



NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
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AIR POLLUTION CONTROL PERMIT TO CONSTRUCT

Permittee: Name: Great River Energy Address: 12300 Elm Creek Boulevard Maple Grove, MN 55369-4718	Permit Number: PTC 07026 Source Name: Spiritwood Station
Source Location: Sec. 22, T140N, R62W, Spiritwood, ND Stutsman County	Source Type: Combined Heat and Power Plant

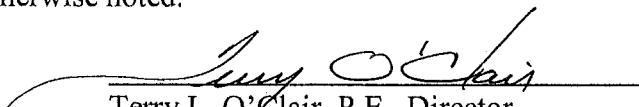
Expiration Date:

See Condition 6.B.2

Pursuant to Chapter 23-25 of the North Dakota Century Code, and the Air Pollution Control Rules of the State of North Dakota, Article 33-15 of the North Dakota Administrative Code (NDAC), and in reliance on statements and representations heretofore made by the permittee designated above, a Permit to Construct is hereby issued authorizing such permittee to construct and initially operate the emissions unit(s) at the location designated above. This Permit to Construct is subject to all applicable rules and orders now or hereafter in effect of the North Dakota Department of Health and to any conditions specified on the following pages. All conditions are enforceable by EPA and citizens under the Clean Air Act unless otherwise noted.

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Spiritwood Station
Permit to Construct
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Abbreviations and Acronyms

acfm	-	Actual Cubic Feet Per Minute
ASTM	-	American Society for Testing and Materials
avg.	-	Average
BACT	-	Best Available Control Technology
BMP	-	Best Management Practices
CEMS	-	Continuous Emissions Monitoring System
CFB	-	Circulating Fluidized Bed
CHP	-	Combined Heat and Power
CO	-	Carbon Monoxide
dscf	-	Dry Standard Cubic Feet
EP	-	Emission Point
EU	-	Emission Unit
FGD	-	Flue Gas Desulfurization
gr	-	Grains
HAP	-	Hazardous Air Pollutant
hr	-	Hour
H ₂ SO ₄ Mist	-	Sulfuric Acid Mist
lb/hr	-	Pounds Per Hour
lb/10 ⁶ Btu	-	Pounds Per Million British Thermal Units
lb/hp-hr	-	Pounds Per Horsepower Hour
L.I.	-	Limestone Injection

LNB	-	Low NO _x Burner
min.	-	Minute
MWe	-	Megawatts of Electricity
NO _x	-	Nitrogen Oxides
N/A	-	Not Applicable
NCASI	-	National Council for Air and Stream Improvement
NSPS	-	New Source Performance Standards (40 CFR 60)
PM	-	Particulate Matter
PM ₁₀	-	Particulate Matter Equal to or Less Than 10 Micrometers in Diameter
PSD	-	Prevention of Significant Deterioration
PUN	-	Process Unit Number
r.a.	-	Rolling average
scf	-	Standard Cubic Feet
SD	-	Spray Dryer
SNCR	-	Selective Non-Catalytic Reduction
SO ₂	-	Sulfur Dioxide
TBD	-	To Be Determined
TP	-	Transfer Point
ULNB	-	Ultra Low NO _x Burner
VOC	-	Volatile Organic Compounds
12-m.r.a.	-	12-Month Rolling Average
12-m.r.t.	-	12-Month Rolling Total
24-hr.b.a.	-	24-Hour Block Average

- 24-hr.d.a. - 24-Hour Daily Average
- 30-d.r.a. - 30-Day Rolling Average

1. **General Information:**

- A. Facility Name: Spiritwood Station
- B. Source Classification: PSD Major Source, HAP Area Source
- C. Process Description: Great River Energy has proposed to construct a combined heat and power generating unit (power plant) to provide electricity to the grid and process steam to both Cargill's malt plant and Spirit Ethanol's proposed ethanol plant. The facility will be known as the Spiritwood Station.

The plant will operate a coal-fired circulating fluidized bed (CFB) main boiler with a nominal maximum heat input of $1,280 \times 10^6$ Btu/hr coupled to a steam turbine generator with a maximum rated capacity of approximately 112/99 MWe (gross/net) generating capacity. For the first two years the plant operates (until the main boiler is operational) and as needed thereafter, two natural gas-fired auxiliary (package) boilers will supply steam for the ethanol plant (and possibly the malting plant) as necessary to meet the demand (maximum input capacity of 281×10^6 Btu/hr each). The maximum continuous rated combined heat input for the facility will be approximately $1,842 \times 10^6$ Btu/hr (main boiler + two auxiliary boilers).

For the main boiler, beneficiated (dried) crushed lignite is the primary fuel and raw lignite is the secondary fuel. The moisture content of the beneficiated lignite is expected to be approximately 25.8% with 36.4% expected for raw lignite. The beneficiated lignite is expected to be prepared at or near Great River Energy's Coal Creek Station, transported by railcar to Spiritwood Station, and unloaded into a receiving hopper in an enclosed area. The coal will then be transferred to a coal storage silo by conveyors. From the silo, the lignite will be conveyed by a bucket elevator to coal bunkers where it will be conveyed and injected into the main boiler with combustion air.

2. **Emission Unit(s) Identification:**

The emission units regulated by this permit are as follows:

Table 1
Emission Units

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
Main Boiler ($1,280 \times 10^6$ Btu/hr nominal heat input)	1	1	Baghouse L.I./S.D. SNCR
Coal Unloading (360 tph)	2	2a & 2b	Baghouse
Coal Silo (150 tph)	3	3	Baghouse
Coal Silo Discharge (150 tph)	4		
Coal Bunker (155 tph)	5		

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
Limestone Unloading/Limestone Silo (30 tph)	6	6	Baghouse
Lime Unloading/Lime Silo (30 tph)	7	7	Baghouse
Bed Material Silo (13 tph)	8	8	Baghouse
Recycle Ash Silo (53 tph)	9	9	Baghouse
Waste Ash Silo (13 tph)	10	10	Baghouse
Waste Ash Loadout (70 tph)	11	11	Baghouse
Two Auxiliary Boilers (281 x 10 ⁶ Btu/hr maximum nominal heat input each; natural gas/ propane/ distillate oil-fired)	13 & 14	14	LNB with FGR
Fire Water Pump Engine (350 bhp diesel)	15	15	None
Cooling Tower (80,000 gpm)	16	16	Drift Eliminator
Propane Vaporizer (14.6 x 10 ⁶ Btu/hr nominal; propane-fired)	17	17	ULNB/LNB with FGR***
Tank (500,000 gal. fixed roof for distillate oil for aux. boilers)	19*	19	None
Tank (500 gal. horizontal diesel tank for fire pump)	20*	20	None
Coal Car Heaters (nominal total 14 x 10 ⁶ Btu/hr; natural gas/propane-fired)	22**	2	Baghouse
Numerous Natural Gas-Fired Space Heaters (approximately 0.1 x 10 ⁶ Btu/hr each and 1.0 x 10 ⁶ Btu/hr total)	*	Various	None

* Insignificant unit and/or activity with no emission limit

** Coal car heaters emit into the coal unloading building; particulate emissions are controlled by the coal unloading building baghouse.

3. Construction Restrictions:

- A. This Permit to Construct allows the construction and initial operation of the above-mentioned source. The source may be operated under this Permit to Construct until a Permit to Operate is issued unless this permit is suspended or revoked. The source is subject to all applicable rules, regulations, and orders now or hereafter in effect of the North Dakota Department of Health (hereafter referred to as the Department) and to the conditions specified herein.
- B. This Permit to Construct is issued in reliance upon the accuracy and completeness of the information set forth in the application. Notwithstanding the tentative nature of this information, the conditions of this permit herein become, upon the effective date of this permit, enforceable by the Department pursuant to any remedies it now has or may in the future have, under the North Dakota Air Pollution Control Law, NDCC Chapter 23-25. Each and every condition of this permit is a material part thereof, and is not severable.

Applicable Requirement: NDAC 33-15-14-02

4. **Fuel Restrictions:**

- A. EU 1 shall be operated using only beneficiated lignite or lignite, or blended combinations of beneficiated lignite and lignite. During startup, ignitor testing and stabilizing firing conditions, natural gas containing 2 or less grains sulfur per 100 scf by weight or commercial grade propane may be used.
- B. EU 13 and EU 14 shall be operated using only natural gas containing 2 or less grains sulfur per 100 scf by weight, commercial grade propane, or distillate oil containing 0.05% or less sulfur by weight.
- C. EU 15 shall be operated using only distillate oil containing 0.05% or less sulfur by weight.

Fuels other than those listed above may be burned if approved in advance by the Department and compliance with the applicable emission limits is maintained.

Applicable Requirement: NDAC 33-15-14-02.9.f

5. **Emission Unit(s) Limits:**

- A. Startup, Shutdown and Malfunction: Emission limits on a lb/hr basis, visible emissions limits, and work practice standards specified in this permit apply at all times including startup, shutdown, and malfunction. The lb/10⁶ Btu limits do not apply during startup or shutdown. Notwithstanding this exemption, the permittee must still comply with any requirements or limits established in the New Source Performance Standards (NDAC 33-15-12) or other chapters of NDAC 33-15 that are applicable during startup or shutdown.
- B. 3-Hour Average: For purposes of this permit, a 3-hour average shall mean the average of the results from three emissions test runs conducted for the length of run specified in Table 3.
- C. 24-hour Daily Average (24-hr.d.a): 24-hour daily average shall mean the average of operating hour averages from midnight to midnight.
- D. 30-Day Rolling Average (30-d.r.a): 30-Day rolling average shall mean the average of 30 successive boiler operating days.
- E. Boiler Operating Day: Boiler operating day shall have the meaning given in the revised NSPS Subpart Da, published in the Federal Register on February 27, 2006 (71 FR 9866), as it applies to new units, and means: a 24-hour period between 12 midnight and the following midnight during which any fuel is combusted at any time in the steam generating unit. It is not necessary for fuel to be combusted for the entire 24-hour period.

Applicable Requirements: NDAC 33-15-12 and 40 CFR Part 60, Subpart Da

Emission limits are as follows:

Table 2
 Emission Limits

Emission Unit Description	EU	EP	Pollutant/Parameter	Emission Limit	NDAC Applicable Requirement
Main Boiler (1,280 x 10 ⁶ Btu/hr nominal heat input)	1	1	PM ₁₀ (filterable)	0.012 lb/10 ⁶ Btu (3-hr.avg.)	33-15-15-01.2 (BACT)
			PM ₁₀ (filterable & condensable)	0.030 lb/10 ⁶ Btu (3-hr.avg.) & 38.310 lb/hr (3-hr.avg.)	33-15-15-01.2 (BACT) 33-15-15-01.2 (BACT)
			PM (filterable)	0.015 lb/10 ⁶ Btu (3-hr.avg.)	33-15-15-01.2 (BACT)
			SO ₂	0.060 lb/10 ⁶ Btu (30-d.r.a.) & 372.3 lb/hr (3-hr.r.a.) & 113.7 lb/hr (24-hr.d.a)	33-15-15-01.2 (BACT) 33-15-15-01.2 33-15-15-01.2
				& 1.4 lb/MWe-hr gross or 95% reduction (30-d.r.a.)	33-15-12-02 & 40 CFR 60, Subpart Da
			NO _x	0.090 lb/10 ⁶ Btu (30-d.r.a.) ^{a,b} & 1.0 lb/MWe-hr gross (30-d.r.a.) ^b & 114.9 lb/hr (24-hr.d.a) ^c & 115.2 lb/hr (30-d.r.a.) ^{a,b}	33-15-15-01.2 (BACT) 33-15-12-02 & 40 CFR 60, Subpart Da 33-15-15-01.2 (BACT) 33-15-02-04
			CO	0.15 lb/10 ⁶ Btu (30-d.r.a.) ^a & 191.5 lb/hr (24-hr.d.a.) ^c & 192.0 lb/hr (30-d.r.a.) ^{a,b}	33-15-15-01.2 (BACT) 33-15-15-01.2 (BACT) 33-15-02-04
			VOC	0.007 lb/10 ⁶ Btu (3-hr.avg.) & 9.0 lb/hr (3-hr avg.)	33-15-15-01.2 (BACT) 33-15-19-02
			Opacity	10% (6-min. avg.) (See Cond. 5.F.3)	33-15-15-01.2 (BACT)
H ₂ SO ₄ Mist	0.006 lb/10 ⁶ Btu (3-hr.avg.) ^b	33-15-15-01.2 (BACT)			

Emission Unit Description	EU	EP	Pollutant/Parameter	Emission Limit	NDAC Applicable Requirement
Coal Unloading	2	2a & 2b	PM/PM ₁₀	0.005 gr/dscf & 4.2 lb/hr (3-hr avg.)	33-15-15-01.2 (BACT) 33-15-15-01.2
			Opacity	5% (6-min. avg.)	33-15-15-01.2 (BACT)
Coal Silo	3	3	PM/PM ₁₀	0.005 gr/dscf & 0.69 lb/hr (3-hr avg.)	33-15-15-01.2 (BACT) 33-15-15-01.2
Coal Silo Discharge	4		Opacity	5% (6-min. avg.)	33-15-15-01.2 (BACT)
Coal Bunker	5		PM/PM ₁₀	0.005 gr/dscf & 0.11 lb/hr (3-hr avg.)	33-15-15-01.2 (BACT) 33-15-15-01.2
Limestone Unloading/ Limestone Silo	6	6	PM/PM ₁₀	0.005 gr/dscf & 0.11 lb/hr (3-hr avg.)	33-15-15-01.2 (BACT) 33-15-15-01.2
			Opacity	5% (6-min. avg.)	33-15-15-01.2 (BACT)
Lime Unloading/ Lime Silo	7	7	PM/PM ₁₀	0.005 gr/dscf & 0.04 lb/hr (3-hr avg.)	33-15-15-01.2 (BACT) 33-15-15-01.2
			Opacity	5% (6-min. avg.)	33-15-15-01.2 (BACT)
Bed Material Silo	8	8	PM/PM ₁₀	0.005 gr/dscf & 0.04 lb/hr (3-hr avg.)	33-15-15-01.2 (BACT) 33-15-15-01.2
			Opacity	5% (6-min. avg.)	33-15-15-01.2 (BACT)
Recycle Ash Silo	9	9	PM/PM ₁₀	0.005 gr/dscf & 0.11 lb/hr (3-hr avg.)	33-15-15-01.2 (BACT) 33-15-15-01.2
			Opacity	5% (6-min. avg.)	33-15-15-01.2 (BACT)
Waste Ash Silo	10	10	PM/PM ₁₀	0.005 gr/dscf & 0.11 lb/hr (3-hr avg.)	33-15-15-01.2 (BACT) 33-15-15-01.2
			Opacity	5% (6-min. avg.)	33-15-15-01.2 (BACT)
Waste Ash Loadout	11	11	PM/PM ₁₀	0.005 gr/dscf & 0.04 lb/hr (3-hr. avg.)	33-15-15-01.2 (BACT) 33-15-15-01.2
			Opacity	5% (6-min. avg.)	33-15-15-01.2 (BACT)

Emission Unit Description	EU	EP	Pollutant/Parameter	Emission Limit	NDAC Applicable Requirement
Two Auxiliary Boilers (281 x 10 ⁶ Btu/hr nominal heat input each; natural gas/ propane/ distillate oil-fired)	13 & 14	14 ^d	PM/PM ₁₀ dist. oil	0.03 lb/10 ⁶ Btu (3-hr.avg.)	33-15-1-01.2 (BACT)
			NO _x / natural gas	0.035 lb/10 ⁶ Btu (30-d.r.a.) ^b & 9.8 lb/hr (30-d.r.a.)	33-15-15-01.2 (BACT) 33-15-15-01.2
			propane	0.05 lb/10 ⁶ Btu (30-d.r.a.) ^b & 14.0 lb/hr (30-d.r.a.)	33-15-15-01.2 (BACT) 33-15-15-01.2
			dist. oil	0.13 lb/10 ⁶ Btu (30-d.r.a.) ^b & 35.0 lb/hr (30-d.r.a.)	33-15-15-01.2 (BACT) 33-15-15-01.2
			CO/ natural gas or propane	0.08 lb/10 ⁶ Btu (30-d.r.a.) ^b	33-15-15-01.2 (BACT)
			dist. oil	0.04 lb/10 ⁶ Btu (30-d.r.a.) ^b	33-15-15-01.2 (BACT)
			VOC/ natural gas, propane or dist. oil	0.005 lb/10 ⁶ Btu (3-hr. avg.) ^b	33-15-15-01.2 (BACT)
			Opacity/ natural gas, propane or dist. oil	10% (6-min. avg.) (See Cond. 5.F.3)	33-15-15-01.2 (BACT)
Fire Pump Engine (350 bhp diesel)	15	15	Operating Hrs	500 hr/yr (12-m.r.t.)	33-15-14-02.9
			HC/NO _x /CO/PM	(See Cond. 6.D)	33-15-12-02 / 40 CFR 60 Subpart III & 33-15-15-01.2 (BACT)
			Opacity	20% (See Cond. 5.F.1)	33-15-15-01.2 (BACT)
Cooling Tower (80,000 gpm)	16	16	PM/PM ₁₀	See Cond. 6.C.1) & 2)	33-15-15-01.2 (BACT)

Emission Unit Description	EU	EP	Pollutant/Parameter	Emission Limit	NDAC Applicable Requirement
Propane Vaporizer (14.6 x 10 ⁶ Btu/hr nominal; propane-fired)	17	17	NO _x	0.04 lb/10 ⁶ Btu (3-hr avg.)	33-15-15-01.2 (BACT)
			CO	0.08 lb/10 ⁶ Btu (3-hr. avg.)	33-15-15-01.2 (BACT)
			VOC	(See Cond. 6.C.1)	33-15-15-01.2 (BACT)
			Opacity	10% (6-min. avg.) (See Cond. 5.F.1)	33-15-15-01.2 (BACT)
Coal Car Heaters	22	22	Opacity	10% (See Cond. 5.F.1)	33-15-15-01.2 (BACT)

Notes:

- a Excludes operating days when the daily average heat input is less than 772 x 10⁶ Btu/hr.
- b Does not apply during startup and shutdown.
- c Applicable only on operating days when the 24-hour daily average heat input is less than 772 x 10⁶ Btu/hr.
- d Emission limit is per boiler. The EP 14 stack limit is the sum of the limits available for each auxiliary boiler that is operating.

F. Visible Emissions Limits: The emission units listed above, other than those which have a limit of 5% opacity, shall not exceed the following opacity limits:

- 1) Point Sources: Twenty percent, except that a maximum of 40% is permissible for not more than one six-minute period per hour. This standard applies at all times. Compliance with this visible emissions standard shall be determined by conducting observations in accordance with NDAC 33-15-03-05 (Method 9 of 40 CFR 60, Appendix A as incorporated by reference into NDAC 33-15-12).

Applicable Requirement: NDAC 33-15-03-02

- 2) Fugitive Emissions: The permittee shall not discharge into the ambient air any air contaminant which exhibits an opacity greater than 40% for more than one six-minute period per hour. Such visible emissions shall have been visibly transported off the property of emission origination and remains visible to an observer positioned off said property when sighting along a line which does not cross the property of emission origination.

Applicable Requirement: NDAC 33-15-03-03

- 3) Boilers: The permittee shall not discharge into the atmosphere any gases that exhibit greater than 10% opacity (six-minute average), except for one six-minute period per hour of not more than 27% opacity.

Applicable Requirement: NDAC 33-15-15-01.4.C (BACT)

6. **Other Conditions:**

- A. Compliance: The permittee shall comply with all State and Federal environmental laws and rules. In addition, the permittee shall comply with all local building, fire, zoning, and other applicable ordinances, codes, rules and regulations.

Applicable Requirement: NDAC 33-15-14-06.5.b(1)

- B. Construction: Construction of the facility shall be in accordance with information provided in the Permit to Construct application as well as any plans, specifications and supporting data submitted to the Department.

1) Deviations:

- a) The Department shall be notified at least ten days in advance of any significant deviations from the Permit to Construct application as well as any plans, specifications or supporting data furnished. The issuance of this Permit to Construct may be suspended or revoked if the Department determines that a significant deviation from the plans permit application, specifications, and supporting data furnished has been or is to be made.
- b) Any violation of a condition issued as part of this Permit to Construct as well as any construction which proceeds in variance with any information submitted in the application, is regarded as a violation of construction authority and is subject to enforcement action.

- 2) Construction Commencement: This Permit to Construct shall become invalid if construction is not commenced within eighteen months after receipt of such permit, if construction is discontinued for a period of eighteen months or more; or if construction is not completed within a reasonable time. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified.

- 3) Initial Startup: A notification of the anticipated date of initial startup of the facility must be submitted to the Department not more than 60 days nor less than 15 days prior to such date. A notification of the actual date of initial startup shall be submitted within 15 days after such date.

Applicable Requirement: NDAC 33-15-14-06.5.b(1)

- 4) Permit Application Processing: The permittee shall pay permit application processing fees in accordance with NDAC 33-15-23-02.2.

Applicable Requirement: NDAC 33-15-23-02.2

C. Best Management Practices:

- 1) General: At all times, including periods of startup, shutdown and malfunction, the permittee shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control and good combustion practice for minimizing emissions.

Applicable Requirement: NDAC 33-15-14-02.9

- 2) Cooling Tower Mist Eliminators: The cooling tower shall be equipped and operated with mist eliminators that are guaranteed to limit drift to 0.0005% or less of the circulating water flow.

Applicable Requirement: NDAC 33-15-15-01.2 (BACT)

D. New Source Performance Standards (NSPS): The permittee shall comply with the applicable requirements of NDAC 33-15-12-02 including:

Subpart A - General Provisions

Subpart Da - Standards of performance for electric utility steam generating units for which construction is commenced after September 18, 1978.

Subpart Db - Standards of performance for industrial - commercial - institutional steam generating units

Subpart IIII- Standards of performance for stationary compression ignition internal combustion engines

Applicable Requirement: NDAC 33-15-12

E. (Reserved)

- F. Acid Rain Program: The permittee shall comply with the applicable requirements of 40 CFR 72 and 75. The permittee shall hold sulfur dioxide allowances, as of the allowance transfer deadline, in the unit's subaccount not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit.

Applicable Requirement: NDAC 33-15-21

- G. Title V Permit to Operate Application: Within 12 months after commencing operation of each phase of construction of the facility (Phase 1 with auxiliary boilers only; Phase 2 with additional main boiler), the permittee shall submit an application for an initial Title V Permit to Operate (Phase 1) or revision (Phase 2).

Applicable Requirement: NDAC 33-15-14-06

- H. Post Operation Ambient Air Monitoring Requirements: At least 12 months prior to the startup of the main boiler (coal-fired boiler), the permittee shall submit for review and approval by the Department a plan to establish an ambient air quality and meteorological monitoring program. The plan shall describe the number and types of ambient and meteorological monitor(s), the proposed location(s) and the quality assurance procedures that will be followed. The program shall be used to determine the ambient concentration of PM₁₀ and SO₂ in the vicinity of the plant site. The ambient air quality and meteorological monitoring program shall meet the operational, maintenance and quality assurance provisions specified in 40 CFR 58. The monitoring program shall be in place and operating by the time of startup of the main boiler. The Department, at its direction, may from time to time audit the performance of the ambient air quality and meteorological monitoring equipment. Cessation of the monitoring program will be based on the Department's evaluation of the data collected. Given good data quality and measured concentrations well below the NAAQS, the Department anticipates the duration of monitoring to be approximately two years.

Applicable Requirements: NDAC 33-15-15 and NDAC 33-15-14-02.9.a

7. **Emissions Testing:**

- A. Initial Testing: Except as noted below, within 60 days after achieving the maximum production rate at the plant in each of the two operating scenarios (first the two auxiliary boilers, then the main boiler), but not later than 180 days after startup, the permittee shall conduct emissions tests using an independent testing firm, to determine the compliance status of the facility with respect to the emission rates specified in Table 2. The continuous emissions monitors required under the NSPS, the Acid Rain Program and this permit for the main boiler and the auxiliary boilers shall be certified (performance evaluations completed and requirements met) within the time frames specified above and prior to the emissions test for the pollutant the CEM is measuring. Testing shall be conducted at the source units selected by the Department. The testing of an emissions unit shall be accomplished in accordance with the requirements listed below:

Table 3
 Emissions Testing

Process Unit Description	EU	EP	Contaminant	Number of Runs	Length of Runs (min.)	Test Method(s)
Main Boiler	1	1	PM ₁₀ (filterable)	3	120	1-4, 201a
			PM ₁₀ (condensable)	3	120	202
			PM (filterable)	3	120	Methods approved in 40 CFR 60, Subpart Da
			SO ₂	N/A	30 days	CEM
			NO _x	N/A	30 days	CEM
			CO	N/A	30 days	CEM
			VOC	3	60	1-4, 18/25A
			Opacity	3	60	9
			H ₂ SO ₄ Mist	3	60	1-4, 8 or NCASI 8a
Auxiliary Boilers	13 & 14	14	NO _x	N/A	30 days	CEM
			CO	N/A	30 days	CEM
			VOC	3	60	1-4, 18/25A
			Opacity	3	6	9
Fire Pump	15	15	Opacity	3	6	9
Materials Handling	2 - 11	2-3, 6-11	PM/PM ₁₀	3	60	1-5
			Opacity	3	6	9
Propane Vaporizer	17	17	CO	3	60	10 or 10A
			Opacity	3	6	9

NOTE: Test methods and sampling times different from those listed in Table 3 may be used if approved in advance by the Department.

Applicable Requirement: NDAC 33-15-12; NDAC 33-15-14-02.9.b

- B. Notification: The permittee shall notify the Department using the form in the Emission Testing Guideline, or its equivalent, at least 30 calendar days in advance of any tests of emissions of air contaminants required by the Department. If the permittee is unable to conduct the performance test on the scheduled date, the permittee shall notify the Department at least five days prior to the scheduled test date and coordinate a new test date with the Department.

Applicable Requirement: NDAC 33-15-01-12.1

C. Sampling Ports/Access:

- 1) Sampling ports shall be provided downstream of all emission control devices and in a flue, conduit, duct, stack or chimney arranged to conduct emissions to the ambient air.
- 2) The ports shall be located to allow for reliable sampling and shall be adequate for test methods applicable to the facility. Safe sampling platforms and safe access to the platforms shall be provided. Plans and specifications showing the size and location of the ports, platform and utilities shall be submitted to the Department for review and approval.
- 3) Where the emission point is not a stack (e.g. blower) the permittee shall construct the appropriate temporary ducting or stack as necessary to assure an accurate test, when directed to do so by the Department.

Applicable Requirement: NDAC 33-15-14-02.14

D. Other Testing:

- 1) The Department may require the permittee to have tests conducted to determine the emission of air contaminants from any source, whenever the Department has reason to believe that an emission of a contaminant not addressed by the permit applicant is occurring, or the emission of a contaminant in excess of that allowed by this permit is occurring. The Department may specify testing methods to be used in accordance with good professional practice. The Department may observe the testing. All tests shall be conducted by reputable, qualified personnel. The Department shall be given a copy of the test results in writing and signed by the person responsible for the tests.

Applicable Requirement: NDAC 33-15-01-12.1

- 2) All tests shall be made and the results calculated in accordance with test procedures approved by the Department. All tests shall be made under the direction of persons qualified by training or experience in the field of air pollution control as approved by the Department.

Applicable Requirement: NDAC 33-15-01-12.1

- 3) The Department may conduct tests of emissions of air contaminants from any source. Upon request of the Department, 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.

Applicable Requirement: NDAC 33-15-01-12.2

- 4) The permittee shall conduct annual emissions testing to determine the compliance status of the main boiler (EU 1) with the particulate matter (PM and PM₁₀) limits in Table 2.

Applicable Requirements: NDAC 33-15-14-02.9.a and NDAC 33-15-12-02, Subpart Da

8. **Monitoring Requirements and Conditions:**

- A. Requirements: Monitoring will be in accordance with the requirements of all applicable regulations and directives.

Applicable Requirement: NDAC 33-15-14-06.5.b(1)

- B. Monitoring Conditions: For purposes of compliance monitoring, burning of gaseous fuel as outlined in Condition 4, shall be considered credible evidence of compliance with any applicable opacity, particulate and SO₂ emission limit. However, results from tests conducted in accordance with the test methods in 40 CFR Parts 50, 51, 60, 61, or 75 will take precedence over burning of gaseous fuel as outlined in Condition 4, for evidence of compliance or noncompliance with any applicable opacity, particulate and SO₂ emission limit, in the event of enforcement action.

1) Main Boiler (EP 1):

- a) The permittee shall install, calibrate, operate and maintain continuous emissions monitors for sulfur dioxide, opacity, nitrogen oxides, carbon dioxide (or oxygen), mercury and in-stack gas flow rate in accordance with 40 CFR 60, Subpart Da and 40 CFR 75.

Applicable Requirements: NDAC 33-15-12-02, Subpart Da and 40 CFR 75

- b) Carbon Monoxide CEMS: The permittee shall install, calibrate, operate and maintain equipment for continuously monitoring the carbon monoxide emission rate from the stack. The systems shall report carbon monoxide emissions in units of lb/10⁶ Btu and lb/hr. The monitoring systems shall comply with the requirements of 40 CFR 60, Appendix B, Performance Specification 4. Quality assurance shall be in accordance with 40 CFR 60, Appendix F.

Applicable Requirement: NDAC 33-15-14-02.9.a

- c) Sulfur Dioxide Reduction Efficiency: If the permittee chooses to comply with the percent reduction requirements of Subpart Da, the permittee shall monitor the reduction efficiency using the methods specified in 40 CFR 60.49Da(b).

Applicable Requirement: NDAC 33-15-02, Subpart Da

- d) Opacity Monitoring: The permittee shall use the opacity monitoring equipment as an indicator of continuous particulate matter control device performance and demonstrate compliance with the visible emissions limit for the main boiler. Baseline parameters shall be established as the highest hourly opacity measured during the performance test. If any hourly opacity measurement is more than 110 percent of the baseline level, the owner or operator will conduct another performance test within 60 days to demonstrate compliance. A new baseline is established during each stack test. The retesting requirements of this condition are not applicable when opacity measurements exceeding 110 percent of the baseline are due to startup, shutdown or malfunction.

Applicable Requirements: NDAC 33-15-12-02, Subpart Da (40 CFR 60.48Da(o)(2)) and NDAC 33-15-14-02.9.

- 2) Materials Handling (EP 2 through 11): Once per week in which the emissions units are operated, a representative of the permittee (need not be certified) shall observe the emission points. If no visible emissions are present, the permittee shall record the date, time and observation results. If the observation indicates visible emissions are present, the permittee must investigate the problem within eight hours. Any malfunctions shall be corrected as soon as practicable. All investigations of malfunctions shall be recorded. The permittee shall comply with the opacity and particulate limits in Table 2 and nothing in this condition authorizes noncompliance.

Applicable Requirement: NDAC 33-15-14-02.9.a

- 3) Auxiliary Boilers (EP 14):

- a) The permittee shall install, calibrate, operate and maintain continuous emissions monitors for nitrogen oxides, carbon dioxide (or oxygen) in accordance with 40 CFR 60, Subpart Db. In-stack gas flow shall be determined.

Applicable Requirements: NDAC 33-15-12-02, Subpart Db and 40 CFR Part 75

- b) Carbon Monoxide CEMS: The permittee shall install, calibrate, operate and maintain equipment for continuously monitoring the carbon monoxide emission rate from the stacks. The systems shall report carbon monoxide emissions in units of $\text{lb}/10^6$ Btu and lb/hr. The monitoring systems shall comply with the requirements of 40 CFR 60, Appendix B, Performance Specification 4. The

monitor(s) shall be used to determine both initial and continuous, compliance. Quality assurance shall be in accordance with 40 CFR 60, Appendix F.

Applicable Requirement: NDAC 33-15-14-02.9.a

- 4) Fire Pump Engine (EP 15): The engine shall be equipped with a non-resettable hour meter. By the 15th day of each month, the permittee shall record the hours of operation for the previous month and calculate the total for the previous 12-month period. If the engine hours of operation exceeds the limit stated in Condition 5, the permittee shall notify the Department by the 25th day of the month in which the calculation was made. The records regarding the number of hours of operation shall be kept on file (easily accessible format, electronic or otherwise) for five years and submitted to the Department upon request.

Applicable Requirement: NDAC 33-15-14-02.9.a

9. **Recordkeeping:** All records required by this permit shall be kept on file at the plant for a period of five years. The records shall be available for inspection by Department personnel and shall be submitted to the Department upon request. In addition to maintaining the records required by any of the applicable regulations as listed in Section 10 below, the following records shall be maintained:

- A. All stack tests results including field data, laboratory analysis data, and quality assurance data.
- B. All continuous emission monitoring data required by this permit, including data from the bag leak detection systems (if installed).
- C. The results of all visible emissions observations and any corrective actions taken.
- D. Hours of operation of the emergency generator set and fire pump on a monthly and 12-month rolling total basis.

Applicable Requirements: NDAC 33-15-12; NDAC 33-15-14-02.9.d)

10. **Reporting:**

- A. For EUs 1, 2, 3, 4, 5, 13, 14 and 17, reporting shall be in accordance with the following applicable requirements of Chapter 33-15-06, Chapter 33-15-12, Chapter 33-15-14 and Chapter 33-15-21 of the North Dakota Air Pollution Control Rules.
 - 1) Section 33-15-06-05 of the North Dakota Air Pollution Control Rules, Reporting and Recordkeeping Requirements.
 - 2) 40 CFR Part 60, Subpart A, Section 60.7, Notification and Recordkeeping.
 - 3) 40 CFR Part 60, Subpart Da, Section 60.49a, Reporting Requirements.

- 4) 40 CFR Part 60, Subpart Db, Section 60.49b, Reporting and Recordkeeping Requirements.
- 5) Subdivision 33-15-21-01.6.f of the North Dakota Air Pollution Control Rules, Reporting and Recordkeeping Requirements.
- 6) Quarterly excess emissions reports for EUs 1, 13 and 14 shall be submitted by the 30th day following the end of each calendar quarter. Excess emissions are defined as emission rates which exceed the emission limits for EUs 1, 13 and 14 as outlined in Condition 5. Excess emissions shall be reported for the following:

<u>Emission Unit</u>	<u>Parameter</u>	<u>Averaging Period</u>
Main Boiler (EU 1)	Opacity %	(6-minute avg.)
	SO ₂ lb/10 ⁶ Btu	(30-d.r.a.)
	SO ₂ lb/hr	(30-d.r.a.)
	SO ₂ lb/hr	(3-hr r.a.)
	SO ₂ lb/hr	(24-hr d.a.)
	SO ₂ lb/MWe-hr gross or 95% reduction	(30-d.r.a.)
	NO _x lb/10 ⁶ Btu	(30-d.r.a.)
	NO _x lb/MWe-hr gross	(30-d.r.a.)
	NO _x lb/hr	(24-hr d.a.)
	NO _x lb/hr	(30-d.r.a.)
	CO lb/10 ⁶ Btu	(30-d.r.a.)
	CO lb/hr	(24-hr d.a.)
	CO lb/hr	(30 d.r.a.)
	Aux. Boilers (EUs 13 & 14)	NO _x lb/10 ⁶ Btu
NO _x lb/hr		(30-d.r.a.)
CO lb/10 ⁶ Btu		(30-d.r.a.)

Applicable Requirements: NDAC 33-15-06, NDAC 33-15-12 and 40 CFR 60 Subpart Db, NDAC 33-15-14, NDAC 33-15-21

B. Semi-Annual Report:

The permittee shall submit to the Department a semi-annual report on the operation of the facility. The report shall include the following:

- 1) Any deviations from the requirements of this permit.
- 2) Excess emissions reports required under 40 CFR 60, Subparts Da and Db.

- 3) The hours of operation (12-month rolling total) for the previous 6 months for the emergency generator and fire pump.

The report shall be submitted within 30 days following June 30th and December 31st. The report shall be signed by the responsible official and shall state that "based on information and belief formed after reasonable inquiry, the statements and information contained in this report are true, accurate and complete."

Applicable Requirements: NDAC 33-15-06; NDAC 33-15-12 and 40 CFR 60 Subparts Da and Db; NDAC 33-15-14-02.9.d; NDAC 33-15-21 and 40 CFR Parts 72 and 75

C. Annual Compliance Certification Report:

The permittee shall submit an annual compliance certification report on forms supplied by the Department, or approved alternate forms, within 30 days after December 31 of each year. The annual report shall include all of the following (the identification of applicable information pertaining to compliance may cross-reference the permit or previous reports, as applicable):

- 1) The identification of each term or condition of the permit that is the basis of the certification.
- 2) The identification of the method(s) or other means used by the permittee for determining the compliance status with each term and condition during the certification period, and whether compliance was continuous or intermittent. Such methods and other means shall include, at a minimum, the methods and means required under this permit. If necessary, the owner or operator also shall identify any other material information that is the basis for the certification.
- 3) The status of compliance with the terms and conditions of the permit for the period covered by the certification, based on the method or means designated in the permit.
- 4) Such other facts as the Department may require to determine the compliance status of the source.

Applicable Requirements: NDAC 33-15-06; NDAC 33-15-12; NDAC 33-15-14-02.9.d; NDAC 33-15-21

D. Annual Emission Inventory Reports:

The permittee shall submit an annual emission inventory report on forms supplied or approved by the Department. This report shall be submitted by March 15 of each calendar year. Insignificant units/activities listed in this permit do not need to be included in the report.

Applicable Requirements: NDAC 33-15-14-06.5.a(7) and NDAC 33-15-23-04

11. **Facility Wide Operating Conditions:**

A. **Ambient Air Quality Standards:**

- 1) **Particulate and gases.** The permittee shall not emit air contaminants in such a manner or amount that would violate the standards of ambient air quality listed in Table 1 of NDAC 33-15-02 at any place beyond the premises on which the source is located.
- 2) **Radioactive substances.** The permittee shall not release into the ambient air any radioactive substances exceeding the concentrations specified in NDAC 33-10.
- 3) **Other air contaminants.** The permittee shall not emit any other air contaminants in concentrations that would be injurious to human health or well-being or unreasonably interfere with the enjoyment of property or that would injure plant or animal life.
- 4) **Disclaimer:** Nothing in any other part or section of this permit may in any manner be construed as authorizing or legalizing the emission of air contaminants in such manner that would violate the standards in Paragraphs 1, 2 and 3 of this condition.

Applicable Requirement: NDAC 33-15-02-04

- B. **Fugitive Emissions:** The release of fugitive emissions shall comply with the applicable requirements in NDAC 33-15-17.

Applicable Requirement: NDAC 33-15-17

- C. **Open Burning:** The permittee shall comply with open burning restrictions in NDAC 33-15-04.

Applicable Requirement: NDAC 33-15-04

- D. **Asbestos Renovation or Demolition:** Any asbestos renovation or demolition at the facility shall comply with emission standard for asbestos in NDAC 33-15-13.

Applicable Requirement: NDAC 33-15-13-02

E. **Requirements for Organic Compounds Gas Disposal:**

- 1) The owner/operator shall incinerate, flare or treat in an equally effective manner any organic compounds, gases and vapors which are generated as wastes as the result of storage, refining, or process operations and which contain hydrogen sulfide before being released to the ambient air.
- 2) Each flare must be equipped and operated with an automatic ignitor or a continuous burning pilot.

Applicable Requirement: NDAC 33-15-07-02

- F. **Rotating Pumps and Compressors:** All rotating pumps and compressors handling volatile organic compounds must be equipped and operated with properly maintained seals designed for their specific product service and operating conditions.

Applicable Requirement: NDAC 33-15-07-01.5

G. **Shutdown/Malfunctions/Deviation from Permit Requirements:**

- 1) In the case of shutdown of air pollution control equipment for necessary scheduled maintenance, the intent to shutdown equipment shall be reported to the Department at least 24 hours prior to the planned shutdown provided that the air contaminating source will be operated while the control equipment is not in service. Such prior notice shall include the following:
 - a) Identification of the specific facility to be taken out of service as well as its location and permit number.
 - b) The expected length of time that the air pollution control equipment will be out of service.
 - c) The nature and estimated quantity of emissions of air pollutants likely to be emitted during the shutdown period.
 - d) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period.
 - e) The reasons that it would be impossible or impractical to shutdown the source operating during the maintenance period.

Applicable Requirement: NDAC 33-15-01-13.1

- 2) When a malfunction in any installation or deviation from permit requirements occurs that can be expected to last longer than 24-hours and cause the emission of air contaminants in violation of this permit or any other applicable rules and regulations, the person responsible for such installation or deviation from permit requirements shall notify the Department of such malfunction or deviation from permit requirements as soon as possible during normal working hours. The notification must contain a statement giving all pertinent facts, including the estimated duration of the breakdown, if applicable. On receipt of this notification, the Department may permit the continuance of the operation for a period not to exceed ten days provided that written application is made to the Department. Such application shall be made within 24-hours of the malfunction or deviation from permit requirements. In cases of major equipment failure, additional time period may be granted by the Department provided a corrective program has been

submitted by the permittee and approved by the Department. The Department shall be notified when the condition causing the malfunction has been corrected.

- 3) Immediate notification to the Department is required for any malfunction that would threaten health or welfare, or pose an imminent danger. During normal working hours the Department can be contacted at (701)328-5188. After hours the Department can be contacted through the 24-hour State radio emergency number 1-800-472-2121. If calling from out-of-state, the 24-hour number is (701)328-2121.

Applicable Requirements: NDAC 33-15-01-13.1, NDAC 33-15-01-13.2.a and b and NDAC 33-15-14-06.5.a(3)(c)[2].

H. **Noncompliance Due to an Emergency:** The permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

- 1) An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- 2) The permitted facility was at the time being properly operated;
- 3) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
- 4) The permittee submitted notice of the emergency to the Department within one working day of the time when emission limitations were exceeded longer than 24-hours due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. Those emergencies not reported within one working day, as well as those that were, will be included in the semi-annual report.
- 5) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
 - a) Technology-based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a New Source Performance Standard) rather than those established to attain a health based air quality standard.
 - b) An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of this source, including acts of God, which requires immediate corrective action to restore normal operation, and that causes this source to exceed a technology-based emission limitation under this 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.

Applicable Requirement: NDAC 33-15-14-06.5.g

- I. **Vehicles and Internal Combustion Engines:** No person shall operate, or cause to be operated, any internal combustion engine which emits from any source any unreasonable and excessive smoke, obnoxious or noxious gases, fumes or vapor.

Applicable Requirement: NDAC 33-15-08-01

J. **Prohibition of Air Pollution:**

- 1) The permittee shall not permit or cause air pollution, as defined in NDAC 33-15-01-04.
- 2) Nothing in any other part of this permit or any other regulation relating to air pollution shall in any manner be construed as authorizing or legalizing the creation or maintenance of air pollution.

Applicable Requirement: NDAC 33-15-01-15

K. **Performance Tests:**

- 1) The Department may reasonably require the permittee to make or have made tests, at a reasonable time or interval, to determine the emission of air contaminants from any source, for the purpose of determining whether the permittee is in violation of any standard or to satisfy other requirements of NDCC 23-25. All tests shall be made and the results calculated in accordance with test procedures approved or specified by the Department including the North Dakota Department of Health Emission Testing Guideline. All tests shall be conducted by reputable, qualified personnel. The Department shall be given a copy of the test results in writing and signed by the person responsible for the tests.
- 2) The Department may conduct tests of emissions of air contaminants from any source. Upon request of the Department, 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.

Applicable Requirement: NDAC 33-15-01-12

- 3) Except for sources subject to 40 CFR Part 63, the permittee shall notify the Department by submitting a Proposed Test Plan, or its equivalent, at least 30 calendar days in advance of any tests of emissions of air contaminants required by the Department. The permittee shall notify the Department at least 60 calendar days in advance of any performance testing required under 40 CFR Part 63. If the permittee is unable to conduct the performance test

on the scheduled date, the permittee shall notify the Department as soon as practicable when conditions warrant, and shall coordinate a new test date with the Department.

Failure to give the proper notification may prevent the Department from observing the test. If the Department is unable to observe the test because of improper notification, the test results may be rejected.

Applicable Requirements: NDAC 33-15-14-06.5.a(3)(a), NDAC 33-15-12-02 Subpart A (40 CFR 60.8), NDAC 33-15-13-01.2 Subpart A (40 CFR 61.13), NDAC 33-15-22-03 Subpart A (40 CFR 63.7), 40 CFR 60.8, 40 CFR 61.13, 40 CFR 63.7

- L. **Pesticide Use and Disposal:** Any use of a pesticide or disposal of surplus pesticides and empty pesticide containers shall comply with the requirements in NDAC 33-15-10.

Applicable Requirements: NDAC 33-15-10-01 and NDAC 33-15-10-02

- M. **Air Pollution Emergency Episodes:** When an air pollution emergency episode is declared by the Department, the permittee shall comply with the requirements in NDAC 33-15-11.

Applicable Requirements: NDAC 33-15-11-01 through NDAC 33-15-11-04

- N. **Stratospheric Ozone Protection:** The permittee shall comply with any applicable standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for MVACs in Subpart B:

- 1) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to Section 82.156.
- 2) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to Section 82.158.
- 3) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to Section 82.161.
- 4) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to Section 82.156.

Applicable Requirement: 40 CFR Part 82

- O. **Chemical Accident Prevention:** The permittee shall comply with all applicable requirements of Chemical Accident Prevention pursuant to 40 CFR Part 68. The permittee shall comply with the requirements of this part no later than the latest of the following dates:

- 1) Three years after the date on which a regulated substance is first listed under this part; or

- 2) The date on which a regulated substance is first present above a threshold quantity in a process.

Applicable Requirement: 40 CFR Part 68

12. **General Conditions:**

- A. **Annual Fee Payment:** The permittee shall pay an annual fee, for administering and monitoring compliance, which is determined by the actual annual emissions of regulated contaminants from the previous calendar year. The Department will send a notice, identifying the amount of the annual permit fee, to the permittee of each affected installation. The fee is due within sixty days following the date of such notice. Any source that qualifies as a "small business" may petition the Department to reduce or exempt any fee required under this section. Failure to pay the fee in a timely manner or submit a certification for exemption may cause this Department to initiate action to revoke the permit.

Applicable Requirements: NDAC 33-15-14-06.5.a(7) and NDAC 33-15-23-04

- B. **Transfer of Ownership or Operation:** This permit may not be transferred except by procedures allowed in Chapter 33-15-14 and is to be returned to the Department upon the destruction or change of ownership of the source unit(s), or upon expiration, suspension or revocation of this permit. A change in ownership or operational control of a source is treated as an administrative permit amendment if no other change in the permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Department.

Applicable Requirement: NDAC 33-15-14-06.6.d

- C. **Property Rights:** This permit does not convey any property rights of any sort, or any exclusive privilege.

Applicable Requirement: NDAC 33-15-14-06.5.a(6)(d)

D. **Submissions:**

- 1) Reports, test data, monitoring data, notifications, and requests for renewal shall be submitted to:

North Dakota Department of Health
Division of Air Quality
918 E Divide Avenue, 2nd Floor
Bismarck, ND 58501-1947

- 2) Any document submitted shall be certified as being true, accurate, and complete by a responsible official.

Applicable Requirement: NDAC 33-15-14-06.4.d

- E. **Right of Entry:** Any duly authorized officer, employee or agent of the North Dakota Department of Health may enter and inspect any property, premise or place listed on this permit or where records are kept concerning this permit at any reasonable time for the purpose of ascertaining the state of compliance with this permit and the North Dakota Air Pollution Control Rules. The Department may conduct tests and take samples of air contaminants, fuel, processing material, and other materials which affect or may affect emissions of air contaminants from any source. The Department shall have the right to access and copy any records required by the Department's rules and to inspect monitoring equipment located on the premises.

Applicable Requirements: NDAC 33-15-14-06.5.c(2) and NDAC 33-15-01-06

- F. **Compliance:** The permittee must comply with all conditions of this permit. Any noncompliance with a federally-enforceable permit condition constitutes a violation of the Federal Clean Air Act. Any noncompliance with any State enforceable condition of this permit constitutes a violation of NDCC 23-25 and NDAC 33-15. Violation of any condition of this permit is grounds for enforcement action, for permit termination, revocation and reissuance or modification, or for denial of a permit renewal application. Noncompliance may also be grounds for assessment of penalties under the NDCC Chapter 23-25. 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.

Applicable Requirements: NDAC 33-15-14-06.5.a(6)(a) and NDAC 33-15-14-06.5.a(6)(b)

- G. **Duty to Provide Information:** The permittee shall furnish to the Department, within a reasonable time, any information that the Department 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 Department copies of records that the permittee is required to keep by this permit, or for information claimed to be confidential, the permittee may furnish such recourse directly to the Department along with a claim of confidentiality. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The permittee shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete renewal application was submitted but prior to release of a draft permit.

Applicable Requirements: NDAC 33-15-14-06.5.a(6)(e) and NDAC 33-15-14-06.4.b

13. **State Enforceable Only Conditions (not Federally enforceable):**

General Odor Restriction: The permittee shall not discharge into the ambient air any objectionable odorous air contaminant which exceeds the limits established in NDAC 33-15-16.

Applicable Requirement: NDAC 33-15-16