

West Virginia Department of Environmental Protection
Austin Caperton
Cabinet Secretary

Permit to Operate



Pursuant to
Title V
of the Clean Air Act

Issued to:
Fibrex Recycling U.S. Inc.
Fairmont Mill
R30-04900043-2018

A handwritten signature in blue ink, appearing to read "William F. Durham", written over a horizontal line.

William F. Durham
Director, Division of Air Quality

Issued: November 7, 2018 • Effective: November 21, 2018
Expiration: November 7, 2023 • Renewal Application Due: May 7, 2023

Permit Number: **R30-04900043-2018**
Permittee: **FibreK Recycling U.S. Inc.**
Facility Name: **Fairmont Mill**
Permittee Mailing Address: **702 AFR Drive, Fairmont, WV 26554**

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45CSR30 — Requirements for Operating Permits. The permittee identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Facility Location:	Fairmont, Marion County, West Virginia
Facility Mailing Address:	702 AFR Drive, Fairmont, WV 26554
Telephone Number:	(304) 368-0900
Type of Business Entity:	Corporation
Facility Description:	De-inking Pulp Mill
SIC Codes:	2611 Primary
UTM Coordinates:	575.30 km Easting • 4375.10 km Northing • Zone 17

Permit Writer: Natalya V. Chertkovsky-Veselova

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

Issuance of this Title V Operating Permit does not supersede or invalidate any existing permits under 45CSR13, 14 or 19, although all applicable requirements from such permits governing the facility's operation and compliance have been incorporated into the Title V Operating Permit.

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1.0 Emission Units and Active R13, R14, and R19 Permits

1.1 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
001	001E	Foster Wheeler Limited Model AG-5175 natural gas fueled package boiler	1994	186 MMBtu/hour	COEN low NOx burners w / FGR
002	002E	Asea Brown Boveri (ABB) Flakt Dryer	1994	540 air dried metric tons per day (ADMT/day)	None
003	003E	Caterpillar Model DG50-2 PQ/738.1 cfm Genset w/ Natural Gas Engine -Backup Emergency Generator	2018	50 kW 67 hp	None

1.2 Active R13, R14, and R19 Permits

The underlying authority for any conditions from R13, R14, and/or R19 permits contained in this operating permit is cited using the original permit number (e.g. R13-1234). The current applicable version of such permit(s) is listed below.

Permit Number	Date of Issuance
R13-1525C	February 7, 2003
G60-C099	June 13, 2018

2.0 General Conditions

2.1. Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.
- 2.1.4. Unless otherwise specified in a permit condition or underlying rule or regulation, all references to a "rolling yearly total" shall mean the sum of the monthly data, values or parameters being measured, monitored, or recorded, at any given time for the previous twelve (12) consecutive calendar months.

2.2. Acronyms

CAAA	Clean Air Act Amendments	NSPS	New Source Performance Standards
CBI	Confidential Business Information	PM	Particulate Matter
CEM	Continuous Emission Monitor	PM₁₀	Particulate Matter less than 10µm in diameter
CES	Certified Emission Statement	pph	Pounds per Hour
C.F.R. or CFR	Code of Federal Regulations	ppm	Parts per Million
CO	Carbon Monoxide	PSD	Prevention of Significant Deterioration
C.S.R. or CSR	Codes of State Rules	psi	Pounds per Square Inch
DAQ	Division of Air Quality	SIC	Standard Industrial Classification
DEP	Department of Environmental Protection	SIP	State Implementation Plan
FOIA	Freedom of Information Act	SO₂	Sulfur Dioxide
HAP	Hazardous Air Pollutant	TAP	Toxic Air Pollutant
HON	Hazardous Organic NESHAP	TPY	Tons per Year
HP	Horsepower	TRS	Total Reduced Sulfur
lbs/hr or lb/hr	Pounds per Hour	TSP	Total Suspended Particulate
LDAR	Leak Detection and Repair	USEPA	United States Environmental Protection Agency
m	Thousand	UTM	Universal Transverse Mercator
MACT	Maximum Achievable Control Technology	VEE	Visual Emissions Evaluation
mm	Million	VOC	Volatile Organic Compounds
mmBtu/hr	Million British Thermal Units per Hour		
mmft³/hr or mscf/hr	Million Cubic Feet Burned per Hour		
NA or N/A	Not Applicable		
NAAQS	National Ambient Air Quality Standards		
NESHAPS	National Emissions Standards for Hazardous Air Pollutants		
NO_x	Nitrogen Oxides		

2.3. Permit Expiration and Renewal

- 2.3.1. Permit duration. This permit is issued for a fixed term of five (5) years and shall expire on the date specified on the cover of this permit, except as provided in 45CSR§30-6.3.b. and 45CSR§30-6.3.c.
[45CSR§30-5.1.b.]
- 2.3.2. A permit renewal application is timely if it is submitted at least six (6) months prior to the date of permit expiration.
[45CSR§30-4.1.a.3.]
- 2.3.3. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with 45CSR§30-6.2. and 45CSR§30-4.1.a.3.
[45CSR§30-6.3.b.]
- 2.3.4. If the Secretary fails to take final action to deny or approve a timely and complete permit application before the end of the term of the previous permit, the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time.
[45CSR§30-6.3.c.]

2.4. Permit Actions

- 2.4.1. This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
[45CSR§30-5.1.f.3.]

2.5. Reopening for Cause

- 2.5.1. This permit shall be reopened and revised under any of the following circumstances:
 - a. Additional applicable requirements under the Clean Air Act or the Secretary's legislative rules become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 45CSR§30-6.6.a.1.A. or B.
 - b. Additional requirements (including excess emissions requirements) become applicable to an affected source under Title IV of the Clean Air Act (Acid Deposition Control) or other legislative rules of the Secretary. Upon approval by U.S. EPA, excess emissions offset plans shall be incorporated into the permit.
 - c. The Secretary or U.S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 - d. The Secretary or U.S. EPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.

[45CSR§30-6.6.a.]

2.6. Administrative Permit Amendments

- 2.6.1. The permittee may request an administrative permit amendment as defined in and according to the procedures specified in 45CSR§30-6.4.
[45CSR§30-6.4.]

2.7. Minor Permit Modifications

- 2.7.1. The permittee may request a minor permit modification as defined in and according to the procedures specified in 45CSR§30-6.5.a.
[45CSR§30-6.5.a.]

2.8. Significant Permit Modification

- 2.8.1. The permittee may request a significant permit modification, in accordance with 45CSR§30-6.5.b., for permit modifications that do not qualify for minor permit modifications or as administrative amendments.
[45CSR§30-6.5.b.]

2.9. Emissions Trading

- 2.9.1. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are in accordance with all applicable requirements.
[45CSR§30-5.1.h.]

2.10. Off-Permit Changes

- 2.10.1. Except as provided below, a facility may make any change in its operations or emissions that is not addressed nor prohibited in its permit and which is not considered to be construction nor modification under any rule promulgated by the Secretary without obtaining an amendment or modification of its permit. Such changes shall be subject to the following requirements and restrictions:
- a. The change must meet all applicable requirements and may not violate any existing permit term or condition.
 - b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such 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 change shall not qualify for the permit shield.
 - d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.
 - e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.

- f. No permittee may make any changes which would require preconstruction review under any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) pursuant to the provisions of 45CSR§30-5.9.

[45CSR§30-5.9.]

2.11. Operational Flexibility

- 2.11.1. The permittee may make changes within the facility as provided by § 502(b)(10) of the Clean Air Act. Such operational flexibility shall be provided in the permit in conformance with the permit application and applicable requirements. No such changes shall be a modification under any rule or any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) promulgated by the Secretary in accordance with Title I of the Clean Air Act and the change shall not result in a level of emissions exceeding the emissions allowable under the permit.

[45CSR§30-5.8]

- 2.11.2. Before making a change under 45CSR§30-5.8., the permittee shall provide advance written notice to the Secretary and to U.S. EPA, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall thereafter maintain a copy of the notice with the permit, and the Secretary shall place a copy with the permit in the public file. The written notice shall be provided to the Secretary and U.S. EPA at least seven (7) days prior to the date that the change is to be made, except that this period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard. If less than seven (7) days notice is provided because of a need to respond more quickly to such unanticipated conditions, the permittee shall provide notice to the Secretary and U.S. EPA as soon as possible after learning of the need to make the change.

[45CSR§30-5.8.a.]

- 2.11.3. The permit shield shall not apply to changes made under 45CSR§30-5.8., except those provided for in 45CSR§30-5.8.d. However, the protection of the permit shield will continue to apply to operations and emissions that are not affected by the change, provided that the permittee complies with the terms and conditions of the permit applicable to such operations and emissions. The permit shield may be reinstated for emissions and operations affected by the change:

- a. If subsequent changes cause the facility's operations and emissions to revert to those authorized in the permit and the permittee resumes compliance with the terms and conditions of the permit, or
- b. If the permittee obtains final approval of a significant modification to the permit to incorporate the change in the permit.

[45CSR§30-5.8.c.]

- 2.11.4. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

[45CSR§30-2.39]

2.12. Reasonably Anticipated Operating Scenarios

- 2.12.1. The following are terms and conditions for reasonably anticipated operating scenarios identified in this permit.
- a. Contemporaneously with making a change from one operating scenario to another, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating and to document the change in reports submitted pursuant to the terms of this permit and 45CSR30.
 - b. The permit shield shall extend to all terms and conditions under each such operating scenario; and
 - c. The terms and conditions of each such alternative scenario shall meet all applicable requirements and the requirements of 45CSR30.

[45CSR§30-5.1.i.]

2.13. Duty to Comply

- 2.13.1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

[45CSR§30-5.1.f.1.]

2.14. Inspection and Entry

- 2.14.1. The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:
- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or 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 (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
 - d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

[45CSR§30-5.3.b.]

2.15. Schedule of Compliance

- 2.15.1. For sources subject to a compliance schedule, certified progress reports shall be submitted consistent with the applicable schedule of compliance set forth in this permit and 45CSR§30-4.3.h., but at least every six (6) months, and no greater than once a month, and shall include the following:
- a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such 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 measure adopted.

[45CSR§30-5.3.d.]

2.16. Need to Halt or Reduce Activity not a Defense

- 2.16.1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

[45CSR§30-5.1.f.2.]

2.17. Emergency

- 2.17.1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

[45CSR§30-5.7.a.]

- 2.17.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of 45CSR§30-5.7.c. are met.

[45CSR§30-5.7.b.]

- 2.17.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- b. The permitted facility was at the time being properly operated;
- c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

- d. Subject to the requirements of 45CSR§30-5.1.c.3.C.1, the permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice, report, and variance request fulfills the requirement of 45CSR§30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

[45CSR§30-5.7.c.]

- 2.17.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

[45CSR§30-5.7.d.]

- 2.17.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

[45CSR§30-5.7.e.]

2.18. Federally-Enforceable Requirements

- 2.18.1. All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit and excepting those provisions that are specifically designated in the permit as "State-enforceable only", are enforceable by the Secretary, USEPA, and citizens under the Clean Air Act.

[45CSR§30-5.2.a.]

- 2.18.2. Those provisions specifically designated in the permit as "State-enforceable only" shall become "Federally-enforceable" requirements upon SIP approval by the USEPA.

2.19. Duty to Provide Information

- 2.19.1. The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records required to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

[45CSR§30-5.1.f.5.]

2.20. Duty to Supplement and Correct Information

- 2.20.1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

[45CSR§30-4.2.]

2.21. Permit Shield

- 2.21.1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and are specifically identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof.

[45CSR§30-5.6.a.]

2.21.2. Nothing in this permit shall alter or affect the following:

- a. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or
- b. The applicable requirements of the Code of West Virginia and Title IV of the Clean Air Act (Acid Deposition Control), consistent with § 408 (a) of the Clean Air Act.
- c. The authority of the Administrator of U.S. EPA to require information under § 114 of the Clean Air Act or to issue emergency orders under § 303 of the Clean Air Act.

[45CSR§30-5.6.c.]

2.22. Credible Evidence

2.22.1. Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.

[45CSR§30-5.3.e.3.B. and 45CSR38]

2.23. Severability

2.23.1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect.

[45CSR§30-5.1.e.]

2.24. Property Rights

2.24.1. This permit does not convey any property rights of any sort or any exclusive privilege.

[45CSR§30-5.1.f.4]

2.25. Acid Deposition Control

2.25.1. Emissions shall not exceed any allowances that the source lawfully holds under Title IV of the Clean Air Act (Acid Deposition Control) or rules of the Secretary promulgated thereunder.

- a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.
- b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.
- c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

[45CSR§30-5.1.d.]

- 2.25.2. Where applicable requirements of the Clean Air Act are more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Secretary and U. S. EPA.
[45CSR§30-5.1.a.2.]

3.0 Facility-Wide Requirements

3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person is prohibited except as noted in 45CSR§6-3.1. [45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause or allow any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible. [45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them. [40 C.F.R. §61.145(b) and 45CSR34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public. [45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11. [45CSR§11-5.2]
- 3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality. [W.Va. Code § 22-5-4(a)(14)]
- 3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. 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 prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 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 40 C.F.R. § 82.158.

- c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 C.F.R. § 82.161.

[40 C.F.R. 82, Subpart F]

- 3.1.8. Should this stationary source, as defined in 40 C.F.R. § 68.3, become subject to Part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in 40 C.F.R. § 68.10 and shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by 40 C.F.R. Part 70 or 71.
[40 C.F.R. 68]
- 3.1.9. The Odor Control Program set forth in Permit Application R13-1525B must be in effect at all times. If further advances or additions to the odor control program become available, the permittee shall seek approval from the Director prior to those changes taking place.
[45CSR13, R13-1525, B.1]
- 3.1.10. There shall be no on-site disposal or composting of process sludge.
[45CSR13, R13-1525, A.4]
- 3.1.11. The owner or operator of a plant shall maintain particulate matter control of the plant premises, and plant owned, leased or controlled access roads, by paving, application of asphalt, chemical dust suppressants or other suitable dust control measures. Good operating practices shall be implemented and when necessary particulate matter suppressants shall be applied in relation to stockpiling and general material handling to minimize particulate matter generation and atmospheric entrainment.
[45CSR§7-5.2]
- 3.1.12. The permitted facility shall be constructed and operated in accordance with information filed in Permit Application R13-1525, R13-1525A, R13-1525R, R13-1525B, and R13-1525C, and any amendments thereto. The Director may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to.
[45CSR13, R13-1525, C.3]

3.2. Monitoring Requirements

- 3.2.1. None.

3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable.
- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
- d. The permittee shall submit a report of the results of the stack test within 60 days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:
 1. The permit or rule evaluated, with the citation number and language.
 2. The result of the test for each permit or rule condition.
 3. A statement of compliance or non-compliance with each permit or rule condition.

[WV Code §§ 22-5-4(a)(14-15) and 45CSR13]

3.4. Recordkeeping Requirements

- 3.4.1. **Monitoring information.** The permittee shall keep records of monitoring information that include the following:
 - a. The date, place as defined in this permit and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;
 - d. The analytical techniques or methods used;

- e. The results of the analyses; and
- f. The operating conditions existing at the time of sampling or measurement.

[45CSR§30-5.1.c.2.A.]

- 3.4.2. **Retention of records.** The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application, or record creation date. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.

[45CSR§30-5.1.c.2.B.]

- 3.4.3. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.

[45CSR§30-5.1.c. State-Enforceable only.]

- 3.4.4. The residual pad odor neutralizing system must be checked whenever the system is being operated. The primary high density storage tower odor neutralizing system must be checked every twelve hours. The secondary high density storage tower odor neutralizing system must be checked every twelve hours. The permittee shall maintain certified monthly records of the down time of the odor control equipment, specifically stating the reasons for any down time. Records shall be certified by a "Responsible Official" and maintained on site for a period of not less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request.

[45CSR13, R13-1525, B.2]

- 3.4.5. The permittee shall maintain certified monthly records of the odor control chemicals used. These records shall be certified by a "responsible official" and maintained on site for a period of not less than five (5) years and shall be made available to the Director or a duly authorized representative of the Director upon request.

[45CSR13, R13-1525, B.3]

- 3.4.6. The permittee shall maintain certified monthly records of the number of truckloads of residual material shipped per day. These records shall be certified by a "responsible official" and maintained on site for a period of not less than five (5) years and shall be made available to the Director or a duly authorized representative of the Director upon request.

[45CSR13, R13-1525, B.4]

- 3.4.7. The permittee shall maintain certified monthly records of the percent of biomass in the residual material. These records shall be certified by a "responsible official" and maintained on site for a period of not less than five (5) years and shall be made available to the Director or a duly authorized representative of the Director upon request.

[45CSR13, R13-1525, B.5]

- 3.4.8. The permittee shall maintain records indicating the use of any dust suppressants or any other suitable dust control measures as required by Section 3.1.11 applied at the facility. These records shall be maintained on site.

[45CSR§30-5.1.c.]

3.5. Reporting Requirements

- 3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
[45CSR§§30-4.4. and 5.1.c.3.D.]
- 3.5.2. A permittee may request confidential treatment for the submission of reporting required under 45CSR§30-5.1.c.3. pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
[45CSR§30-5.1.c.3.E.]
- 3.5.3. Except for the electronic submittal of the annual compliance certification and semi-annual monitoring reports to the DAQ and USEPA as required in 3.5.5 and 3.5.6 below, all notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class or by private carrier with postage prepaid to the address(es), or submitted in electronic format by e-mail as set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street SE
Charleston, WV 25304

US EPA:

Associate Director
Office of Air Enforcement and Compliance
Assistance (3AP20)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

DAQ Compliance and Enforcement¹:

DEPAirQualityReports@wv.gov

¹For all self-monitoring reports (MACT, GACT, NSPS, etc.), stack tests and protocols, Notice of Compliance Status reports, Initial Notifications, etc.

- 3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality.
[45CSR§30-8.]
- 3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The permittee shall maintain a copy of the certification on

site for five (5) years from submittal of the certification. The annual certification shall be submitted in electronic format by e-mail to the following addresses:

DAQ:
DEPAirQualityReports@wv.gov

US EPA:
R3_APD_Permits@epa.gov

[45CSR§30-5.3.e.]

- 3.5.6. **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on or before September 15 for the reporting period January 1 to June 30 and on or before March 15 for the reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4. The semi-annual monitoring reports shall be submitted in electronic format by e-mail to the following address:

DAQ:
DEPAirQualityReports@wv.gov

[45CSR§30-5.1.c.3.A.]

- 3.5.7. **Emergencies.** For reporting emergency situations, refer to Section 2.17 of this permit.

3.5.8. **Deviations.**

- a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:
1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.
 2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.
 3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.
 4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

[45CSR§30-5.1.c.3.C.]

- b. The permittee shall, in the reporting of deviations from permit requirements, including those attributable to upset conditions as defined in this permit, report the probable cause of such deviations and any corrective actions or preventive measures taken in accordance with any rules of the Secretary.
[45CSR§30-5.1.c.3.B.]

- 3.5.9. **New applicable requirements.** If any applicable requirement is promulgated during the term of this permit, the permittee will meet such requirements on a timely basis, or in accordance with a more detailed schedule if required by the applicable requirement.
[45CSR§30-4.3.h.1.B.]

3.6. Compliance Plan

- 3.6.1. None.

3.7. Permit Shield

- 3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.
- 3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.

45CSR21	<i>Regulation to Prevent and Control Air Pollution from the Emission of Volatile Organic Compounds.</i> This facility is located in Marion County and is not included in the listed counties.
45CSR27	<i>To Prevent and Control the Emissions of Toxic Air Pollutants.</i> This rule does not apply to this facility as it does not emit any of the listed toxic air pollutants.
40 C.F.R. Part 60 Subpart Kb	<i>Standards of Performance for Volatile Organic Liquid Storage Vessels for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.</i> This facility does not store volatile organic liquids in storage tanks that meet the requirements of the rule. Additionally, Pulp and Paper facilities are not subject to NSPS Subpart Kb as long as the vessels are flow-through process tanks (per Applicability Determination Index, #9800099)
40 C.F.R. Part 63 Subpart S	<i>National Emissions Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.</i> This facility is a major source of HAPs, and it employs a “process using secondary or non-wood fibers” with a bleaching system that does not use any chlorine or chlorinated compounds. Therefore, they are not subject to any requirements of this subpart.
40 C.F.R. Part 63 Subpart JJJJJ	<i>National Emissions Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.</i> Since the Fairmont Mill’s boiler is gas fired, it is not subject to 40 C.F.R. Part 63 Subpart JJJJJ according to 40 C.F.R. § 63.11195 (e).
40 C.F.R. Part 64	This is the third permit renewal for this facility. The facility was found not to be subject to Compliance Assurance Monitoring (CAM) at the time of the first renewal since the facility did not have any pollutant specific emissions units (PSEU) that satisfied all of the applicability criteria requirements of 40 C.F.R § 64.2 (a). There have been no changes to any PSEUs at the facility since the first renewal that have resulted in a source satisfying the applicability requirements of 40 C.F.R. § 64.2 (a) and becoming subject to CAM.

4.0 Boiler Group [emission point ID(s): 001E]

4.1. Limitations and Standards

4.1.1. Maximum emissions to the atmosphere from the boiler vent (001E) shall not exceed the following:

Pollutant	Emissions
	LB/hour
Particulate Matter	0.56
Sulfur Dioxide	0.048
Volatile Organic Compounds	0.57
Nitrogen Oxides (NO _x)	18.55
Carbon Monoxide	25.33

[45CSR13, R13-1525, A.1.]

4.1.2. The permittee shall not cause, suffer, allow or permit emissions of smoke and/or particulate matter into the air from any fuel burning unit which is greater than ten (10) percent opacity based on a six minute block average.

[45CSR§2-3.1, 45CSR13, R13-1525, B.6.]

4.1.3. Compliance with the visible emission requirements of Section 4.1.2 [45CSR§2-3.1.] shall be determined in accordance with 40 C.F.R. Part 60 Appendix A, Method 9 or by using measurements from continuous opacity monitoring systems approved by the Director. The Director may require the installation, calibration, maintenance, and operation of continuous opacity monitoring systems and may establish policies for the evaluation of continuous opacity monitoring results and the determination of compliance with the visible emission requirements of Section 4.1.2 [45CSR§2-3.1.].

[45CSR§2-3.2, 45CSR13, R13-1525, B.6.]

4.1.4. For Type 'b' fuel burning units, the product of 0.09 and the total design heat inputs for such units in million BTU's per hour, provided however that no more than six hundred (600) pounds per hour of particulate matter shall be discharged into the open air from all such units. Compliance with the 45CSR§2-4.1.b hourly emission limit of 16.74 LB PM/hour for this emission group shall be demonstrated through compliance with the more stringent R13-1525C hourly particulate matter limit set forth in Section 4.1.1.

[45CSR§2-4.1.b.]

4.1.5. Subject to the provisions of this rule, allowable emission rates for individual stacks shall be determined by the owner and/or operator and registered with the Director at the request of, and on forms provided by, the Director. Such rates shall be subject to review and approval by the Director.

[45CSR§2-4.2.]

4.1.6. The visible emission standards set forth in 45CSR§2-3 shall apply at all times except in periods of start-ups, shutdowns, and malfunctions. Where the Secretary believes that start-ups and shutdowns are excessive in duration and/or frequency, the Secretary may require an owner or operator to provide a written report demonstrating that such frequent start-ups and shutdowns are necessary.

[45CSR§2-9.1.]

- 4.1.7. At all times, including periods of start-ups, shutdowns and malfunctions, owners and operators shall, to the extent practicable, maintain and operate any fuel burning unit(s) including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance information available to the Secretary which may include, but is not limited to, monitoring results, visible emission observations, review of operating and maintenance procedures and inspection of the source.
[45CSR§2-9.2.]
- 4.1.8. In the event of an unavoidable shortage of fuel having characteristics or specifications necessary for a fuel burning unit to comply with visible emission standards set forth in section 45CSR§2-3. or any emergency situation or condition creating a threat to public safety or welfare, the Director may grant an exception to the otherwise applicable visible emission standards for a period not to exceed fifteen (15) days, provided that visible emissions during the exception period do not exceed a maximum six (6) minute average of thirty (30) percent and that a reasonable demonstration is made by the owner or operator that the emission standards under 45CSR§2-4 will not be exceeded during the exemption period.
[45CSR§2-10.1, 45CSR13, R13-1525, B.6.]
- 4.1.9. No person shall cause, suffer, allow or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant [in a Priority III Region and for a Type 'b' fuel burning unit], measured in terms of pounds per hour in excess of the product of 3.2 and the total design heat inputs for such units discharging through those stacks in million BTU's per hour. Compliance with the 45CSR§10-3.3.f hourly emission limit for this emission group shall be demonstrated through compliance with the more stringent R13-1525C hourly sulfur dioxide limit set forth in Section 4.1.1.
[45CSR§10-3.3]
- 4.1.10. No owner or operator of an affected facility that is subject to the provisions of 40 C.F.R. § 60.44b and that combust only coal, oil, or natural gas shall cause to be discharged into the atmosphere from that affected facility any gases that contain NO_x (expressed as NO₂) in excess of 0.10 LB/MMBtu (18.60 LB/hour) for a low heat release rate. Compliance with this limit shall be demonstrated through compliance with the more stringent permit R13-1525C hourly NO_x limit set forth in Section 4.1.1.
[45CSR16, 40 C.F.R. § 60.44b (a), 45CSR13, R13-1525, B.9.]

4.2. Monitoring Requirements

- 4.2.1. The owner or operator of an affected facility subject to the NO_x standard under 40 C.F.R. § 60.44b shall install, calibrate, maintain, and operate CEMS for measuring NO_x and O₂ (or CO₂) emissions discharged to the atmosphere, and shall record the output of the system at emission point 001E.
[45CSR16, 40 C.F.R. § 60.48b (b) (1), 45CSR13, R13-1525, A.3.]
- 4.2.2. The CEMS required under Section 4.2.1 shall be operated and data recorded during all periods of operation of the affected facility except for CEMS breakdowns and repairs. Data is recorded during calibration checks, and zero and span adjustments.
[45CSR16, 40 C.F.R. § 60.48b (c), 45CSR13, R13-1525, B.9.]
- 4.2.3. The 1-hour average NO_x emission rates measured by the continuous NO_x monitor required by Section 4.2.1 and required under 40 C.F.R. § 60.13 (h) shall be expressed in ng/J or LB/MMBtu heat input and shall be used to calculate the average emission rates under 40 C.F.R. § 60.44b and as required by Section 4.1.10. The 1-hour averages shall be calculated using the data points required under 40 C.F.R. § 60.13 (h) (2).
[45CSR16, 40 C.F.R. § 60.48b (d), 45CSR13, R13-1525, B.9.]

- 4.2.4. The procedures under 40 C.F.R. § 60.13 shall be followed for installation, evaluation, and operation of the continuous monitoring systems. For affected facilities combusting natural gas, the span value for NO_x is 500 ppm.
[45CSR16, 40 C.F.R. §§ 60.48b (e) and (e) (2), 45CSR13, R13-1525, B.9.]
- 4.2.5. When NO_x emission data are not obtained because of CEMS breakdowns, repairs, calibration checks and zero and span adjustments, emission data will be obtained by using standby monitoring systems, 40 C.F.R. Part 60 Appendix A Method 7, Method 7A, or other approved reference methods to provide emission data for a minimum of 75 percent of the operating hours in each steam generating unit operating day, in at least 22 out of 30 successive steam generating unit operating days.
[45CSR16, 40 C.F.R. § 60.48b (f), 45CSR13, R13-1525, B.9.]

4.3. Testing Requirements

- 4.3.1. To determine compliance with the emission limits for NO_x required under 40 C.F.R. § 60.44b, the owner or operator of an affected facility shall conduct the performance test as required under 40 C.F.R. § 60.8 using the continuous system for monitoring NO_x under 40 C.F.R. § 60.48b.
[45CSR16, 40 C.F.R. § 60.46b (e), 45CSR13, R13-1525, B.9.]
- 4.3.2. Following the date on which the initial performance test is completed or required to be completed under 40 C.F.R. § 60.8, whichever comes first, the owner or operator of an affected facility that has a heat input capacity of 73 MW (250 million Btu/hour) or less and that combusts natural gas shall upon request determine compliance with the NO_x standards under 40 C.F.R. § 60.44b through the use of a 30-day performance test. During periods when performance tests are not requested, NO_x emissions data collected pursuant to 40 C.F.R. § 60.48b (g) (1) or 40 C.F.R. § 60.48b (g) (2) are used to calculate a 30-day rolling average emission rate on a daily basis and used to prepare excess emission reports, but will not be used to determine compliance with the NO_x emission standards. A new 30-day rolling average emission rate is calculated each steam generating unit operating day as the average of all of the hourly NO_x emission data for the preceding 30 steam generating unit operating days.
[45CSR16, 40 C.F.R. § 60.46b (e) (4), 45CSR13, R13-1525, B.9.]
- 4.3.3. To determine compliance with the opacity standard in Section 4.1.2 and the opacity monitoring requirement in Section 4.1.3, the permittee shall conduct weekly 40 C.F.R. Part 60 Appendix A Method 22 checks. These visible emission checks shall be conducted during periods of operation. If, for six (6) consecutive weeks, no visible emissions are identified during the 40 C.F.R. Part 60 Appendix A Method 22 checks, or, if no violation of the opacity standard is determined by the 40 C.F.R. Part 60 Appendix A Method 9 evaluation (described below), the visible emission checks will be required on a once per month basis. If visible emissions are identified during the 40 C.F.R. Part 60 Appendix A Method 22 check, the permittee shall conduct a 40 C.F.R. Part 60 Appendix A Method 9 evaluation within twenty four (24) hours. A 40 C.F.R. Part 60 Appendix A Method 9 evaluation shall not be required if the visible emission condition is corrected within twenty four (24) hours from the time the visible emission condition was identified, and the unit is operated at normal operating conditions. A record of each visible emission check required above shall be maintained on site. Such record shall include, but not be limited to, the date, time, name of emission unit, the applicable visible emissions requirement, the results of the check, what action(s), if any, was/were taken, and the name of the observer.
[45CSR§30-5.1.c.]

- 4.3.4. The owner or operator shall conduct a test to determine the compliance of the boiler with the carbon monoxide (CO) limit of Section 4.1.1. Such tests shall be conducted in accordance with 40 C.F.R. Part 60 Appendix A - Method 10. A compliance test shall be conducted no later than eighteen (18) months of the issuance date of this permit and repeated with every permit renewal. An emission factor shall be determined from the test results and updated from the results of each subsequent test. The emission factor shall be used for compliance demonstration for periods between tests.
[45CSR§30-5.1.c.]

4.4. Recordkeeping Requirements

- 4.4.1. The permittee shall maintain records of the operating schedule and the quantity and quality of fuel consumed in the boiler on a monthly basis. These records are to be maintained on-site and made available to the Secretary or his duly authorized representative upon request.
[45CSR§2-8.3.c]
- 4.4.2. The owner or operator of an affected facility subject to the NO_x standards under 40 C.F.R. § 60.44b shall maintain records of the following information for each steam generating unit operating day:
- 4.4.2.1. Calendar date.
- 4.4.2.2. The average hourly NO_x emission rates (expressed as NO₂) (ng/J or LB/million Btu heat input) measured or predicted.
- 4.4.2.3. The 30-day average NO_x emission rates (ng/J or LB/million Btu heat input) calculated at the end of each steam generating unit operating day from the measured or predicted hourly NO_x emission rates for the preceding 30 steam generating unit operating days.
- 4.4.2.4. Identification of the steam generating unit operating days when the calculated 30-day average NO_x emission rates are in excess of the limitation established in Section 4.1.10, with the reasons for such excess emissions as well as a description of corrective actions taken.
- 4.4.2.5. Identification of the steam generating unit operating days for which pollutant data have not been obtained, including reasons for not obtaining sufficient data and a description of corrective actions taken.
- 4.4.2.6. Identification of the times when emission data have been excluded from the calculation of average emission rates and the reasons for excluding data.
- 4.4.2.7. Identification of "F" factor used for calculations, method of determination, and type of fuel combusted.
- 4.4.2.8. Identification of the times when the pollutant concentration exceeded full span of the continuous monitoring system.
- 4.4.2.9. Description of any modifications to the continuous monitoring system that could affect the ability of the continuous monitoring system to comply with Performance Specification 2 or 3.
- 4.4.2.10. Results of daily CEMS drift tests and quarterly accuracy assessments as required under, of 40 C.F.R. Part 60 Appendix F, Procedure 1.

[45CSR16, 40 C.F.R. § 60.49b (g) (1-10), 45CSR13, R13-1525, B.9.]

- 4.4.3. (d) Except as provided in paragraph (d)(2) of this section, the owner or operator of an affected facility shall record and maintain records as specified in paragraph (d)(1) of this section.

(1) The owner or operator of an affected facility shall record and maintain records of the amounts of each fuel combusted during each day and calculate the annual capacity factor individually for coal, distillate oil, residual oil, natural gas, wood, and municipal-type solid waste for the reporting period. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month.

(2) As an alternative to meeting the requirements of paragraph (d)(1) of this section, the owner or operator of an affected facility that is subject to a federally enforceable permit restricting fuel use to a single fuel such that the facility is not required to continuously monitor any emissions (excluding opacity) or parameters indicative of emissions may elect to record and maintain records of the amount of each fuel combusted during each calendar month.

[45CSR16, 40 C.F.R. § 60.49b(d)]

- 4.4.4. To demonstrate compliance with the particulate matter, sulfur dioxide, and volatile organic compounds emissions limits in Section 4.1.1, the permittee shall certify that natural gas is the only fuel combusted in the boiler.
[45CSR§30-5.1.c.]

4.5. Reporting Requirements

- 4.5.1. The permittee is required to submit excess emission reports for any excess emissions that occurred during the reporting period. For purposes of 40 C.F.R. § 60.48b (g) (1), excess emissions are defined as any calculated 30-day rolling average NO_x emission rate, as determined under 40 C.F.R. § 60.46b (e), that exceeds the applicable emission limits in 40 C.F.R. § 60.44b.
[45CSR16, 40 C.F.R. §§ 60.49b (h) (2) and (4), 45CSR13, R13-1525, B.9.]
- 4.5.2. The owner or operator of any affected facility subject to the continuous monitoring requirements for NO_x under 40 C.F.R. § 60.48b (c) [Section 4.2.2.] shall submit reports containing the information recorded under 40 C.F.R. § 60.49b (g) [Section 4.4.2].
[45CSR16, 40 C.F.R. § 60.49b (i), 45CSR13, R13-1525, B.9.]
- 4.5.3. The owner or operator of an affected facility may submit electronic quarterly reports for NO_x in lieu of submitting the written reports required under 40 C.F.R. §§ 60.49b (h) and (i) [Sections 4.5.1 and 4.5.2]. The format of each quarterly electronic report shall be coordinated with the permitting authority. The electronic report(s) shall be submitted no later than 30 days after the end of the calendar quarter and shall be accompanied by a certification statement from the owner or operator, indicating whether compliance with the applicable emission standards and minimum data requirements of 40 C.F.R. Part 60 Subpart Db was achieved during the reporting period. Before submitting reports in the electronic format, the owner or operator shall coordinate with the permitting authority to obtain their agreement to submit reports in this alternative format.
[45CSR16, 40 C.F.R. § 60.49b (v), 45CSR13, R13-1525, B.9.]
- 4.5.4. The owner or operator of a fuel burning unit(s) subject to this rule shall report to the Director any malfunction of such unit or its air pollution control equipment which results in any excess particulate matter emission rate or excess opacity (i.e., 45CSR§§2-3 and 4) as provided in one of the following subdivisions:
- 4.5.4.1. Excess opacity periods meeting the following conditions may be reported on a quarterly basis unless otherwise required by the Director:

- 4.5.4.2. The excess opacity period does not exceed thirty (30) minutes within any 24-hour period; and
- 4.5.4.3. Excess opacity does not exceed 40%.
- 4.5.4.4. The owner or operator shall report to the Director any malfunction resulting in excess particulate matter or excess opacity, not meeting the criteria set forth in 45CSR§2- 9.3.a, by telephone, telefax, or e-mail by the end of the next business day after becoming aware of such condition. The owner or operator shall file a certified written report concerning the malfunction with the Director within thirty (30) days providing the following information:
 - 4.5.4.5. A detailed explanation of the factors involved or causes of the malfunction;
 - 4.5.4.6. The date and time of duration (with starting and ending times) of the period of excess emissions;
 - 4.5.4.7. An estimate of the mass of excess emissions discharged during the malfunction period;
 - 4.5.4.8. The maximum opacity measured or observed during the malfunction;
 - 4.5.4.9. Immediate remedial actions taken at the time of the malfunction to correct or mitigate the effects of the malfunction; and
 - 4.5.4.10. A detailed explanation of the corrective measures or program that will be implemented to prevent a recurrence of the malfunction and a schedule for such implementation.

[45CSR§2-9.3]

4.6. Compliance Plan

- 4.6.1. None.

5.0 Dryer Group [emission point ID(s): 002E]

5.1. Limitations and Standards

- 5.1.1. Maximum emissions of particulate matter to the atmosphere from emission point 002E (the 002 dryer vent) shall not exceed four (4) pounds per hour.
[45CSR13, R13-1525, A.2]
- 5.1.2. The permittee shall not cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any process source operation [002] which is greater than twenty (20) percent opacity, except as noted in subsections 45CSR§§7-3.2 [Section 5.1.3], 3.3, 3.4, 3.5, 3.6, and 3.7.
[45CSR§7-3.1]
- 5.1.3. The provisions of Section 5.1.2 [45CSR§7-3.1] shall not apply to smoke and/or particulate matter emitted from any process source operation which is less than forty (40) percent opacity for any period or periods aggregating no more than five (5) minutes in any sixty (60) minute period.
[45CSR§7-3.2]
- 5.1.4. No person shall cause, suffer, allow or permit particulate matter to be vented into the open air from any type source operation or duplicate source operation, or from all air pollution control equipment installed on any type source operation or duplicate source operation in excess of the quantity specified under the appropriate source operation type in 45CSR7, Table 45-7A. Compliance with the 45CSR§7-4.1 hourly emission limit for this emission unit shall be demonstrated through compliance with the more stringent R13-1525C hourly particulate matter limit set forth in Section 5.1.1.
[45CSR§7-4.1]
- 5.1.5. The permittee shall not circumvent the provisions of 45CSR7 by adding additional gas to the dryer exhaust for the purpose of reducing the stack gas concentration.
[45CSR§7-4.3]
- 5.1.6. Due to unavoidable malfunction of equipment [dryer], emissions exceeding those set forth in this rule may be permitted by the Director for periods not to exceed ten (10) days upon specific application to the Director. Such application shall be made within twenty-four (24) hours of the malfunction. In cases of major equipment failure, additional time periods may be granted by the Director provided a corrective program has been submitted by the owner or operator and approved by the Director.
[45CSR§7-9.1]
- 5.1.7. Maintenance operations as defined in 45CSR7 shall be exempt from the provisions of 45CSR§7-4 provided that at all times the owner or operator shall conduct maintenance operations in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Director which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures and inspection of the source.
[45CSR§7-10.3]

- 5.1.8. An owner or operator may apply for an alternative visible emission standard for start-up and shutdown periods, on a case-by-case basis, by filing a written petition with the Director. The Director may approve an alternative visible emission standard for start-ups and shutdowns to the visible emission standard required under 45CSR§7-3. The petition shall include a demonstration satisfactory to the Director:
- a. That it is technologically or economically infeasible to comply with 45CSR§7-3;
 - b. That establishes the need for approval of a start-up or shutdown plan based upon information including, but not limited to, monitoring results, opacity observations, operating procedures and source inspections.
 - c. That the particulate matter weight emission standards under section 4 are being met, as determined in accordance with 45CSR7A - "Compliance Test Procedures For 45CSR7 - ' To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations"; and
 - d. That during periods of start-ups and shutdowns the owner or operator shall, to the extent practicable, maintain and operate any manufacturing process including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Director which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures and inspection of the source.

[45CSR§7-10.4]

5.2. Monitoring Requirements

- 5.2.1. At least weekly, visual emission checks of each emission point subject to an opacity limit shall be conducted. For the purpose of these checks, excess visible emissions are to include visible fugitive dust emissions that leave the plant site boundaries. These checks shall be conducted during periods of facility operation for a sufficient time interval to determine if the unit has visible emissions using 40 C.F.R. 60 Appendix A Method 22. If sources of visible emissions are identified during the survey, or at any other time, the permittee shall conduct a 45CSR7A evaluation within twenty-four (24) hours. A 45CSR7A evaluation shall not be required if the visible emission condition is corrected in a timely manner and the units are operating at normal operating conditions.

[45CSR§30-5.1.c]

5.3. Testing Requirements

- 5.3.1. At such reasonable times as the Director may designate, the operator of any manufacturing process source operation may be required to conduct or have conducted stack tests to determine the particulate matter loading in exhaust gases. Such tests shall be conducted in such manner as the Director may specify and be filed on forms and in a manner acceptable to the Director.

[45CSR§7-8.1]

- 5.3.2. Any stack serving any process source operation or air pollution control equipment on any process source operation shall contain flow straightening devices or a vertical run of sufficient length to establish flow patterns consistent with acceptable stack sampling procedures.

[45CSR§7-4.12]

5.4. Recordkeeping Requirements

- 5.4.1. A record of each visible emission check required in Section 5.2.1 shall be maintained on site. Said record shall include, but not be limited to, the date, time, name of emission unit, the applicable visible emissions requirement, the results of the check, what action(s), if any, was/were taken, the name of the observer, and any data required by 40 C.F.R. 60 Appendix A Method 22 or 45CSR7A.
[45CSR§30-5.1.c]

5.5. Reporting Requirements

- 5.5.1. None.

5.6. Compliance Plan

- 5.6.1. None.

6.0 Emergency Generator [emission point ID(s): 003E]

6.1. Limitations and Standards

6.1.1. The emergency generator is subject to General Permit Registration G60-C099 and General Permit G60-C.

Source ID#	Nitrogen Oxides + HC		Carbon Monoxide	
	lb/hr	ton/yr	lb/hr	ton/yr
003	1.48	0.37	57.21	14.30

[45CSR13, General Permit Registration G60-C099 and G60-C, 5.1.2]

6.1.2. § 63.6590 What parts of my plant does this subpart cover?

(c) *Stationary RICE subject to Regulations under 40 CFR Part 60.* An affected source that meets the criteria in paragraph (c) of this section must meet the requirements of this part by meeting the requirements of 40 CFR part 60 subpart JJJJ, for spark ignition engines. No further requirements apply for such engines under this part.

[40 C.F.R. 63 Subpart ZZZZ, §63.6590(c), 45CSR34]

6.1.3. § 60.4233 What emission standards must I meet if I am an owner or operator of a stationary SI internal combustion engine?

(d) Owners and operators of stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) and less than 75 KW (100 HP) (except gasoline and rich burn engines that use LPG) must comply with the emission standards in Table 1 to this subpart for their emergency stationary SI ICE.

Table 1 to Subpart JJJJ of Part 60

Engine type and fuel	Maximum engine power	Manufacture date	Emission standards ^a					
			g/HP-hr			ppmvd at 15% O ₂		
			NO _x	CO	VOC ^d	NO _x	CO	VOC ^d
Emergency	25<HP<130	1/1/2009	^c 10	387	N/A	N/A	N/A	N/A

^a Owners and operators of stationary non-certified SI engines may choose to comply with the emission standards in units of either g/HP-hr or ppmvd at 15 percent O₂.

^cThe emission standards applicable to emergency engines between 25 HP and 130 HP are in terms of NO_x + HC.

[45CSR16; 40 C.F.R. 60 Subpart JJJJ, §60.4233(d) and Table 1; 45CSR13, General Permit Registration G60-C099 and G60-C, 8.2.4]

6.1.4. Owners and operators of stationary SI ICE must operate and maintain stationary SI ICE that achieve the emission standards as required in §60.4233 over the entire life of the engine.

[45CSR16; 40 C.F.R. 60 Subpart JJJJ, §60.4234; 45CSR13, General Permit Registration G60-C099 and G60-C, 8.2.9]

- 6.1.5. For emergency stationary SI ICE with a maximum engine power of greater than 19 KW (25 HP), owners and operators may not install engines that do not meet the applicable requirements in §60.4233 after January 1, 2011.
[45CSR16; 40 C.F.R. 60 Subpart JJJJ, §60.4236(c); 45CSR13, General Permit Registration G60-C099 and G60-C, 8.3.4]
- 6.1.6. If you are an owner or operator of an emergency stationary SI internal combustion engine that is less than 130 HP, was built on or after July 1, 2008, and does not meet the standards applicable to non-emergency engines, you must install a non-resettable hour meter upon startup of your emergency engine.
[45CSR16; 40 C.F.R. 60 Subpart JJJJ, §60.4237(c); 45CSR13, General Permit Registration G60-C099 and G60-C, 8.3.9]

6.2. Monitoring Requirements

- 6.2.1. If you are an owner or operator of a stationary SI internal combustion engine and must comply with the emission standards specified in §60.4233(d), you must demonstrate compliance according to the method specified below.

- (1) Purchasing an engine certified according to procedures specified in this subpart, for the same model year and demonstrating compliance according to one of the methods specified in 40 C.F.R. §60.4243(a).

[45CSR16; 40 C.F.R. 60 Subpart JJJJ, §60.4243(b)(1); 45CSR13, General Permit Registration G60-C099 and G60-C, 8.4.2.a]

- 6.2.2. (a) If you are an owner or operator of a stationary SI internal combustion engine that is manufactured after July 1, 2008 and must comply with the emission standards specified in §60.4233(a) through (c), you must comply by purchasing an engine certified to the emission standards in §60.4231(a) through (c), as applicable, for the same engine class and maximum engine power. In addition, you must meet one of the requirements specified in (a)(1) and (2) of this section.

(1) If you operate and maintain the certified stationary SI internal combustion engine and control device according to the manufacturer's emission-related written instructions, you must keep records of conducted maintenance to demonstrate compliance, but no performance testing is required if you are an owner or operator. You must also meet the requirements as specified in 40 CFR part 1068, subparts A through D, as they apply to you. If you adjust engine settings according to and consistent with the manufacturer's instructions, your stationary SI internal combustion engine will not be considered out of compliance.

(2) (i) If you are an owner or operator of a stationary SI internal combustion engine less than 100 HP, you must keep a maintenance plan and records of conducted maintenance to demonstrate compliance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions, but no performance testing is required if you are an owner or operator.

[45CSR16; 40 C.F.R. 60 Subpart JJJJ, §§60.4243(a)(1) and (a)(2)(i); 45CSR13, General Permit Registration G60-C099 and G60-C, 8.4.1.a and 8.4.1.b.1]

- 6.2.3. (d) If you own or operate an emergency stationary ICE, you must operate the emergency stationary ICE according to the requirements in paragraphs (d)(1) through (3) of this section. In order for the engine to be considered an emergency stationary ICE under this subpart, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50

hours per year, as described in paragraphs (d)(1) through (3) of this section, is prohibited. If you do not operate the engine according to the requirements in paragraphs (d)(1) through (3) of this section, the engine will not be considered an emergency engine under this subpart and must meet all requirements for non-emergency engines.

(1) There is no time limit on the use of emergency stationary ICE in emergency situations.

(2) You may operate your emergency stationary ICE for any combination of the purposes specified in paragraphs (d)(2)(i) through (iii) of this section for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph (d)(3) of this section counts as part of the 100 hours per calendar year allowed by this paragraph (d)(2).

(i) Emergency stationary ICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency ICE beyond 100 hours per calendar year.

(ii) Emergency stationary ICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see §60.17), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.

(iii) Emergency stationary ICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.

(3) Emergency stationary ICE may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph (d)(2) of this section. Except as provided in paragraph (d)(3)(i) of this section, the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

(i) The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:

(A) The engine is dispatched by the local balancing authority or local transmission and distribution system operator;

(B) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.

(C) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.

(D) The power is provided only to the facility itself or to support the local transmission and distribution system.

(E) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

[45CSR16; 40 C.F.R. 60 Subpart JJJJ, §60.4243(d); 45CSR13, General Permit Registration G60-C099 and G60-C, 8.4.4]

6.2.4. Owners and operators of stationary SI natural gas fired engines may operate their engines using propane for a maximum of 100 hours per year as an alternative fuel solely during emergency operations, but must keep records of such use. If propane is used for more than 100 hours per year in an engine that is not certified to the emission standards when using propane, the owners and operators are required to conduct a performance test to demonstrate compliance with the emission standards of §60.4233.

[45CSR16; 40 C.F.R. 60 Subpart JJJJ, §60.4243(e); 45CSR13, General Permit Registration G60-C099 and G60-C, 8.4.5]

6.2.5. If you are an owner or operator of a stationary SI internal combustion engine that is less than or equal to 500 HP and you purchase a non-certified engine or you do not operate and maintain your certified stationary SI internal combustion engine and control device according to the manufacturer's written emission-related instructions, you are required to perform initial performance testing as indicated in this section, but you are not required to conduct subsequent performance testing unless the stationary engine is rebuilt or undergoes major repair or maintenance. A rebuilt stationary SI ICE means an engine that has been rebuilt as that term is defined in 40 CFR 94.11(a).

[45CSR16; 40 C.F.R. 60 Subpart JJJJ, §60.4243(f); 45CSR13, General Permit Registration G60-C099 and G60-C, 8.4.6]

6.3. Testing Requirements

6.3.1. None.

6.4. Recordkeeping Requirements

6.4.1. To demonstrate compliance with section 6.1.1, the registrant shall maintain records of the amount and type of fuel consumed in each engine and the hours of operation of each engine. Said records shall be maintained on site or in a readily accessible off-site location maintained by the registrant for a period of five (5) years. Said records shall be readily available to the Director of the Division of Air Quality or his/her duly authorized representative for expeditious inspection and review. Any records submitted to the agency pursuant to a requirement of this permit or upon request by the Director shall be certified by a responsible official.

[45CSR13, General Permit Registration G60-C099 and G60-C, 5.4.1]

6.4.2. Owners or operators of stationary SI ICE must meet the following notification, reporting and recordkeeping requirements.

a. Owners and operators of all stationary SI ICE must keep records of the information in paragraphs (a)(1) through (4) of this section.

1. All notifications submitted to comply with this subpart and all documentation supporting any notification.

2. Maintenance conducted on the engine.
 3. If the stationary SI internal combustion engine is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards and information as required in 40 CFR parts 90 and 1048.
 4. If the stationary SI internal combustion engine is not a certified engine or is a certified engine operating in a non-certified manner and subject to §60.4243(a)(2), documentation that the engine meets the emission standards.
- b. For all stationary SI emergency ICE greater than or equal to 500 HP manufactured on or after July 1, 2010, that do not meet the standards applicable to non-emergency engines, the owner or operator of must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. For all stationary SI emergency ICE greater than or equal to 130 HP and less than 500 HP manufactured on or after July 1, 2011 that do not meet the standards applicable to non-emergency engines, the owner or operator of must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. For all stationary SI emergency ICE greater than 25 HP and less than 130 HP manufactured on or after July 1, 2008, that do not meet the standards applicable to non-emergency engines, the owner or operator of must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation.

[45CSR16; 40 C.F.R. 60 Subpart JJJJ, §60.4245(a), (b); 45CSR13, General Permit Registration G60-C099 and G60-C, 8.6.1.a and 8.6.1.b]

6.5. Reporting Requirements

- 6.5.1. None.

7.0 40 C.F.R. 63 Subpart DDDDD Requirements for Boiler 001 [emission point ID(s): 001E]

7.1. Limitations and Standards

7.1.1. §63.7495 When do I have to comply with this subpart?

(b) If you have an existing boiler or process heater, you must comply with this subpart no later than January 31, 2016, except as provided in §63.6(i).

(d) You must meet the notification requirements in §63.7545 according to the schedule in §63.7545 and in subpart A of this part. Some of the notifications must be submitted before you are required to comply with the emission limits and work practice standards in this subpart.

[45CSR34; 40 C.F.R. 63 Subpart DDDDD, §§63.7495(b), (d)]

§63.7500 What emission limitations, work practice standards, and operating limits must I meet?

(a) You must meet the requirements in paragraphs (a)(1) through (3) of this section, except as provided in paragraphs (b), through (e) of this section. You must meet these requirements at all times the affected unit is operating, except as provided in paragraph (f) of this section.

(1) You must meet each work practice standard in Table 3 to this subpart that applies to your boiler or process heater, for each boiler or process heater at your source, except as provided under §63.7522.

Table 3 to Subpart DDDDD of Part 63—Work Practice Standards

As stated in §63.7500, you must comply with the following applicable work practice standards:

If your unit is . . .	You must meet the following . . .
1. A new or existing boiler or process heater with a continuous oxygen trim system that maintains an optimum air to fuel ratio, or a heat input capacity of less than or equal to 5 million Btu per hour in any of the following subcategories: unit designed to burn gas 1; unit designed to burn gas 2 (other); or unit designed to burn light liquid, or a limited use boiler or process heater	Conduct a tune-up of the boiler or process heater every 5 years as specified in §63.7540.
4. An existing boiler or process heater located at a major source facility, not including limited use units	Must have a one-time energy assessment performed by a qualified energy assessor. An energy assessment completed on or after January 1, 2008, that meets or is amended to meet the energy assessment requirements in this table, satisfies the energy assessment requirement. A facility that operated under an energy management program developed according to the ENERGY STAR guidelines for energy management or compatible with ISO 50001 for at least one year between January 1, 2008 and the compliance date specified in §63.7495 that includes the affected units also satisfies the energy assessment requirement. The energy assessment must include the following with extent of the evaluation for items a. to e. appropriate for the on-site technical hours listed in §63.7575:

If your unit is . . .	You must meet the following . . .
	<p>a. A visual inspection of the boiler or process heater system.</p> <p>b. An evaluation of operating characteristics of the boiler or process heater systems, specifications of energy using systems, operating and maintenance procedures, and unusual operating constraints.</p> <p>c. An inventory of major energy use systems consuming energy from affected boilers and process heaters and which are under the control of the boiler/process heater owner/operator.</p> <p>d. A review of available architectural and engineering plans, facility operation and maintenance procedures and logs, and fuel usage.</p> <p>e. A review of the facility's energy management program and provide recommendations for improvements consistent with the definition of energy management program, if identified.</p> <p>f. A list of cost-effective energy conservation measures that are within the facility's control.</p> <p>g. A list of the energy savings potential of the energy conservation measures identified.</p> <p>h. A comprehensive report detailing the ways to improve efficiency, the cost of specific improvements, benefits, and the time frame for recouping those investments.</p>

(3) At all times, you must operate and maintain any affected source (as defined in §63.7490), including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(e) Boilers and process heaters in the units designed to burn gas 1 fuels subcategory are not subject to the emission limits in Tables 1 and 2 or 11 through 13 to this subpart, or the operating limits in Table 4 to this subpart.

[45CSR34; 40 C.F.R. 63 Subpart DDDDD, §§63.7500(a)(1), (a)(3), (e), and Table 3 to Subpart DDDDD Part 63]

§63.7510 What are my initial compliance requirements and by what date must I conduct them?

You must complete an initial tune-up by following the procedures described in §63.7540(a)(10)(i) through (vi) no later than the compliance date specified in §63.7495, except as specified in paragraph (j) of this section. You must complete the one-time energy assessment specified in Table 3 to this subpart no later than the compliance date specified in §63.7495.

[45CSR34; 40 C.F.R. 63 Subpart DDDDD, §63.7510(e)]

§63.7530 How do I demonstrate initial compliance with the emission limitations, fuel specifications and work practice standards?

(e) You must include with the Notification of Compliance Status a signed certification that either the energy assessment was completed according to Table 3 to this subpart, and that the assessment is an accurate depiction of your facility at the time of the assessment, or that the maximum number of on-site technical hours specified in the definition of energy assessment applicable to the facility has been expended.

(f) You must submit the Notification of Compliance Status containing the results of the initial compliance demonstration according to the requirements in §63.7545(e).

[45CSR34; 40 C.F.R. 63 Subpart DDDDD, §§63.7530(e), (f)]

§63.7540 How do I demonstrate continuous compliance with the emission limitations, fuel specifications and work practice standards?

(a) You must demonstrate continuous compliance with the work practice standards in Table 3 to this subpart that applies to you according to the methods specified in Table 8 to this subpart and paragraphs (a)(10), (a)(12) and (a)(13) of this section.

(10)(i) As applicable, inspect the burner, and clean or replace any components of the burner as necessary (you may perform the burner inspection any time prior to the tune-up or delay the burner inspection until the next scheduled unit shutdown). Units that produce electricity for sale may delay the burner inspection until the first outage, not to exceed 36 months from the previous inspection. At units where entry into a piece of process equipment or into a storage vessel is required to complete the tune-up inspections, inspections are required only during planned entries into the storage vessel or process equipment;

(ii) Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available;

(iii) Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (you may delay the inspection until the next scheduled unit shutdown). Units that produce electricity for sale may delay the inspection until the first outage, not to exceed 36 months from the previous inspection;

(iv) Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, if available, and with any NO_x requirement to which the unit is subject;

(v) Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer; and

(vi) Maintain on-site and submit, if requested by the Administrator, a report containing the information in paragraphs (a)(10)(vi)(A) through (C) of this section,

(A) The concentrations of CO in the effluent stream in parts per million by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler or process heater;

(B) A description of any corrective actions taken as a part of the tune-up; and

(C) The type and amount of fuel used over the 12 months prior to the tune-up, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel used by each unit.

(12) If your boiler or process heater has a continuous oxygen trim system that maintains an optimum air to fuel ratio, or a heat input capacity of less than or equal to 5 million Btu per hour and the unit is in the units designed to burn gas 1; units designed to burn gas 2 (other); or units designed to burn light liquid subcategories, or meets the definition of limited-use boiler or process heater in §63.7575, you must conduct a tune-up of the boiler or process heater every 5 years as specified in paragraphs (a)(10)(i) through (vi) of this section to demonstrate continuous compliance. You may delay the burner inspection specified in paragraph (a)(10)(i) of this section until the next scheduled or unscheduled unit shutdown, but you must inspect each burner at least once every 72 months. If an oxygen trim system is utilized on a unit without emission standards to reduce the tune-up frequency to once every 5 years, set the oxygen level no lower than the oxygen concentration measured during the most recent tune-up.

(13) If the unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 calendar days of startup.

[45CSR34; 40 C.F.R. 63 Subpart DDDDD, §§63.7540(a)(10)(i) through (10)(vi), (a)(12) and (a)(13)]

§63.7545 What notifications must I submit and when?

(e) If you are required to conduct an initial compliance demonstration as specified in §63.7530, you must submit a Notification of Compliance Status according to §63.9(h)(2)(ii). For the initial compliance demonstration for each boiler or process heater, you must submit the Notification of Compliance Status, including all performance test results and fuel analyses, before the close of business on the 60th day following the completion of all performance test and/or other initial compliance demonstrations for all boiler or process heaters at the facility according to §63.10(d)(2). The Notification of Compliance Status report must contain all the information specified in paragraphs (e)(1) through (8) of this section, as applicable. If you are not required to conduct an initial compliance demonstration as specified in §63.7530(a), the Notification of Compliance Status must only contain the information specified in paragraphs (e)(1) and (8) of this section and must be submitted within 60 days of the compliance date specified at §63.7495(b).

(1) A description of the affected unit(s) including identification of which subcategories the unit is in, the design heat input capacity of the unit, a description of the add-on controls used on the unit to comply with this subpart, description of the fuel(s) burned, including whether the fuel(s) were a secondary material determined by you or the EPA through a petition process to be a non-waste under §241.3 of this chapter, whether the fuel(s) were a secondary material processed from discarded non-hazardous secondary materials within the meaning of §241.3 of this chapter, and justification for the selection of fuel(s) burned during the compliance demonstration.

(8) In addition to the information required in §63.9(h)(2), your notification of compliance status must include the following certification(s) of compliance, as applicable, and signed by a responsible official:

(i) “This facility completed the required initial tune-up for all of the boilers and process heaters covered by 40 CFR part 63 subpart DDDDD at this site according to the procedures in §63.7540(a)(10)(i) through (vi).”

(ii) “This facility has had an energy assessment performed according to §63.7530(e).”

[45CSR34; 40 C.F.R. 63 Subpart DDDDD, §§63.7545(e)(1), (e)(8)(i) and (ii)]

7.2. Monitoring Requirements

7.2.1. None.

7.3. Testing Requirements

7.3.1. §63.7515 When must I conduct subsequent performance tests, fuel analyses, or tune-ups?

(d) If you are required to meet an applicable tune-up work practice standard, you must conduct an annual, biennial, or 5-year performance tune-up according to §63.7540(a)(10), (11), or (12), respectively. Each annual tune-up specified in §63.7540(a)(10) must be no more than 13 months after the previous tune-up. Each biennial tune-up specified in §63.7540(a)(11) must be conducted no more than 25 months after the previous tune-up. Each 5-year tune-up specified in §63.7540(a)(12) must be conducted no more than 61 months after the previous tune-up. For a new or reconstructed affected source (as defined in §63.7490), the first annual, biennial, or 5-year tune-up must be no later than 13 months, 25 months, or 61 months, respectively, after April 1, 2013 or the initial startup of the new or reconstructed affected source, whichever is later.

[45CSR34; 40 C.F.R. 63 Subpart DDDDD, §63.7515(d)]

7.4. Recordkeeping Requirements

7.4.1. §63.7545 What notifications must I submit and when?

(f) If you operate a unit designed to burn natural gas, refinery gas, or other gas 1 fuels that is subject to this subpart, and you intend to use a fuel other than natural gas, refinery gas, gaseous fuel subject to another subpart of this part, part 60, 61, or 65, or other gas 1 fuel to fire the affected unit during a period of natural gas curtailment or supply interruption, as defined in §63.7575, you must submit a notification of alternative fuel use within 48 hours of the declaration of each period of natural gas curtailment or supply interruption, as defined in §63.7575. The notification must include the information specified in paragraphs (f)(1) through (5) of this section.

(1) Company name and address.

(2) Identification of the affected unit.

(3) Reason you are unable to use natural gas or equivalent fuel, including the date when the natural gas curtailment was declared or the natural gas supply interruption began.

(4) Type of alternative fuel that you intend to use.

(5) Dates when the alternative fuel use is expected to begin and end.

[45CSR34; 40 C.F.R. 63 Subpart DDDDD, §63.7545(f)]

7.4.2. §63.7555 What records must I keep?

(a) You must keep records according to paragraphs (a)(1) and (2) of this section.

(1) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status or semiannual compliance report that you submitted, according to the requirements in §63.10(b)(2)(xiv).

(2) Records of performance tests, fuel analyses, or other compliance demonstrations and performance evaluations as required in §63.10(b)(2)(viii).

(f) If you elect to use efficiency credits from energy conservation measures to demonstrate compliance according to §63.7533, you must keep a copy of the Implementation Plan required in §63.7533(d) and copies of all data and calculations used to establish credits according to §63.7533(b), (c), and (f).

(h) If you operate a unit in the unit designed to burn gas 1 subcategory that is subject to this subpart, and you use an alternative fuel other than natural gas, refinery gas, gaseous fuel subject to another subpart under this part, other gas 1 fuel, or gaseous fuel subject to another subpart of this part or part 60, 61, or 65, you must keep records of the total hours per calendar year that alternative fuel is burned and the total hours per calendar year that the unit operated during periods of gas curtailment or gas supply emergencies.

[45CSR34; 40 C.F.R. 63 Subpart DDDDD, §§63.7555(a), (f), (h)]

§63.7560 In what form and how long must I keep my records?

(a) Your records must be in a form suitable and readily available for expeditious review, according to §63.10(b)(1).

(b) As specified in §63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) You must keep each record on site, or they must be accessible from on site (for example, through a computer network), for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1). You can keep the records off site for the remaining 3 years.

[45CSR34; 40 C.F.R. 63 Subpart DDDDD, §63.7560]

7.5. Reporting Requirements

7.5.1. §63.7550 What reports must I submit and when?

(a) You must submit each report in Table 9 to this subpart that applies to you.

Table 9 to Subpart DDDDD of Part 63—Reporting Requirements

As stated in §63.7550, you must comply with the following requirements for reports:

You must submit a(n)	The report must contain . . .	You must submit the report . . .
1. Compliance report	a. Information required in §63.7550(c)(1) through (5);	Semiannually, annually, biennially, or every 5 years according to the requirements in §63.7550(b).

(b) Unless the EPA Administrator has approved a different schedule for submission of reports under §63.10(a), you must submit each report, according to paragraph (h) of this section, by the date in Table 9 to this subpart and according to the requirements in paragraphs (b)(1) through (4) of this section. For units that are subject only to a requirement to conduct subsequent annual, biennial, or 5-year tune-up according to §63.7540(a)(10), (11), or (12), respectively, and not subject to emission limits or Table 4 operating limits, you may submit only an annual, biennial, or 5-year

compliance report, as applicable, as specified in paragraphs (b)(1) through (4) of this section, instead of a semi-annual compliance report.

(1) The first semi-annual compliance report must cover the period beginning on the compliance date that is specified for each boiler or process heater in §63.7495 and ending on June 30 or December 31, whichever date is the first date that occurs at least 180 days after the compliance date that is specified for your source in §63.7495. If submitting an annual, biennial, or 5-year compliance report, the first compliance report must cover the period beginning on the compliance date that is specified for each boiler or process heater in §63.7495 and ending on December 31 within 1, 2, or 5 years, as applicable, after the compliance date that is specified for your source in §63.7495.

(2) The first semi-annual compliance report must be postmarked or submitted no later than July 31 or January 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for each boiler or process heater in §63.7495. The first annual, biennial, or 5-year compliance report must be postmarked or submitted no later than January 31.

(3) Each subsequent semi-annual compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31. Annual, biennial, and 5-year compliance reports must cover the applicable 1-, 2-, or 5-year periods from January 1 to December 31.

(4) Each subsequent semi-annual compliance report must be postmarked or submitted no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period. Annual, biennial, and 5-year compliance reports must be postmarked or submitted no later than January 31.

(5) For each affected source that is subject to permitting regulations pursuant to part 70 or part 71 of this chapter, and if the permitting authority has established dates for submitting semiannual reports pursuant to 70.6(a)(3)(iii)(A) or 71.6(a)(3)(iii)(A), you may submit the first and subsequent compliance reports according to the dates the permitting authority has established in the permit instead of according to the dates in paragraphs (b)(1) through (4) of this section.

(c) A compliance report must contain the following information depending on how the facility chooses to comply with the limits set in this rule.

(1) If the facility is subject to the requirements of a tune up you must submit a compliance report with the information in paragraphs (c)(5)(i) through (iii) of this section, (xiv) and (xvii) of this section, and paragraph (c)(5)(iv) of this section for limited-use boiler or process heater.

(5) (i) Company and Facility name and address.

(ii) Process unit information, emissions limitations, and operating parameter limitations.

(iii) Date of report and beginning and ending dates of the reporting period.

(xiv) Include the date of the most recent tune-up for each unit subject to only the requirement to conduct an annual, biennial, or 5-year tune-up according to §63.7540(a)(10), (11), or (12) respectively. Include the date of the most recent burner inspection if it was not done annually, biennially, or on a 5-year period and was delayed until the next scheduled or unscheduled unit shutdown.

(xvii) Statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report.

(h) You must submit the reports according to the procedures specified in paragraphs (h)(1) through (3) of this section.

(3) You must submit all reports required by Table 9 of this subpart electronically to the EPA via the CEDRI. (CEDRI can be accessed through the EPA's CDX.) You must use the appropriate electronic report in CEDRI for this subpart. Instead of using the electronic report in CEDRI for this subpart, you may submit an alternate electronic file consistent with the XML schema listed on the CEDRI Web site (<http://www.epa.gov/ttn/chief/cedri/index.html>), once the XML schema is available. If the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, you must submit the report to the Administrator at the appropriate address listed in §63.13. You must begin submitting reports via CEDRI no later than 90 days after the form becomes available in CEDRI.

[45CSR34; 40 C.F.R. 63 Subpart DDDDD, §§63.7550(a), (b), (c)(1), (c)(5)(i) through (iii), (xiv), (xvii), (h)(3) and Table 9 to Subpart DDDDD of Part 63]