



PART 70 PERMIT TO OPERATE

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

Operating Permit Number: OP2009-016
Expiration Date: JUN 16 2014
Installation ID: 037-0056
Project Number: 2002-04-116

Installation Name and Address

Dogwood Energy Facility
P.O. Box 110
25111 E 175th Street
Pleasant Hill, MO 64080
Cass County

Parent Company's Name and Address

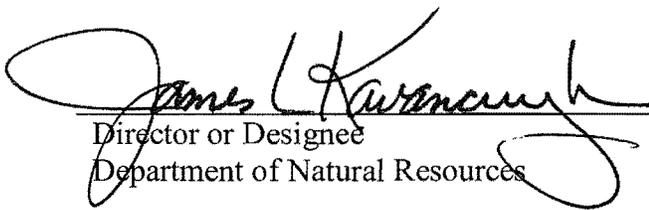
Dogwood Energy LLC
6700 Alexander Bell Drive, Suite 360
Columbia, MD 21046

Installation Description:

This installation is a natural gas fired electricity generating plant used to supply electricity to outside utilities during periods of high demand. The installation consists of two natural gas fired Siemens-Westinghouse Model 501FD2 turbines connected to two heat recovery steam generators with duct burners and power augmentation, capable of producing 625 MW during peak production. The HRSG uses the heat recovered from the gas turbine exhaust in addition to supplemental heat from the duct burner to provide steam to power a common steam-electric generator for further power generation. Power augmentation is accomplished by injecting steam from the HRSG into the combustion turbine. A seven-cell cooling tower draws heat from the water used to cool the steam condenser. The installation is operated in combined cycle mode.

JUN 17 2009

Effective Date


Director or Designee
Department of Natural Resources



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I. Installation Description and Equipment Listing

INSTALLATION DESCRIPTION

This installation is a natural gas fired electricity generating plant used to supply electricity to outside utilities during periods of high demand. The installation consists of two natural gas fired Siemens-Westinghouse Model 501FD2 turbines connected to two heat recovery steam generators with duct burners and power augmentation, capable of producing 625 MW during peak production. The HRSG uses the heat recovered from the gas turbine exhaust in addition to supplemental heat from the duct burner to provide steam to power a common steam-electric generator for further power generation. Power augmentation is accomplished by injecting steam from the HRSG into the combustion turbine. A seven-cell cooling tower draws heat from the water used to cool the steam condenser. The installation is operated in combined cycle mode.

The installation has potential emissions above the major source thresholds for NO_x, CO, VOC, and PM₁₀. The installation is subject to 40 CFR Part 60 Subpart Da and 40 CFR Part 60 Subpart GG.

Reported Air Pollutant Emissions, tons per year								
Year	Particulate Matter ≤ Ten Microns (PM-10)	Particulate Matter ≤ 2.5 Microns (PM-2.5)	Sulfur Oxides (SO _x)	Nitrogen Oxides (NO _x)	Volatile Organic Compounds (VOC)	Carbon Monoxide (CO)	Lead (Pb)	Hazardous Air Pollutants (HAPs)
2007	12.6	12.6	1.91	52	2.17	34.03	-	1.6
2006	1.86	1.86	0.31	9.65	0.42	5.52	-	-
2005	3.47	3.47	0.69	19.75	0.77	7.57	-	-
2004	10.43	9.92	1.96	94.05	2.23	22.2	-	-
2003	9.54	9.12	1.89	83.14	2.2	20.2	-	-

EMISSION UNITS WITH LIMITATIONS

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

Emission Unit #	Description of Emission Unit
EU0010	Combustion Turbine #1 (EP-1)
EU0020	HRSG #1 (EP-1)
EU0030	Combustion Turbine #2 (EP-2)
EU0040	HRSG #2 (EP-2)

EMISSION UNITS WITHOUT LIMITATIONS

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

Description of Emission Source
Diesel Fire Pump (EP IA-1)
Auxiliary Boiler (EP-IA-2)
Cooling Tower (EP-3)

DOCUMENTS INCORPORATED BY REFERENCE

These documents have been incorporated by reference into this permit.

1. Construction Permit 042009-009; issued April 17, 2009
2. Phase II Acid Rain Permit, Permit No.: OP2006-035
3. EPA Region VII Letter of Approval of Custom Fuel Sampling Schedules, Dated May 17, 2001
4. Clean Air Interstate Rule (CAIR) Permit

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 through EU0040–Combustion Turbines			
Emission Unit	Description	Manufacturer/Model #	2007 EIQ Reference #
EU0010	Combustion Turbine #1, installed 2001, natural gas fired, 100% base load without PAG, MHDR=1930 MMBtu/hr; 100% base load with PAG, MHDR=2058 MMBtu/hr both @ ISO conditions	Siemens-Westinghouse, Model 501FD2	EP-01
EU0020	Heat Recovery Steam Generator #1 with duct burner, installed 2002, natural gas fired, MHDR=352 MMBtu/hr @ ISO conditions	Toshiba	EP-01
EU0030	Combustion Turbine #2, installed 2001, natural gas fired, 100% base load without PAG, MHDR=1930 MMBtu/hr; 100% base load with PAG MHDR=2058 MMBtu/hr both at ISO conditions	Siemens-Westinghouse, Model 501FD2	EP-02
EU0040	Heat Recovery Steam Generator #2 with duct burner, installed 2002, natural gas fired, MHDR=352 MMBtu/hr @ ISO conditions	Toshiba	EP-02

PERMIT CONDITION (EU0020 and EU0040)-001
10 CSR 10-6.070 New Source Performance Standards 40 CFR Part 60, Subpart A General Provisions and Subpart Da Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978 EPA Region VII Approval of Custom Fuel Sampling Schedules, Letter Dated May 17, 2001

Emission Limitation:

- 1) **Opacity limitation:** The permittee shall not cause to be discharged into the atmosphere any gases which exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity. [§60.42Da(b)]
- 2) **Particulate Matter (PM) limitation:** These units are subject to the requirements of 40 CFR Part 60 Subpart Da. According to Emission Factor Documentation For AP-42 Section 3.1 Stationary Gas Turbines, page 34, “PM emissions from combustion turbines are considered PM-10 emissions.” Therefore, the PM₁₀ emission limits of Construction Permit 0899-030 are more stringent than the NSPS PM emission limits. Hence, the NSPS standards are not listed as permit conditions to this unit. Compliance with the Construction Permit will assure compliance with the NSPS standards.

- 3) **Nitrogen Oxides limitation:** These units are subject to the requirements of 40 CFR Part 60 Subpart Da. Since the NO_x emission standards of Subpart Da are less stringent than the NO_x emission limits of Construction Permit 0899-030, the NSPS standards are not listed as permit conditions to this unit. Compliance with the construction permit will assure compliance with the NSPS standards.
- 4) **Sulfur Dioxide limitation:** These units are subject to the requirements of 40 CFR Part 60 Subpart Da. Since the SO₂ emission standards of Subpart Da are less stringent than the SO₂ emission limits of Construction Permit 0899-030, which limit the units to burning only natural gas, the NSPS standards are not listed as permit conditions to this unit. Compliance with the construction permit will assure compliance with the NSPS standards.

Monitoring/Record Keeping/Reporting:

As specified in Permit Condition (EU0010 through EU0040)-002.

PERMIT CONDITION (EU0010 and EU0030)-001
10 CSR 10-6.070 New Source Performance Standards 40 CFR Part 60, Subpart A General Provisions and Subpart GG—Standards of Performance for Stationary Gas Turbines

Emission Limitation:

Standard for Nitrogen Oxides and Sulfur Dioxides:

NOTE: These units are subject to the requirements of 40 CFR Part 60 Subpart GG. Since the emission standards of Subpart GG are less stringent than the emission limits of Construction Permit 0899-030, the NSPS standards are not listed as permit conditions to this unit. Compliance with the construction permit limits will assure compliance with the NSPS standards.

Monitoring/Record Keeping/Reporting:

- 1) The permittee may elect not to monitor the total sulfur content of the gaseous fuel combusted in the turbine, if the gaseous fuel is demonstrated to meet the definition of natural gas in §60.331(u), regardless of whether an existing custom schedule approved by the administrator for subpart GG requires such monitoring. The permittee shall use one of the following sources of information to make the required demonstration: [§60.334(h)(3)]
 - a) The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20.0 grains/100 scf or less; or [§60.334(h)(3)(i)]
 - b) Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 20 grains/100 scf. At a minimum, the amount of fuel sampling data specified in Section 2.3.1.4 or 2.3.2.4 of Appendix D to Part 75 of this chapter is required.[§60.334(h)(3)(ii)]

Permit Condition (EU0010 through EU0040)-002

10 CSR 10-6.060

Construction Permits Required

Construction Permit 042009-009, Issued April 17, 2009

Emission/Operational Limitations:

- 1) The conditions of this permit supersede all special conditions found in the previously issued construction permit (Permit Number 0899-030) and amendments from the Air Pollution Control Program. [Special Condition 1]
- 2) Except during periods of start-up and shutdown, Dogwood Energy, LLC shall limit nitrogen oxide (NO_x) emissions from the Siemens-Westingshouse Model 501F turbine generators and from the duct burners (EP –1 and EP – 2) to four (4) parts per million by volume (ppmv) corrected to 15 percent (%) oxygen on a dry basis and expressed as a 30 day rolling average. This limit shall not apply when the turbines are operated in simple cycle mode during the period from May through September of the year 2001. [Special Condition 2]
- 3) Dogwood Energy, LLC may operate the Siemens-Westingshouse turbines in simple cycle mode only during the period from May through September of the year 2001. During this time NO_x emissions shall be limited to 25 ppmv corrected to 15 percent oxygen on a dry basis. [Special Condition 3]
- 4) Dogwood Energy, LLC shall limit carbon monoxide (CO) emissions from the Siemens-Westingshouse Model 501F turbine generators (EP –1 and EP – 2) to the following levels: [Special Condition 4]
 - a) 10 ppmv corrected to 15 percent oxygen on a dry basis during normal operation from 70 to 100 percent load.
 - b) 15 ppmv corrected to 15 percent oxygen on a dry basis in power augmentation mode (only applicable during combined cycle operation).
 - c) 50 ppmv corrected to 15 percent oxygen on a dry basis during periods of operation from 40 to 70 percent load.
- 5) Dogwood Energy, LLC shall limit volatile organic compound (VOC) emissions from the Siemens-Westingshouse Model 501F turbine generators (EP –1 and EP – 2) to 3 ppmv corrected to 15 percent oxygen on a dry basis.[Special Condition 5]
- 6) Dogwood Energy, LLC shall limit emissions of particulate matter less than ten (10) microns in aerodynamic diameter (PM₁₀) from the Siemens-Westingshouse Model 501F turbine generators (EP –1 and EP – 2) to 0.013 pounds per million BTU (lb/MMBTU) of heat input. [Special Condition 6]
- 7) Dogwood Energy, LLC shall achieve the following limits for the combined emissions from the turbines and duct burners (EP –1 and EP – 2) based on the higher heating value of the fuel: [Special Condition 7]
 - a) CO: 17.1 ppmv corrected to 15 percent oxygen on a dry basis during normal operation from 70 to 100 percent load.
 - b) CO: 24.2 ppmv corrected to 15 percent oxygen on a dry basis in power augmentation mode
 - c) VOC: 0.012 lb/MMBTU heat input
 - d) PM₁₀: 0.015 lb/MMBTU heat input
- 8) Dogwood Energy, LLC shall emit less than 100 tons of VOC from the Siemens-Westingshouse Model 501F turbine generators and from the duct burners (EP – 1 and EP – 2) in any consecutive 12-month period. [Special Condition 8]

- 9) Natural gas shall be the only fuel fired in these turbines and duct burners. [Special Condition 23]
10) Dogwood Energy, LLC shall not exceed the future actual emissions used to determine the projected actual emissions of this project as follows: [Special Condition 25]

Pollutant	Future Actual Emissions (tpy)
PM ₁₀	312.9
SO _x	11.9
NO _x	303.3
VOC	100
CO	773.6

Stack Testing Requirements:

- 1) Stack tests shall be performed on each turbine in the simple cycle mode to verify that the emission limitations set in Special Conditions 3 through 6 are not exceeded; to develop the emission factor used to demonstrate compliance with Special Condition 8; and to demonstrate compliance with Subpart GG of the New Source Performance Standards (NSPS). These tests shall be performed within 60 days after achieving the maximum production rate at which the turbines will be operated, but not later than 180 days after initial start-up modified equipment for commercial operation and shall be conducted in accordance with the Stack Test Procedures outlined Special Conditions 14 through 17. [Special Condition 9]
- 2) Stack tests shall be performed on each combustion turbine and heat recovery boiler train operating in the combined cycle mode to verify that the emission limitations set in special conditions 2 and 7 are not exceeded; to develop the emission factor used to demonstrate compliance with Special Condition 8; and to demonstrate compliance with Subpart Da of the NSPS. These tests shall be performed within 60 days after achieving the maximum production rate at which the duct burners will be operated, but not later than 180 days after initial start-up of modified equipment for commercial operation and shall be conducted in accordance with the Stack Test Procedures outlined in Special Conditions 13 through 17. [Special Condition 10]
- 3) The emission tests required by this permit for the duct burners shall be conducted according to the test methods specified in 40 CFR §60.48a, *Compliance determination procedures and methods*. [Special Condition 11]
 - a) The emission tests required by this permit for the turbines shall be conducted in accordance with the following methods and procedures. [Special Condition 12]
 - b) The test methods and procedures outlined in 40 CFR §60.335, *Test methods and procedures*, shall be adhered to by the applicant in testing for NO_x from the combustion turbines. This section mandates that EPA Method 20 be used to determine the NO_x emission rate.
 - c) The test methods and procedures outlined in 40 CFR Part 60, Appendix A, Method 10, shall be adhered to by the applicant in testing for CO.
 - d) The test methods and procedures outlined in EPA Method 5 and 202, shall be adhered to by the applicant in testing for PM₁₀.
- 4) The test methods and procedures outlined in 40 CFR Part 60 Appendix A, Method 25A and Method 18 shall be adhered to by the applicant in testing for VOC.
- 5) The date on which performance tests are conducted must be pre-arranged with the Air Pollution Control Program a minimum of 30-days prior to the proposed test date so that this Program may arrange a pretest meeting, if necessary; to assure that the test date is acceptable for an observer to be present. A completed Proposed Test Plan form (copy enclosed) may serve the purpose of

notification and must be approved by the Air Pollution Control Program prior to conducting the required emission testing. [Special Condition 13]

- 6) Two (2) copies of a written report of the performance test results shall be submitted to the Director of the Air Pollution Control Program within 30-days of completion of any required testing. The report must include legible copies of the raw data sheets, analytical instrument laboratory data, and complete sample calculations from the required EPA Method for at least one sample run. [Special Condition 14]
- 7) The test report is to fully account for all operational and emission parameters addressed by these permit conditions as well as Subparts Da and GG of the NSPS. [Special Condition 15]

Monitoring:

- 1) Dogwood Energy, LLC shall install, calibrate, maintain, and operate continuous monitoring systems, and record the output of the system, for measuring NO_x emissions discharged to the atmosphere. These systems shall be located after the heat recovery steam generators (HRSG) in a position to monitor the combined flue gas of the turbines and duct burners. [Special Condition 18]
- 2) Dogwood Energy, LLC shall install, calibrate, maintain, and operate a continuous monitoring system, and record the output of the system, for measuring the oxygen or carbon dioxide (CO₂) content of the flue gases at each location where NO_x emissions are monitored. [Special Condition 19]
- 3) The continuous emission monitoring systems required by Special Condition 18 shall be installed and operated according to the guidelines in 40 CFR §60.13, *Monitoring requirements*; in 40 CFR Appendix B, Performance Specification 2 – *Specifications and test procedures for SO₂ and NO_x continuous emission monitoring systems in stationary sources*; and in 40 CFR Appendix F, *Quality Assurance Procedures*. As an alternative, the requirements of 40 CFR Part 75 Appendix A, *Specifications and Test Procedures* and 40 CFR Part 75 Appendix B, *Quality Assurance and Quality Control Procedures*, may be followed by the permittee for certification and quality assurance, respectively, for the NO_x CEMS required by Special Condition 18 upon approval of the Director. [Special Condition 20]
- 4) The continuous emission monitoring systems required by Special Condition 19 shall be installed and operated according to the guidelines in 40 CFR §60.13, *Monitoring requirements*; in 40 CFR Appendix B, Performance Specification 3 – *Specifications and test procedures of O₂ and CO₂ continuous emission monitoring systems in stationary sources*; and in 40 CFR Appendix F, *Quality Assurance Procedures*. As an alternative, the requirements of 40 CFR Part 75 Appendix A, *Specifications and Test Procedures* and 40 CFR Part 75 Appendix B, *Quality Assurance and Quality Control Procedures*, may be followed by the permittee for certification and quality assurance, respectively, for the O₂ CEMS required by Special Condition 19 upon approval of the Director. [Special Condition 21]

Recordkeeping:

- 1) Dogwood Energy, LLC shall use Attachment E, “Monthly VOC Emissions Tracking Record” or an equivalent form to verify compliance with the emission limitation of Special Condition 8. The most recent 60 months records shall be maintained on site and shall be made available to Missouri Department of Natural Resources’ (DNR) personnel immediately upon request. [Special Condition 16]
- 2) Dogwood Energy, LLC shall maintain records during periods of start-up and shut down that include the amount of time required for each cycle and time that the turbines are operated at less than 40 percent load. [Special Condition 24]

- 3) Dogwood Energy, LLC shall maintain records of actual emissions to demonstrate that the future actual emissions listed in Special Condition 25 are not exceeded pursuant to 40 CFR 52.21(b)(41). [Special Condition 26]

Reporting:

- 1) Dogwood Energy, LLC shall report to the Air Pollution Control Program's Enforcement Section, P. O. Box 176, Jefferson City, MO 65102, no later than ten (10) days after the end of each month, if the 12-month cumulative total (Special Condition 9) records show that the source exceeded the limitation of Special Condition 8 (100 tons of VOC). [Special Condition 17]
- 2) Dogwood Energy, LLC shall report to the Air Pollution Control Program's Enforcement Section, P. O. Box 176, Jefferson City, MO 65102, no later than ten (10) days after the end of each month during which the continuous emission monitoring system required by Special Condition 18 indicates that the source exceeded the emission limitation of Special Condition 2 or 3. This report shall include the probable cause of the exceedance of the limitation, with impact on emissions, date and time of the event, duration of the event, and corrective actions taken. [Special Condition 22]
- 3) Dogwood Energy, LLC shall report to the Air Pollution Control Program's Enforcement Section, P. O. Box 176, Jefferson City, MO 65102, no later than ten (10) days after the end of the year, if the records of Special Condition 26 show that the source exceeded the future actual emissions of Special Condition 25. [Special Condition 27]

PERMIT CONDITION (EU0010 through EU0040)-003

10 CSR 10-6.350

Emission Limitations and Emission Trading of Oxides of Nitrogen

Emission Limitation:

- 1) In order to qualify for the exemption under 10 CSR 10-6.350(1)(B)1., the permittee shall emit no more than 25 tons of NO_x per control period.
- 2) Compliance with this rule 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 this rule shall not violate the permit conditions previously established under 10 CSR 10-6.060 or 10 CSR 10-6.065.

Monitoring:

The permittee shall install and operate a non-resettable hour meter or determine the hours of operation for these emission units during the control period.

Recordkeeping

The permittee shall maintain records of the total operating hours during which fuel is consumed for these emission units during the control period.

Reporting:

- 1) If the exemption limit above is exceeded, the exemption shall not apply and the permittee must notify the staff Director or designee within 30 days.
- 2) If the permittee can demonstrate to the staff Director or designee that the exemption limit was exceeded due to emergency operations or uncontrollable circumstances, the exemption shall apply.

PERMIT CONDITION (EU0010 through EU0040)-004

10 CSR 10-6.270 Acid Rain Source Permits Required

Emission Limitation:

The permittee shall obtain an Acid Rain Source Permit for these units pursuant to Title IV of the Clean Air Act. Acid Rain Permit OP2006-035 has been issued to this 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.

Permit Condition (EU0010 and EU0030)-005

10 CSR 10-6.220

Restriction of Emissions of Visible Air Contaminants

Emission Limitation:

- 1) No owner or other person shall cause or permit emissions to be discharged into the atmosphere from any **new** source any visible emissions with an opacity greater than 20 percent.
- 2) Exception: A person may discharge into the atmosphere from any source of emissions for a period(s) aggregating not more than six (6) minutes in any 60 minutes air contaminants with an opacity up to 60 percent.

Monitoring/Record Keeping/Reporting:

As detailed in Core Permit Requirements.

Note: The installation will only revert to weekly monitoring when a violation has been noted. Permit renewal or modification does not require the installation to revert to the weekly/bi-weekly opacity monitoring schedule. If the permittee is currently performing semi-annual monitoring it may continue unless a violation is noted.

Permit Condition (EU0010 and EU0030)-006

10 CSR 10-6.362 Clean Air Interstate Rule Annual NOx Trading Program

10 CSR 10-6.364 Clean Air Interstate Rule Seasonal NOx Trading Program

10 CSR 10-6.366 Clean Air Interstate Rule Sox Trading Program

Emission Limitation:

The permittee shall obtain a Clean Air Interstate Rule (CAIR) Source Permit for the combustion turbine generator EU0010 and EU0030.

A CAIR Permit (Missouri Department of Natural Resources project 2009-02-083, ORIS Code 55178) is being issued to the permittee in conjunction with this Title V permit (See Attachment F).

Monitoring/Recordkeeping:

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

10 CSR 10-6.045 Open Burning Requirements

- 1) General Provisions. The open burning of tires, petroleum-based products, asbestos containing materials, and trade waste is prohibited, except as allowed below. Nothing in this rule may be construed as to allow open burning which causes or constitutes a public health hazard, nuisance, a hazard to vehicular or air traffic, nor which violates any other rule or statute.
- 2) Refer to the regulation for a complete list of allowances. The following is a listing of exceptions to the allowances:
 - a) Burning of household or domestic refuse. Burning of household or domestic refuse is limited to open burning on a residential premises having not more than four dwelling units, provided that the refuse originates on the same premises, with the following exceptions:
 - i) Kansas City metropolitan area. The open burning of household refuse must take place in an area zoned for agricultural purposes and outside that portion of the metropolitan area surrounded by the corporate limits of Kansas City and every contiguous municipality;
 - ii) Springfield-Greene County area. The open burning of household refuse must take place outside the corporate limits of Springfield and only within areas zoned A-1, Agricultural District;
 - iii) St. Joseph area. The open burning of household refuse must take place within an area zoned for agricultural purposes and outside that portion of the metropolitan area surrounded by the corporate limits of St. Joseph; and
 - iv) St. Louis metropolitan area. The open burning of household refuse is prohibited;
 - b) Yard waste, with the following exceptions:
 - i) Kansas City metropolitan area. The open burning of trees, tree leaves, brush or any other type of vegetation shall require an open burning permit;
 - ii) Springfield-Greene County area. The City of Springfield requires an open burning permit for the open burning of trees, brush or any other type of vegetation. The City of Springfield prohibits the open burning of tree leaves;
 - iii) St. Joseph area. Within the corporate limits of St. Joseph, the open burning of trees, tree leaves, brush or any other type of vegetation grown on a residential property is allowed during the following calendar periods and time-of-day restrictions:
 - (1) A three (3)-week period within the period commencing the first day of March through April 30 and continuing for twenty-one (21) consecutive calendar days;
 - (2) A three (3)-week period within the period commencing the first day of October through November 30 and continuing for twenty-one (21) consecutive calendar days;
 - (3) The burning shall take place only between the daytime hours of 10:00 a.m. and 3:30 p.m.; and
 - (4) In each instance, the twenty-one (21)-day burning period shall be determined by the Director of Public Health and Welfare of the City of St. Joseph for the region in which

the City of St. Joseph is located provided, however, the burning period first shall receive the approval of the Department Director; and

- iv) St. Louis metropolitan area. The open burning of trees, tree leaves, brush or any other type of vegetation is limited to the period beginning September 16 and ending April 14 of each calendar year and limited to a total base area not to exceed sixteen (16) square feet. Any open burning shall be conducted only between the hours of 10:00 a.m. and 4:00 p.m. and is limited to areas outside of incorporated municipalities;
- 3) Certain types of materials may be open burned provided an open burning permit is obtained from the Director. The permit will specify the conditions and provisions of all open burning. The permit may be revoked if the owner or operator fails to comply with the conditions or any provisions of the permit.
- 4) Dogwood Energy Facility may be issued an annually renewable open burning permit for open burning provided that an air curtain destructor or incinerator is utilized and only tree trunks, tree limbs, vegetation or untreated wood waste are burned. Open burning shall occur at least two hundred (200) yards from the nearest occupied structure unless the owner or operator of the occupied structure provides a written waiver of this requirement. Any waiver shall accompany the open burning permit application. The permit may be revoked if Dogwood Energy Facility fails to comply with the provisions or any condition of the open burning permit.
 - a) In a nonattainment area, as defined in 10 CSR 10-6.020, paragraph (2)(N)5., the Director shall not issue a permit under this section unless the owner or operator can demonstrate to the satisfaction of the Director that the emissions from the open burning of the specified material would be less than the emissions from any other waste management or disposal method.
- 5) Reporting and Record Keeping. New Source Performance Standard (NSPS) 40 CFR Part 60 Subpart CCCC establishes certain requirements for air curtain destructors or incinerators that burn wood trade waste. These requirements are established in 40 CFR 60.2245-60.2260. The provisions of 40 CFR Part 60 Subpart CCCC promulgated as of September 22, 2005 shall apply and are hereby incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N Capitol Street NW, Washington, DC 20401. To comply with NSPS 40 CFR 60.2245-60.2260, sources must conduct an annual Method 9 test. A copy of the annual Method 9 test results shall be submitted to the Director.
- 6) Test Methods. The visible emissions from air pollution sources shall be evaluated as specified by 40 CFR Part 60, Appendix A–Test Methods, Method 9–Visual Determination of the Opacity of Emissions from Stationary Sources. The provisions of 40 CFR Part 60, Appendix A, Method 9 promulgated as of December 23, 1971 is incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N Capitol Street NW, Washington, DC 20401.

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

- 1) In the event of a malfunction, which results in excess emissions that exceed one hour, the permittee shall submit to the Director within two business days, in writing, the following information:
 - a) Name and location of installation;
 - b) Name and telephone number of person responsible for the installation;
 - c) Name of the person who first discovered the malfunction and precise time and date that the malfunction was discovered.
 - d) Identity of the equipment causing the excess emissions;
 - e) Time and duration of the period of excess emissions;
 - f) Cause of the excess emissions;
 - g) Air pollutants involved;

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

10 CSR 10-6.060 Construction Permits Required

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

10 CSR 10-6.065 Operating Permits

The permittee shall file a complete application for renewal of this operating permit at least six months before the date of permit expiration. In no event shall this time be greater than eighteen months. [10 CSR 10-6.065(6)(B)1.A(V)] The permittee shall retain the most current operating permit issued to this installation on-site. [10 CSR 10-6.065(6)(C)1.C(II)] The permittee shall 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 10-6.080 Emission Standards for Hazardous Air Pollutants and 40 CFR Part 61 Subpart M National Emission Standard for Asbestos

- 1) The permittee shall follow the procedures and requirements of 40 CFR Part 61, Subpart M for any activities occurring at this installation which would be subject to provisions for 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos.

- 2) The permittee shall conduct monitoring to demonstrate compliance with registration, certification, notification, and Abatement Procedures and Practices standards as specified in 40 CFR Part 61, Subpart M.

10 CSR 10-6.100 Alternate Emission Limits

Proposals for alternate emission limitations shall be submitted on Alternate Emission Limits Permit forms provided by the Department. An installation owner or operator must obtain an Alternate Emission Limits Permit in accordance with 10 CSR 10-6.100 before alternate emission limits may become effective.

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

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

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

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

10 CSR 10-6.150 Circumvention

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

10 CSR 10-6.170

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

Emission Limitation:

- 1) The permittee shall not cause or allow to occur any handling, transporting or storing of any material; construction, repair, cleaning or demolition of a building or its appurtenances; construction or use of a road, driveway or open area; or operation of a commercial or industrial installation without applying reasonable measures as may be required to prevent, or in a manner which allows or may allow, fugitive particulate matter emissions to go beyond the premises of origin in quantities that the

particulate matter may be found on surfaces beyond the property line of origin. The nature or origin of the particulate matter shall be determined to a reasonable degree of certainty by a technique proven to be accurate and approved by the Director.

- 2) The permittee shall not cause nor allow to occur any fugitive particulate matter emissions to remain visible in the ambient air beyond the property line of origin.
- 3) Should it be determined that noncompliance has occurred, the Director may require reasonable control measures as may be necessary. These measures may include, but are not limited to, the following:
 - a) Revision of procedures involving construction, repair, cleaning and demolition of buildings and their appurtenances that produce particulate matter emissions;
 - b) Paving or frequent cleaning of roads, driveways and parking lots;
 - c) Application of dust-free surfaces;
 - d) Application of water; and
 - e) Planting and maintenance of vegetative ground cover.

Monitoring:

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

The permittee shall maintain the following monitoring schedule:

- 1) The permittee shall conduct weekly observations for a minimum of eight (8) consecutive weeks after permit issuance.
- 2) Should no violation of this regulation be observed during this period then-
 - a) The permittee may observe once every two (2) weeks for a period of eight (8) weeks.
 - b) If a violation is noted, monitoring reverts to weekly.
 - c) Should no violation of this regulation be observed during this period then-
 - i) The permittee may observe once per month.
 - ii) If a violation is noted, monitoring reverts to weekly.
- 3) If the permittee reverts to weekly monitoring at any time, monitoring frequency will progress in an identical manner to the initial monitoring frequency.

Recordkeeping:

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

- 1) Whether air emissions (except water vapor) remain visible in the ambient air beyond the property line of origin.
- 2) Whether the visible emissions were normal for the installation.
- 3) Whether equipment malfunctions contributed to an exceedance.
- 4) Any violations and any corrective actions undertaken to correct the violation.

10 CSR 10-6.180 Measurement of Emissions of Air Contaminants

- 1) The Director may require any person responsible for the source of emission of air contaminants to make or have made tests to determine the quantity or nature, or both, of emission of air contaminants from the source. The Director may specify testing methods to be used in accordance with good professional practice. The Director may observe the testing. All tests shall be performed by qualified personnel.
- 2) The Director may conduct tests of emissions of air contaminants from any source. Upon request of the Director, the person responsible for the source to be tested shall provide necessary ports in stacks

- or ducts and other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.
- 3) The Director shall be given a copy of the test results in writing and signed by the person responsible for the tests.

10 CSR 10-2.070 Restriction of Emission of Odors
This requirement is not federally enforceable.

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

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

Emission Limitation:

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

Monitoring:

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

Recordkeeping:

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

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

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

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

Title VI – 40 CFR Part 82 Protection of Stratospheric Ozone

- 1) The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
 - a) All containers in which a class I or class II substance is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to §82.106.
 - b) The placement of the required warning statement must comply with the requirements pursuant to §82.108.
 - c) The form of the label bearing the required warning statement must comply with the requirements pursuant to §82.110.
 - d) No person may modify, remove, or interfere with the required warning statement except as described in §82.112.
- 2) The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B:
 - a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to §82.156.
 - b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.
 - c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to §82.161.
 - d) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with record keeping requirements pursuant to §82.166. ("MVAC-like" appliance as defined at §82.152).
 - e) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156.
 - f) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to §82.166.
- 3) If the permittee manufactures, transforms, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, Production and Consumption Controls.

- 4) If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, Servicing of Motor Vehicle Air conditioners. The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.

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:
- Monitoring methods outlined in 40 CFR Part 64;
 - Monitoring method(s) approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and
 - 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:
- Monitoring methods outlined in 40 CFR Part 64;
 - A monitoring method approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and
 - 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:
- Applicable monitoring or testing methods, cited in:
 - 10 CSR 10-6.030, "Sampling Methods for Air Pollution Sources";
 - 10 CSR 10-6.040, "Reference Methods";
 - 10 CSR 10-6.070, "New Source Performance Standards";
 - 10 CSR 10-6.080, "Emission Standards for Hazardous Air Pollutants"; or
 - Other testing, monitoring, or information gathering methods, if approved by the Director, that produce information comparable to that produced by any method listed above.

V. General Permit Requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acid Rain Permit 2006-035 has been issued to this installation.

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)3 Compliance Requirements

- 1) Any document (including reports) required to be submitted under this permit shall contain a certification signed by the responsible official.
- 2) Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized officials of the Missouri Department of Natural Resources, or their authorized agents, to perform the following (subject to the installation's right to seek confidential treatment of information submitted to, or obtained by, the Air Pollution Control Program):
 - a) Enter upon the premises where a permitted installation is located or an emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
 - b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c) Inspect, at reasonable times and using reasonable safety practices, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
 - d) As authorized by the Missouri Air Conservation Law, Chapter 643, RSMo or the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the terms of this permit, and all applicable requirements as outlined in this permit.

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

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 Environmental Protection Agency and the Air Pollution Control Program of the Missouri Department of Natural Resources to obtain information, or
 - e) Any other permit or extra-permit provisions, terms or conditions expressly excluded from the permit shield provisions.

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

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

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

An installation that has been issued a Part 70 operating permit is not required to apply for or obtain a permit revision in order to make any of the changes to the permitted installation described below if the changes are not Title I modifications, the changes do not cause emissions to exceed emissions allowable under the permit, and the changes do not result in the emission of any air contaminant not previously emitted. The permittee shall notify the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 901 North 5th Street, Kansas City, 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), record keeping, reporting or compliance requirements of the permit.
 - a) Before making a change under this provision, The permittee shall provide advance written notice to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 901 North 5th Street, Kansas City, 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's 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 Bob Bingham, Plant Manager. On September 11, 2008, the Air Pollution Control Program was informed that Robert Svendsen, Vice President is now the responsible official. 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 Environmental Protection Agency (EPA) that a petition for disapproval of a permit pursuant to 40 CFR § 70.8(d) has been granted, provided that the reopening may be stayed pending judicial review of that determination,
- 2) The Missouri Department of Natural Resources or EPA determines that the permit contains a material mistake or that inaccurate statements were made which resulted in establishing the emissions limitation standards or other terms of the permit,

- 3) Additional applicable requirements under the Act become applicable to the installation; however, reopening on this ground is not required if—:
 - a) The permit has a remaining term of less than three years;
 - b) The effective date of the requirement is later than the date on which the permit is due to expire;
or
 - c) The additional applicable requirements are implemented in a general permit that is applicable to the installation and the installation receives authorization for coverage under that general permit,
- 4) The installation is an affected source under the acid rain program and additional requirements (including excess emissions requirements), become applicable to that source, provided that, upon approval by EPA, excess emissions offset plans shall be deemed to be incorporated into the permit;
or
- 5) The Missouri Department of Natural Resources or EPA determines that the permit must be reopened and revised to assure compliance with applicable requirements.

10 CSR 10-6.065(6)(E)1.C Statement of Basis
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This permit is accompanied by a statement setting forth the legal and factual basis for the permit conditions (including references to applicable statutory or regulatory provisions). This Statement of Basis, while referenced by the permit, is not an actual part of the permit.

VI. Attachments

Attachments follow.

Attachment C

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

Readings ranged from _____ to _____ % opacity.

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

ATTACHMENT E

Monthly VOC Emission Tracking Record

This sheet covers the period from _____ to _____.
 (month, year) (month, year)

Copy this sheet as needed

Column A	Column B	Column C	Column D	Column E
Emission Point(s)	Description	Natural Gas Consumption (MMCF)	VOC Emission Factor (lb/MMCF)	(a) VOC Emissions (tons)

(b) Total VOC Emissions Calculated for this Month, in Tons:	
(c) 12-Month VOC Emissions Total From Previous Month's Attachment A, in Tons:	
(d) Monthly VOC Emissions Total (b) from Previous Year's Attachment A, In Tons:	
(e) Current 12-month Total of VOC Emissions in Tons : [(b) + (c) - (d)]	

- (a) [Column E] = [Column C] x [Column D] x 0.0005. Emission factor obtained from performance tests required by this permit
- (b) Summation of [Column E] in Tons;
- (c) 12-Month VOC emissions total (e) from last month's Attachment A, in Tons;
- (d) Monthly VOC emissions total (b) from previous year's Attachment A, in Tons;
- (e) Calculate the new 12-month VOC emissions total.

A 12-Month VOC emissions total (e) of less than 100.0 tons indicates compliance.

ATTACHMENT F

TITLE V: CLEAN AIR INTERSTATE RULE (CAIR) PERMIT

In accordance with Title V of the Clean Air Act and Missouri State Rules 10 CSR 10-6.362, *Clean Air Interstate Rule Annual Nox Trading Program*, 10 CSR 10-6.364, *Clean Air Interstate Rule Seasonal NO_x Trading Program*, and 10 CSR 10-6.366, *Clean Air Interstate Rule SO_x Trading Program*, the State of Missouri issues this CAIR Permit.

Installation Name: Dogwood Energy, LLC, ORIS Code: 55178

Project Number: 2009-02-083, Permit Number:

Unit IDs: CT-1, CT-2

Effective Dates: January 2009 through November 28, 2011

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

This CAIR Permit applies only to units CT-1 and CT-2 at Dogwood Energy, LLC, plant 037-0056.

This CAIR permit is effective for the dates shown above. The designated representative must submit an application for renewal of this permit no later than May 28, 2011, and in conjunction with the operating permit renewal application.

Date

Director or Designee,
Department of Natural Resources

CAIR Permit Application

(for sources covered under a CAIR SIP)

For more information, refer to 40 CFR 96.121, 96.122, 96.221, 96.222, 96.321, and 96.322

This submission is: New Revised

STEP 1
 Identify the source by plant name, State, and ORIS or facility code

Plant Name Dogwood Energy, LLC	State MO	ORIS/Facility Code 55178
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STEP 2
 Enter the unit ID# for each CAIR unit and indicate to which CAIR programs each unit is subject (by placing an "X" in the column)

Unit ID#	NO _x Annual	SO ₂	NO _x Ozone Season
CT-1	X	X	X
CT-2	X	X	X

STEP 3
 Read the standard requirements and the certification, enter the name of the CAIR designated representative, and sign and date

Standard Requirements

(a) Permit Requirements.

(1) The CAIR designated representative of each CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) required to have a title V operating permit and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) required to have a title V operating permit at the source shall:

(i) Submit to the permitting authority a complete CAIR permit application under §96.122, §96.222, and §96.322 (as applicable) in accordance with the deadlines specified in §96.121, §96.221, and §96.321 (as applicable); and

(ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review a CAIR permit application and issue or deny a CAIR permit.

(2) The owners and operators of each CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) required to have a title V operating permit and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) required to have a title V operating permit at the source shall have a CAIR permit issued by the permitting authority under subpart CC, CCC, and CCCC (as applicable) of 40 CFR part 96 for the source and operate the source and the unit in compliance with such CAIR permit.

(3) Except as provided in subpart II, III, and IIII (as applicable) of 40 CFR part 96, the owners and operators of a CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) that is not otherwise required to have a title V operating permit and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) that is not otherwise required to have a title V operating permit are not required to submit a CAIR permit application, and to have a CAIR permit, under subpart CC, CCC, and CCCC (as applicable) of 40 CFR part 96 for such CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) and such CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable).

Plant Name: Dogwood Energy, LLC

**STEP 3,
continued**

(b) Monitoring, reporting, and recordkeeping requirements.

(1) The owners and operators, and the CAIR designated representative, of each CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) at the source shall comply with the monitoring, reporting, and recordkeeping requirements of subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96.

(2) The emissions measurements recorded and reported in accordance with subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96 shall be used to determine compliance by each CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) with the CAIR NO_x emissions limitation, CAIR SO₂ emissions limitation, and CAIR NO_x Ozone Season emissions limitation (as applicable) under paragraph (c) of §96.106, §96.206, and §96.306 (as applicable).

(c) Nitrogen oxides emissions requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO_x source and each CAIR NO_x unit at the source shall hold, in the source's compliance account, CAIR NO_x allowances available for compliance deductions for the control period under §96.154(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO_x units at the source, as determined in accordance with subpart HH of 40 CFR part 96.

(2) A CAIR NO_x unit shall be subject to the requirements under paragraph (c)(1) of §96.106 for the control period starting on the later of January 1, 2009 or the deadline for meeting the unit's monitor certification requirements under §96.170(b)(1), (2), or (5) and for each control period thereafter.

(3) A CAIR NO_x allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.106, for a control period in a calendar year before the year for which the CAIR NO_x allowance was allocated.

(4) CAIR NO_x allowances shall be held in, deducted from, or transferred into or among CAIR NO_x Allowance Tracking System accounts in accordance with subparts FF, GG, and II of 40 CFR part 96.

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

(6) A CAIR NO_x allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart EE, FF, GG, or II of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR NO_x allowance to or from a CAIR NO_x source's compliance account is incorporated automatically in any CAIR permit of the source that includes the CAIR NO_x unit.

Sulfur dioxide emission requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR SO₂ source and each CAIR SO₂ unit at the source shall hold, in the source's compliance account, a tonnage equivalent of CAIR SO₂ allowances available for compliance deductions for the control period under §96.254(a) and (b) not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO₂ units at the source, as determined in accordance with subpart HHH of 40 CFR part 96.

(2) A CAIR SO₂ unit shall be subject to the requirements under paragraph (c)(1) of §96.206 for the control period starting on the later of January 1, 2010 or the deadline for meeting the unit's monitor certification requirements under §96.270(b)(1), (2), or (5) and for each control period thereafter.

(3) A CAIR SO₂ allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.206, for a control period in a calendar year before the year for which the CAIR SO₂ allowance was allocated.

(4) CAIR SO₂ allowances shall be held in, deducted from, or transferred into or among CAIR SO₂ Allowance Tracking System accounts in accordance with subparts FFF, GGG, and III of 40 CFR part 96.

(5) A CAIR SO₂ allowance is a limited authorization to emit sulfur dioxide in accordance with the CAIR SO₂ Trading Program. No provision of the CAIR SO₂ Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §96.205 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

(6) A CAIR SO₂ allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart FFF, GGG, or III of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR SO₂ allowance to or from a CAIR SO₂ source's compliance account is incorporated automatically in any CAIR permit of the source that includes the CAIR SO₂ unit.

Nitrogen oxides ozone season emissions requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NO_x Ozone Season allowances available for compliance deductions for the control period under §96.354(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO_x Ozone Season units at the source, as determined in accordance with subpart HHHH of 40 CFR part 96.

(2) A CAIR NO_x Ozone Season unit shall be subject to the requirements under paragraph (c)(1) of §96.306 for the control period starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under §96.370(b)(1), (2), (3) or (7) and for each control period thereafter.

(3) A CAIR NO_x Ozone Season allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.306, for a control period in a calendar year before the year for which the CAIR NO_x Ozone Season allowance was allocated.

(4) CAIR NO_x Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NO_x Ozone Season Allowance Tracking System accounts in accordance with subparts FFFF, GGGG, and IIII of 40 CFR part 96.

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

(6) A CAIR NO_x allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart EEEE, FFFF, GGGG, or IIII of 40 CFR part 96, every allocation,

Plant Name: Dogwood Energy, LLC

**STEP 3,
continued**

(d) Excess emissions requirements.

If a CAIR NO_x source emits nitrogen oxides during any control period in excess of the CAIR NO_x emissions limitation, then:

- (1) The owners and operators of the source and each CAIR NO_x unit at the source shall surrender the CAIR NO_x allowances required for deduction under §96.154(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and
- (2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

If a CAIR SO₂ source emits sulfur dioxide during any control period in excess of the CAIR SO₂ emissions limitation, then:

- (1) The owners and operators of the source and each CAIR SO₂ unit at the source shall surrender the CAIR SO₂ allowances required for deduction under §96.254(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and
- (2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

If a CAIR NO_x Ozone Season source emits nitrogen oxides during any control period in excess of the CAIR NO_x Ozone Season emissions limitation, then:

- (1) The owners and operators of the source and each CAIR NO_x Ozone Season unit at the source shall surrender the CAIR NO_x Ozone Season allowances required for deduction under §96.354(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and
- (2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

(e) Recordkeeping and Reporting Requirements.

(1) Unless otherwise provided, the owners and operators of the CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the permitting authority or the Administrator.

- (i) The certificate of representation under §96.113, §96.213, and §96.313 (as applicable) for the CAIR designated representative for the source and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under §96.113, §96.213, and §96.313 (as applicable) changing the CAIR designated representative.
- (ii) All emissions monitoring information, in accordance with subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96, provided that to the extent that subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
- (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable).
- (iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable) or to demonstrate compliance with the requirements of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable).

(2) The CAIR designated representative of a CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) at the source shall submit the reports required under the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable) including those under subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96.

(f) Liability.

- (1) Each CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) and each NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) shall meet the requirements of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable).
- (2) Any provision of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable) that applies to a CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) or the CAIR designated representative of a CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) shall also apply to the owners and operators of such source and of the CAIR NO_x units, CAIR SO₂ units, and CAIR NO_x Ozone Season units (as applicable) at the source.
- (3) Any provision of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable) that applies to a CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) or the CAIR designated representative of a CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) shall also apply to the owners and operators of such unit.

Plant Name: Dogwood Energy, LLC

CAIR Permit Application
Page 4

**STEP 3,
continued**

(g) Effect on Other Authorities.

No provision of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable), a CAIR permit application, a CAIR permit, or an exemption under § 96.105, §96.205, and §96.305 (as applicable) shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) or CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

Certification

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

Name Sam Mutasem

Signature 

Date

2/24/09

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 April 15, 2002;
- 2) 2007 Emissions Inventory Questionnaire, received June 3, 2008;
- 3) U.S. EPA document AP-42, *Compilation of Air Pollutant Emission Factors*; Volume I, Stationary Point and Area Sources, Fifth Edition;
- 4) WebFIRE;
- 5) Construction Permit 0899-030, and all associated amendments;
- 6) No Permit Required Determination, Project 2001-07-051; and
- 7) Construction Permit 072002-017.

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 10-6.280, *Compliance Monitoring Usage*

This was not listed as an applicable regulation in the application. Since the development of the original operating permits and comments from EPA and the public, this regulation has been determined to apply and has been included in the "Core Permit Requirements" section of the permit

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

This was not listed as an applicable regulation in the application. Since the development of the original operating permits and comments from EPA and the public, this regulation has been determined to apply and has been included in the "Core Permit Requirements" section of the permit.

10 CSR 10-2.040, *Maximum Allowable Emission of Particulate Matter From Fuel Burning Equipment Used for Indirect Heating*

This regulation was marked not applicable in the application. However, the installation marked 10 CSR 10-3.060, which is an identical rule for the outstate region as applicable. The applicability of this regulation is discussed in Other Regulatory Requirements section of this Statement of Basis.

10 CSR 10-6.362, *Clean Air Interstate Rule Annual NO_x Trading Program*, 10 CSR 10-6.364, *Clean Air Interstate Rule Seasonal NO_x Trading Program*, and 10 CSR 10-6.366, *Clean Air Interstate Rule Sox Trading Program*.

It was determined that these rules apply to Combustion Turbines CT-1 and CT-2 (EU0010 and EU0030). The CAIR permit for this installation is being issued with this Part 70 Operating Permit and is included as Attachment F.

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 10-3.030, *Open Burning Restrictions*;

10 CSR 10-3.050, *Restriction of Emission of Particulate Matter from Industrial Processes*;

10 CSR 10-3.060, *Maximum Allowable Emissions of Particulate Matter From Fuel Burning Equipment Used for Indirect Heating*; and

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

In the Operating Permit application, the installation indicated that it was subject to these regulations.

However, the installation is located in Cass County, which is included in the definition of the Kansas City Metropolitan Area. Therefore, these rules do not apply, and the installation is subject to regulations from Chapter 2 of the Code of State Regulations.

Construction Permit History

The following construction permits have been issued to this installation.

1. Construction Permit 0899-030

This Section (8) permit was issued August 25, 1999, and authorizes construction of two natural gas fired turbines equipped with heat recovery steam generators (HRSG) and duct burners. This permit has been superseded by Construction Permit 042009-009.

2. Amendment to Construction Permit 0899-030A, Project 2000-12-079

This project modifies Special Condition 23 by removing the recordkeeping requirement for operations that occur at less than 60 percent load. This does not appear in the Operating Permit because it was superseded by Construction Permit 042009-009.

3. Amendment to Construction Permit 0899-030A, Project 2001-02-115

This project consisted of a request to remove Construction Permit 0899-030 Special Condition 3C. The Air Pollution Control Program could not grant the requested modification. This modification does not appear in the Operating Permit.

4. No Permit Required Determination, Project 2001-07-051

This project consisted of a request to evaluate the need to modify Construction Permit 0899-030 in the event that the construction of Aries II proceeded. The Air Pollution Control Program determined that no permit modification would be necessary, since the NSR/PSD requirements are unit specific. This project does not appear in the Operating Permit.

5. Construction Permit 072002-017

This Section (8) permit was issued on July 24, 2002 to authorize construction of three (3) natural gas fired simple cycle combustion turbines and a 6.2 mmBtu natural gas fired heater. The installation did not construct this equipment during the timelines allowed in the Construction Permit rule, therefore this construction permit is no longer valid, and is not included in the Operating Permit.

6. Amendment to Construction Permit 0899-030A, Project 2003-08-034

This project amends Construction Permit 0899-030A by revising Special Conditions 5, 6, 19, and 20. Special Conditions 5 and 6 were changed to reflect the actual limitations detailed in the previous permit application and stack test data. This does not appear in the Operating Permit because it was superseded by Construction Permit 042009-009.

7. Amendment to Construction Permit 0899-030A, Project 2005-11-035
This project amends Construction Permit 0899-030A by revising Special Condition 3C. to allow the turbines to operate (without the duct burners) at 40 percent load. This does not appear in the Operating Permit because it was superseded by Construction Permit 042009-009
8. Construction Permit 042009-009, issued April 17, 2009
This permit authorizes an upgrade to the existing combined cycle combustion turbines through a combination of hardware and control logic changes, intended to increase efficiency and output of the gas and steam turbine generators. The upgrade will include improved compressor seals, improved row 16 compressor blades, improved turbine seals, improved Row 1 turbine blades, and optimization of gas turbine mass flow and combustion temperature through controls modifications. The upgrade will result in an overall power output increase from the plant of approximately 29 MW. These upgrades will result in an increase in potential emissions and are considered modifications under construction permits.

The special conditions found in Permit Number 0899-030 are being superseded and re-instated by this construction permit. Special Conditions 2 through 24 are taken from the original permit while Special Conditions 25 through 27 were added specifically for this project. Special Conditions 2 through 10 are emission limits that will apply to the upgraded equipment. Special Conditions 11 through 17 are stack testing requirements for both simple cycle and combined cycle operation.

Although stack testing has been completed for the requirements of the original construction permit, additional stack testing is required for the modification to determine if the modified equipment will meet the emissions limits listed in Special Conditions 2 through 10. To clarify, combustion turbine #1 will be upgraded during the planned outage scheduled for April and May of 2009. An outage for combustion turbine #2 is scheduled for October and November of 2009. Therefore, in order to comply with the conditions of this permit, Dogwood will need to perform stack testing twice, within sixty days of the end of each outage.

Special Conditions 18 through 24 are continuing requirements that will also apply to the modification. The conditioned potential emissions of the installation represent the re-instatement of special conditions to the existing equipment including the upgrade modifications.

Therefore, all special conditions of this construction permit have been included as Permit Condition (EU0010 through EU0040)-002.

New Source Performance Standards (NSPS) Applicability

40 CFR Part 60 Subpart GG, *Standards of Performance for Stationary Gas Turbines*

This Subpart applies to the combustion turbines. The overlapping requirements are explained in the permit condition.

40 CFR Part 60 Subpart Da, *Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978*

This Subpart applies to the duct burners. The overlapping requirements are explained in the permit condition.

Maximum Available Control Technology (MACT) Applicability

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

40 CFR Part 63, Subpart Q - *National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers*

The provisions of this subpart apply to all new and existing industrial process cooling towers that are operated with chromium-based water treatment chemicals and are either major sources or are integral parts of facilities that are major sources as defined in §63.401. Since the cooling tower at this facility does not use chromium compounds, this Subpart is not applicable.

40 CFR Part 63, Subpart ZZZZ - *National Emission Standard for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*

Although this Subpart establishes national emission limitations and operating limitations for hazardous air pollutants (HAP) emitted from stationary reciprocating internal combustion engines (RICE), there are no requirements for the Diesel Generator because it is an existing (commenced construction or reconstruction before December 19, 2002) Compression Ignition (CI) Unit.

40 CFR Part 63, Subpart YYYY-*National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines*

Although this Subpart establishes national emission limitations for stationary combustion turbines, there are no requirements for the turbines at this installation. According to §63.6090(b)(4): Existing stationary combustion turbines in all subcategories do not have to meet the requirements of this subpart and of subpart A of this part. No initial notification is necessary for any existing stationary combustion turbine, even if a new or reconstructed turbine in the same category would require an initial notification.

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

On July 30, 2007, the United States Court of Appeals, District of Columbia Circuit officially ordered a full vacatur of the Boiler MACT rule. The vacatur has the same effect as if a federal Boiler MACT rule was never promulgated. This means there is no longer a September 13, 2007 compliance date for sources affected by this HAP source category. We are awaiting written guidance from EPA on how to handle sources formerly subject to the Boiler MACT, including the Auxiliary Boiler. The Auxiliary Boiler would have been subject to this MACT, however, there would have been no requirements other than initial notification because this unit is an existing gas-fired unit according to § 63.7506 (b)(1) and (2). If there is a new MACT promulgated and this unit is subject with requirements a major modification will be required to update this operating permit.

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 is not applicable because this is an initial Part 70 Operating Permit, and none of the other applicability criteria apply.

The CAM rule applies to each pollutant specific emission unit (PSEU) that meets a three-part test. The PSEU must:

1. be subject to an emission limitation or standard, and
2. use a control device to achieve compliance, and
3. have pre-control emissions that exceed or are equivalent to the major source threshold.

CAM does not apply to this installation because they are not using a control device to achieve compliance.

Other Regulatory Determinations

10 CSR 10-2.040, *Maximum Allowable Emission of Particulate Matter From Fuel Burning Equipment Used for Indirect Heating*

This regulation applies to the Auxiliary Boiler. The emission limit specified in the rule is 0.4 lb PM/MMBtu [see 2.040(3)(B)3.]

Emission Unit	MHDR (MMBtu/hr)	Emission Factor (lb PM/MMBtu) ¹	Emission Limit (lbs PM/hr)	Potential Emissions (lb PM/hr)
Aux. Boiler	3	0.007	1.2	0.021

Since the Auxiliary Boiler has potential to emit less than the emission limit, compliance is assured and it is listed as an Emission Unit Without Limitations in this Operating Permit.

Emission Units EU0010 through EU0040 are not subject to this regulation because the construction permit imposes a PM₁₀ limit which is more stringent than the PM limit that would be imposed by this rule.

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

Section 6.260(1)(A)2 contains an exemption for all combustion equipment that uses exclusively pipeline grade natural gas. Therefore, EU0010 through EU0040 and the Auxiliary Boiler are exempt.

The Diesel fire pump is not exempt, however this pump is only used in emergency situations and is not expected to surpass any sulfur limitation imposed by this rule.

10 CSR 10-6.350, *Emission Limitations and Emissions Trading of Oxides of Nitrogen*

This regulation applies to the combustion turbines. The turbines meet the exemption requirements of this regulation by qualifying for the low-emitter exemption in (1)(B)1. The installation is required to maintain records of hours of operation of the turbines to demonstrate ongoing exemption status, as detailed in (5)(E)1. and 2. The control period is defined as the period beginning May 1 of a calendar year and ending on September 30 of the same calendar year.

¹ PM emission factor for the Auxiliary Boiler came from WebFIRE, SCC 10300603.

10 CSR 10-6.360, *Control of NOx Emissions from Electric Generating Units and Non-Electric Generating Boilers*

This regulation does not apply, as Cass county is not listed in 6.360(1)(A).

10 CSR 10-6.390, *Control of NOx Emissions from Large Stationary Internal Combustion Engines*

This regulation does not apply, as Cass county is not listed in the applicability section.

10 CSR 10-6.400, *Restriction of Emission of Particulate Matter From Industrial Processes*

This regulation applies to the Cooling Tower. However, this unit is listed as an Emission Unit Without Limitations because compliance is shown by the values presented in the table below:

MHDR (10 ⁶ lbs water/hr)	Emission Factor (lb PM/10 ⁶ lbs water) ²	Emission Limit (lbs PM/hr)	Potential Emissions (lb PM/hr)
51.877	0.07	50.31	3.63

Emission Units EU0010 through EU0040, the Auxiliary Boiler, and the Diesel Fire Pump do not meet the definition of process weight, and are therefore not subject to this rule [see 6.400(2)(A)].

10 CSR 10-6.050, *Start-Up, Shutdown and Malfunction Conditions*

This regulation provides the permittee the opportunity to submit data regarding conditions which result in excess emissions. The submittal is used to determine whether the excess emissions were due to a start-up, shutdown or malfunction condition. 6.050(3)(A) states that in the event of a malfunction, which results in excess emissions that exceeds one hour, the permittee shall submit a written report containing specified information within two days. This regulation relies on two key definitions, those of malfunction and excess emissions, which are included here for reference [see 10 CSR 10-6.020]:

Malfunction: a sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal and usual manner. Excess emissions caused by improper design shall not be deemed a malfunction.

Excess emissions: the emissions which exceed the requirements of any applicable emission control regulation.

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.

² PM emission factor and emission limit calculated from design value of 3,500 ppm limit of total dissolved solids.

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).

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