



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

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FEB 13 2015

Mr. Mike Chapman
Dogwood Power Management, LLC
P.O. Box 110
Pleasant Hill, MO 64080

Re: Dogwood Power Management, LLC, 037-0056
Permit Number: **OP2014-032**

Dear Mr. Chapman:

Enclosed with this letter is your Part 70 operating permit. Please review this document carefully. Operation of your installation in accordance with the rules and regulations cited in this document is necessary for continued compliance. It is very important that you read and understand the requirements contained in your permit.

You may appeal this permit to the Administrative Hearing Commission (AHC), P.O. Box 1557, Jefferson City, MO 65102, as provided in RSMo 643.078.16 and 621.250.3. If you choose to appeal, you must file a petition with the AHC within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed. If it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the AHC.

If you have any questions or need additional information regarding this permit, please do not hesitate to contact Jill Wade at the Department of Natural Resources, Air Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102, or by telephone at (573) 751-4817. Thank you for your time and attention to this matter.

Sincerely,

AIR POLLUTION CONTROL PROGRAM

Michael J. Stansfield, P.E.
Operating Permit Unit Chief

MJS:jwk

Enclosures

c: Kansas City Regional Office
PAMS File: 2013-11-047



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: OP2014-032
Expiration Date: FEB 12 2020
Installation ID: 037-0056
Project Number: 2013-11-047

Installation Name and Address

Dogwood Power Management, LLC
P.O. Box 110
Pleasant Hill, MO 64080
Cass County

Parent Company's Name and Address

Dogwood Power Management, LLC
6700 Alexander Bell Dr. 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, operating in combined cycle, capable of producing 650 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 facility also consists of an auxiliary boiler, an emergency diesel-fired fire pump, and a cold parts cleaner.

FEB 13 2015

Effective Date

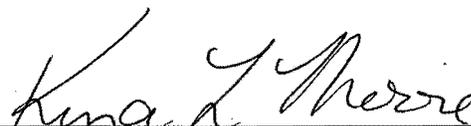

Director of Designee
Department of Natural Resources

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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, operating in combined cycle, capable of producing 650 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 facility also consists of an auxiliary boiler, an emergency diesel-fired fire pump, and a cold parts cleaner.

The installation has potential emissions above the major source thresholds for NO_x, CO, VOC, PM₁₀, and Greenhouse Gases. The installation is subject to 40 CFR Part 63 Subpart ZZZZ, 40 CFR Part 60 Subpart Da and 40 CFR Part 60 Subpart GG.

Reported Air Pollutant Emissions, tons per year					
Pollutants	2012	2011	2010	2009	2008
Particulate Matter ≤ Ten Microns (PM ₁₀)	36.86	19.81	21.80	10.64	17.27
Particulate Matter ≤ 2.5 Microns (PM _{2.5})	36.86	19.81	21.80	10.64	17.27
Sulfur Oxides (SO _x)	0.51	0.29	0.33	0.29	2.91
Nitrogen Oxides (NO _x)	79.15	43.23	48.79	38.43	59.27
Volatile Organic Compounds(VOC)	6.16	3.17	3.55	2.41	3.30
Carbon Monoxide (CO)	12.54	6.08	7.37	78.57	46.47
Hazardous Air Pollutants (HAPs)	3.26	1.84	1.84	1.87	2.55
Ammonia (NH ₃)	26.47	13.88	15.40	15.20	22.50

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
EU1A	Combustion Turbine #1 (EP-1) [previously EU0010]
EU1B	HRSG #1 (EP-1) [previously EU0020]

EU2A	Combustion Turbine #2 (EP-2) [previously EU0030]
EU2B	HRSG #2 (EP-2) [previously EU0040]
EU1A1	Emergency Diesel Fire Pump [EP1A-1]

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

Auxiliary Boiler (EP-IA-2)
Cold Parts Cleaner (EPIA-3)
Cooling Tower (EP-3)

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.

<p>PERMIT CONDITION 001 10 CSR 10-6.070 New Source Performance Standards 40 CFR Part 60 Subpart GG Standards of Performance for Stationary Gas Turbines</p>
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Combustion Turbines		
Emission Unit	Description	Manufacturer/Model #
EU1A	Combustion Turbine #1, installed 2001 (modified 2009), 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
EU2A	Combustion Turbine #2, installed 2001 (modified 2010), 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

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 NOx emission standards of Subpart GG are less stringent than the emission limits of Construction Permit 042009-009, the NOx 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/Recordkeeping/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 002

10 CSR 10-6.060 Construction Permits Required
 Construction Permit 042009-009, Issued April 16, 2009
 10 CSR 10-6.070 New Source Performance Standards
 40 CFR Part 60 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 Schedule, Letter Dated May 17, 2001

Combustion Turbines and Heat Recovery Generators		
Emission Unit	Description	Manufacturer/Model #
EU1A	Combustion Turbine #1, installed 2001 (modified 2009), 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
EU2A	Combustion Turbine #2, installed 2001 (modified 2010), 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
EU1B	Heat Recovery Steam Generator #1 with duct burner, installed 2002, natural gas fired, MHDR=352 MMBtu/hr @ ISO conditions	Toshiba
EU2B	Heat Recovery Steam Generator #2 with duct burner, installed 2002, natural gas fired, MHDR=352 MMBtu/hr @ ISO conditions	Toshiba

NOTE: These units are subject to the requirements of 40 CFR Part 60 Subpart Da. Since the PM10, NOx and SOx emission standards of Subpart Da are less stringent than the emission limits of Construction Permit 042009-009, the PM10, NOx and SOx NSPS standards are not listed as permit conditions to this unit. Compliance with the construction permit limits will assure compliance with the NSPS standards.

Emission/Operational Limitations:

- 1) Except during periods of start-up and shutdown, Dogwood Power Management, LLC shall limit nitrogen oxide (NO_x) emissions from the Siemens-Westinghouse 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. [Construction Permit 042009-009, Modified Special Condition 2]
- 2) Dogwood Power Management, LLC shall limit carbon monoxide (CO) emissions from the Siemens-Westinghouse Model 501F turbine generators (EP –1 and EP – 2) to the following levels: [Construction Permit 042009-009, 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.

- 4) Dogwood Power Management, LLC shall limit volatile organic compound (VOC) emissions from the Siemens-Westinghouse Model 501F turbine generators (EP –1 and EP – 2) to 3 ppmv corrected to 15 percent oxygen on a dry basis.[Construction Permit 042009-009, Special Condition 5]
- 5) Dogwood Power Management, LLC shall limit emissions of particulate matter less than ten (10) microns in aerodynamic diameter (PM₁₀) from the Siemens-Westinghouse Model 501F turbine generators (EP –1 and EP – 2) to 0.013 pounds per million BTU (lb/MMBTU) of heat input. [Construction Permit 042009-009, Special Condition 6]
- 6) Dogwood Power Management, 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: [Construction Permit 042009-009, 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
- 7) Dogwood Power Management, LLC shall emit less than 100 tons of VOC from the Siemens-Westinghouse Model 501F turbine generators and from the duct burners (EP – 1 and EP – 2) in any consecutive 12-month period. [Construction Permit 042009-009, Special Condition 8]
- 8) Natural gas shall be the only fuel fired in these turbines and duct burners. [Construction Permit 042009-009, Special Condition 23]
- 9) Dogwood Power Management, LLC shall not exceed the future actual emissions used to determine the projected actual emissions of this project as follows: [Construction Permit 042009-009, 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

Monitoring:

- 1) Dogwood Power Management, 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. [Construction Permit 042009-009, Special Condition 18]
- 2) Dogwood Power Management, 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. [Construction Permit 042009-009, Special Condition 19]
- 3) The continuous emission monitoring systems required by Monitoring #1 above 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 Monitoring #1 above upon approval of the Director. [Construction Permit 042009-009, Special Condition 20]

- 4) The continuous emission monitoring systems required by Monitoring #2 above 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 Monitoring #2 above upon approval of the Director. [Construction Permit 042009-009, Special Condition 21]

Recordkeeping:

- 1) Dogwood Power Management, LLC shall use Attachment A, “Monthly VOC Emissions Tracking Record” or an equivalent form to verify compliance with the emission limitation of Emission Limitation #7 above.. 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. [Construction Permit 042009-009, Special Condition 9]
- 2) Dogwood Power Management, 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. [Construction Permit 042009-009, Special Condition 24]
- 3) Dogwood Power Management, LLC shall maintain records of actual emissions to demonstrate that the future actual emissions listed in Emission Limitation #9 above are not exceeded pursuant to 40 CFR 52.21(b)(41). [Construction Permit 042009-009, Special Condition 26].

Reporting:

- 1) Dogwood Power Management, 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 records show that the source exceeded the limitation of Emission Limitation #7 above. [Construction Permit 042009-009, Special Condition 10]
- 2) Dogwood Power Management, 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 Monitoring #1 above indicates that the source exceeded the emission limitation of Emission Limit #2 above. 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. [Construction Permit 042009-009, Special Condition 22]
- 3) Dogwood Power Management, 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 Recordkeeping Requirement #3 above show that the source exceeded the future actual emissions of Emission Limitation #9 above. [Construction Permit 042009-009, Special Condition 27]

PERMIT CONDITION 003
 10 CSR 10-6.270 Acid Rain Permits Required

Combustion Turbines		
Emission Unit	Description	Manufacturer/Model #
EU1A	Combustion Turbine #1, installed 2001 (modified 2009), 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
EU2A	Combustion Turbine #2, installed 2001 (modified 2010), 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

Emission Limitation:

The permittee shall obtain an Acid Rain Source Permit for EU1A, EU2A (referenced as CT-1 and CT-2 in the Acid rain permit) pursuant to Title IV of the Clean Air Act.

A Phase II permit is being issued to the permittee in conjunction with this Title V permit and will remain effective for the life of the operating permit (See Attachment B). Sulfur dioxide (SO2) limitations are referenced in this existing Title IV: Phase II Acid Rain Permit for the installation.

Monitoring/Recordkeeping:

The permittee shall retain the most current acid rain permit issued to this installation on-site and shall make such permit available to any 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 004
 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

Combustion Turbines		
Emission Unit	Description	Manufacturer/Model #
EU1A	Combustion Turbine #1, installed 2001 (modified 2009), 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

EU2A	Combustion Turbine #2, installed 2001 (modified 2010), 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
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Emission Limitation:

The permittee shall obtain a Clean Air Interstate Rule (CAIR) Source Permit for the combustion turbine generator EU1A and EU2A.

A CAIR permit is being issued to the permittee in conjunction with this Title V permit and will remain effective for the life of the operating permit (See Attachment C).

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.

PERMIT CONDITION 005
10 CSR 10-6.075 Maximum Achievable Control Technology Regulations
40 CFR Part 63 Subpart ZZZZ National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

Emergency Fire Pump		
Emission Unit	Description	Manufacturer/Model #
EU1A1	Emergency Fire Pump; Maximum Heat Input: 1.9454 MMBtu/hr; MHDR = 14.2 gal/hr; 275 hp; installed 2000	John Deere (engine) and Clarke (pump; JDFP-06WA

40 CFR 63 Subpart ZZZZ applicable requirements listed by citation:			
Engine Category	Emergency CI	Monitoring, Installation, Collection, Operation and Maintenance Requirements	63.6625(e), (f), (h), (i)
Date Constructed	Before 6/12/2006	Initial Compliance	No Requirements
Compliance Date	May 3, 2013	Continuous Compliance	63.6605 63.6640
Emission Limitations	63.6603 (a) Table 2d Item 4	Notification Requirements	No Requirements

Operating Time Limitations	63.6640(f)	Recordkeeping Requirements	63.6655 (except 63.6655(c))
Fuel Requirements	No Requirements	Reporting Requirements	Footnote 2 of Table 2d §63.6640(b)
Performance Tests	No Requirements	General Provisions (40 CFR Part 63)	Yes, except per 63.6645(a)(5), the following do not apply: 63.7(b) and (c), 63.8(e), (f)(4) and (f)(6), and 63.9(b)-(e), (g) and (h).

Emission Limitations:

The permittee must meet the following requirements from Table 2d of 40 CFR Part 63 Subpart ZZZZ except during periods of startup:

- 1) Change oil and filter every 500 hours of operation or annually, whichever comes first;
- 2) Inspect air cleaner ever 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and
- 3) Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

Monitoring:

- 1) The permittee must operate and maintain start up engines according to the manufacturer;s emission-related written instructions. [§63.6625(e)]
- 2) The permittee must install a non-resettable hour meter if one is not already installed. [§63.6625(f)]
- 3) The permittee must minimize the engine’s time spent at idle during startup and minimize the engine’s startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup apply. [§63.6625(h)]

Continuous Compliance:

- 1) The permittee must demonstrate compliance according to the methods specified in Table 6 to 40 CFR Part 63 Subpart ZZZZ: [§63.6640(a)] for each existing emergency stationary RICE ≤500 HP located at an area source of HAP. The facility shall:
 - a) Operate and maintain the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions; or
 - b) Develop and follow a maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.
- 2) The permittee must be in compliance with the operating limitations and other requirements in 40 CFR Part 63 Subpart ZZZZ that apply at all times. [§63.6605(a)]
- 3) At all times the permittee must operate and maintain any affected source in a manner consistent with safety and good air pollution control practices for minimizing emissions. [§63.6605(b)]

Recordkeeping/Reporting:

- 1) The permittee shall keep records and submit reports as described in §63.6655 (except §63.6655(c)) and Footnote 1 of Table 2d §63.6640(b).

- 2) 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), the Code of State Regulations (CSR), and local ordinances 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 exception:
 - 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;
 - b) Yard waste, with the following exception:
 - 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;
- 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 Power Management, LLC 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 Power Management, LLC 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 Recordkeeping. 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 10-6.110 Submission of Emission Data, Emission Fees and Process Information

- 1) The permittee shall submit full emissions report either electronically via MoEIS, which requires Form 1.0 signed by an authorized company representative, or on Emission Inventory Questionnaire (EIQ) paper forms on the frequency specified in this rule and in accordance with the requirements outlined in this rule. Alternate methods of reporting the emissions, such as spreadsheet file, can be submitted for approval by the director.
- 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.
- 5) The fees shall be payable to the Department of Natural Resources and shall be accompanied by the emissions report.
- 6) The permittee shall complete required reports on state supplied EIQ forms or electronically via MoEIS. Alternate methods of reporting the emissions can be submitted for approval by the director. The reports shall be submitted to the director by April 1 after the end of each reporting year. If the full emissions report is filed electronically via MoEIS, this due date is extended to May 1.
- 7) 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.
- 8) 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.

10 CSR 10-6.165 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. This odor evaluation shall be taken at a location outside of the installation's property boundary.

Title VI – 40 CFR Part 82 Protection of Stratospheric Ozone

- 1) The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
 - a) All containers in which a class I or class II substance is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to §82.106.
 - b) The placement of the required warning statement must comply with the requirements pursuant to §82.108.
 - c) The form of the label bearing the required warning statement must comply with the requirements pursuant to §82.110.

- d) No person may modify, remove, or interfere with the required warning statement except as described in §82.112.
- 2) The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B:
 - a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to §82.156.
 - b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.
 - c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to §82.161.
 - d) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with recordkeeping requirements pursuant to §82.166. ("MVAC-like" appliance as defined at §82.152).
 - e) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156.
 - f) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to §82.166.
- 3) If the permittee manufactures, transforms, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, Production and Consumption Controls.
- 4) If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, Servicing of Motor Vehicle Air conditioners. The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.
- 5) The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, Significant New Alternatives Policy Program. *Federal Only - 40 CFR Part 82*

10 CSR 10-6.280 Compliance Monitoring Usage

- 1) The permittee is not prohibited from using the following in addition to any specified compliance methods for the purpose of submission of compliance certificates:
 - a) Monitoring methods outlined in 40 CFR Part 64;
 - b) Monitoring method(s) approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and
 - c) Any other monitoring methods approved by the director.
- 2) Any credible evidence may be used for the purpose of establishing whether a permittee has violated or is in violation of any such plan or other applicable requirement. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred by a permittee:
 - a) Monitoring methods outlined in 40 CFR Part 64;
 - b) A monitoring method approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and

- c) Compliance test methods specified in the rule cited as the authority for the emission limitations.
- 3) The following testing, monitoring or information gathering methods are presumptively credible testing, monitoring, or information gathering methods:
 - a) Applicable monitoring or testing methods, cited in:
 - i) 10 CSR 10-6.030, "Sampling Methods for Air Pollution Sources";
 - ii) 10 CSR 10-6.040, "Reference Methods";
 - iii) 10 CSR 10-6.070, "New Source Performance Standards";
 - iv) 10 CSR 10-6.080, "Emission Standards for Hazardous Air Pollutants"; or
 - b) Other testing, monitoring, or information gathering methods, if approved by the director, that produce information comparable to that produced by any method listed above.

V. General Permit Requirements

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

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

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

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

- 1) Recordkeeping
 - a) All required monitoring data and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report or application.
 - b) Copies of all current operating and construction permits issued to this installation shall be kept on-site for as long as the permits are in effect. Copies of these permits shall be made immediately available to any 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, recordkeeping, reporting, or any other requirements of the permit, this includes deviations or Part 64 exceedances.
 - d) Submit supplemental reports as required or as needed. Supplemental reports are required no later than ten days after any exceedance of any applicable rule, regulation or other restriction. All reports of deviations shall identify the cause or probable cause of the deviations and any corrective actions or preventative measures taken.
 - i) Notice of any deviation resulting from an emergency (or upset) condition as defined in paragraph (6)(C)7.A of 10 CSR 10-6.065 (Emergency Provisions) shall be submitted to the permitting authority either verbally or in writing within two working days after the date on which the emission limitation is exceeded due to the emergency, if the permittee wishes to assert an affirmative defense. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that indicate an emergency occurred and the permittee can identify the cause(s) of the emergency. The permitted installation must show that it was operated properly at the time and that during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or requirements in the permit. The notice must contain a description of the emergency, the steps taken to mitigate emissions, and the corrective actions taken.

- ii) Any deviation that poses an imminent and substantial danger to public health, safety or the environment shall be reported as soon as practicable.
- iii) Any other deviations identified in the permit as requiring more frequent reporting than the permittee's semi-annual 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.

An Acid Rain Permit is being issued in conjunction with this operating permit and will remain effective for the same five year period. A renewal Acid Rain permit will be due along with the Part 70 Operating Permit renewal application.

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 semi-annually (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, 11201 Renner Blvd., Lenexa, KS 66219, 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 applicable 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, 11201 Renner Blvd., Lenexa, KS 66219, at least seven days in advance of these changes, except as allowed for emergency or upset conditions. Emissions allowable under the permit means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

- 1) Section 502(b)(10) changes. Changes that, under Section 502(b)(10) of the Act, contravene an express permit term may be made without a permit revision, except for changes that would violate applicable requirements of the Act or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting or compliance requirements of the permit.
 - a) Before making a change under this provision, The permittee shall provide advance written notice to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 11201 Renner Blvd., Lenexa, KS 66219, 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, 11201 Renner Blvd., Lenexa, KS 66219, 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)39 Responsible Official

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

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

This permit may be reopened for cause if:

- 1) The Missouri Department of Natural Resources (MDNR) receives notice from the Environmental Protection Agency (EPA) that a petition for disapproval of a permit pursuant to 40 CFR § 70.8(d) has been granted, provided that the reopening may be stayed pending judicial review of that determination,
- 2) The Missouri Department of Natural Resources or EPA determines that the permit contains a material mistake or that inaccurate statements were made which resulted in establishing the emissions limitation standards or other terms of the permit,
- 3) Additional applicable requirements under the Act become applicable to the installation; however, reopening on this ground is not required if—:

- a) The permit has a remaining term of less than three years;
 - b) The effective date of the requirement is later than the date on which the permit is due to expire;
or
 - c) The additional applicable requirements are implemented in a general permit that is applicable to the installation and the installation receives authorization for coverage under that general permit,
- 4) The installation is an affected source under the acid rain program and additional requirements (including excess emissions requirements), become applicable to that source, provided that, upon approval by EPA, excess emissions offset plans shall be deemed to be incorporated into the permit;
or
- 5) The Missouri Department of Natural Resources or EPA determines that the permit must be reopened and revised to assure compliance with applicable requirements.

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

**TITLE IV: ACID RAIN
PERMIT**

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

Installation Name: Dogwood Power Management, LLC, ORIS Code: 55178
Unit IDs: CT-1 and CT-2

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

The number of allowances actually held by an affected source in a unit account may differ from the number allocated by the United States Environmental Protection Agency. Pursuant to 40 CFR 72.84, *Automatic permit amendment*, this does not necessitate a revision to any unit SO₂ allowance allocations identified in this permit.

This Acid Rain permit is being issued in conjunction with this operating permit and is effective for the same period of time as the operating permit. The permittee shall submit an application to renew this Acid Rain permit in conjunction with the operating permit renewal application.

Date

Director or Designee,
Department of Natural Resources

Dogwood Energy Facility Facility (Source) Name (from STEP 1)

Acid Rain - Page 2

Permit Requirements

STEP 3

Read the standard requirements.

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

Monitoring Requirements

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

Sulfur Dioxide Requirements

- (1) The owners and operators of each source and each affected unit at the source shall:
 - (i) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and
 - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
 - (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
 - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).

Dogwood Energy Facility

Facility (Source) Name (from STEP 1)

Acid Rain - Page 3

Sulfur Dioxide Requirements, Cont'd.

STEP 3, Cont'd.

- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements

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

Excess Emissions Requirements

- (1) The designated representative of an affected source that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
- (2) The owners and operators of an affected source that has excess emissions in any calendar year shall:
- (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
 - (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements

- (1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
- (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;

Dogwood Energy Facility Facility (Source) Name (from STEP 1)

Acid Rain - Page 4

Recordkeeping and Reporting Requirements, Cont'd.

STEP 3, Cont'd.

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

Liability

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

Effect on Other Authorities

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

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

Dogwood Energy Facility
Facility (Source) Name (from STEP 1)

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Effect on Other Authorities. Cont'd.

STEP 3, Cont'd.

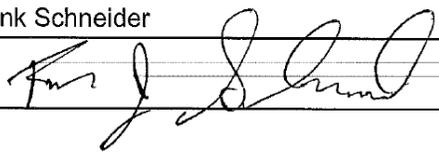
to applicable National Ambient Air Quality Standards or State Implementation Plans;

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

Certification

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

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

Name Frank Schneider	
Signature 	Date MARCH 5, 2014

ATTACHMENT C

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 NOx Trading Program*, and 10 CSR 10-6.366, *Clean Air Interstate Rule Sox Trading Program*, the State of Missouri issues this CAIR Permit.

Installation Name: Dogwood Power Management, LLC (Oris Code: 55178)
Unit IDs: CT-1 and CT-2

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 of Dogwood Power Management, LLC (Facility ID 037-0056).

This CAIR permit is being issued in conjunction with this operating permit and is effective for the same period of time as the operating permit. The permittee shall submit an application to renew this CAIR permit in conjunction with the operating permit renewal application.

Date

Director or Designee,
Department of Natural Resources

Plant Name: Dogwood Energy Facility

CAIR Permit Application
Page 2

**STEP 3,
continued**

(b) Monitoring, reporting, and recordkeeping requirements.

(1) The owners and operators, and the CAIR designated representative, of each CAIR NO_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, transfer, or deduction of a CAIR NO_x Ozone Season allowance to or from a CAIR NO_x Ozone Season source's compliance account is incorporated automatically in any CAIR permit of the source.

Plant Name: Dogwood Energy Facility

CAIR Permit Application
Page 3

**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.

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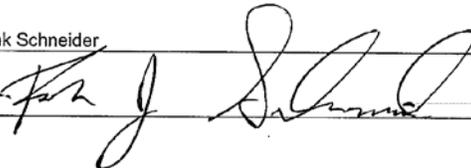
**STEP 3,
continued**

(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	Frank Schneider	
Signature		Date
		MARCH 5, 2014

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 November 20, 2013;
- 2) 2012 Emissions Inventory Questionnaire, received April 30, 2013; and
- 3) U.S. EPA document AP-42, *Compilation of Air Pollutant Emission Factors*; Volume I, Stationary Point and Area Sources, Fifth Edition
- 4) Construction Permit 042009-009, Issued April 16, 2009;
- 5) WebFire;
- 6) CAIR Permit Application; and
- 7) Acid Rain Permit Application.

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

In the previous operating permit (dated June 17, 2009), the installation indicated they were not subject to the following regulation(s). However, this permit renewal has determined that the installation is subject to the following regulation(s) for the reasons stated.

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

This subpart applies to EU3, the emergency fire pump and was included in the operating permit as Permit Condition 005.

Other Air Regulations Determined Not to Apply to the Operating Permit

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

10 CSR 10-6.100, *Alternate Emission Limits*

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

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

This regulation was rescinded on October 30, 2011.

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

This rule does not apply to the Combustion Turbines because they are subject to the CAIR regulations.

10 CSR 10-6.405, *Restriction of Particulate Matter Emissions From Fuel Burning Equipment Used for Indirect Heating*

This rule does not apply to the Auxiliary Boiler because natural gas fueled units are exempt from the rule according to 10 CSR 10-6.405(1)(C).

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. This project changed the construction permit to 0899-30B.
- 7) Amendment to Construction Permit 0899-030B, Project 2005-11-035
This project amends Construction Permit 0899-030B 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. The stack testing requirements were not included in this operating permit because they have already been completed.

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 003

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 (EU1A and EU2A). The overlapping requirements are explained below:

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

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

Where:

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

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

Given: Manufacturer's Rated Heat Rate = 1930 MMBtu/hr;

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

Y for EU1A and EU2A = (1930 x 10⁶ MMBtu/hr) x (1.0548 kJ/Btu) (1/20 x 10⁶ W) = 101.8 kJ/W-hr.

According to NSPS GG, the value of Y shall not exceed 14.4 kilojoules per watt hour, so Y is set to 14.4 kJ/W-hr for the following calculation:

$$\begin{aligned} \text{STD (NO}_x \text{ Emission Limit)} &= (0.0075)(14.4/Y) + F \\ &= (0.0075)(14.4/14.4) + 0 \\ &= 0.0075\% \text{ or } 75 \text{ ppmv NO}_x \text{ at } 15\% \text{ oxygen.} \end{aligned}$$

This calculation demonstrates that the limit set forth in NSPS GG is satisfied with the NO_x limit in Construction Permit 042009-009 which is included in the operating permit under Permit Condition 003.

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 below:

NO_x limitation:

The NO_x limit from Construction Permit 042009-009 is more stringent than the NO_x limit from Subpart Da. From §60.44Da(e)(3)(ii) the NO_x limit for an affected facility which commenced modification after February 28 2005, is 65 ng/J (0.15 lb/MMBtu) heat input.

The NO_x limit for these units (EU1B and EU2B) from Construction Permit 042009-009 is 4 ppmv corrected to 15% oxygen on a dry basis.

The following equation from Appendix A-7 of Part 60 will convert the limit in lb/MMBtu to ppmv:

$$E = C_d F_d \left(\frac{20.9}{20.9 - \%O_{2d}} \right)$$

Where

E = Pollutant emission rate, ng/J (lb/MMMBtu) = 0.15 lb/MMBtu

C_d = Pollutant concentration, dry basis, ng/scm (lb/scf) = unknown

F_d = Volume of combustion components per unit of heat contents, scm/J (scf/MMBtu) = 8710 (from Table 19.7 in Appendix A-7 of Part 60)

%O_{2d} = Concentration of oxygen on a dry basis = 15%

So,

$$C_d = \frac{E}{F_d} \left(\frac{20.9 - \%O_{2d}}{20.9} \right) = \frac{0.15 \text{ lb/MMBtu}}{8710} \left(\frac{20.9 - 15}{20.9} \right) = 4.856 \times 10^{-6} \text{ lb/scf}$$

To convert C_d from lb/scf to ppmv divide by 1.194 x 10⁻⁷ (from table 19.1 of Appendix A-7 of Part 60)

$$C_d = 4.856 \times 10^{-6} \text{ lb/scf} \div 1.194 \times 10^{-7} = 40.8 \text{ ppmv}$$

Since 40.8 ppmv (NO_x limit from Subpart Da) is greater than 4 ppmv (NO_x limit from the construction permit 042009-009) compliance with the construction permit will ensure compliance with Subpart Da for NO_x.

PM₁₀ limitation:

The PM₁₀ limit from Construction Permit 042009-009 is more stringent than the PM limit from 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 PM₁₀ emissions." The limit from Construction Permit 042009-009 for these units is stated in condition 6 of Permit Condition 003 as 0.015 lb/MMBtu heat input (combined emissions from the turbines and duct burners). The PM limit (all of which is PM₁₀) from Subpart Da for units that commenced modification after February 28, 2005 is 6.4 ng/J (0.015 lb/MMBtu) heat input. Since the 0.015 lb/MMBtu PM₁₀ limit from the construction permit is for the combined emissions of the turbines and the duct burners, then it must be more stringent and compliance with the limit from the construction permit will ensure compliance with the limit from Subpart Da.

SO₂ limitation:

EU1B and EU2B are subject to a SO_x limit from Subpart Da. The Subpart limits SO_x emissions for any affected facility which commenced modification after February 28, 2005 to 65 ng/J (0.15 lb/MMBtu) heat input.

Construction Permit 042009-009 limits these units to burning only natural gas and this requirement is listed in Permit Condition 003. The WebFIRE emission factor for SO₂ emissions (SCC code 10100601) is 0.6 lb/MMcf. The total heat content of the fuel which is natural gas is 1010 MMBtu/MMcf. The following calculation demonstrates that when burning natural gas, these units cannot exceed the 0.6 lb/MMcf SO₂ limit from Subpart Da, therefore compliance with the construction permit condition ensures compliance with the SO₂ limit:

SO₂ limit from Subpart Da – 0.15 lb/MMBtu
SO₂ emission factor from WebFIRE = .6 lb/MMcf
Total heat content of fuel (natural gas) = 1010 MMBtu/MMcf

For Natural Gas :

$0.6 \text{ lb/MMcf} \div 1010 \text{ MMBtu/MMcf} = 0.0006 \text{ lb/MMBtu}$ which is much less than 0.15 lb/MMBtu

40 CFR Part 60 Subpart IIII, *Standards of Performance for Stationary Compressions Ignition Internal Combustion Engines*

This Subpart does not apply to the fire pump because it was installed prior to 2008.

40 CFR Part 60 Subpart JJJJ, *Standards of Performance for Stationary Spark Ignition Internal Combustion Engines*

This Subpart does not apply to the fire pump because it is a compression ignition internal combustion engine.

Maximum Achievable 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*

This subpart applies to EU3, the emergency fire pump and is included in the operating permit as Permit Condition 005.

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*

This subpart does not apply because this facility is not a major source of HAP emissions.

40 CFR Part 63, Subpart JJJJJ – *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources*

This subpart does not apply to the auxiliary boiler because it burns solely natural gas as fuel.

National Emission Standards for Hazardous Air Pollutants (NESHAP) Applicability

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

Compliance Assurance Monitoring (CAM) Applicability

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

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

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

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

Greenhouse Gas Emissions

Note that this source is subject to the Greenhouse Gas Reporting Rule. However, the preamble of the GHG Reporting Rule clarifies that Part 98 requirements do not have to be incorporated in Part 70 permits operating permits at this time. In addition, Missouri regulations do not require the installation to report CO₂ emissions in their Missouri Emissions Inventory Questionnaire; therefore, the installation’s CO₂ emissions were not included within this permit. The applicant is required to report the data directly to EPA. The public may obtain CO₂ emissions data for this installation by visiting <http://epa.gov/ghgreporting/ghgdata/reportingdatasets.html>.

Updated Potential to Emit for the Installation

Pollutant	Potential to Emit (tons/yr) ¹
CO	773.6
HAP	1.5
NO _x	379
PM ₁₀	312.9
PM _{2.5}	312.9
SO _x	23.4
VOC	100

¹The potential to emit for CO, HAP, NO_x, PM₁₀, PM_{2.5} SO_x and VOC was taken from the latest construction permit, permit no. 042009-009.

Other Regulatory Determinations

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, EU1A, EU1B, EU2A and EU2B 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 10-6.400, *Restriction of Emission of Particulate Matter from Industrial Processes*

This rule does not apply to the cooling tower because the potential to emit particulate matter is less than 0.5 lb/hr and thus exempt from the rule according to 10 CSR 10-6.400(1)(B)(12).

Potential PM Emission Rate =
 MHDR(tons/hr)*Emission Factor(lb/ton)*(1 – Control Efficiency/100)

Emission Unit	Maximum Hourly Design Rate (Million gal/hr)	PM Emission Factor (lb/Million gal)	Emission Factor Reference	Control Device Eff. (%)	Potential PM Emission Rate (lb/hr)
EU3	0.01476	19.0	Webfire ¹	0.00	0.28

¹ Emission factor from WebFire for SCC 38500101 is for PM10. All PM emissions from the cooling tower are assumed to be PM10, therefore the emission factor of 19.0 lb/Million gallon was used.

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

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

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

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

Prepared by:

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Environmental Engineer

Response to Public Comments

The draft Part 70 Operating Permit for Dogwood Power Management, LLC (037-0056) was placed on public notice as of June 6, 2014 for a 30-day comment period. The public notice was published on the Department of Natural Resources' Air Pollution Control Program's web page at: <http://www.dnr.mo.gov/env/apcp/PermitPublicNotices.htm>. On July 3, 2014 the Air Pollution Control Program received comments via e-mail from Mark Smith, EPA Region 7. The comments are addressed below in the order in which they appear within the e-mail.

Comments submitted by Mark Smith, USEPA:

Comment #1: The emission limitations in Permit Condition 001 includes a statement indicating the emission standards of subpart GG are less stringent than the emission limits of construction permit 042009-009. When more than one emissions standard applies to an emission unit EPA strongly encourages and supports "streamlining" all applicable requirements and including only the most stringent requirement which "assures compliance" with all the overlapping requirements. The Statement of Basis should include a detailed side-by-side comparison of the NO_x and SO₂ requirements of both Subpart GG and the construction permit. This comparison should include a technical demonstration showing how compliance with the construction permit 042009-009 assures compliance with Subpart GG. EPA strongly recommends that MDNR remove Permit Condition 001 from the operating permit and use Permit Condition 003 as the "streamlined" emission limitation, monitoring, recordkeeping and reporting requirements. Also, EPA strongly recommends MDNR provide this detailed descriptive narrative including necessary technical demonstration which allows for this "streamlining" in the Statement of Basis.

Response to Comment: The NOTE in Permit Condition 001 has been updated to state that the NO_x emission limits in Construction Permit 042009-009 are more stringent than the NO_x emission limit in Subpart GG. There are no SO_x emission limits in the construction permits, therefore Permit Condition 001 will remain in the operating permit to include the SO_x monitoring, recordkeeping and reporting requirements from Subpart GG. A detailed explanation including the calculation of the NO_x limit from Subpart GG was added to the Statement of Basis. The NO_x limit from Subpart GG is 75 ppmv which is much higher than the construction permit NO_x limit which is 4 ppmv. This calculation demonstrates that the limit set forth in NSPS GG is satisfied with the NO_x limit in Construction Permit 042009-009 which is included in the operating permit under Permit Condition 003.

Comment #2: Permit Condition 002 includes a similar statement to Permit Condition 001 stating that the PM₁₀, NO_x and SO₂ limits in Construction Permit 042009-009 are more stringent than 40 CFR Part 60 Subpart Da. EPA strongly encourages that an explanation of the "streamlining" of Subpart Da and the construction permit be added to the Statement of Basis.

Additionally, EPA strongly recommends MDNR include 40 CFR Part 60, Subpart Da applicable opacity monitoring, recordkeeping and reporting requirements in Permit Condition 002 in lieu of the reference to Permit Condition 003.

Response to Comment: A detailed explanation of the streamlining of the NO_x, SO_x and PM limits has been added to the Statement of Basis under the NSPS Subpart Da discussion. According to 40 CFR Part 60.42Da(b)(2) "An owner or operator of an affected facility that combusts only natural gas...is

exempt from the opacity standard specified in paragraph (b)...” Since EU1B and EU2B are limited to burning only natural gas, they are not subject to the opacity limit, therefore those limits have been removed from the permit. Permit Condition 002 has been removed from the operating permit and the remaining permit conditions have been renumbered.

Comment #3: According to Permit Condition 001 and Permit Condition 002, SO₂ limits of construction permit 042009-009 are more stringent than SO₂ limits in either NSPS GG and/or NSPS Da. However it appears there is no specific SO₂ emission limit in Permit Condition 003. Permit Condition 003 does establish that the affected emission units are limited to the combustion of only natural gas. However there is no documentation in either the monitoring requirements, recordkeeping requirements or the Statement of Basis to verify compliance with the applicable emission limitations of either NSPS GG or NSPS Da.

Finally, the monitoring requirements associated with draft Permit Condition 003 account for NO_x, along with either oxygen or carbon dioxide and the recordkeeping requirements account for the tracking of VOC. There however does not appear to be any periodic monitoring and/or recordkeeping to verify compliance with CO, PM₁₀, or SO_x. 10 CSR 10-6.050(C)1C(I)(b) says “where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), then periodic monitoring sufficient to yield reliable data for the relevant time period that are representative of the installation’s compliance with the permit.

Therefore EPA strongly recommends MDNR:

- Provide a detailed technical demonstration in the Statement of Basis which verifies the combustion of only natural gas satisfies the NSPS GG and NSPS Da SO₂ monitoring;
- Move emission/operational limitation 1 statement to the Statement of Basis; and
- Provide sufficient periodic monitoring and/or recordkeeping to verify compliance with the PM₁₀, SO₂ and CO emission limitations.

According to footnote (a) of Attachment A, the VOC tracking relies on an emission factor obtained from performance tests required by this permit. The draft operating permit does not include any performance testing so therefore, this footnote appears to refer to the construction permit. However as stated above, 10 CSR 10-6.050(C)1C(I)(b) says “where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), then periodic monitoring sufficient to yield reliable data for the relevant time period that are representative of the installation’s compliance with the permit. EPA would consider performance testing falls under periodic testing and encourages MDNR to consider adding periodic performance testing to verify the emission factors used to track compliance with emission limitations and suggests MDNR include performance testing frequency of no less than once during the operating permit cycle be undertaken to update all emission factors used to assure compliance.

Response to Comment:

- As stated in the Response to Comment #2, a detailed explanation of the streamlining of the NO_x, SO_x and PM limits has been added to the Statement of Basis under the NSPS Subpart Da discussion. A calculation using emission factors from WebFIRE for the burning of natural gas in these units, demonstrates compliance with the SO_x limits in Subpart Da.

- Emission/Operational Limitation 1 which states that the conditions of CP 042009-009 supersede the conditions in CP 0899-030 has been removed from the permit condition since it is included in the Statement of Basis.
- Special Condition 11 of construction permit 042009-009 requires that the permittee perform stack testing to verify that the limits in Special Conditions 3 through 6 of the permit are not exceeded. Special Condition 12 of construction permit requires that the permittee perform stack testing to verify Special Conditions 2 and 7. These special conditions limit the concentrations of NO_x, CO, and VOC on a ppmv basis and also include lb/MMBtu limits for PM₁₀ and VOC. Special Condition 26 includes actual emission limits on a ton per year basis for PM₁₀, SO_x, NO_x, VOC and CO. Dogwood Energy, is required to maintain records of actual emissions to demonstrate that future actual emissions do not exceed these tpy limits. Unless there is a change in fuel or the units undergo modifications, MODNR does not believe that requiring costly and burdensome future stack testing on the turbines to re-verify the concentrations of NO_x, CO and VOC emitted is warranted.

Likewise, The APCP does not agree that recordkeeping using the established emission factor which was verified through testing required by the construction permit is inconsistent with 10 CSR 10-6.065(6)(C)1.C(b). No changes were made to the draft in response to his comment.

Comment #4: The Dogwood – Pleasant Hill facility is located in Cass County which is one of the counties included within the Department of Natural Resources definition of the Kansas City Metropolitan Area, Therefore it would appear that the open burning regulation for the St. Louis metropolitan area, the Springfield-Green County and the St. Joseph area are not applicable requirements that should be included in this operating permit. Therefore EPA recommends MDNR modify the open burning requirements in Section IV by removing the requirements that are not applicable to this facility.

Response to Comment: This change has been made as requested.