for ERCs shall include the following information:
 - a) The owner and operator;
 - b) The NO_x authorized account representative;
 - c) The NO_x unit identification number and name;
 - d) The number of ERCs being requested; and
 - e) The overdraft or compliance account number.
- 4) The NO_x authorized account representatives seeking the recording of a NO_x allowance transfer shall submit the transfer request to the director. To be considered correctly submitted, the NO_x allowance transfer shall include the following elements in a format specified by the director:
 - a) The numbers identifying both the transferor and transferee accounts;
 - b) A specification by serial number of each NO_x allowance to be transferred; and
 - c) The printed name and signature of the NO_x authorized account representative of the transferor account and the date signed.
- 5) When a NO_x opt-in unit becomes an affected unit, the NO_x authorized account representative shall notify the department in writing of such change in the NO_x opt-in unit's regulatory status within 30 days of such change.
- 6) A compliance certification report for each affected unit shall be submitted to the department by October 31 following each control period. The report shall include:

- a) The owner and operator;
 - b) The NO_x authorized account representative;
 - c) NO_x unit name, compliance and overdraft account numbers;
 - d) NO_x emission rate limitation (lb/mmBtu);
 - e) Actual NO_x emission rate (lb/mmBtu) for the control period;
 - f) Actual heat input (mmBtu) for the control period. The unit's total heat input for the control period in each year will be determined in accordance with 10 CSR 10-6.350(5);
 - g) Actual NO_x mass emissions (tons) for the control period.
- 7) Any unit with valid continuous emission monitoring system (CEMS) data for the control period must use that data to determine compliance with the provisions of this rule. The permittee which performs non-CEMS testing to demonstrate compliance of a unit subject to 10 CSR10-6.350(3) shall submit:
- a) A control period report identifying monthly fuel usage and monthly total heat input by December 31 of the same year as the control period; and
 - b) A written report of all stack tests completed after controls are effective to the department within 60 days after completion of sample and data collection.
- 8) The permittee shall report to the Air Pollution Control Program Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than ten days after any exceedance of any of the terms imposed by this regulation, or any malfunction which causes an exceedance of this regulation.

PERMIT CONDITION EU0010-004

10 CSR 10-6.360

Control of NO_x Emissions From Electric Generating Units and Non-Electric Generating Boilers

Emission Limitation:

The permittee shall obtain a NO_x Budget Permit for the combustion turbine generator EU0010 pursuant to Title V of the Clean Air Act.

A NO_x Budget Permit (Missouri Department of Natural Resources project 2007-07-087, ORIS Code 007749) is being issued to the permittee in conjunction with this Title V permit.

Monitoring/Recordkeeping:

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

Reporting:

Annual Compliance Certification.

The permittee 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.

<p style="text-align: center;">PERMIT CONDITION EU0010-005 10 CSR 10-6.270 Acid Rain Source Permits Required</p>

Emission Limitation:

The permittee shall obtain an Acid Rain Source Permit for the combustion turbine generator EU0010 pursuant to Title IV of the Clean Air Act.

An acid rain permit (Missouri Department of Natural Resources project 2004-06-125, ORIS Code 7749) is being issued to the permittee in conjunction with this Title V permit. Sulfur dioxide (SO₂) limitations are referenced in this Title IV: Phase II Acid Rain Permit for the installation.

Monitoring/Recordkeeping:

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

Reporting:

Annual Compliance Certification.

The permittee 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.

IV. Core 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 10-6.050 Start-up, Shutdown and Malfunction Conditions
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- 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 immediately 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 10-6.110 Submission of Emission Data, Emission Fees and Process Information

- 1) The permittee shall complete and submit an Emission Inventory Questionnaire (EIQ) in accordance with the requirements outlined in this rule.
- 2) 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.
- 3) The fees shall be payable to the Department of Natural Resources and shall be accompanied by the EIQ form or equivalent approved by the director.

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

- 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.

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 10-3.030 Open Burning Restrictions

- 1) The permittee shall not conduct, cause, permit or allow a salvage operation, the disposal of trade wastes or burning of refuse by open burning.
- 2) Exception - Open burning of trade waste or vegetation may be permitted only when it can be shown that open burning is the only feasible method of disposal or an emergency exists which requires open burning.
- 3) Any person intending to engage in open burning shall file a request to do so with the director. The request shall include the following:
 - a) The name, address and telephone number of the person submitting the application; The type of business or activity involved; A description of the proposed equipment and operating practices, the type, quantity and composition of trade wastes and expected composition and amount of air contaminants to be released to the atmosphere where known;
 - b) The schedule of burning operations;
 - c) The exact location where open burning will be used to dispose of the trade wastes;
 - d) Reasons why no method other than open burning is feasible; and
 - e) Evidence that the proposed open burning has been approved by the fire control authority which has jurisdiction.
- 4) Upon approval of the open burning permit application by the director, the person may proceed with the operation under the terms of the open burning permit. Be aware that such approval shall not exempt Essex Power Plant from the provisions of any other law, ordinance or regulation.
- 5) The permittee shall maintain files with letters from the director approving the open burning operation and previous Department of Natural Resources' inspection reports.

10 CSR 10-3.090 Restriction of Emission of Odors

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. **This requirement is not federally enforceable.**

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 recordkeeping 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.

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”;
 - 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 Recordkeeping and Reporting Requirements

- 1) Recordkeeping
 - 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 immediately available to any Department of Natural Resources' personnel upon request.
- 2) Reporting
 - a) All reports shall be submitted to the Air Pollution Control Program, 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, recordkeeping, 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

None.

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

Emission Unit EU0010 is subject to 10 CSR 10-6.350, Emission Limitations and Emissions Trading of Oxides of Nitrogen. Under this rule the permittee may bank allowances if NO_x emissions from this unit is controlled below the limits specified in permit condition EU0010-003 during the control period. However, the permittee may not purchase allowances to show compliance with the limits in construction permit 0998-022.

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 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 Environmental Protection Agency (EPA) Region VII, 901 North 5th Street, Kansas City, Kansas 66101, as well as the Air Pollution Control Program, 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.

10 CSR 10-6.065(6)(C)6 Permit Shield

- 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 EPA and the Air Pollution Control Program of the 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, Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 901 North 5th Street, Kansas City, Kansas 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), recordkeeping, 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, Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 901 North 5th Street, Kansas City, Kansas 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, Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 901 North 5th Street, Kansas City, Kansas 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 Mr. Duane Highley, Director, Power Production. 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 receives notice from the 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

- 1) NO_x Budget Trading Permit
- 2) Acid Rain Permit

Attachment A

TITLE V: NO_x BUDGET TRADING PERMIT

In accordance with Title V of the Clean Air Act and Missouri State Rule 10 CSR 10-6.360, *Control of NO_x Emissions from Electric Generating Units and Non-electric Generating Boilers*, the State of Missouri issues this NO_x Budget Permit.

Installation Name: AECI – Essex Power Plant, **ORIS Code:** 007749
Project Number: 2007-07-087, **Permit Number:**
Unit IDs: Unit 1
Effective Dates: May 1, 2007 through April 30, 2012

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 NO_x Budget Permit applies only to unit 1 at AECI's Essex Power Plant, plant number 207-0064.

This NO_x Budget permit is effective for the five-year period shown above, per 10 CSR 10-6.360(3)(C), *NO_x Budget Permits*. The designated representative must submit an application for renewal of this permit no later than November 30, 2011, per 10 CSR 10-6.360(3)(C), *NO_x Budget Permits*, and in conjunction with the operating permit renewal application.

Date

Director or Designee,
Department of Natural Resources

2. Monitoring requirements.

- A. The owners and operators and, to the extent applicable, the NOx authorized account representative of each NOx budget source and each NOx budget unit at the source shall comply with the monitoring requirements of section (4) of this rule.
- B. The emissions measurements recorded and reported in accordance with section (4) of this rule shall be used to determine compliance by the unit with the NOx budget emissions limitation under paragraph (3)(A)3. of this rule.

3. Nitrogen oxides requirements.

- A. The owners and operators of each NOx budget source and each NOx budget unit at the source shall hold NOx allowances available for compliance deductions under paragraph (3)(F)5. of this rule, as of the NOx allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total emissions for the control period from the unit, as determined in accordance with section (4) of this rule.
- B. Each ton of nitrogen oxides emitted in excess of the NOx budget emissions limitation shall constitute a separate violation of this rule, the CAA, and applicable state law.
- C. A NOx budget unit shall be subject to the requirements under subparagraph (3)(A)3.A. of this rule starting on the later of May 1, 2007 or the date on which the unit commences operation.
- D. NOx allowances shall be held in, deducted from, or transferred among NOx allowance tracking system accounts in accordance with subsections (3)(E), (F), (G), and (H) of this rule.
- E. A NOx allowance shall not be deducted, in order to comply with the requirements under subparagraph (3)(A)3.A. of this rule, for a control period in a year prior to the year for which the NOx allowance was allocated.
- F. A NOx allowance allocated by the director or the administrator under the NOx budget trading program is a limited authorization to emit one (1) ton of nitrogen oxides in accordance with the NOx budget trading program. No provision of the NOx budget trading program, the NOx budget permit application, the NOx budget permit, or an exemption under subsection (1)(E) of this rule and no provision of law shall be construed to limit the authority of the United States or the state to terminate or limit such authorization.
- G. A NOx allowance allocated by the director or the administrator under the NOx budget trading program does not constitute a property right.
- H. Upon recordation by the administrator under subsections (3)(F), (G), or (H) of this rule, every allocation, transfer, or deduction of a NOx allowance to or from a NOx budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NOx budget permit of the NOx budget unit by operation of law without any further review.

4. Excess emissions requirements. The owners and operators of a NOx budget unit that has excess emissions in any control period shall:

- A. Surrender the NOx allowances required for deduction under part (3)(F)5.D.(I) of this rule; and
- B. Pay any fine, penalty, or assessment or comply with any other remedy imposed under part (3)(F)5.D.(III) of this rule.

5. Record keeping and reporting requirements.

- A. Unless otherwise provided, the owners and operators of the NOx budget source and each NOx budget unit at the source shall keep on-site at the source each of the following documents for a period of five (5) years from the date the document is created. This period may be extended for cause, at any time prior to the end of five (5) years, in writing by the director or the administrator.
- (I) The account certificate of representation for the NOx authorized account representative for the source and each NOx budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with paragraph (3)(B)4.; provided that the certificate and documents shall be retained on-site at the source beyond such five (5)-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NOx authorized account representative.
- (II) All emissions monitoring information, in accordance with section (4) of this rule; provided that to the extent that section (4) of this rule provides for a three (3)-year period for record keeping, the three (3)-year period shall apply.
- (III) Copies of all reports, compliance certifications, and other submissions and all records made or required under the NOx budget trading program.
- (IV) Copies of all documents used to complete a NOx budget permit application and any other submission under the NOx budget trading program or to demonstrate compliance with the requirements of the NOx budget trading program.
- B. The NOx authorized account representative of a NOx budget source and each NOx budget unit at the source shall submit the reports and compliance certifications required under the NOx budget trading program, including those under subsections (3)(D), (3)(H), or section (4) of this rule.

Essex Power Plant
Plant Name (from Step 1)

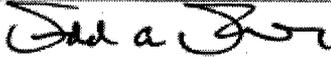
6. Liability.

- A. Any person who knowingly violates any requirement or prohibition of the NOx budget trading program, a NOx budget permit, or an exemption under subsection (1)(E) of this rule shall be subject to enforcement pursuant to applicable state or federal law.
- B. Any person who knowingly makes a false material statement in any record, submission, or report under the NOx budget trading program shall be subject to criminal enforcement pursuant to the applicable state or federal law.
- C. No permit revision shall excuse any violation of the requirements of the NOx budget trading program that occurs prior to the date that the revision takes effect.
- D. Each NOx budget source and each NOx budget unit shall meet the requirements of the NOx budget trading program.
- E. Any provision of the NOx budget trading program that applies to a NOx budget source (including a provision applicable to the NOx authorized account representative of a NOx budget source) shall also apply to the owners and operators of such source and of the NOx budget units at the source.
- F. Any provision of the NOx budget trading program that applies to a NOx budget unit (including a provision applicable to the NOx authorized account representative of a NOx budget unit) shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under section (4) of this rule, the owners and operators and the NOx authorized account representative of one NOx budget unit shall not be liable for any violation by any other NOx budget unit of which they are not owners or operators or the NOx authorized account representative and that is located at a source of which they are not owners or operators or the NOx authorized account representative.

7. Effect on other authorities. No provision of the NOx budget trading program, a NOx budget permit application, a NOx budget permit, or an exemption under subsection (1)(E) of this rule shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NOx authorized account representative of a NOx budget source or NOx budget unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the CAA.

Certification

I am authorized to make this submission on behalf of the owners and operators of the NOx Budget sources or NOx Budget 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.

Todd A. Tolbert (AAAR)	
Name	
Signature 	July 3, 2007
	Date



Attachment B

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: Essex Power Plant, **ORIS Code:** Enter ORIS Code
Project Number: 2006-08-089, **Permit Number:**
Unit ID: Enter Unit IDs (EIA numbers)
Effective Dates: January 1, 2007 through December 31, 2012

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.

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 SO₂ allowance allocations identified in this permit.

These units are not coal fired and therefore are not subject to the requirements of 40 CFR Part 76, Nitrogen Oxides Emission Reduction 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 June 30, 2009, 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

STEP 3

**Read the
standard
requirements**

Permit 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 unit 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 unit's compliance subaccount (after deductions under 40 CFR 73.34(c)), or in the compliance subaccount of another affected unit at the same source to the extent provided in 40 CFR 73.35(b)(3), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
 - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (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).
- (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.

**STEP 3,
Cont'd.**

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 unit 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 unit 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;
 - (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.

Essex Power Plant
 Plant Name (from Step 1)

**Step 3,
 Cont'd.**

Liability, Cont'd.

(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. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NO_x averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.

(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 to applicable National Ambient Air Quality Standards or State Implementation Plans;

(2) Limiting the number of allowances a unit can hold; *provided*, that the number of allowances held by the unit 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,

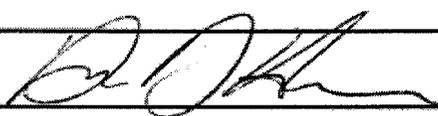
(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

STEP 4

Certification

**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.

Duane D. Highley	
Name	
	
Signature	6/10/04
	Date

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 August 31, 2006;
- 2) 2006 Emissions Inventory Questionnaire, received May 29, 2007; and
- 3) U.S. EPA document AP-42, *Compilation of Air Pollutant Emission Factors*; Volume I, Stationary Point and Area Sources, Fifth Edition.
- 4) NO_x Budget Permit Application, Project 2007-07-087, received July 9, 2007
- 5) Acid Rain Permit Application, Project No. 2004-06-125, received June 14, 2004

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.

10 CSR 10-6.360 Control of NO_x Emissions From Electric Generating Units and Non-Electric Generating Boilers. It was determined that this rule applies to the Combustion Turbine and further explanation is included below under "Other Regulatory Determinations."

Other Air Regulations Determined Not to Apply to the Operating Permit

The Air Pollution Control Program 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.

Construction Permit Revisions

The following revisions were made to construction permits for this installation:

Construction Permit No. 0998-022A: The conditions covering the initial performance testing (CP 0998-022A Special Conditions 5 through 13) were not included in Permit Condition EU0010-001 because they have already been completed and the appropriate reports have been submitted.

Construction Permit No. 0998-022A: Special Condition No. 3 requires the permittee to maintain records on site for 60 months. This condition was not included in Permit Condition EU0010-001 because it is stated in Section V – General Permit Requirements.

New Source Performance Standards (NSPS) Applicability

40 CFR Part 60 Subpart GG, Standards of Performance for Stationary Gas Turbines applies to unit EU0010 because has a heat input capacity greater than 10 MMBtu/hr and it was constructed after October 3, 1997.

Per 40 CFR 60.332(b), stationary gas turbines with a heat input load equal to or greater than 107.2 gigajoules per hour (100 MMBtu/hr) have a NO_x limit determined by the following equation:

$$\text{STD} = (0.0075)(14.4/Y) + F$$

Where:

STD = allowable NO_x emissions (% by volume at 15 percent oxygen and on a dry basis)

Y = manufacturer's rated heat rate at manufacturer's rated load (kilojoules per watt hour) or, actual measured heat rate based on lower heating value of fuel as measured at actual peak load for the facility. The value of Y shall not exceed 14.4 kilojoules per watt-hour.

Given: Manufacturer's Rated Heat Rate = 9,805 Btu/kW-hr

$$Y = (9,805 \text{ Btu/kW-hr})(1.0548 \text{ kJ/Btu})(1 \text{ kW}/1000 \text{ W}) = 10.34 \text{ kJ/W-hr}$$

F = NO_x emission allowance for fuel bound nitrogen = 0 (This installation does not take credit for fuel-bound nitrogen and therefore the F Factor is 0.

STD (NO_x Emission Limit) Calculation:

$$\begin{aligned} \text{STD} &= (0.0075)(14.4/Y) + F \\ &= (0.0075)(14.4/10.34) + 0 \\ &= 0.00804\% \text{ or } 80.4 \text{ ppmv NO}_x \text{ at } 15\% \text{ oxygen.} \end{aligned}$$

$$\text{PPM Conversion: } (.010/100) * (48/(2*16+2*14)) * 1,000,000 = 80.04\text{ppmv}$$

No other NSPS Regulations apply to this facility.

Maximum Available Control Technology (MACT) Applicability

None.

National Emission Standards for Hazardous Air Pollutants (NESHAP) Applicability

In the permit application and according to Air Pollution Control Program records, there was no indication that any Missouri Air Conservation Law, Asbestos Abatement, 643.225 through 643.250; 10 CSR 10-6.080, Emission Standards for Hazardous Air Pollutants, Subpart M, National Standards for Asbestos; and 10 CSR 10-6.250, Asbestos Abatement Projects - Certification, Accreditation, and Business Exemption Requirements apply to this installation. The installation is subject to these regulations if they undertake any projects that deal with or involve any asbestos containing materials. None of the installation's operating projects underway at the time of this review deal with or involve asbestos containing material. Therefore, the above regulations were not cited in the operating permit. If the installation should undertake any construction or demolition projects in the future that deal with or involve any asbestos containing materials, the installation must follow all of the applicable requirements of the above rules related to that specific project.

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.

40 CFR Part 64 is not applicable because none of the pollutant-specific emission units uses a control device to achieve compliance with a relevant standard.

Other Regulatory Determinations

10 CSR 10-6.360 Control of NO_x Emissions From Electric Generating Units and Non-Electric Generating Boilers. The Combustion Turbine qualifies for the exemption under 10 CSR 10-6.360(C) as long as the unit is limited to burning only natural gas or fuel oil, and is limited to operating 54 hours. This hourly operating limit was calculated based on the restriction of paragraph (C)(2) which restricts the unit's operating hours to the number calculated by dividing 25 tons of potential mass emissions by the unit's maximum potential hourly NO_x mass emissions. According to paragraph (C)(3), the unit's maximum potential hourly NO_x mass emissions is to be calculated by multiplying the unit's maximum rated hourly heat input by the highest default NO_x emission rate applicable to the unit under 40 CFR 75.19(c), Table LM-2. For this unit:

Potential hourly NO_x Emissions = (1320 MMBtu/hr) x (0.7 lb MMBtu)* x (1 ton/2000 lb) = 0.462 ton/hr.

*From Table LM-2 for gas fired turbine

Allowable Hours of Operation = (25 tons) / (0.462 ton/hr) = 54 hours.

The facility has opted to obtain a NO_x Budget Permit rather than accept this operational (hours-of-operation) limitation. The permit is being issued in conjunction with this operating permit.

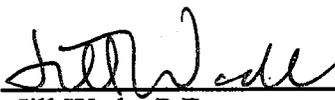
Other Regulations Not Cited in the Operating Permit or the Above Statement of Basis

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:



Jill Wade, P.E.
Environmental Engineer