



Missouri Department of Natural Resources
Air Pollution Control Program

PART 70

PERMIT TO OPERATE

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

Operating Permit Number: OP2010-027
Expiration Date: MAR 15 2015
Installation ID: 107-0038
Project Number: 2003-01-012

Installation Name and Address

Higginsville Municipal Power Plant
108 E. 22nd Street
Higginsville, Missouri 64037
Lafayette County

Parent Company's Name and Address

City of Higginsville
P.O. Box 110
Higginsville, Missouri 64037

Installation Description:

This installation is a major source of air pollutants located in Higginsville, Missouri, that was constructed to operate combustion turbines for the generation of electric power during periods of peak electrical demand for the purposes of public consumption. The main sources of air pollutants from this installation include a dual fuel fired twin-pac turbine, two diesel engine generating units, and a dual fuel fired engine generating unit. In 2003, the facility installed an additional diesel engine generator and a dual fuel fired turbine.

MAR 16 2010

Effective Date

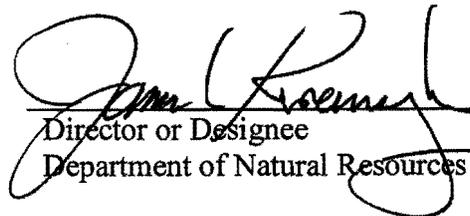

Director or Designee
Department of Natural Resources

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I. Installation Description and Equipment Listing

INSTALLATION DESCRIPTION

This installation is a major source of air pollutants located in Higginsville, Missouri, that was constructed to operate combustion turbines for the generation of electric power during periods of peak electrical demand for the purposes of public consumption. The main sources of air pollutants from this installation include a dual fuel fired twin-pac turbine, two diesel engine generating units, and a dual fuel fired engine generating unit. In 2004, the installation added an additional diesel engine generator and a dual fuel fired turbine.

Reported Air Pollutant Emissions, tons per year							
Year	Particulate Matter ≤ Ten Microns (PM-10)	Sulfur Oxides (SO _x)	Nitrogen Oxides (NO _x)	Volatile Organic Compounds (VOC)	Carbon Monoxide (CO)	Lead (Pb)	Hazardous Air Pollutants (HAPs)
2008	0.04	0.03	1.56	0.04	0.43	--	--
2007	0.20	0.08	3.30	0.18	0.80	--	--
2006	0.93	0.41	15.93	0.90	3.76	--	--
2005	0.50	0.17	7.17	1.00	9.24	--	--
2004	0.07	0.05	1.41	0.15	1.56	--	--
2003	0.18	0.27	3.58	0.55	5.84	--	--
2002	0.20	0.05	5.07	1.00	12.4	--	--

EMISSION UNITS WITH LIMITATIONS

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

Emission Unit #	Description of Emission Unit
P01	Generator Unit #1, Dual Fuel Fired Engine
P02	Generator Unit #2, Diesel Engine
P03	Generator Unit #3, Diesel Engine
P04A	Dual Fuel Fired Twin-Pac Turbine – Side A
P04B	Dual Fuel Fired Twin-Pac Turbine – Side B
P07	Dual Fuel Fired Turbine
P08	Generator Unit #6, Diesel Engine

EMISSION UNITS WITHOUT LIMITATIONS

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

Description of Emission Source

125,000 Gallon Diesel Tank (T01)
Safety Kleen Parts Washer
(12) Space Heaters
Water Heater
500 Gallon Diesel Tank (T02)
500 Gallon Gasoline Tank (T03)
1000 Gallon Waste Oil Tank
(2) 12,000 Gallon Diesel Tanks (T05 & T06)

DOCUMENTS INCORPORATED BY REFERENCE

These documents have been incorporated by reference into this permit.

- 1) Construction Permit 0795-0023
- 2) Construction Permit Amendment 0795-0023A
- 3) Construction Permit 0797-019
- 4) Construction Permit 042003-042A
- 5) Construction Permit 042003-042B

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.

P01 – Generator Unit #1		
2008 EIQ Reference #	Description	Manufacturer/Model #
P01	Generator Unit #1, Dual- Fuel Fired Engine, 1980	Colt Industries, 38TDD81\8

Permit Condition P01-001
10 CSR 10-6.260 Restriction of Emission of Sulfur Compounds

Emission Limitation:

- 1) Emissions from any new source operation shall not contain more than five hundred parts per million by volume (500 ppmv) of sulfur dioxide.
- 2) Stack gasses shall not contain more than thirty-five milligrams (35 mg) per cubic meter of sulfuric acid or sulfur trioxide or any combination of those gases averaged on any consecutive three hour time period.
- 3) No person shall cause or permit the emission of sulfur compounds from any source which causes or contributes to concentrations exceeding those specified in 10 CSR 10-6.010 Ambient Air Quality Standards. [[10 CSR 10-6.260\(3\)\(B\) of May 30, 2004 version & 10 CSR 10-6.010 Ambient Air Quality Standards](#)]

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

Operational Limitation/Equipment Specifications:

- 1) The emission unit shall be limited to burning No. 2 fuel oil or pipeline grade natural gas.
- 2) The No.2 fuel oil used by this emission unit shall not exceed 0.25% sulfur content by weight.

Monitoring/Recordkeeping:

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

Reporting:

The permittee shall report any deviations/exceedances of this permit condition using the semi-annual monitoring report and annual compliance certification to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as required by 10 CSR 10-6.065(6)(C)1.C.(III).

P02 & P03 – Generator Units 2 & 3

2008 EIQ Reference #	Description	Manufacturer/Model #
P02	Generator Unit #2 - Diesel Engine, 1944	Fairbanks Morse Engine, 33-F-16
P03	Generator Unit #3 - Diesel Engine, 1947	Nordberg, 2012-0005

Permit Condition (P02 & P03)-001

10 CSR 10-6.260 Restriction of Emission of Sulfur Compounds

Emission Limitation:

- 1) Emissions from any existing source operation shall not contain more than two thousand parts per million by volume (2000 ppmv) of sulfur dioxide.
- 2) Stack gasses shall not contain more than seventy milligrams (70 mg) per cubic meter of sulfuric acid or sulfur trioxide or any combination of those gases averaged on any consecutive three-hour time period.
- 3) No person shall cause or permit the emission of sulfur compounds from any source which causes or contributes to concentrations exceeding those specified in 10 CSR 10-6.010 Ambient Air Quality Standards. [10 CSR 10-6.260(4) of August 30, 1996 version, 10 CSR 10-6.260(3)(B) of May 30, 2004 version & 10 CSR 10-6.010 Ambient Air Quality Standards]

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

Operational Limitation/Equipment Specifications:

- 1) The emission unit shall be limited to burning No. 2 fuel oil.
- 2) The No.2 fuel oil used by this emission unit shall not exceed 0.25% sulfur content by weight.

Monitoring/Record Keeping:

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

Reporting:

The permittee shall report any deviations/exceedances of this permit condition using the semi-annual monitoring report and annual compliance certification to the Air Pollution Control Program Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as required by 10 CSR 10-6.065(6)(C)1.C.(III).

P04A & P04B – Dual Fuel Fired Twin-Pac Turbines		
2008 EIQ Reference #	Description	Manufacturer/Model #
P04A	Dual Fuel Fired Twin-Pac Turbine - Side A, 1996	GTC, FT4-A9
P04B	Dual Fuel Fired Twin-Pac Turbine - Side B, 1996	GTC, FT4-A9

Permit Condition (P04A & P04B)-001

10 CSR 10-6.060 Construction Permits Required
Construction Permit Numbers: 0795-023 and 0795-023A
40 CFR Part 60 Subpart GG

Standards of Performance for Stationary Gas Turbines

Emission Limitation:

- 1) Best Available Control Technology (BACT) for the emissions of nitrogen oxides from the operation of the turbines (P04A and P04B) at all load conditions is set at 42 parts per million (ppm) by volume, one-hour rolling average, corrected to fifteen (15) percent oxygen on a dry basis when burning natural gas. This shall be achieved by using water injection.
- 2) BACT for the emissions of nitrogen oxides from the operation of these turbines at all load conditions is set at 75 ppm by volume, one-hour rolling average, corrected to fifteen (15) percent oxygen on a dry basis when burning No. 2 fuel oil. This shall be achieved by using water injection.
- 3) Higginsville Municipal Power Facility is exempt from Conditions 1 and 2 when ice fog is deemed a traffic hazard by the owner or operator of the turbine. "Ice fog" is defined as an atmospheric suspension of highly reflective ice crystals.
- 4) During periods of drought, Higginsville Municipal Power Facility may apply to the Air Pollution Control Program's Enforcement Section for an exemption from using water injection as stated in Conditions 1 and 2. If the turbines are in operation, water injection must be continued until the exemption is granted.
- 5) BACT for the emissions of sulfur dioxide from the operation of these turbines (P04A and P04B) is set by limiting the sulfur content of the No. 2 fuel oil used in the turbines to 0.25% sulfur by weight.

Monitoring:

- 1) The combined hours of operation for both sides of the turbine shall not total more than 8,000 per 12-month period. This operating restriction is established on a rolling monthly basis, with the end of each month establishing a new yearly period.
- 2) Higginsville Municipal Power Facility shall operate a continuous monitoring system to monitor and record the fuel consumption and the ratio of water to fuel being fired in the turbines. This system shall be accurate to within ± 5 percent, and shall be approved by the Air Pollution Control Program Director.
- 3) Higginsville Municipal Power Plant shall not exceed 0.25% sulfur content by weight for No. 2 fuel oil.

- 4) No fuels other than natural gas or No. 2 fuel oil shall be combusted in the turbines at any time.
- 5) *When burning natural gas as fuel* - The owner or operator 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). The owner or operator 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
 - 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\(h\)\(3\)\(i\) & \(ii\)\]](#)
- 6) *When burning Fuel Oil No. 2* - For fuel oil, use one of the total sulfur sampling options and the associated sampling frequency described in Sections 2.2.3, 2.2.4.1, 2.2.4.2, and 2.2.4.3 of appendix D to part 75 of this chapter (i.e. , flow proportional sampling, daily sampling, sampling from the unit's storage tank after each addition of fuel to the tank, or sampling each delivery prior to combining it with fuel oil already in the intended storage tank). [\[§60.334\(h\)\(4\)\(i\)\(1\)\]](#)

Record Keeping:

- 1) Higginsville Municipal Power Plant shall maintain records demonstrating the sulfur content weight percent from one of the methods referenced in §60.334(h)(4)(i)(1). This information shall be kept on-site and be made available upon request.
- 2) Records shall be kept on-site which detail the number of hours each turbine is operated, on a per-month basis. To comply with this condition, instruments shall be maintained in operable condition that will record the total number of hours each turbine is in operation. This information shall be kept on-site and be made available upon request.
- 3) Records detailing the quantity of fuel consumed and the ratio of water to fuel being fired in the turbines as recorded by the continuous monitoring system shall be kept on-site and be made available upon request.
- 4) Higginsville Municipal Power Plant shall maintain on-site for five years any compliance test reports, quality assurance checks for the monitoring system, and all other records required by this operating permit.

Reporting:

- 1) This installation shall adhere to the notification and record keeping requirements of 40 CFR 60.7 as they pertain to 40 CFR 60.334(a) and/or §60.334(b). This regulation requires that reports be submitted to the Director semi-annually, detailing any exceedances of applicable emission limits.
- 2) Higginsville Municipal Power Plant shall report any one-hour period during which the average water-to-fuel ratio, as measured by the continuous monitoring system, falls below the water-to-fuel ratio determined to demonstrate compliance with 42 ppm and 75 ppm of NO_x by volume at 15% oxygen when operating on natural gas and No. 2 fuel oil, respectively as described in §60.334(a) and §60.334(b). This information shall be submitted as a semi annual report as described in reporting condition 1 above.
- 3) Higginsville Municipal Power Facility shall report to the Director no later than ten (10) days after the end of each month, if the 12-month cumulative total shows that the source exceeded 8,000 hours of operation during any 12-month period for both turbines combined.

- 4) Higginsville Municipal Power Facility shall notify the Director within 24 hours after a breakdown of more than one-hour duration of any control equipment and, if the breakdown would cause an increase in the emission of air contaminants, of a breakdown of any process equipment. At the time of notification, Higginsville Municipal Power Plant shall also notify the Director of the cause of the breakdown and the estimated duration. Higginsville Municipal Power Facility shall notify the Director when the breakdown is over.
- 5) Higginsville Municipal Power Plant shall notify the Director at least 24 hours in advance of the shutdown of any control equipment and, if the shutdown would cause an increase in the emission of air contaminants, of a shutdown of any process equipment. At the time of notification, Higginsville Municipal Power Facility shall also notify the Director of the cause of the shutdown and the estimated duration. Higginsville Municipal Power Facility shall notify the Director when the shutdown is over.
- 6) All of the above reports shall be sent to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, within the time requirements detailed above. These reports shall include the cause of any deviations or events and any corrective actions or preventive measures taken. Corrective actions may include a requirement for additional stack testing, more frequent monitoring, or could trigger implementation of a corrective action plan.

Permit Condition (P04A & P04B)-002

10 CSR 10-6.362 Clean Air Interstate Rule Annual NO_x Trading Program
10 CSR 10-6.364 Clean Air Interstate Rule Seasonal NO_x Trading Program
10 CSR 10-6.366 Clean Air Interstate Rule SO_x Trading Program

Emission Limitation:

The permittee shall obtain a CAIR Source Permit for the combustion turbine generator P04A & P04B.

A CAIR Permit (Missouri Department of Natural Resources project 2007-07-036, ORIS Code 2131) is being issued to the permittee in conjunction with this Title V permit. (See Attachment D)

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:

The permittee shall report any deviations of this permit condition to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than the semi-annual monitoring report and annual compliance certification, as required by 10 CSR 10-6.065(6)(C)1.C.(III).

P07 & P08 –Dual Fuel Fired Turbine & IC Generator		
2008 EIQ Reference #	Description	Manufacturer/Model #
P07	5.5 MW Dual Fuel Fired Turbine, 2004	Solar, Taurus 60-7801
P08	Generator Unit #6 - 1.2 MW Diesel Engine, 2004	Caterpillar, 3512B

Permit Condition (P07 & P08)-001

10 CSR 10-6.060 Construction Permits Required
Construction Permit Number: 042003-042A

Emission Limitation:

- 1) Higginsville Municipal Power Plant shall not discharge into the atmosphere from the 5.5 MW Dual Fuel Fired Turbine (P07) and 1.2 MW Diesel Engine (P08) nitrogen oxides (NO_x) in excess of 40 tons in any consecutive 12-month period.
- 2) Higginsville Municipal Power Plant shall not discharge into the atmosphere from the 5.5 MW Dual Fuel Fired Turbine (P07) and the 1.2 MW Diesel Engine (P08) carbon monoxide (CO) in excess of 100 tons in any consecutive 12-month period.

Monitoring/Record Keeping:

- 1) No fuels other than natural gas or distillate oil No. 2 shall be combusted in the 5.5 MW Dual Fuel Fired Turbine (P07) at any time at this site. (*Performance testing per §60.335 is required before using the natural gas option, per §60.335(b)(2)*)
- 2) Higginsville Municipal Power Plant shall keep monthly records that are adequate to determine the NO_x and CO emissions from the 5.5 MW Dual Fuel Fired Turbine (P07) and 1.2 MW Diesel Engine (P08). These records shall also indicate the total quantity of NO_x and CO emissions from the installation over the previous 12-month period. The record keeping will utilize emission rates developed during compliance testing. Attachment A and Attachment B, or equivalent forms of the facility's own design, are suitable for this purpose.
- 3) The most recent 60 months of records shall be maintained onsite and shall be made immediately available to Missouri Department of Natural Resources' personnel upon request.

Reporting:

Higginsville Municipal Power Plant shall report to the Air Pollution Control Program's Enforcement Section, P. O. Box 176, Jefferson City, Missouri 65102, no later than ten (10) days after the end of each month, if the 12-month cumulative total records indicate that the source exceeded the 40 ton NO_x or 100 ton CO limitation.

Permit Condition P07-002

10 CSR 10-6.070

New Source Performance Regulations

40 CFR Part 60 Subpart GG

Standards of Performance for Stationary Gas Turbines

Emission Limitation:

- 1) Standard for Nitrogen Oxides: The permittee shall not exceed 167.05 ppmv of NO_x emissions at 15% O₂ dry basis in the exit gas stream of the stationary gas turbine as determined by Subpart GG, §60.332(a)(2).
- 2) Standard for Sulfur Dioxide:
 - a) The owner or operator shall not cause to be discharged into the atmosphere from this unit any gases which contain sulfur dioxide in excess of 0.015 percent by volume at 15 percent oxygen and on a dry basis, [§60.333 (a)] or
 - b) The owner or operator shall not burn fuel in this unit which contains sulfur in excess of 0.8 percent by weight (8000 ppmw). [§60.333 (b)]

Monitoring/Record Keeping:

- 1) Higginsville Municipal Power Plant shall maintain an accurate record of the sulfur content of fuel used. For fuel oil, use one of the total sulfur sampling options and the associated sampling frequency described in Sections 2.2.3, 2.2.4.1, 2.2.4.2, and 2.2.4.3 of appendix D to part 75 of this chapter (i.e. , flow proportional sampling, daily sampling, sampling from the unit's storage tank after each addition of fuel to the tank, or sampling each delivery prior to combining it with fuel oil already in the intended storage tank). [§60.334(h)(4)(i)(1)]
- 2) Higginsville Municipal Power Plant shall maintain records demonstrating the sulfur content weight percent from one of the methods referenced in §60.334(h)(4)(i)(1). This information shall be kept on-site and be made available upon request.
- 3) All records shall be maintained for five years.

Reporting:

- 1) For the purposes of reports under §60.7, periods of excess emissions that shall be reported are defined as follows:
 - a) Sulfur dioxide: Any daily period during which the sulfur content of the fuel being fired in the gas turbine exceeds 0.8 percent.
 - b) Emergency fuel: Each period during which an exemption provided in 40 CFR 60.332(k) is in effect shall be included in the report required in 40 CFR 60.7(c). For each period, the type, reasons, and duration of the firing of the emergency fuel shall be reported.
- 2) The permittee shall report to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than ten (10) days after the required record keeping indicates and exceedance with the applicable standard pursuant to the regulation.

Permit Condition P08-002

10 CSR 10-6.260 Restriction of Emission of Sulfur Compounds

Emission Limitation:

- 1) Emissions from any existing source operation shall not contain more than five hundred parts per million by volume (500 ppmv) of sulfur dioxide.
- 2) Stack gasses shall not contain more than seventy milligrams (35 mg) per cubic meter of sulfuric acid or sulfur trioxide or any combination of those gases averaged on any consecutive three-hour time period.
- 3) No person shall cause or permit the emission of sulfur compounds from any source which causes or contributes to concentrations exceeding those specified in 10 CSR 10-6.010 Ambient Air Quality Standards. [10 CSR 10-6.260(4) of August 30, 1996 version, 10 CSR 10-6.260(3)(B) of May 30, 2004 version & 10 CSR 10-6.010 Ambient Air Quality Standards]

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

Operational Limitation/Equipment Specifications:

- 1) The emission unit shall be limited to burning No. 2 fuel oil.
- 2) The No.2 fuel oil used by this emission unit shall not exceed 0.25% sulfur content by weight.

Monitoring/Record Keeping:

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

Reporting:

The permittee shall report any deviations/exceedances of this permit condition using the semi-annual monitoring report and annual compliance certification to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as required by 10 CSR 10-6.065(6)(C)1.C.(III).

IV. Core Permit Requirements

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

10 CSR 10-6.045 Open Burning Requirements

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

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

10 CSR 10-6.050 Start-up, Shutdown and Malfunction Conditions
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- 1) In the event of a malfunction, which results in excess emissions that exceed one hour, the permittee shall submit to the Director within two business days, in writing, the following information:
 - a) Name and location of installation;
 - b) Name and telephone number of person responsible for the installation;
 - c) Name of the person who first discovered the malfunction and precise time and date that the malfunction was discovered.
 - d) Identity of the equipment causing the excess emissions;
 - e) Time and duration of the period of excess emissions;
 - f) Cause of the excess emissions;
 - g) Air pollutants involved;
 - h) Best estimate of the magnitude of the excess emissions expressed in the units of the applicable requirement and the operating data and calculations used in estimating the magnitude;

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

10 CSR 10-6.060 Construction Permits Required

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

10 CSR 10-6.065 Operating Permits

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

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

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

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

10 CSR 10-6.100 Alternate Emission Limits

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

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

- 1) The permittee shall complete and submit an Emission Inventory Questionnaire (EIQ) annually.
- 2) The permittee may be required by the Director to file additional reports.
- 3) Public Availability of Emission Data and Process Information. Any information obtained pursuant to the rule(s) of the Missouri Air Conservation Commission that would not be entitled to confidential treatment under 10 CSR 10-6.210 shall be made available to any member of the public upon request.
- 4) The permittee shall pay an annual emission fee per ton of regulated air pollutant emitted according to the schedule in the rule. This fee is an emission fee assessed under authority of RSMo. 643.079 to satisfy the requirements of the Federal Clean Air Act, Title V.
- 5) The permittee shall be complete required reports on state supplied EIQ forms or in a form satisfactory to the Director and shall be submitted to the Director by June 1 after the end of each reporting period. Any revision to the EIQ forms will be presented to the regulated community for a forty-five (45)-day comment period.
- 6) The reporting period shall end on December 31 of each calendar year. Each report shall contain the required information for each emission unit for the twelve (12)-month period immediately preceding the end of the reporting period.
- 7) The permittee shall collect, record and maintain the information necessary to complete the required forms during each year of operation of the installation.

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

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

10 CSR 10-6.150 Circumvention

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

10 CSR 10-6.170

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

Emission Limitation:

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

10 CSR 10-6.180 Measurement of Emissions of Air Contaminants

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

10 CSR 10-3.090 Restriction of Emission of Odors

This requirement is not federally enforceable.

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

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

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

Title VI – 40 CFR Part 82 Protection of Stratospheric Ozone

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

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

The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, Significant New Alternatives Policy Program. *Federal Only - 40 CFR Part 82*

10 CSR 10-6.280 Compliance Monitoring Usage

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

V. General Permit Requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

the Air Pollution Control Program copies of records required to be kept by the permittee. The permittee may make a claim of confidentiality for any information or records submitted pursuant to 10 CSR 10-6.065(6)(C)1.

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

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

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

None.

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

- 1) Any document (including reports) required to be submitted under this permit shall contain a certification signed by the responsible official.
- 2) Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized officials of the Missouri Department of Natural Resources, or their authorized agents, to perform the following (subject to the installation's right to seek confidential treatment of information submitted to, or obtained by, the Air Pollution Control Program):
 - a) Enter upon the premises where a permitted installation is located or an emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
 - b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c) Inspect, at reasonable times and using reasonable safety practices, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
 - d) As authorized by the Missouri Air Conservation Law, Chapter 643, RSMo or the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the terms of this permit, and all applicable requirements as outlined in this permit.
- 3) All progress reports required under an applicable schedule of compliance shall be submitted semiannually (or more frequently if specified in the applicable requirement). These progress reports shall contain the following:
 - a) Dates for achieving the activities, milestones or compliance required in the schedule of compliance, and dates when these activities, milestones or compliance were achieved, and
 - b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measures adopted.
- 4) The permittee shall submit an annual certification that it is in compliance with all of the federally enforceable terms and conditions contained in this permit, including emissions limitations, standards, or work practices. These certifications shall be submitted annually by April 1st, unless the applicable requirement specifies more frequent submission. These certifications shall be submitted to EPA Region VII, 901 North 5th Street, Kansas City, KS 66101, as well as the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102. All deviations and Part 64 exceedances and excursions must be included in the compliance certifications. The compliance certification shall include the following:
 - a) The identification of each term or condition of the permit that is the basis of the certification;
 - b) The current compliance status, as shown by monitoring data and other information reasonably available to the installation;

- c) Whether compliance was continuous or intermittent;
- d) The method(s) used for determining the compliance status of the installation, both currently and over the reporting period; and
- e) Such other facts as the Air Pollution Control Program will require in order to determine the compliance status of this installation.

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

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

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

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

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

An installation that has been issued a Part 70 operating permit is not required to apply for or obtain a permit revision in order to make any of the changes to the permitted installation described below if the changes are not Title I modifications, the changes do not cause emissions to exceed emissions allowable

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

- 1) Section 502(b)(10) changes. Changes that, under Section 502(b)(10) of the Act, contravene an express permit term may be made without a permit revision, except for changes that would violate applicable requirements of the Act or contravene federally enforceable monitoring (including test methods), record keeping, reporting or compliance requirements of the permit.
 - a) Before making a change under this provision, The permittee shall provide advance written notice to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 901 North 5th Street, Kansas City, KS 66101, describing the changes to be made, the date on which the change will occur, and any changes in emission and any permit terms and conditions that are affected. The permittee shall maintain a copy of the notice with the permit, and the Air Pollution Control Program shall place a copy with the permit in the public file. Written notice shall be provided to the EPA and the Air Pollution Control Program as above at least seven days before the change is to be made. If less than seven days notice is provided because of a need to respond more quickly to these unanticipated conditions, the permittee shall provide notice to the EPA and the Air Pollution Control Program as soon as possible after learning of the need to make the change.
 - b) The permit shield shall not apply to these changes.

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

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

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

10 CSR 10-6.020(2)(R)11 Responsible Official

The application utilized in the preparation of this permit was signed by Mr. Bill Kolas, Mayor, City of Higginsville, on June 2, 2003. On July 10, 2007, the Air Pollution Control Program was informed that Mr. Lee Barker, Higginsville City Administrator is now the responsible official. If this person terminates employment, or is reassigned different duties such that a different person becomes the responsible person to represent and bind the installation in environmental permitting affairs, the owner or operator of this air contaminant source shall notify the Director of the Air Pollution Control Program of the change. Said notification shall be in writing and shall be submitted within 30 days of the change. The notification shall include the name and title of the new person assigned by the source owner or operator to represent and bind the installation in environmental permitting affairs. All representations, agreement to terms and conditions and covenants made by the former responsible person that were used in the establishment of limiting permit conditions on this permit will continue to be binding on the installation until such time that a revision to this permit is obtained that would change said representations, agreements and covenants.

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

This permit may be reopened for cause if:

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

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

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

VI. Attachments

Attachments follow.

Attachment C
10 CSR 10-6.260, Restriction of Emission of Sulfur Compounds
Compliance Demonstration

Emission Unit	Emission Unit Description		¹ Calculated Maximum SO ₂ Emissions	SO ₂ Emissions Limit	Calculated Maximum SO ₃ Emissions	SO ₃ Emissions Limit
P01	Generator Unit #1	Fuel Oil #2	66 ppmv	500 ppmv	² Insignificant	35 mg/m ³
P01	Generator Unit #1	Natural Gas	62 ppmv ³	500 ppmv	² Insignificant	35 mg/m ³
P02	Generator Unit #2	Fuel Oil #2	66 ppmv	2000 ppmv	² Insignificant	35 mg/m ³
P03	Generator Unit #3	Fuel Oil #2	66 ppmv	2000 ppmv	² Insignificant	35 mg/m ³
P08	Generator Unit #6	Fuel Oil #2	66 ppmv	2000 ppmv	² Insignificant	35 mg/m ³

¹The supporting calculations and further detail can be found in the Statement of Basis

²AP-42 has no emission factor for SO₃ in Table 3.4-1, as the emission factor for SO₂ is based on 100% fuel sulfur conversion to SO₂.

³This emission factor is used for dual fueled IC engines from table 3.4-1 of AP-42. A fuel sulfur limit of 0.25% was used to determine compliance. The preceding entry for EU-P01 using diesel is in this table to demonstrate compliance as a worse case scenario for SO_x emissions.

The calculation for demonstrating compliance with 10 CSR 10-6.260(3)(A) is as follows;

The SO₂ emission factor for diesel engines >600 HP, EF = 1.01S lb/MMBtu (AP-42 Table 3.4-1) Using the sulfur limit of 0.25%, 1.01S = 1.01(0.25) = 0.2525 lb/MMBtu.

$$\text{ppmv SO}_2 = \left(\frac{0.2525 \text{ lb}}{\text{MMBtu}} \right) \times \left(\frac{\text{MMBtu}}{10,320 \text{ wscf}} \right) \times \left(\frac{\text{ppmw}}{1.667\text{E}^{-7} \text{ lb/scf}} \right) \times \left(\frac{0.45 \text{ ppmv}}{\text{ppmw}} \right) = 66.05 \text{ ppmv}$$

Since the standard for new sources is 500 ppmv, and the standard for existing sources is 2000 ppmv, the calculations above demonstrate that exceedance of either of the standards set forth in this rule is highly unlikely.

Attachment D

**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: Higginsville Power Plant, **ORIS Code:** 2131
Project Number: 2007-07-036, **Permit Number:**
Unit IDs: P04A and P04B

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 4A and 4B at the Higginsville Municipal Power Plant, facility ID 107-0038.

This CAIR permit is effective for the same five-year period of this operating permit. The designated representative must submit an application for renewal of this permit in conjunction with the operating permit renewal application.

Date

Director or Designee,
Department of Natural Resources

Higginsville Power Plant

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(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 Ozone Season 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 Ozone Season 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.

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(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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(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.

Honorable Bill Kolas, Mayor

Name

Signature

Bill Kolas

Date

6-1-2007

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 January 6, 2003; revised June 2, 2003 and July 10, 2007;
- 2) 2008 Emissions Inventory Questionnaire; and
- 3) U.S. EPA document AP-42, *Compilation of Air Pollutant Emission Factors*; Volume I, Stationary Point and Area Sources, Fifth Edition.

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

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

Other Air Regulations Determined Not to Apply to the Operating Permit

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

10 CSR 10-6.100, *Alternate Emission Limits*

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

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

This rule is not applicable to turbines and diesel engines located at this facility because 10 CSR 10-6.220(1)(A) provides an exemption for internal combustion engines. AP-42 Section 3.1.2 (4/00) defines a compressor turbine as "A gas turbine is an internal combustion engine that operates with rotary rather than reciprocating motion." The other emission units at this facility are storage tanks and units that do not emit particular matter in amounts that would approach the opacity standard. For these reasons, there were no provisions for this rule placed in the permit.

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

The compressor turbines at this facility are subject to NSPS subpart GG, and therefore exempt from this rule per 10 CSR 10-6.260(1)(A)1.

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

These units are exempt from 10 CSR 10-6.350 based on 10-6.350(1)(B)(2), due to the operating hours being less than 400 during the control period. These units operate a generator with a nameplate capacity of 60MW.

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

This rule is not applicable to this facility because it is located in a county not listed in the applicability section.

10 CSR 10-3.060, *Maximum Allowable Emission of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating*

The installation has reported the following space heaters and water heater:

Equipment	Size (MMBTU/Hr)
(2) Space Heaters	0.100
(2) Space Heaters	0.150
(5) Space Heaters	0.165
(2) Space Heaters	0.175
Space Heater	0.200
Water Heater	0.044

The listed equipment is below the level of reporting significance, and therefore, this rule was not included in the operating permit.

Construction Permit Revisions

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

10 CSR 10-6.060 *Construction Permits Required*,

Construction Permit Number: 0795-023A

Special Condition #7 originally read:

“Each time a fuel delivery is made, Higginsville Municipal Power Plant shall obtain from the vendor the sulfur content weight percent. This information shall be kept on-site and be made available upon request.” The installation requested a revision to the Special Condition because the vendor does not supply the sulfur content and this facility has a sample independently tested each time a delivery is received. Therefore, the wording was changed to the following:

“Higginsville Municipal Power Plant shall maintain records demonstrating the sulfur content weight percent from one of the methods referenced in §60.334(h)(4)(i)(1). This information shall be kept on-site and be made available upon request.” This is an equivalent monitoring requirement, but allows for flexibility within the confines of NSPS subpart GG to demonstrate compliance with the standard.

NSPS Applicability

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

2008 Emission Point #	Description	Model Number
P04A	Dual Fuel Fired Twin-Pac Turbine - Side A, 1996 (282.98 MMBtu/hr)	GTC, FT4-A9
P04B	Dual Fuel Fired Twin-Pac Turbine - Side B, 1996 (282.98 MMBtu/hr)	GTC, FT4-A9
P07	5.5 MW Dual Fuel Fired Turbine(66.92 MMBtu/hr), 2004	Solar, Taurus 60-7801

40 CFR Part 60 Subpart GG, Standards of Performance for Stationary Gas Turbines applies to all of the units at this facility (listed in the table above) because they have heat input capacities greater than 10 MMBtu/hr and were constructed after October 3, 1977.

§60.335(b)(2) states “If the turbine combusts both oil and gas as primary or backup fuels, separate performance testing is required for each fuel.” Since the September 24, 2004 NSPS GG performance testing that demonstrated the compliance of the 5.5 MW unit (P07) was done using only distillate oil #2 as fuel, the unit is restricted to using the distillate oil #2 for which it was source tested.

Units P04A and P04B

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 NOx limit determined by the following equation:

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

Where:

STD = allowable NOx 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 = 282.98 MMBtu/hr;

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

$$\begin{aligned} Y \text{ for EU0040 and EU0050} &= (282.98 \times 10^6 \text{ Btu/hr})(1.0548 \text{ kJ/Btu})(1/20 \times 10^6 \text{ W}) \\ &= 14.92 \text{ kJ/W-hr} \end{aligned}$$

Since Y = 14.92 kJ/W-hr, and per NSPS GG, The value of Y shall not exceed 14.4 kilojoules per watt hour, Y is set to 14.4 kJ/W-hr for the following calculation;

$$\begin{aligned} \text{STD (NOx Emission Limit)} &= (0.0075)(14.4/Y) + F \\ &= (0.0075)(14.4/14.4) + 0 \\ &= 0.0075\% \text{ or } 75 \text{ ppmv NOx at } 15\% \text{ oxygen.} \end{aligned}$$

This calculation demonstrates that the limit set forth in NSPS GG is satisfied with the BACT limits of Construction Permit # 0795-023 and as amended in 0795-023A

Unit P07

Per 40 CFR 60.332(c), Stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules per hour (10 million Btu/hour) but less than or equal to 107.2 gigajoules per hour (100 million Btu/hour) have a NOx limit determined by the following equation:

$$STD = 0.0150 \frac{(14.4)}{Y} + F$$

Using the information submitted in the November 19, 2004 performance test report:

Actual Measured Heat Rate = 66.45 MMBtu/hr,

Load at 100% = 4.93 x 10⁶ W

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

$$Y \text{ for EU0070} = (66.45 \times 10^6 \text{ Btu/hr})(1.0548 \text{ kJ/Btu})(1/4.93 \times 10^6 \text{ W}) = 12.93 \text{ kJ/W-hr}$$

$$\begin{aligned} \text{STD (NOx Emission Limit)} &= (0.0150)(14.4/Y) + F \\ &= (0.0150)(14.4/12.93) + 0 \\ &= 0.016705 \% \text{ or } 167.05 \text{ ppmv NOx at } 15\% \text{ oxygen} \end{aligned}$$

At the time of permit issuance, this unit (P07) was performance tested using only distillate oil #2. Since §60.335(b)(2) requires a performance test before using the using natural gas fuel option, permit condition P07 – 02 is written in respect to distillate oil #2 combustion only.

40 CFR Part 60, Subpart Kb – *Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984*

Emission Point	Tank Capacity (m³)	Substance	Vapor Pressure (kPa)
T01	473.18	Diesel Fuel	0.06
EP –T-01	45.42	Diesel Fuel	0.06

Under §60.110b(b), this subpart does not apply to storage vessels with a capacity greater than or equal to 151 m³ storing a liquid with a maximum true vapor pressure less than 3.5 kilopascals (kPa). Since the 125,000-gallon (473.18 m³) tank is used to store diesel fuel #2, it does not meet the vapor pressure action level of 3.5 kPa to be subject under this standard.

Under §60.110b(a), Subpart Kb, Volatile Organic Liquid Storage Vessels after July 23, 1984, does not apply to the two 12,000-gallon (45.42 m³) fuel storage tanks (EP-T-05) because the individual capacities of the tanks are under the applicable volume of 75 m³ (19812.9 gallons) as specified in the rule.

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

This standard applies to owners and operators of stationary CI ICE that modify or reconstruct their stationary CI ICE after July 11, 2005. [§60.4200(a)(3)]

Emission Point Number	Emission Unit Number	Description	Model
P01	EU0010	Dual- Fuel Fired Engine, 1980	Colt Industries, 38TDD81\8
P02	EU0020	Generator Unit #2 - Diesel Engine, 1944	Fairbanks Morse, 33-F-16
P03	EU0030	Generator Unit #3 - Diesel Engine, 1947	Nordberg, 2012-0005
P08	EU0060	Generator Unit #6 - 1.2 MW Diesel Engine, 2004	Caterpillar, 3512B

As shown in the table above, none of the internal combustion sources were constructed/reconstructed after July 11, 2005. Therefore, this standard does not apply to any sources at this facility.

MACT Applicability

40 CFR Part 63, Subpart ZZZZ, *National Emission Standards for Hazardous Air Pollutants (HAPs) for Stationary Reciprocating Internal Combustion Engines*

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

This installation is not a major source for HAPs, therefore these two rules do not apply.

Compliance Assurance Monitoring (CAM) Applicability

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

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

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

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

Other Regulatory Determinations

Performance Testing

Higginsville Municipal Power Plant has conducted performance tests due to special conditions in construction permits. Since the performance test results demonstrate compliance/non-compliance at a specific point in time and are not continuous demonstration methods, they are listed below for informational purposes only.

An initial performance test was conducted on the turbines at Higginsville Municipal Power Plant by Air Source Technologies, Inc. on May 21-24, 1996, with EPA Method 20 (40 CFR, Part 60) to demonstrate compliance with the BACT emission rates.

The results are as follows:

Operating Conditions	Gas Fuel Average (ppmv)	Liquid Fuel Average(ppmv)
Minimum Load	21.5	27.5
50% Load	28.0	39.0
Base Load	35.5	62.0
Peak Load	37.0	67.5

These results indicate compliance with the BACT emission rates.

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:

Don Murphy
Environmental Engineer

CERTIFIED MAIL: 70073020000315698906
RETURN RECEIPT REQUESTED

Mr. Lee Barker
Higginsville City Administrator
P.O. Box 110
Higginsville, MO 64307

Re: Higginsville Municipal Power Plant, 107-0038
Permit Number: **OP2010-027**

Dear Mr. Barker:

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 643.075.6 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 Don Murphy at the Department's 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:dmk

Enclosures

c: Ms. Tamara Freeman, US EPA Region VII
Kansas City Regional Office
PAMS File: 2003-01-012