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Marci Henson, Director

PART 70 OPERATING PERMIT

SOURCE ID: 1550

Walter M. Higgins III Generating Station
1275 East Primm Boulevard
Primm, Nevada 89019

ISSUED ON: January 18, 2022

EXPIRES ON: January 17, 2027

Current action: Renewal

Issued to:

Nevada Power Company
P.O. Box 98910
Las Vegas, NV 89151

Responsible Official:

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Vice President, Generation
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NATURE OF BUSINESS:

SIC code 4911, "Electric Services"
NAICS code 221112, "Fossil Fuel Electric Power Generation"

Issued by the Clark County Department of Air Quality in accordance with Section 12.5 of the Clark County Air Quality Regulations.

Theodore A. Lendis, Permitting Manager

EXECUTIVE SUMMARY

Walter M. Higgins III Generating Station is an electric power generating plant located at 1275 East Primm Boulevard, Primm, Nevada 89019 in Hydrographic Area 164a, Ivanpah Valley North, which EPA has designated as being in attainment for all pollutants.

The facility has a two-on-one combined cycle unit that consists of two natural gas-fired stationary gas turbines, two heat recovery steam generators (HRSGs) with natural gas-fired duct burners for supplemental firing, and a steam turbine generator. The facility also operates one natural gas-fired auxiliary boiler and one fire pump. All fuel-fired equipment, with the exception of the diesel-fired fire pump, uses pipeline-quality natural gas as the sole fuel source.

All processes at the site are grouped under SIC code 4911, “Electric Services,” and NAICS code 221112, “Fossil Fuel Electric Power Generation.”

This facility is a major stationary source of PM₁₀, PM_{2.5}, NO_x, and CO for Prevention of Significant Deterioration (PSD), as defined in Section 12.2.2(ff) of the Clark County Air Quality Regulations (AQRs), and a minor source of SO₂, VOC, and HAP. Higgins Generating Station is also a source of greenhouse gas pollutants. It is a categorical stationary source, as defined in AQR 12.2.2(j)(1).

A significant revision to the Part 70 Operating Permit was issued on March 26, 2020. This Part 70 Operating Permit is based on the renewal application submitted on April 24, 2020.

The table below summarizes the source’s potential to emit (PTE) for each regulated air pollutant for all emission units addressed by this Part 70 Operating Permit.

Table 1. Source PTE (tons per year)

PM ₁₀	PM _{2.5}	NO _x	CO	SO ₂	VOC	HAP	GHG ¹
144.91	144.91	158.58	194.04	10.44	43.53	7.22	2,218,704

¹GHG is expressed as CO₂e for information only.

Pursuant to AQR 12.5.2, all terms and conditions in Sections I through VI and Attachments 1 and 2 in this permit are federally enforceable unless explicitly denoted otherwise.

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I. ACRONYMS

Acronym	Term
AQR	Clark County Air Quality Regulation
ATC	Authority to Construct
CEMS	Continuous Emissions Monitoring System
CFR	Code of Federal Regulations
CO	carbon monoxide
DAQ	Clark County Department of Air Quality
EPA	U.S. Environmental Protection Agency
EU	emission unit
HAP	hazardous air pollutant
HHV	Higher Heating Value
hp	horsepower
HRSG	heat recovery steam generator
kW	kilowatt
MMBtu	millions of British thermal units
MW	megawatt
NAICS	North American Industry Classification System
NO _x	nitrogen oxides
NRS	Nevada Revised Statutes
OP	Operating Permit
PM ₁₀	particulate matter less than 10 microns in diameter
PM _{2.5}	particulate matter less than 2.5 microns in diameter
ppmvd	parts per million, volumetric dry
PTE	potential to emit
QA	quality assurance
RATA	Relative Accuracy Test Audit
SCC	Source Classification Code
scf	standard cubic feet
SCR	selective catalytic reduction
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SO ₂	sulfur dioxide
VOC	volatile organic compound

II. GENERAL CONDITIONS

A. GENERAL REQUIREMENTS

1. The permittee shall comply with all conditions of the Part 70 Operating Permit (OP). Any permit noncompliance may constitute a violation of the Clark County Air Quality Regulations (AQRs), Nevada law, and the Clean Air Act, and is grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a renewal application. *[AQR 12.5.2.6(g)(1)]*
2. If any term or condition of this permit becomes invalid as a result of a challenge to a portion of this permit, the other terms and conditions of this permit shall be unaffected and remain valid. *[AQR 12.5.2.6(f)]*
3. The permittee shall pay all permit fees pursuant to AQR 18. *[AQR 12.5.2.6(h)]*
4. This permit does not convey property rights of any sort, or any exclusive privilege. *[AQR 12.5.2.6(g)(4)]*
5. The permittee agrees to allow inspection of the premises to which this permit relates by any authorized representative of the Control Officer at any time during the permittee's hours of operation without prior notice. The permittee shall not obstruct, hamper, or interfere with any such inspection. *[AQR 4.1; AQR 5.1.1; AQR 12.5.2.8(b)]*
6. The permittee shall allow the Control Officer, upon presentation of credentials, to: *[AQR 4.1 & AQR 12.5.2.8(b)]*
 - a. Access and copy any records that must be kept under the conditions of the permit;
 - b. Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
 - c. Sample or monitor substances or parameters for the purpose of assuring compliance with the permit or applicable requirements; and
 - d. Document alleged violations using such devices as cameras or video equipment.
7. Any permittee who fails to submit relevant facts, or who has submitted incorrect information in a permit application, shall, upon becoming aware of such failure or incorrect submittal, promptly submit the needed supplementary facts or corrected information. In addition, the permittee shall provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit. A responsible official shall certify the additional information consistent with the requirements of AQR 12.5.2.4. *[AQR 12.5.2.2]*
8. Anyone issued a permit under AQR 12.5 shall post it in a location where it is clearly visible and accessible to facility employees and DAQ representatives. *[AQR 12.5.2.6(m)]*

B. MODIFICATION, REVISION, AND RENEWAL REQUIREMENTS

1. No person shall begin actual construction of a new Part 70 source, or modify or reconstruct an existing Part 70 source that falls within the preconstruction review applicability criteria, without first obtaining an Authority to Construct (ATC) from the Control Officer. *[AQR 12.4.1.1(a)]*
2. The permit may be revised, revoked, reopened and reissued, or terminated for cause by the Control Officer. The filing of a request by the permittee for a permit revision, revocation, reissuance, or termination, or of a notification of planned changes or anticipated noncompliance, does not stay any permit condition. *[AQR 12.5.2.6(g)(3)]*
3. The permit shall be reopened under any of the following circumstances and when all applicable requirements pursuant to AQR 12.5.2.15 are met: *[AQR 12.5.2.15(a)]*
 - a. New applicable requirements become applicable to a Part 70 source that is a major stationary source under Section 12.2, Section 12.3, or 40 CFR 70.3(a)(1) with a remaining permit term of three (3) or more years;
 - b. Additional requirements (including excess emissions requirements) become applicable to an affected source under the Acid Rain Program;
 - c. The Control Officer or 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; or
 - d. The Administrator or the Control Officer determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
4. A permit, permit revision, or renewal may be approved only if all the following conditions have been met: *[AQR 12.5.2.10(a)]*
 - a. The permittee has submitted to the Control Officer a complete application for a permit, permit revision, or permit renewal (except a complete application need not be received before a Part 70 general permit is issued pursuant to AQR 12.5.2.20); and
 - b. The conditions of the permit provide for compliance with all applicable requirements and the requirements of AQR 12.5.
5. The permittee shall not build, erect, install, or use any article, machine, equipment, or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission that would otherwise constitute a violation of an applicable requirement. *[AQR 80.1 and 40 CFR Part 60.12]*
6. No permit revisions 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. *[AQR 12.5.2.6(i)]*
7. Permit expiration terminates the permittee's right to operate unless a timely and complete renewal application has been submitted. *[AQR 12.5.2.11(b)]*

8. For purposes of permit renewal, a timely application is a complete application that is submitted at least six months, but not more than 18 months, prior to the date of permit expiration. If a source submits a timely application under this provision, it may continue operating under its current Part 70 OP until final action is taken on its application for a renewed Part 70 OP. *[AQR 12.5.2.1(a)(2)]*

C. REPORTING, NOTIFICATIONS, AND INFORMATION REQUIREMENTS

1. The permittee shall submit all compliance certifications to the U.S. Environmental Protection Agency (EPA) and to the Control Officer. *[AQR 12.5.2.8(e)(4)]*
2. Any application form, report, or compliance certification submitted to the Control Officer pursuant to the permit or the AQRs shall contain a certification by a responsible official, with an original signature, of truth, accuracy, and completeness. This certification, and any other required under AQR 12.5, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. *[AQR 12.5.2.6(l)]*
3. The permittee shall furnish to the Control Officer, in writing and within a reasonable time, any information that the Control Officer may request to determine whether cause exists for revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Control Officer copies of records that the permit requires keeping. The permittee may furnish records deemed confidential directly to the Administrator, along with a claim of confidentiality. *[AQR 12.5.2.6(g)(5)]*
4. Upon request of the Control Officer, the permittee shall provide any information or analyses that will disclose the nature, extent, quantity, or degree of air contaminants that are or may be discharged by the source, and the type or nature of control equipment in use. The Control Officer may require such disclosures be certified by a professional engineer registered in the state. In addition to this report, the Control Officer may designate an authorized agent to make an independent study and report on the nature, extent, quantity, or degree of any air contaminants that are or may be discharged from the source. An agent so designated may examine any article, machine, equipment, or other contrivance necessary to make the inspection and report. *[AQR 4.1]*
5. The permittee shall submit annual emissions inventory reports based on the following: *[AQR 18.6.1 and AQR 12.5.2.4]*
 - a. The annual emissions inventory must be submitted to DAQ by March 31 of each calendar year (if March 31 falls on a Saturday or Sunday, or on a Nevada or federal holiday, the submittal shall be due on the next regularly scheduled business day);
 - b. The calculated actual annual emissions from each emission unit shall be reported even if there was no activity, along with the total calculated actual annual emissions for the source based on the emissions calculation methodology used to establish the potential to emit (PTE) in the permit or an equivalent method approved by the Control Officer prior to submittal; and
 - c. As the first page of text, a signed certification containing the sentence: "I certify that, based on information and belief formed after reasonable inquiry, the statements contained in this document are true, accurate, and complete." This statement shall be signed and dated by a responsible official of the company (a sample form is available from DAQ).

6. Stationary sources that emit 25 tons or more of nitrogen oxide (NO_x) and/or 25 tons or more of volatile organic compounds (VOCs) during a calendar year from emission units, insignificant activities, and exempt activities shall submit an annual emissions statement for both pollutants. This statement must include actual annual NO_x and VOC emissions from all activities, including emission units, insignificant activities, and exempt activities. Emissions statements are separate from, and in addition to, the calculated annual emissions reported each year for all regulated air pollutants (i.e., the emissions inventory). *[AQR 12.9.1]*

D. COMPLIANCE REQUIREMENTS

1. The permittee shall not use as a defense 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. *[AQR 12.5.2.6(g)(2)]*
2. Any person who violates any provision of the AQRs, including, but not limited to, any application requirement; any permit condition; any fee or filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any requirements from DAQ is guilty of a civil offense and shall pay a civil penalty levied by the Air Pollution Control Hearing Board and/or the Hearing Officer of not more than \$10,000. Each day of violation constitutes a separate offense. *[AQR 9.1; NRS 445B.640]*
3. Any person aggrieved by an order issued pursuant to AQR 9.1 is entitled to review, as provided in Chapter 233B of the NRS. *[AQR 9.12]*
4. The permittee shall comply with the requirements of Title 40, Part 61 of the Code of Federal Regulations (40 CFR Part 61), Subpart M—the National Emission Standard for Asbestos—for all demolition and renovation projects. *[AQR 13.1(b)(8)]*
5. The permittee shall certify compliance with the terms and conditions contained in this Part 70 OP, including emission limitations, standards, work practices, and the means for monitoring such compliance. *[AQR 12.5.2.8(e)]*
6. The permittee shall submit compliance certifications annually in writing to the Control Officer (4701 W. Russell Road, Suite 200, Las Vegas, NV 89118) and the Region 9 Administrator (Director, Air and Radiation Division, 75 Hawthorne St., San Francisco, CA 94105). A compliance certification for each calendar year will be due on January 30 of the following year, and shall include the following: *[AQR 12.5.2.8(e)]*
 - a. The identification of each term or condition of the permit that is the basis of the certification;
 - b. The identification of the methods or other means used by the permittee for determining the compliance status with each term and condition during the certification period. These methods and means shall include, at a minimum, the monitoring and related recordkeeping and reporting requirements described in 40 CFR Part 70.6(a)(3). If necessary, the permittee shall also identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the Clean Air Act, which prohibits knowingly making a false certification or omitting material information; and

- c. The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the methods or means designated in paragraph 6.b. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify, as possible exceptions to compliance, any periods during which compliance was required and in which an excursion or exceedance, as defined under 40 CFR Part 64, occurred.
7. The permittee shall report to the Control Officer any startup, shutdown, malfunction, emergency, or deviation that causes emissions of regulated air pollutants in excess of any limits set by regulations or this permit. The report shall be in two parts, as specified below: *[AQR 12.5.2.6(d)(4)(B); AQR 25.6.1]*
 - a. Within 24 hours of the time the permittee learns of the excess emissions, the permittee shall notify DAQ by phone at (702) 455-5942, by fax at (702) 383-9994, or by email at airquality@clarkcountynv.gov.
 - b. Within 72 hours of the notification required by paragraph (a) above, the permittee shall submit a detailed written report to DAQ containing the information required by AQR 25.6.3.
8. With the semiannual monitoring report, the permittee shall report to the Control Officer all deviations from permit conditions that do not result in excess emissions, including those attributable to malfunction, startup, or shutdown. Reports shall identify the probable cause of each deviation and any corrective actions or preventative measures taken. *[AQR 12.5.2.6(d)(4)(B)]*
9. The owner or operator of any source required to obtain a permit under AQR 12 shall report to the Control Officer emissions in excess of an applicable requirement or emission limit that pose a potential imminent and substantial danger to public health and safety or to the environment as soon as possible, but no later than 12 hours after the deviation is discovered, and submit a written report within two days of the occurrence. *[AQR 25.6.2]*

E. PERFORMANCE TESTING REQUIREMENTS

1. Upon request of the Control Officer, the permittee shall test (or have tests performed) to determine emissions of air contaminants from any source whenever the Control Officer has reason to believe that an emission in excess of those allowed by the AQRs is occurring. The Control Officer may specify testing methods to be used in accordance with good professional practice, and may observe the testing. All tests shall be conducted by reputable, qualified personnel. *[AQR 4.2]*
2. At the Control Officer's request, the permittee shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants. *[AQR 4.2]*
3. The permittee shall submit to the Control Officer for approval a performance testing protocol that contains testing, reporting, and notification schedules, test protocols, and anticipated test dates no less than 45 days, but no more than 90 days, before the anticipated date of the performance test unless otherwise specified in Section III.E of this permit. *[AQR 12.5.2.8]*

4. The permittee shall submit to EPA for approval any alternative test methods EPA has not already approved to demonstrate compliance with a requirement under 40 CFR Part 60. [40 CFR Part 60.8(b)]
5. The permittee shall submit a report describing the results of each performance test to the Control Officer within 60 days of the end of the test. [AQR 12.5.2.8]

III. EMISSION UNITS AND APPLICABLE REQUIREMENTS

A. EMISSION UNITS

1. The stationary source covered by this Part 70 OP consists of the emission units and associated appurtenances summarized in Table III-A-1. [ATC (2/4/2020)]

Table III-A-1: List of Emission Units

EU	Description	Rating	Make	Model #	Serial #
A01	Natural Gas Stationary Turbine (Turbine #1)	200 MW	Westinghouse	501FD	
A02	Duct Burner for HRSG associated with A01	700 MMBtu/hr			
A03	Natural Gas Stationary Turbine (Turbine #2)	200 MW	Westinghouse	501FD	
A04	Duct Burner for HRSG associated with A03	700 MMBtu/hr			
A05	Auxiliary Boiler	40 MMBtu/hr	English Boiler and Tube	30DE250	22-007
A06	Fire Pump, DOM 1999	265 hp	Clarke	8100	01-034838-01-01
	Diesel Engine, DOM 1999				

2. The following units/activities are insignificant emission sources under AQR 12.5.2.5.

Table III-A-2: Insignificant Units and Activities

Mobile combustion sources
Station maintenance activities
Maintenance shop activities (e.g. parts washers, sandblasters)
Steam cleaning operations
Diesel storage tank for the fire pump
Lubrication oil sumps and vents
Ammonia storage and handling

B. NONROAD ENGINES

1. Pursuant to Title 40, Part 1068.30 of the Code of Federal Regulations (40 CFR Part 1068.30), nonroad engines that are portable or transportable (i.e., not used on self-propelled equipment) shall not remain at a location for more than 12 consecutive months; otherwise, the engine(s) will constitute a stationary reciprocating internal combustion engine (RICE) and be subject to the applicable

requirements of 40 CFR Part 63, Subpart ZZZZ; 40 CFR Part 60, Subpart IIII; and/or 40 CFR Part 60, Subpart JJJJ. Stationary RICE shall be permitted as emission units upon commencing operation at this stationary source. Records of location changes for portable or transportable nonroad engines shall be maintained, and shall be made available to the Control Officer upon request. These records are not required for engines owned and operated by a contractor for maintenance and construction activities as long as records are maintained demonstrating that such work took place at the stationary source for periods of less than 12 consecutive months.

2. Nonroad engines used on self-propelled equipment do not have this 12-month limitation or the associated recordkeeping requirements.

C. EMISSION LIMITATIONS AND STANDARDS

1. Emission Limits

- a. The permittee shall not allow actual emissions from each emission unit to exceed the PTE listed in Table III-C-1 per any consecutive 12-month period, except for emission units intended only for use in emergencies. The emission limits (in tons per year) for each emission unit include startup, shutdown, testing, and tuning emissions. *[Renewal Application (04/24/2020), NSR ATC Modification 2, Revision 2, Table IV-A-2 (04/09/10)]*

Table III-C-1: PTE, Including Startups, Shutdowns, Testing, and Tuning (tons per year)

EU	PM ₁₀	PM _{2.5}	NO _x	CO	SO ₂	VOC
A01/A02	72.20	72.20	77.90	95.15	5.20	21.65
A03/A04	72.20	72.20	77.90	95.15	5.20	21.65
A05	0.50	0.50	1.80	3.70	0.03	0.20
A06	0.01	0.01	0.98	0.04	0.01	0.03

- b. The permittee shall not allow actual emissions from each emission unit to exceed the emission rates listed in Table III-C-2. NO_x and CO for the stationary gas turbine units shall not be exceeded for any 3-hr rolling average period, as determined by the CEMS. Pound-per-hour limits are normal operation limits only (excluding startup, shutdown, testing, and tuning). *[Renewal Application (04/24/2020), NSR ATC Modification 2, Revision 2, Table IV-A-3 (04/09/10)]*

Table III-C-2: Emission Rates, Excluding Startups, Shutdowns, Testing, and Tuning (lb/hr)

EU	PM ₁₀	PM _{2.5}	NO _x	CO	VOC
A01/A02	21.10	21.10	25.70	31.38	9.90
A03/A04	21.10	21.10	25.70	31.38	9.90
A05			1.44	2.96	

- c. The permittee shall not allow actual emissions from each emission unit to exceed the emission concentrations listed in Table III-C-3, as determined by the CEMS or performance tests. The emission limits are normal operation limits only (excluding startup, shutdown, testing, and tuning). *[NSR ATC Modification 2, Revision 2, Table IV-A-5 (04/09/10)]*

Table III-C-3: Emission Concentrations, Excluding Startups, Shutdowns, Testing, and Tuning

EU	Averaging Period	O ₂ Standard	NO _x (ppmvd)	CO (ppmvd)
A01/A02	3-hour	15%	2.5	5.0
A03/A04	3-hour	15%	2.5	5.0
A05	15-minute	3%	30.0	100.0

- d. The permittee shall not allow actual emissions from the combustion turbines and duct burners (EUs: A01/A02 and A03/A04) to exceed 0.060 lb of SO₂ per MMBtu heat input. [40 CFR Part 60.4330(a)(2)]
- e. The permittee shall not allow actual emissions from each emission unit to exceed the emission concentrations listed in Table III-C-4 during normal operation, testing, and tuning. [NSR ATC, Condition VII-1(b) (2/4/2020); 40 CFR Part 60.4320]

Table III-C-4: 40 CFR Part 60, Subpart KKKK—NO_x Standard (ppmvd @ 15% O₂)¹

EU	Turbine Loads ≥ 75% of Peak Load	Turbine Loads ≤ 75% of Peak Load
A01/A02	15	96
A03/A04	15	96

¹30-day rolling average.

- f. The permittee shall not allow actual emissions from each emission unit to exceed the emission limits listed in Table III-C-5 during testing and tuning. [Renewal Application (04/24/2020), AQR, Section 0, "Allowable Emissions"]

Table III-C-5: CO Testing and Tuning Emission Limitations (pounds in a clock hour)

EU	CO
A01/A02	400
A03/A04	400

2. Operational Limits

- a. The permittee shall limit operation of each stationary gas turbine to the fuel limits listed in Table III-C-6. [NSR ATC Modification 2, Revision 2, Condition IV-A-3(a) (04/09/10)]

Table III-C-6: Fuel Limitations for Turbines

Equipment	Fuel Type	Max. Hourly MMBtu	Max. Annual MMBtu per Any Consecutive 12- Month Period	Reference
A01/A03	Natural Gas	2,096 ¹	15,365,000	Based on HHV of natural gas

¹Based on 100% load at 12°F.

- b. The permittee shall limit operation of each duct burner unit to the fuel limits listed in Table III-C-7. [NSR ATC Modification 2, Revision 2, Condition IV-A-3(a) (04/09/10)]

Table III-C-7: Fuel Limitations for Duct Burners

Equipment	Fuel Type	Max. Hourly MMBtu	Max. Annual MMBtu per Any Consecutive 12- Month Period	Reference
A02/A04	Natural Gas	700 ¹	2,145,000	Based on HHV of natural gas

¹Based on 100% load at 108°F.

- c. The permittee shall limit operation of each of the two duct burners (EUs: A02 & A04) to up to an equivalent of 3,064 hours at full load at 108 °F (ambient temperature) at a maximum heat input in any consecutive 12-month period. *[NSR ATC Modification 2, Revision 2, Condition IV-A-3(b) (04/09/10)]*
- d. The permittee shall limit the operation of the auxiliary boiler (EU: A05) to 100,000 MMBtu heat input per any consecutive 12-month period, based on the higher heating value of natural gas. *[Renewal Application (04/24/2020), NSR ATC Modification 2, Revision 2, Condition IV-A-3(c) (04/09/10)]*
- e. The permittee shall limit the operation of the fire pump (EU: A06) for testing and maintenance purposes to 100 hours per year. The permittee may operate the fire pump up to 50 hours per year for nonemergency situations, but those hours count toward the 100 hours provided for testing and maintenance. *[Part 70 OP Renewal (4/28/2015), 40 CFR Part 63.6640(f)]*
- f. Startup shall be defined as the period beginning with ignition and lasting until a stationary gas turbine has reached a continuous and stable operating level and the catalyst has reached optimal operating temperature. Shutdown means the period immediately preceding the cessation of firing of a turbine, not to exceed 60 minutes. *[Renewal Application (04/24/2020), NSR ATC Modification 2, Revision 2, Condition IV-A-3(e) (04/09/10)]*
- g. Testing and tuning is defined as planned operation outside of normal emission limitations for the purposes of data collection, diagnostics, or operational adjustment (EUs: A01–A04). *[Renewal Application (04/24/2020)]*
- h. The permittee shall limit testing and tuning to 600 minutes per stationary gas turbine unit per calendar year (EUs: A01–A04). *[Renewal Application (04/24/2020)]*

3. Emission Controls

Turbines/Duct Burners

- a. The permittee shall combust only pipeline-quality natural gas in all stationary gas turbine units (EUs: A01–A04). *[NSR ATC Modification 2, Revision 2, Condition IV-B-1 (04/09/10)]*
- b. The permittee shall install and operate a selective catalytic reduction (SCR) system to control NO_x on each of the stationary gas turbine units. *[NSR ATC Modification 2, Revision 2, Condition IV-B-2 (04/09/10)]*
- c. NO_x exhaust emissions shall be further controlled with dry low NO_x combustors and good combustion practice (EUs: A01–A04). *[NSR ATC Modification 2, Revision 2, Condition IV-B-2 (04/09/10)]*

- d. The permittee shall install and operate an oxidation catalyst to control CO and VOC on each stationary gas turbine unit (EUs: A01–A04). *[NSR ATC Modification 2, Revision 2, Condition IV-B-6 (04/09/10)]*
- e. The permittee shall maintain and operate the SCR system and oxidation catalyst on each stationary gas turbine unit in accordance with the manufacturer's specifications and good operating practices. *[NSR ATC Modification 2, Revision 2, Condition IV-B-8 (04/09/10)]*
- f. The SCR and oxidation catalyst controls shall be operated at all times the associated stationary gas turbine units are operating, excluding periods of startup, shutdown, testing, and tuning (EUs: A01–A04). *[NSR ATC Modification 2, Revision 2, Condition IV-B-8 (04/09/10)]*
- g. The permittee shall control PM₁₀ exhaust emissions from each combined cycle system by properly maintaining and periodically replacing the inlet air filters preceding each stationary gas turbine. *[NSR ATC Modification 2, Revision 2, Condition IV-B-9 (04/09/10)]*

Auxiliary Boiler

- h. The permittee shall combust only natural gas in the boiler (EU: A05). *[NSR ATC Modification 2, Revision 2, Condition IV-B-14 (04/09/10)]*
- i. The permittee shall operate and maintain the boiler in accordance with the manufacturer's specifications (EU: A05). *[NSR ATC Modification 2, Revision 2, Condition IV-B-15 (04/09/10)]*

Diesel Engine

- j. The permittee shall operate the fire pump with a turbocharger and an aftercooler, and shall employ fuel injection timing retardation (EU: A06). *[NSR ATC Modification 2, Revision 2, Condition IV-B-18 (04/09/10)]*
- k. The permittee shall operate and maintain the fire pump engine in accordance with the manufacturer's emission-related operation and maintenance instructions (EU: A06). *[NSR ATC Modification 2, Revision 2, Condition IV-B-19 (04/09/10)]*
- l. The permittee shall comply with the following applicable requirements for the diesel fire pump (EU: A06) contained in 40 CFR Part 63.6603:
 - i. Change the oil and filter every 500 hours of operation or annually, whichever comes first;
 - ii. Inspect the air cleaner every 1,000 hours of operation or annually, whichever comes first; and
 - iii. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first.
- m. The permittee shall only combust diesel fuel with a maximum sulfur content of 15 ppm and either a minimum cetane index of 40 or a maximum aromatic content of 35 percent by volume in the fire pump (EU: A06). *[40 CFR 63.6604(b)]*

Other

- n. The permittee must comply with the control requirements contained in this section. If there is any inconsistency between standards or requirements, the most stringent standard or requirement shall apply. *[NSR ATC Modification 2, Revision 2, Condition IV-B-22 (04/09/10)]*
- o. The permittee and operator shall, under all conditions, maintain and operate the source in a manner consistent with good air pollution control practice for minimizing emissions, as required by 40 CFR Part 60.11. *[NSR ATC Modification 2, Revision 2, Condition IV-B-24 (04/09/10)]*

D. MONITORING

General

- 1. The source is subject to 40 CFR Part 60, Subparts A, Dc and KKKK; 40 CFR Part 63, Subpart ZZZZ; 40 CFR Part 70; 40 CFR Part 72; 40 CFR Part 73; and 40 CFR Part 75. It is the permittee's responsibility to know and comply with all requirements within these federal regulations. *[NSR ATC Modification 2, Revision 2, Condition IV-C-1 (04/09/10)]*

CEMS

- 2. To demonstrate continuous direct compliance with all emission limitations for NO_x and CO specified in this permit, the permittee shall install, calibrate, maintain, operate, and certify CEMS for NO_x, CO, and O₂ on each stationary gas turbine unit in accordance with 40 CFR Part 75 and 40 CFR Part 60, as applicable. Each CEMS shall include an automated data acquisition and handling system, and each system shall monitor and record at least the following data: *[AQR 12.5.2.6(d)]*
 - a. Exhaust gas concentrations of NO_x, CO, and diluent O₂, including in periods of startup and shutdown;
 - b. Exhaust gas flow rate (by direct or indirect methods);
 - c. Fuel flow rate;
 - d. Hours of operation;
 - e. 3-hour rolling averages each of NO_x and CO concentrations;
 - f. Hourly and 12-month rolling accumulated mass emissions of NO_x and CO; and
 - g. Hours of downtime of the CEMS.
- 3. All emissions recorded by the CEMS shall be reported in clock hour increments. Any clock hour that contains any part of a startup, shutdown, testing, or tuning event shall not be subject to the limits in Tables III-C-2 and III-C-3.

4. The permittee shall maintain and adhere to the latest quality assurance plan (QAP) for all CEMS submitted to and approved by DAQ, which shall include auditing schedules, reporting schedules, design specifications, and other quality assurance requirements for each CEMS. The CEMS shall conform to all provisions of 40 CFR Part 60.13 and 40 CFR Part 60, Subpart KKKK. Audit procedures shall conform to the provisions of 40 CFR Part 60, Appendix F. [AQR 12.5.2.6(d)]
5. The permittee shall conduct relative accuracy test audits (RATAs) of the CO, NO_x, and O₂ CEMS at least annually unless otherwise provided for in 40 CFR Part 60, Appendix F or in 40 CFR Part 75, Appendix B. [AQR 12.5.2.6(d)]

Visible Emissions

6. The responsible official shall sign and adhere to the *Visible Emissions Check Guidebook* and keep a copy of the signed guide on-site at all times.
7. The permittee shall conduct a visual emissions check at least quarterly on the diesel fire pump (EU: A06). If the fire pump does not operate during the calendar quarter, then no observation of it shall be required.
8. If a plume appears to exceed the opacity standard, the permittee shall do one of the following:
 - a. Immediately correct the perceived exceedance, then record the first and last name of the person who performed the emissions check, the date the check was performed, the unit(s) observed, and the results of the observation; or
 - b. Call a certified Visible Emissions Evaluation (VEE) reader to perform an EPA Method 9 evaluation.
 - i. For sources required to have a certified reader on-site, the reader shall start Method 9 observations within 15 minutes of the initial observation. For all other sources, the reader shall start Method 9 observations within 30 minutes of the initial observation.
 - ii. If no opacity exceedance is observed, the certified VEE reader shall record the first and last name of the person who performed the VEE, the date the VEE was performed, the unit(s) evaluated, and the results. A Method 9 VEE form shall be completed for each emission unit that was initially perceived to have exceeded the opacity limit, and the record shall also indicate:
 - (1) The cause of the perceived exceedance;
 - (2) The color of the emissions; and
 - (3) Whether the emissions were light or heavy.
 - iii. If an opacity exceedance is observed, the certified VEE reader shall take immediate action to correct the exceedance. The reader shall then record the first and last name of the person performing the VEE, the date the VEE was performed, the unit(s) evaluated, and the results. A Method 9 VEE form shall be completed for each reading identified, and the record shall also indicate:
 - (1) The cause of the exceedance;

- (2) The color of the emissions;
 - (3) Whether the emissions were light or heavy;
 - (4) The duration of the emissions; and
 - (5) The corrective actions taken to resolve the exceedance.
9. Any scenario of visible emissions noncompliance can and may lead to enforcement action.

Auxiliary Boiler

10. The permittee shall monitor the monthly fuel usage of the auxiliary boiler (EU: A05). *[NSR ATC Modification 2, Revision 2, Condition IV-C-14 (04/09/10)]*
11. The permittee shall perform a burner efficiency test twice each calendar year, at least five months apart but no more than seven. (EU: A05)
12. The permittee may perform a burner efficiency test once each calendar year if the actual hours of operation are less than 50. To exercise this option, the permittee must install an hour meter and begin keeping written records before the start of the calendar year. (EU: A05)
13. The permittee may replace one contemporaneously-required burner efficiency test with a performance test that has acceptable results.

Turbines

14. The permittee shall monitor the installation and condition of the inlet air filters preceding each stationary gas turbine quarterly. *[AQR 12.5.2.6(d)]*
15. The permittee may elect not to monitor the total sulfur content of the fuel combusted in the turbines if the fuel is demonstrated not to exceed potential sulfur emissions of 0.060 lb SO₂/MMBtu heat input. The permittee shall use one of the following sources of information to make the required demonstration: *[NSR ATC, Condition III-C-6 (02/04/2020); 40 CFR Part 60.4365]*
 - a. The gas quality characteristics in a current, valid purchase contract, tariff sheet, or transportation contract for the fuel specifying that the maximum total sulfur content of the fuel is 20 grains/100 standard cubic feet or less, and documentation that potential sulfur emissions are less than 0.060 lb SO₂/MMBtu heat input; or
 - b. Representative fuel sampling data showing that the sulfur content of the fuel does not exceed 0.060 lb SO₂/MMBtu heat input. At a minimum, the amount of fuel sampling data specified in Sections 2.3.1.4 or 2.3.2.4 of 40 CFR Part 75, Appendix D is required.

Diesel Engine

16. The permittee shall monitor the sulfur content, and cetane index or aromatic content of the fuel burned in the fire pump (EU: A06) by retaining a copy of vendor fuel specifications. *[40 CFR 63.6604(b)]*

17. The permittee shall operate the fire pump (EU: A06) with a nonresettable hour meter and monitor the duration of operation for testing, maintenance, and nonemergency operation, and separately for emergencies. [40 CFR Part 63.6625(f)]

E. TESTING

1. Performance testing is subject to 40 CFR Part 60, Subparts A and Dc; 40 CFR Part 72; and DAQ's *Guideline for Source Testing*. [AQRs 14.1.b.40, 14.1.b.3, 14.1.b.5, & 12.5]
2. The permittee shall conduct performance tests on the auxiliary boiler (EU: A05) for NO_x, CO, and stack gas parameters in accordance with the test methods summarized in Table III-D-1 once every five years within 90 days of the anniversary date of the last performance test. [NSR ATC Modification 2, Revision 2, Condition IV-D-9 (04/09/10)]

Table III-D-1: Performance Testing Requirements for Auxiliary Boiler

Test Point	Pollutant	Method
Boiler Exhaust Outlet Stack	NO _x	EPA Method 7E
Boiler Exhaust Outlet Stack	CO	EPA Method 10 analyzer
Stack Gas Parameters	—	EPA Methods 1, 2, 3A, and 4 ¹

¹Method 4 is not required if the source uses Method 19 to calculate exhaust flow rate with an F factor derived from a site-specific fuel sample test.

3. Upon completion of the Combustion Turbine Upgrade Project (permitted in 2019–2020), the permittee shall conduct initial performance tests for NO_x on the modified combustion turbines and duct burners (EUs: A01/A02 and A03/A04) within 60 days of achieving the maximum production rate at which the affected facility will be operated, but no later than 180 days after initial startup of each facility, per the requirements of 40 CFR Part 60.8 and DAQ's *Guideline for Source Testing*. Alternatively, the permittee may use the CEMS RATA procedures under 40 CFR Part 60.4405 to fulfill the requirements for performance testing under 40 CFR Part 60.8. This requirement has been met for EUs: A01 and A02 on 1/5/2021 and 9/22/2020, respectively. [40 CFR Parts 60.4400 & 60.4405]

F. RECORDKEEPING

1. The permittee shall comply with all applicable recordkeeping requirements of 40 CFR Part 60.7; 40 CFR Part 60, Subparts KKKK and Dc; 40 CFR Part 72; 40 CFR Part 75, Subpart F; and any other applicable regulations. [AQR 12.5.2.6(d)(2)]
2. The permittee shall maintain the following records on-site: [AQR 12.5.2.6(d)(2)]

Turbines and Duct Burners (EUs: A01/A02 and A03/A04)

- a. Hourly quantity of natural gas consumed in each stationary gas turbine;
- b. Hourly quantity of natural gas consumed in each duct burner;
- c. Date of inspection of the inlet air filters for each stationary gas turbine;
- d. Dates of replacement of the inlet air filters for each stationary gas turbine;

- e. Sulfur content of natural gas;

Auxiliary Boiler (EU: A05)

- f. Monthly fuel consumption for the auxiliary boiler;
- g. Burner efficiency tests performed on the auxiliary boiler;

Fire Pump (EU: A06)

- h. Diesel fire pump inspection/maintenance as required by this permit;
- i. The sulfur content, and cetane index or aromatic content of diesel fuel used to power the fire pump (EU: A06) as certified by the supplier;

CEMS

- j. CEMS audit results or accuracy checks, corrective actions, etc., as required by Appendix F of 40 CFR Part 60 and the CEMS quality assurance plan;
- k. All CEMS information required by the CEMS monitoring plan, as specified in 40 CFR Part 75, Subpart F;
- l. Time, duration, nature, and probable cause of any CEMS downtime and corrective actions taken;
- m. Annual relative accuracy test audits (RATA) results for CEMS;

Other

- n. Log of visible emissions checks;
- o. Dates, times, and duration of each startup and shutdown cycle;
- p. Monthly, consecutive 12-month total emissions for each emission unit in tons per year;
- q. Quantity and duration of excess emissions, notifications, monitoring system performance, malfunctions, corrective actions taken, etc., as required by 40 CFR Part 60.7;
- r. Copies of all reports, compliance certifications, and other submissions, as well as all records produced or required under the Acid Rain Program;
- s. Certificates of representation for the designated representative and the alternate designated representative that meet all requirements of 40 CFR Part 72.24;
- t. Copies of all documents used to complete an Acid Rain Permit application and any other submission under the Acid Rain Program, or to demonstrate compliance with the requirements of the Acid Rain Program; and
- u. Results of all performance testing.

3. The permittee shall maintain the following records for reporting: *[AQR 12.5.2.6(d)]*
 - a. Monthly, consecutive 12-month total natural gas consumed by each stationary gas turbine (EUs: A01 and A03);
 - b. Monthly, consecutive 12-month total natural gas consumed by each duct burner (EUs: A02 and A04);
 - c. Monthly, consecutive 12-month total hours of operation for each duct burner;
 - d. Monthly, consecutive 12-month total hours of operation for the auxiliary boiler (EU: A05);
 - e. Monthly, consecutive 12-month total natural gas consumed by the auxiliary boiler (EU: A05);
 - f. Monthly hours of operation of the fire pump engine for testing and maintenance purposes, and separately for operation during emergency (EU: A06);
 - g. Deviations from permit requirements resulting in excess emissions (report as required by Section II-D);
 - h. Deviations from permit requirements not resulting in excess emissions;
 - i. Burner efficiency test results on the auxiliary boiler; and
 - j. Date, time, and duration of testing and tuning events, and the purpose for testing and tuning.
4. The permittee shall include in each record above, where applicable, the date and time the monitoring or measurement was taken, the person performing the monitoring or measurement, and the emission unit or location where the monitoring or measurement was performed. Each record must also contain the action taken to correct any deficiencies, when applicable. *[AQR 12.5.2.6(d)]*
5. All records and logs, or copies thereof, shall be kept on-site for a minimum of five years from the date the measurement or data was entered, and shall be made available to DAQ upon request. *[AQR 12.5.2.6(d)(2)(B)]*
6. The Control Officer reserves the right to impose additional requirements concerning records and recordkeeping for this source. *[AQR 12.5.2.6(d)(2)(B)]*

G. REPORTING

1. The permittee shall comply with all applicable notification and reporting requirements of 40 CFR Part 60.7; 40 CFR Part 60, Subparts Dc and KKKK; 40 CFR Part 63, Subpart ZZZZ; 40 CFR Part 72.9(f); and 40 CFR Part 75. *[AQR 12.5.2.6(d)]*
2. The designated representative (or alternate designated representative) of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those in 40 CFR Part 72, 40 CFR Part 73, and 40 CFR Part 75. *[40 CFR Part 72.9(f)]*

3. All reports, including those related to compliance and RATA performance testing, shall contain the following: *[AQR 12.5.2.6(d)]*
 - a. A certification statement on the first page, i.e., “I certify that, based on information and belief formed after reasonable inquiry, the statements contained in this document are true, accurate and complete.” A sample form is available from DAQ; and
 - b. A certification signature from a responsible official of the company, along with a date certification.
4. The permittee shall submit reports to the Control Officer every six months. *[AQR 12.5.2.6(d)]*
5. The following requirements apply to semiannual reports: *[AQR 12.5.2.6(d)]*
 - a. The report shall include the items listed in Section III-F-3 of this permit.
 - b. The report shall include summaries of any permit deviations, their probable cause, and corrective or preventative actions taken.
 - c. The report shall be based on six calendar months, including partial calendar months.
 - d. The report shall be received by DAQ within 30 calendar days after the reporting period.
6. Regardless of the date of issuance of this Part 70 OP, the source shall comply with the schedule for report submissions in Table III-G-1.

Table III-G-1: Required Submission Dates for Various Reports

Required Report	Applicable Period	Due Date
Semiannual report for 1 st six-month period	January, February, March, April, May, June	July 30 each year ¹
Semiannual report for 2 nd six-month period; any additional annual records required	July, August, September, October, November, December	January 30 each year ¹
Annual Compliance Certification	Calendar year	January 30 each year ¹
Annual Emission Inventory Report	Calendar year	March 31 each year ¹
Annual Emission Statement ²	Calendar year	March 31 each year ¹
Notification of Malfunctions, Startup, Shutdowns, or Deviations with Excess Emission	As required	Within 24 hours of the permittee learns of the event
Report of Malfunctions, Startup, Shutdowns, or Deviations with Excess Emission	As required	Within 72 hours of the notification
Deviation Report without Excess Emissions	As required	Along with semiannual reports ¹
Excess Emissions that Pose a Potential Imminent and Substantial Danger	As required	Within 12 hours of the permittee learns of the event
Performance Testing Protocol	As required	No less than 45 days, but no more than 90 days, before the anticipated test date ¹

Required Report	Applicable Period	Due Date
Performance Testing	As required	Within 60 days of end of test ¹
RATA Testing	As required	Within 45 days of end of test ¹

¹ If the due date falls on a Saturday, Sunday, or federal or Nevada holiday, the submittal is due on the next regularly scheduled business day.

² Required only for stationary sources that emit 25 tons or more of NO_x and/or emit 25 tons or more of VOCs during a calendar year.¹If the due date falls on a Saturday, Sunday, or federal or Nevada holiday, the submittal is due on the next regularly scheduled business day.

7. The Control Officer reserves the right to require additional reporting to verify compliance with permit conditions, permit requirements, and requirements of applicable regulations. *[AQR 4.1 & AQR 12.5.2.6(d)]*
8. A Risk Management Plan is required for the storing, handling and use of ammonia or aqueous ammonia, pursuant to 40 CFR Part 68. The permittee shall submit revisions of the plan to the appropriate authority, with a copy to DAQ. *[40 CFR Part 68.150(b)(3)]*

IV. MITIGATION

No federal offset requirements have been identified. *[AQR 12.7]*

V. ACID RAIN REQUIREMENTS

1. In accordance with the provisions of Title IV of the Clean Air Act and 40 CFR Parts 72 through 77, this Acid Rain Permit is issued to Nevada Power Company's (d/b/a NV Energy) Walter M. Higgins III Generating Station, Primm, Nevada.
2. All terms and conditions of the Acid Rain Permit are enforceable by DAQ and EPA under the Clean Air Act. *[40 CFR Part 72]*
3. The permittee shall comply with all the applicable requirements of the Acid Rain Permit Application, provided in Attachment 1. *[40 CFR Part 72.30]*
4. This Acid Rain Permit incorporates the definitions of terms in 40 CFR Part 72.2.
5. This permit is valid for a term of five years from the date of issuance unless a timely and complete renewal application is submitted to DAQ. *[40 CFR Part 72.69]*
6. A timely renewal application is an application that is received at least six months prior to the permit expiration date. *[40 CFR Part 72.30]*
7. Emissions from this source shall not exceed any allowances that the source lawfully holds under Title IV of the Act or its regulations. *[AQR 12.5 and 40 CFR Part 70.6(a)(4)]*
8. Where an applicable requirement of the Clean Air Act is more stringent than an applicable requirement of Title IV regulations, both provisions shall be incorporated into the permit and be enforceable. *[40 CFR Part 70.6(a)(1)(ii)]*

VI. OTHER REQUIREMENTS

- The permittee shall not use, sell, or offer for sale any fluid as a substitute material for any motor vehicle, residential, commercial, or industrial air conditioning system, refrigerator freezer unit, or other cooling or heating device designated to use a chlorofluorocarbon or hydrochlorofluorocarbon compound as a working fluid, unless such fluid has been approved for sale in such use by the Administrator. The permittee shall keep record of all paperwork relevant to the applicable requirements of 40 CFR Part 82 on-site. *[40 CFR Part 82]*

VII. PERMIT SHIELD

- Compliance with the terms contained in this permit shall be deemed compliant with the applicable requirements in Table VII-1 that becomes effective on the date of permit issuance: *[AQR 12.5.2.9]*

Table VII-1: Permit Shield

EU	Regulation (40 CFR)	Pollutant	Regulatory Standard		Permit Limit		Value Comparison			Averaging Period Comparison			Shield Statement
			Value	Units	Value	Units	Standard Value, in Units of Permit Limit	Permit Limit Value	Is Permit Limit Equal or More Stringent?	Standard Averaging Period	Permit Limit Averaging Period	Is Permit Limit Equal or More Stringent?	
A01/A02 A03/A04	60.4320 (KKKK), Table 1	NO _x	15 ¹	ppmvd @ 15% O ₂	2.5	ppmvd @ 15% O ₂	15	2.5	Yes	30-day rolling	3 hour	Yes	The permit limit is more stringent than the standard, based upon both concentration and averaging time, therefore the facility should be shielded from the standard.
A01/A02 A03/A04	60.4330 (KKKK)	NO _x	96 ²	ppmvd @ 15% O ₂	2.5	ppmvd @ 15% O ₂	96	2.5	Yes	30-day rolling	3 hour	Yes	

¹ The 40 CFR Part 60 Table 1 NO_x standard for modified turbine firing natural gas with heat input >850 MMBtu/hour.
² The 40 CFR Part 60 Table 1 NO_x standard for turbine >30 MW operating at less than 75% of peak load.

ATTACHMENT 1: ACID RAIN PERMIT APPLICATION

See Next Page.

STEP 3

Permit Requirements

Read the standard requirements.

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

Monitoring Requirements

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

Sulfur Dioxide Requirements

- (1) The owners and operators of each source and each affected unit at the source shall:
 - (i) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and
 - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
 - (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
 - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).
- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements

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

STEP 3, Cont'd.

Excess Emissions Requirements

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

Recordkeeping and Reporting Requirements

- (1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
 - (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
 - (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
 - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
 - (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability

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

STEP 3, Cont'd.

Effect on Other Authorities

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


- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (2) Limiting the number of allowances a source can hold; provided, that the number of allowances held by the source shall not affect the source's obligation to comply with any other provisions of the Act;
- (3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
- (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
- (5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

STEP 4

Certification

Read the certification statement, sign, and date.

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

Name	Dariusz Rekowski	
Signature		Date 04/23/2020