STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706-1255 • (208) 373-0502

Dirk Kempthorne, Governor
Toni Hardesty, Director

May 22, 2006

Certified Mail No. 7005 1160 0000 1550 3475

Stan Barry
TransCanada GTN System
534 E. Spokane Falls Blvd., Suite 100
Spokane, WA 99202

RE: Facility ID No. 017-00037, TransCanada GTN System, Samuels
Final Tier I Operating Permit Letter

Dear Mr. Barry:

The Idaho Department of Environmental Quality (DEQ) is issuing Tier I Operating Permit No. T1-050103 for TransCanada GTN System, Samuels in accordance with IDAPA 58.01.01.300 through 386, Rules for the Control of Air Pollution in Idaho (Rules).

The enclosed permit is effective immediately, summarizes the applicable requirements for your facility, and requires an annual compliance certification for all emissions units. This permit replaces Tier I Operating Permit No. 017-00037, issued August 1, 2001, the terms and conditions of which shall no longer apply. The enclosed operating permit is based on the information contained in your permit application, received November 4, 2004. Modifications to and/or renewal of this operating permit shall be requested in a timely manner in accordance with the Rules.

A representative of the Coeur d'Alene Regional Office will contact you regarding a meeting with DEQ to discuss the permit terms and requirements. DEQ recommends the following representatives attend the meeting: your facility's plant manager, responsible official, environmental contact, and any operations staff responsible for day-to-day compliance with permit conditions.

Pursuant to IDAPA 58.01.23, you, as well as any other entity, may have the right to appeal this final agency action within 35 days of the date of this decision. However, prior to filing a petition for a contested case, I encourage you to call Bill Rogers at (208) 373-0502 to address any questions or concerns you may have with the enclosed permit.

Sincerely,

Martin Bauer

Martin Bauer, Administrator
Air Quality Division

MB/BR/bf Permit No. T1-050103

Enclosure

Air Quality **TIER I OPERATING PERMIT** **State of Idaho** **Department of Environmental Quality**	**PERMIT No.:** T1-050103 **FACILITY ID No.:** 017-00037 **AQCR:** 063 **CLASS:** A **SIC:** 4922 **ZONE:** 11 **UTM COORDINATE (km):** 538.1, 5364.6

1. PERMITTEE TransCanada GTN System			
2. PROJECT Tier 1 Operating Permit Renewal – Compressor Station No. 4, Samuels, Idaho			
3. MAILING ADDRESS 534 E Spokane Falls Blvd, Ste 100	**CITY** Spokane	**STATE** WA	**ZIP** 99202
4. FACILITY CONTACT Stan Barry	**TITLE** Environmental Compliance Specialist	**TELEPHONE** (509) 533-2841	
5. RESPONSIBLE OFFICIAL Ross Parker	**TITLE** Regional Director, Pipeline Operations and Maintenance	**TELEPHONE** (503) 833-4210	
6. EXACT PLANT LOCATION 237 Samuels Road, Samuels, ID 83864		**COUNTY** Bonner (Site location)	
7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS Natural gas pipeline compressor station			

8. PERMIT AUTHORITY

This Tier I operating permit is issued pursuant to Idaho Code § 39-115 and the Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01.300 through 386. The permittee shall comply with the terms and conditions of this permit.

This permit incorporates all applicable terms and conditions of prior air quality permits issued by the Idaho Department of Environmental Quality (DEQ) for the permitted source, unless the permittee emits toxic pollutants subject to state-only requirements pursuant to IDAPA 58.01.01.210, and the permittee elects not to incorporate those terms and conditions into this operating permit.

The effective date of this permit is the date of signature by DEQ on the cover page.

TONI HARDESTY, DIRECTOR

DEPARTMENT OF ENVIRONMENTAL QUALITY

DATE ISSUED:	May 22, 2006
DATE MODIFIED/AMENDED:	
DATE EXPIRES:	May 22, 2011

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Acronyms, Units, And Chemical Nomenclature

AQCR	Air Quality Control Region
CFR	Code of Federal Regulations
CO	carbon monoxide
DEQ	Department of Environmental Quality
dscf	dry standard cubic feet
EPA	U.S. Environmental Protection Agency
gr	grain (1 lb = 7,000 grains)
IDAPA	a numbering designation for all administrative rules in Idaho promulgated in accordance with the Idaho Administrative Procedures Act
km	kilometer
lb/hr	pound per hour
MMscf	million standard cubic feet
NO_x	nitrogen oxides
NSPS	New Source Performance Standards
O_2	oxygen
PM	particulate matter
PM_{10}	particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers
ppmvd	parts per million dry volume
PTC	permit to construct
scf	standard cubic foot
SIC	Standard Industrial Classification
SO_2	sulfur dioxide
T/yr	tons per year
UTM	Universal Transverse Mercator
VOC	volatile organic compound

1. TIER I OPERATING PERMIT SCOPE

Purpose

1.1 This permit is the renewal of the facility's existing Tier I operating permit. This permit replaces Tier I Operating Permit No. 017-00037, issued August 1, 2001, the terms and conditions of which shall no longer apply.

1.2 This Tier I permit incorporates the following permit(s):

- Permit to Construct No. P-040117, issued March 10, 2005, for Unit 4A
- Permit to Construct No. 017-00037, issued March 20, 1998, for Unit 4B
- Permit to Construct No. 017-00037, issued October 22, 1999, for Unit 4C

Regulated Sources

1.3 Table 1.1 lists all sources of emissions regulated in this Tier I operating permit.

Table 1.1 REGULATED SOURCES

Permit Condition	Source Description	Emissions Control(s)
3	Unit 4B-Solar Mars 100S Low NO_x turbine	None
4	Unit 4C-Solar Mars T1400 Standard turbine	None
5	Unit 4A-Solar Titan 130S SoLoNO_x™ turbine	None

2. FACILITY-WIDE CONDITIONS

The following table contains a summary of requirements that apply generally to emissions units at the facility.

Table 2.1: EMISSIONS UNITS REQUIREMENTS

Permit Condition	Parameter	Permit Limit/ Standard Summary	Applicable Requirements Reference	Monitoring and Recordkeeping Requirements
2.1	Fugitive Dust	Reasonable Control	IDAPA 58.01.01.650-651	2.2, 2.3, 2.4, 2.9, 2.10
2.5	Odors	Reasonable Control	IDAPA 58.01.01.775-776	2.6, 2.9, 2.10
2.7	Visible emissions	20% opacity for no more than three minutes in any 60-minute period	IDAPA 58.01.01.625	2.10
2.8	Excess emissions	Compliance with IDAPA 58.01.01.130-136	IDAPA 58.01.01.130-136	2.8-2.8.5, 2.9, 2.10
2.11	Open burning	Compliance with IDAPA 58.01.01.600-616	IDAPA 58.01.01.600-616	2.10
2.12	Renovation and demolition	Compliance with 40 CFR 61, Subpart M	40 CFR 61, Subpart M	2.10
2.13	Chemical accident release provisions	Compliance with 40 CFR 68	40 CFR 68	2.10
2.14	Criteria air pollutants, opacity	Performance/Compliance testing	IDAPA 58.01.01.157	2.10, 2.16
2.15	Fuel-burning equipment	0.015 gr/dscf @ 3% O_2, for gas 0.050 gr/dscf @ 3% O_2 for liquid	IDAPA 58.01.01.677	2.10
2.16	Air quality standards	EPA Reference Test Methods	IDAPA 58.01.01.157	2.10, 2.14
2.17	Recycling and emissions reductions	Compliance with 40 CFR 82, Subpart F	40 CFR 82, Subpart F	2.10
2.18-2.26	NSPS	Compliance with applicable subparts	40 CFR 60	2.10

Fugitive Dust

2.1 All reasonable precautions shall be taken to prevent particulate matter from becoming airborne in accordance with IDAPA 58.01.01.650-651 (Rules for the Control of Air Pollution in Idaho).

[IDAPA 58.01.01.650-651, 5/1/1994]

2.2 The permittee shall monitor and maintain records of the frequency and the method(s) used (i.e., water, chemical dust suppressants, etc.) to reasonably control fugitive emissions.

[IDAPA 58.01.01.322.06, 07, 5/1/1994]

2.3 The permittee shall maintain records of all fugitive dust complaints received. The permittee shall take appropriate corrective action as expeditiously as practicable after a valid complaint is received. The records shall include, at a minimum, the date that each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.

[IDAPA 58.01.01.322.06, 07, 5/1/1994]

2.4 The permittee shall conduct a quarterly facility-wide fugitive emission inspection of potential sources of fugitive emissions during daylight hours and under normal operating conditions to ensure that the methods used to reasonably control fugitive emissions are effective. If fugitive dust emissions are not being reasonably controlled, the permittee shall take corrective action as expeditiously as practicable. The permittee shall maintain records of the results of each fugitive emission inspection. The records shall include, at a minimum, the date of each inspection and a description of the following: the permittee's assessment of the conditions existing at the time fugitive emissions are present (if observed), any corrective action taken in response to the fugitive emissions, and the date the corrective action was taken.

[IDAPA 58.01.01.322.06, 07, 5/1/1994; IDAPA 58.01.01.322.08, 4/5/2000]

Odors

2.5 The permittee shall not allow, suffer, cause or permit the emission of odorous gases, liquids or solids to the atmosphere in such quantities as to cause air pollution.

[IDAPA 58.01.01.775-776, 5/1/1994

2.6 The permittee shall maintain records of all odor complaints received. If the complaint has merit, the permittee shall take appropriate corrective action as expeditiously as practicable. The records shall include, at a minimum, the date that each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.

[IDAPA 58.01.01.322.06, 07, 5/1/1994]

Visible Emissions

2.7 The permittee shall not discharge any air pollutant to the atmosphere from any point of emission for a period or periods aggregating more than three minutes in any 60-minute period which is greater than 20% opacity as determined by procedures contained in IDAPA 58.01.01.625. These provisions shall not apply when the presence of uncombined water, nitrogen oxides and/or chlorine gas are the only reason(s) for the failure of the emission to comply with the requirements of this section.

[IDAPA 58.01.01.625, 5/1/1994]

Excess Emissions

2.8 The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130-136 for excess emissions. The provisions of IDAPA 58.01.01.130-136 shall govern in the event of conflicts between Permit Condition 2.8 and the regulations of IDAPA 58.01.01.130-136.

2.8.1 The person responsible for, or in charge of, a facility during an excess emissions event shall, with all practicable speed, initiate and complete appropriate and reasonable action to correct the conditions causing such excess emissions event, to reduce the frequency of occurrence of such events, to minimize the amount by which the emission standard is exceeded, and shall, as provided below or upon request of the DEQ, submit a full report of such occurrence including a statement of all known causes and of the scheduling and nature of the actions to be taken.

[IDAPA 58.01.01.132, 4/5/2000]

2.8.2 In all cases where startup, shutdown, or scheduled maintenance of any equipment or emission unit is expected to result or results in an excess emissions event, the owner or operator of the facility or emissions unit generating the excess emissions shall demonstrate compliance with IDAPA 58.01.01.133.01(a) through (d), including, but not limited to:

[IDAPA 58.01.01.133, 4/5/2000]

- A prohibition of any scheduled startup, shutdown, or maintenance resulting in excess emissions shall occur during any period in which an Atmospheric Stagnation Advisory and/or a Wood Stove Curtailment Advisory has been declared by DEQ; and

[IDAPA 58.01.01.133.01.a, 3/20/1997]

- Notifying DEQ of the excess emissions event as soon as reasonably possible, but no later than two hours prior to the start of the excess emission event unless the owner or operator demonstrates to DEQ's satisfaction that a shorter advanced notice was necessary.

[IDAPA 58.01.01.133.01.b, 4/5/2000]

- The owner or operator of a source of excess emissions shall report and record the information required pursuant to Permit Conditions 2.8.4 and 2.8.5 and IDAPA 58.01.01.135 and 136 for each excess emissions event due to startup, shutdown, or scheduled maintenance.

[IDAPA 58.01.01.133.01.c, 3/20/1997]

2.8.3 In all cases where upset or breakdown of equipment or an emissions unit, or the initiation of safety measures, results or may result in an excess emissions event, the owner or operator of the facility or emissions unit generating the excess emissions shall demonstrate compliance with IDAPA 58.01.01.134.01(a) and (b) and the following:

[IDAPA 58.01.01.134, 4/5/2000]

2.8.3.1 For all equipment or emissions units from which excess emissions result during upset or breakdown conditions, or for other situations that may necessitate the implementation of safety measures which cause excess emissions, the facility owner or operator shall comply with the following:

[IDAPA 58.01.01.134.02, 4/5/2000]

- The owner or operator shall immediately undertake all appropriate measures to reduce and, to the extent possible, eliminate excess emissions resulting from the event and to minimize the impact of such excess emissions on the ambient air quality and public health.

[IDAPA 58.01.01.134.02.a, 4/5/2000]

- The owner or operator shall notify DEQ of any upset/breakdown/safety event that results in excess emissions. Such notification shall identify the time, specific location, equipment or emissions unit involved, and (to the extent known) the cause(s) of the occurrence. The notification shall be given as soon as reasonably possible, but no later than 24 hours after the event, unless the owner or operator demonstrates to DEQ's satisfaction that the longer reporting period was necessary.

[IDAPA 58.01.01.134.02.b, 4/5/2000]

- The owner or operator shall report and record the information required pursuant to Permit Conditions 2.8.4 and 2.8.5 and IDAPA 58.01.01.135 and 136 for each excess emissions event caused by an upset, breakdown, or safety measure.

2.8.3.2 During any period of excess emissions caused by upset, breakdown or operation under facility safety measures, DEQ may require the owner or operator to immediately reduce or cease operation of the equipment or emissions unit causing the excess emissions until such time as the condition causing the excess emissions has been corrected or brought under control. Such action by DEQ shall be taken upon consideration of the factors listed in IDAPA 58.01.01.134.03 and after consultation with the facility owner or operator.

[IDAPA 58.01.01.134.03, 4/5/2000]

2.8.4 A written report for each excess emissions event shall be submitted to DEQ by the owner or operator no later than 15 days after the beginning of each such event. Each report shall contain the information specified in IDAPA 58.01.01.135.02.

[IDAPA 58.01.01.135.01 and 02, 3/20/1997]

2.8.5 The owner or operator shall maintain excess emissions records at the facility for the most recent five calendar-year period. The excess emissions records shall be made available to DEQ upon request. The excess emissions records shall include the information requested by IDAPA 58.01.01.136.03(a) and (b) as summarized in the following:

[IDAPA 58.01.01.136.01, 02, 3/20/1997; IDAPA 58.01.01.136.03, 4/5/2000]

- An excess emissions record book for each emissions unit or piece of equipment containing copies of all reports that have been submitted to DEQ pursuant to IDAPA 58.01.01.135 for the particular emissions unit or equipment; and

[IDAPA 58.01.01.136.03.a, 4/5/2000]

- Copies of all startup, shutdown, and scheduled maintenance procedures and upset/breakdown/ safety preventative maintenance plans which have been developed by the owner or operator in accordance with IDAPA 58.01.01.133 and 134 and facility records as necessary to demonstrate compliance with such procedures and plans.

[IDAPA 58.01.01.136.03.b, 3/20/1997]

Reports and Certifications

2.9 All periodic reports and certifications required by this permit shall be submitted to DEQ within 30 days of the end of each specified reporting period. Excess emissions reports and notifications shall be submitted in accordance with IDAPA 58.01.01.130-136. Reports, certifications and notifications shall be submitted to:

Air Quality Permit Compliance
Department of Environmental Quality
Coeur d'Alene Regional Office
2110 Ironwood Pkwy
Coeur d'Alene, ID 83814

The periodic compliance certification required by General Provision 21 shall also be submitted within 30 days of the end of the specified reporting period to:

EPA Region 10
Air Operating Permits, OAQ-107
1200 Sixth Avenue
Seattle, WA 98101

[IDAPA 58.01.01.322.08, 11, 5/1/1994]

Monitoring and Recordkeeping

2.10 The permittee shall maintain sufficient recordkeeping to assure compliance with all of the terms and conditions of this operating permit. Recording of monitoring information shall include, but not be limited to: (a) the date, place, and times of sampling or measurements; (b) the date analyses were performed; (c) the company or entity that performed the analyses; (d) the analytical techniques or methods used; (e) the results of such analyses; and (f) the operating conditions existing at the time of sampling or measurement. All monitoring records and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes but is not limited to all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. All records required to be maintained by this permit shall be made available in either hard copy or electronic format to DEQ representatives upon request.

[IDAPA 58.01.01.322.07, 5/1/1994]

Open Burning

2.11 The facility shall comply with the Rules for Control of Open Burning, IDAPA 58.01.01.600-616.

[IDAPA 58.01.01.600-616, 5/1/1994]

Renovation and Demolition

2.12 The permittee shall comply with all applicable portions of 40 CFR 61, Subpart M when conducting any renovation or demolition activities at the facility.

[40 CFR 61, Subpart M]

Regulated Substances for Accidental Release Prevention

2.13 An owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, shall comply with the requirements of the Chemical Accident Prevention Provisions at 40 CFR 68 no later than the latest of the following dates:

- Three years after the date on which a regulated substance present above a threshold quantity is first listed under 40 CFR 68.130.
- The date on which a regulated substance is first present above a threshold quantity in a process.

[40 CFR 68.10 (a)]

Test Methods

2.14 If testing is required, the permittee shall use the test methods listed in Table 2.2 to measure the pollutant emissions:

Table 2.2 EPA REFERENCE TEST METHODS

Pollutant	Test Method	Special Conditions
PM_{10}	EPA Method 201A* and 202	
PM	EPA Method 5*	
NO_X	EPA Method 7*	
SO_2	EPA Method 6*	
CO	EPA Method 10*	
VOC	EPA Method 25*	
Opacity	EPA Method 9*	If an NSPS source, IDAPA 58.01.01.625 and Method 9; otherwise, IDAPA 58.01.01.625 only.

* Or DEQ-approved alternative in accordance with IDAPA 58.01.01.157

Fuel - Burning Equipment

2.15 The permittee shall not discharge to the atmosphere from any fuel-burning equipment particulate matter in excess of 0.015 grains per dry standard cubic foot (gr/dscf) of effluent gas corrected to 3% oxygen by volume for gas, and 0.050 gr/dscf of effluent gas corrected to 3% oxygen by volume for liquid.

[IDAPA 58.01.01.676-677, 5/1/1994]

Performance/Compliance Testing

2.16 If testing is required, the permittee shall provide notice of intent to test to DEQ at least 15 days prior to the scheduled test or shorter time period as provided in a permit, order, consent decree or by DEQ approval. DEQ may, at its option, have an observer present at any emissions tests conducted on a source. DEQ requests that such testing not be performed on weekends or state holidays.

All testing shall be conducted in accordance with the procedures in IDAPA 58.01.01.157. Without prior DEQ approval, any alternative testing is conducted solely at the permittee's risk. If the permittee fails to obtain prior written approval by DEQ for any testing deviations, DEQ may determine that the testing does not satisfy the testing requirements. Therefore, prior to conducting any compliance test, the permittee is encouraged to submit in writing to DEQ, at least 30 days in advance, the following for approval:

- The type of method to be used
- Any extenuating or unusual circumstances regarding the proposed test
- The proposed schedule for conducting and reporting the test

Within 30 days following the date in which a compliance test required by this permit is concluded, the permittee shall submit to DEQ a compliance test report for the respective test. The compliance test report shall include all process operating data collected during the test period as well as the test results, raw test data and associated documentation, including any approved test protocol.

The proposed test date(s), test date rescheduling notice(s), compliance test report, and all other correspondence shall be sent to:

Air Quality Permit Compliance
Department of Environmental Quality
Coeur d'Alene Regional Office
2110 Ironwood Pkwy
Coeur d'Alene, ID 83814
(208) 769-7422 Fax: (208) 769-1404

[IDAPA 58.01.01.157, 4/5/2000; IDAPA 58.01.01.322.06, 08.a, 09, 5/1/1994]

Recycling and Emissions Reductions

2.17 The permittee shall comply with applicable standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, Recycling and Emissions Reduction.

[40 CFR 82, Subpart F]

NSPS

The following conditions apply to each NSPS source at the facility:

2.18 All requests, reports, applications, submittals, and other communications to the Administrator pursuant to 40 CFR 60 (NSPS) shall be submitted in duplicate to the Region 10 Office of the EPA to the attention of the director of the Office of Air Quality. All information required to be submitted to EPA for applicable NSPS requirements must also be submitted to DEQ.

[40 CFR 60.4]

2.19 A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 40 CFR 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.

[40 CFR 60.7(a)(4)]

2.20 Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

[40 CFR 60.7(b)]

2.21 Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in this paragraph shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.

Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days' notice for an initially scheduled performance test there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the Administrator (or delegated state or local agency) as soon as possible of any delay in the original test date either by providing at least seven days' prior notice of the rescheduled date of the performance test or by arranging a rescheduled date with the Administrator (or delegated state or local agency) by mutual agreement.

The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

(1) Sampling ports adequate for test methods applicable to such facility. This includes (i) constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures and (ii) providing a stack or duct free of cyclonic flow during performance tests as demonstrated by applicable test methods and procedures;

(2) Safe sampling platform(s);

(3) Safe access to sampling platform(s);

(4) Utilities for sampling and testing equipment.

Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, compliance may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs.

[40 CFR 60.8]

2.22 The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

[40 CFR 60.11(c)]

2.23 At all times, including periods of startup, shutdown, and malfunction, owners and operators 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 practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

[40 CFR 60.11(d)]

2.24 The purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in this part, nothing in this part shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[40 CFR 60.11(g)]

2.25 No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

[40 CFR 60.12]

2.26 A change to an existing facility may constitute a modification or reconstruction as described in 40 CFR 60.14 and 15 respectively. The source can request a determination of reconstruction or modification as described in 40 CFR 60.5.

[40 CFR 60.5, 14, and 15]

3. UNIT 4B - SOLAR MARS 100S LOW NO_X TURBINE

The following requirements apply generally to Unit 4B:

Table 3.1 SUMMARY OF REQUIREMENTS

Permit Conditions	Parameter	Permit Limit/ Standard Summary	Applicable Requirements Reference	Monitoring and Record-keeping Requirements
3.1	PM	0.015 gr/dscf @ 3% O_2 for gas	IDAPA 58.01.01.677	3.3
3.2	Visible emissions	20% opacity for no more than three minutes in any 60-minute period	PTC No. 017-00037	3.3
3.3	Fuel	Natural gas exclusively	PTC No. 017-00037	3.5
3.4	Throughput	1,110 MMscf/yr	PTC No. 017-00037	3.3, 3.5
3.6	NO_x emissions	223 ppmvd @ 15% O_2	PTC No. 017-00037	3.15
3.7	NO_x emissions	73 T/yr	PTC No. 017-00037	3.8, 3.15
3.9	Fuel sulfur content	0.8% by weight	PTC No. 017-00037	3.10

3.1 Particulate matter emissions from Unit 4B shall not exceed the grain-loading emission limits of 0.015 grains per dry standard cubic foot (gr/dscf) of effluent gas corrected to 3% oxygen by volume for natural gas.

[IDAPA 58.01.01.677, 5/1/1994]

3.2 No person shall discharge any air pollutant to the atmosphere from any point of emission for a period or periods aggregating more than three minutes in any 60-minute period which is greater than 20% opacity as determined by procedures contained in the IDAPA 58.01.01.625.

[PTC. No. 017-00037, 3/20/1998]

3.3 Unit 4B shall be fired by natural gas exclusively.

[PTC. No. 017-00037, 3/20/1998]

3.4 The maximum amount of natural gas combusted in Unit 4B shall not exceed 1,110,000,000 standard cubic feet per any consecutive 12-month period (scf/yr).

[PTC. No. 017-00037, 3/20/1998]

3.5 The permittee shall monitor and record the natural gas throughput to Unit 4B monthly and annually. Throughput shall be measured in cubic feet.

[PTC. No. 017-00037, 3/20/1998]

3.6 NO_x emissions from Unit 4B shall not exceed 223 ppmvd corrected to 15% O_2. NO_x emissions shall be measured in accordance with Permit Condition 3.15.

[PTC. No. 017-00037, 3/20/1998]

3.7 NO_x emissions from Unit 4B shall not exceed 73 tons per any consecutive 12-month period (T/yr). NO_x emissions shall be measured in accordance with Condition 3.8.

[PTC. No. 017-00037, 3/20/1998]

3.8 The permit shall develop a NO_x emission factor to use along with the monitored fuel throughput required by Permit Condition 3.5 to estimate annual NO_x emissions to demonstrate compliance with Permit Condition 3.7. The emission factor shall be developed using the results of performance tests required by Permit Condition 3.15 and shall be submitted to DEQ for approval. The permittee shall calculate the NOx emissions at least once per any consecutive 12-month period.

[IDAPA 58.01.01.322.01, /19/1999]

3.9 No fuel containing sulfur in excess of 0.8% by weight shall be burned in Unit 4B.

[PTC. No. 017-00037, 3/20/1998]

3.10 The permittee shall monitor and record the sulfur content of the fuel being fired in the gas turbines in accordance with the approved custom fuel monitoring schedule granted to the permittee by the Environmental Protection Agency (EPA). A copy of the semi-annual report required by EPA shall also be sent to DEQ to demonstrate compliance with 40 CFR 60.333(b).

[PTC. No. 017-00037, 3/20/1998]

3.11 If a replacement turbine is installed, the permittee shall conduct an initial performance test to measure oxides of nitrogen emissions in accordance with the test methods and procedures in 40 CFR 60.8, 40 CFR 60.335, IDAPA 58.01.01.157, and Permit Condition 3.15. Provided the replacement turbine demonstrates compliance with terms and conditions of this permit during the initial performance test, an additional performance test is not required during the calendar year the replacement turbine is put into service. Emissions, throughput, and rated horsepower of replacement turbines shall not exceed emission limits, throughput limits, and rated horsepower of existing Unit 4B.

3.12 The permittee shall notify DEQ of each engine replacement at least 30 days before the changeout, or in emergency situations where the permittee does not know 30 days in advance, within 48 hours of the changeout. The notification shall include a statement as to whether the unit being installed has been or will be reconstructed as defined in 40 CFR 60.15.

[40 CFR 60.335, 6/27/1989]

3.13 Stationary sources subject to 40 CFR 60 shall comply with Permit Conditions 2.18 through 2.26.

[IDAPA 58.01.01.322.02, 5/1/1994]

3.14 Unless otherwise specified by permit condition or source test plan approval, each source test shall consist of at least three test runs and the emissions results shall be reported as the arithmetic average of all valid test runs.

[40 CFR 60.8]

3.15 The permittee shall demonstrate compliance with the NO_x emission limit in Permit Condition 3.6 using EPA Method 20 in accordance with 40 CFR 60.335 as follows:

- Testing shall be performed one time per calendar year unless the results from the first test or two subsequent tests are less than 90% of the NO_x emission limits in Permit Conditions 3.6 in which no further testing will be required on that turbine during this permit term;

- Testing shall be performed at 30, 50, 75, and 100% of peak load or at four points in the normal operating range of the gas turbine including the minimum point in the range and peak load;
- During each test run, the permittee shall record the following information:
  (a) NO_x concentration, ppm by volume;
  (b) Barometric pressure at test, mm Hg;
  (c) Humidity of ambient air, g H_2O/g air;
  (d) Ambient temperature, K, and
  (e) Fuel consumption, scf/hour;
- For each test day, the permittee shall document the higher heating value of the fuel, Btu/scf.

[40 CFR 60.335]

3.16 For all testing, the permittee shall use the following test method(s) and averaging times to measure the pollutant emissions:

Table 3.2 TEST METHODS

Pollutant	Test Method	Averaging Time	Special Conditions
NO_x	EPA Method 20	Rolling three-hour average for lb/hr limit, 12-month rolling average for ton/year limit.	Or DEQ-approved alternative in accordance with IDAPA 58.01.01.157.

4. UNIT 4C - SOLAR MARS T14000 STANDARD TURBINE

The following requirements apply generally to Unit 4C:

Table 4.1 REQUIREMENTS APPLYING TO UNIT 4C

Permit Conditions	Parameter	Permit Limit/ Standard Summary	Applicable Requirements Reference	Monitoring and Recordkeeping Requirements
4.1	PM	0.015 gr/dscf @ 3% O_2 for gas	IDAPA 58.01.01.677	4.3
4.2	Visible emissions	20% opacity for no more than three minutes in any 60-minute period	PTC No. 017-00037	4.3
4.3	Fuel	Natural gas exclusively	PTC No. 017-00037	4.5
4.4	Throughput	963.6 MMscf/yr	PTC No. 017-00037	4.3, 4.5
4.6	NO_x emissions	220 ppmvd @ 15% O_2	PTC No. 017-00037	4.15
4.7	NO_x emissions	352 T/yr	PTC No. 017-00037	4.8, 4.15
4.9	Fuel sulfur content	0.8% by weight	PTC No. 017-00037	4.10

4.1 Particulate Matter emissions from Unit 4C shall not exceed the grain-loading emission limits of 0.015 gr/dscf of effluent gas corrected to 3% oxygen by volume for natural gas.

[IDAPA 58.01.01.677, 5/1/1994]

4.2 No person shall discharge any air pollutant to the atmosphere from any point of emission for a period or periods aggregating more than three minutes in any 60-minute period which is greater than 20% opacity as determined by procedures contained in the IDAPA 58.01.01.625 (Rules for the Control of Air Pollution in Idaho).

[IDAPA 58.01.01.625, 4/5/2000]

4.3 Unit 4C shall be fired by natural gas exclusively.

[PTC No. 017-00037, 10/22/1999]

4.4 The maximum amount of natural gas combusted in Unit 4C shall not exceed 963,600,000 standard cubic feet per any consecutive 12-month period (scf/yr).

[PTC No. 017-00037, 10/22/1999]

4.5 The permittee shall monitor and record the natural gas throughput to Unit 4C monthly and annually. Throughput shall be measured in cubic feet.

[PTC No. 017-00037, 10/22/1999]

4.6 NO_x emissions from Unit 4C shall not exceed 220 ppmvd corrected to 15% O_2. NO_x emissions shall be measured in accordance with Permit Condition 4.15.

[40 CFR 60.332(a)(2)][PTC No. 017-00037, 10/22/1999]

4.7 NO_x emissions from Unit 4C shall not exceed 352 tons per any consecutive 12-month period (T/yr). NO_x emissions shall be measured in accordance with Permit Condition 4.8.

[PTC No. 017-00037, 10/22/1999]

4.8 The permittee shall develop a NO_x emission factor to use along with the monitored fuel throughput required by Permit Condition 4.5 to estimate annual NO_x emissions to demonstrate compliance with Permit Condition 4.7. The emission factor shall be developed using the results of performance tests required by Permit Condition 4.15 and shall be submitted to DEQ for approval. The permittee shall calculate the NO_x emissions at least once per any consecutive 12-month period.

[IDAPA 58.01.01.322.01, 3/19/1999]

4.9 No fuel containing sulfur in excess of 0.8% by weight shall be burned in Unit 4C.

[40 CFR 60.333(b)][PTC No. 017-00037, 10/22/1999]

4.10 The permittee shall monitor and record the sulfur content of the fuel being fired in the gas turbines in accordance with the approved custom fuel monitoring schedule granted to the permittee by the Environmental Protection Agency (EPA). A copy of the semi-annual report required by EPA shall also be sent to DEQ to demonstrate compliance with 40 CFR 60.333(b).

[40 CFR 60.334(b)(2)][PTC No. 017-00037, 10/22/1999]

4.11 If a replacement turbine is installed, the permittee shall conduct an initial performance test to measure oxides of nitrogen emissions in accordance with the test methods and procedures in 40 CFR 60.8, 40 CFR 60.335, IDAPA 58.01.01.157, and Permit Condition 4.15. Provided the replacement turbine demonstrates compliance with terms and conditions of this permit during the initial performance test, an additional performance test is not required during the calendar year the replacement turbine is put into service. Emissions, throughput, and rated horsepower of replacement turbines shall not exceed emission limits, throughput limits, and rated horsepower of the existing unit.

4.12 The permittee shall notify DEQ of each engine replacement at least 30 days before the changeout, or in emergency situations where the permittee does not know 30 days in advance, within two days of determining that a change out is required. The notification shall include a statement as to whether the unit being installed has been or will be reconstructed as defined in 40 CFR 60.15.

[40 CFR 60.335]

4.13 Stationary sources subject to 40 CFR 60 shall comply with Permit Conditions 2.18 through 2.26.

[IDAPA 58.01.01.322.02, 5/1/1994]

4.14 Unless otherwise specified by permit condition or source test plan approval, each source test shall consist of at least three test runs, and the emissions results shall be reported as the arithmetic average of all valid test runs.

[40 CFR 60.8]

4.15 The permittee shall demonstrate compliance with the NO_x emission limits in Permit Conditions 4.6 using EPA Method 20 in accordance with 40 CFR 60.335 as follows:

- Testing shall be performed one time per calendar year unless the results from the first test or two subsequent tests are less than 90% of the NO_x emission limits in Permit Conditions 4.6 in which no further testing will be required on that turbine during this permit term;

- Testing shall be performed at 30, 50, 75, and 100% of peak load or at four points in the normal operating range of the gas turbine including the minimum point in the range and peak load;
- During each test run, the permittee shall record the following information:
  (a) NO_x concentration, ppm by volume;
  (b) Barometric pressure at test, mm Hg;
  (c) Humidity of ambient air, g H_2O/g air;
  (d) Ambient temperature, K, and
  (e) Fuel consumption, scf/hour;
- For each test day, the permittee shall document the higher heating value of the fuel, Btu/scf.

[40 CFR 60.335]

4.16 For all testing, the permittee shall use the following test method(s) and averaging times to measure the pollutant emissions:

Table 4.2 TEST METHOD

Pollutant	Test Method	Averaging Time	Special Conditions
NO_X	EPA Method 20	Rolling three-hour average for lb/hr limit, 12-month rolling average for ton/year limit.	Or Department-approved alternative in accordance with IDAPA 58.01.01.157.

5. UNIT 4A – SOLAR TITAN 130S SOLONO$_X$™ TURBINE

The following requirements apply generally to Unit 4A:

Table 5.1 UNIT 4A GENERAL REQUIREMENTS

Permit Conditions	Parameter	Permit Limit/Standard Summary	Applicable Requirements Reference	Monitoring and Recordkeeping Requirements
5.1	Emissions Limits	lb/hr and T/yr for Criteria Pollutants	PTC No. P-040117	5.8, 5.9
5.2	Opacity Limit	20% Opacity	PTC No. P-040117	5.8
5.3	Particulate Grain Loading	0.015 gr/dscf	PTC No. P-040117	5.5.1

Emissions Limits

5.1 Particulate matter (PM), particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM_{10}), sulfur dioxide (SO_2), NO_x, carbon monoxide (CO), and volatile organic compound (VOC) emissions from the Unit 4A stack shall not exceed any corresponding emissions rate limits listed in the following Table:

Table 5.2 UNIT 4A STACK EMISSIONS LIMITS

PG&E Gas Transmission Northwest, Samuels, Idaho Emissions Limits[a]										
Source	PM/ PM_{10}		SO_2		NO_X		VOC		CO	
	lb per MMscf[b]	T/yr[c]	lb per MMscf	T/yr	lb per MMscf	T/yr	lb per MMscf	T/yr	lb per MMscf	T/yr
SoLoNO$_x$™ gas turbine Unit 4A	6.73	4.21	2.86	1.79	164.4	85.4	2.14	1.34	119.6	74.8
Non-SoLoNO$_x$ mode	-	-	-	-	NA[d]		-	-	-	-
In SoLoNO$_x$ mode with ambient temperatures[e] less than 0°F	-	-	-	-	42.0 ppm[f]		-	-	-	-
In SoLoNO$_x$ mode with ambient temperatures[e] greater than or equal to 0°F	-	-	-	-	25.0 ppm[f]		-	-	-	-

[a] As determined by a pollutant-specific EPA reference method, DEQ-approved alternative, or as determined by DEQ's emissions estimation methods used in this permit analysis.
[b] Pounds per million standard cubic feet
[c] Tons per year as determined by multiplying the actual or allowable (if actual is not available) lb/hr emissions rate by the allowable hours per year that the process(es) may operate(s), or by actual annual production rates.
[d] Unit 4A can only be operated in non-SoLoNO$_x$ mode during startup, shutdown, and load change.
[e] Ambient temperature is measured by a temperature probe at the air inlet for the gas turbine.
[f] Parts per million

[PTC No. P-040117, 3/10/2005]

5.2 Emissions from the Unit 4A gas turbine stack, any other stack, vent, or functionally equivalent opening associated with Unit 4A, shall not exceed 20% opacity for a period or periods aggregating more than three minutes in any 60-minute period as required by IDAPA 58.01.01.625, Rules for the Control of Air Pollution in Idaho. Opacity shall be determined by the procedures contained in IDAPA 58.01.01.625.

[PTC No. P-040117, 3/10/2005]

5.3 Particulate emissions from the Unit 4A gas turbine stack shall not exceed a concentration of 0.015 grains per dry standard cubic feet (gr/dscf) corrected to 3% oxygen.

[PTC No. P-040117, 3/10/2005]

Operating Requirements

5.4 The Unit 4A gas turbine shall operate in non-SoLoNO_x mode only during periods of startup, shutdown, and load change.

[PTC No. P-040117, 3/10/2005]

5.5 The maximum annual fuel throughput of the Unit 4A gas turbine shall not exceed 1.251 billion standard cubic feet per any consecutive 12-month period (scf/yr).

[PTC No. P-040117, 3/10/2005]

5.5.1 Unit 4A shall be fired on natural gas exclusively.

[IDAPA 58.01.01.322.01, 3/19/1999]

5.6 No fuel containing sulfur in excess of 0.8% by weight shall be burned in the Unit 4A gas turbine.

[PTC No. P-040117, 3/10/2005]

5.7 The permittee shall comply with the Air Pollution Emergency Rules in IDAPA 58.01.01.550-562.

[PTC No. P-040117, 3/10/2005]

Monitoring and Recordkeeping Requirements

5.8 The permittee may satisfy the requirements of Permit Conditions 5.8.1 and 5.8.2 concurrently. The initial performance test, and any subsequent performance tests conducted to demonstrate compliance, shall be performed in accordance with IDAPA 58.01.01.157 and the following conditions:

5.8.1 Within 60 days after achieving the maximum production rate at which the source will operate, but not later than 180 days after initial startup, the permittee shall conduct performance tests to satisfy the requirements listed in 40 CFR 60.8 and 40 CFR 60.335.

5.8.2 Within 60 days after achieving the maximum production rate at which the source will operate, but not later than 180 days after initial startup, the permittee shall conduct performance tests to verify the emission factors for NO_x and CO. Emission factor testing shall be performed at four load points in the normal operating range of the gas turbine including the minimum load in the operating range and the maximum achievable load.

5.8.3 Visible emissions shall be observed during each performance test run using the methods specified in IDAPA 58.01.01.625.

5.8.4 The throughput of natural gas in standard cubic feet per hour (scf/hr) to Unit 4A shall be recorded during each performance test.

5.8.5 A second emissions test shall be conducted within 24 months of the initial performance test to demonstrate continued compliance with the emission limits for NO_x and CO listed in Table 5.2. Emissions testing to demonstrate compliance shall be conducted at least once every 60 months thereafter.

[PTC No. P-040117, 3/10/2005]

5.9 A compilation of the most recent five years of records shall be kept onsite, and shall be made available to DEQ representatives upon request. The permittee shall monitor and record the following information:

5.9.1 The permittee shall monitor and record the throughput of natural gas combusted in Unit 4A and the range of gas generator speed (%NGG), including periods of startup, shutdown, and load change, on a consecutive 12-month period basis.

5.9.2 The permittee shall demonstrate that the fuel combusted in the Unit 4A turbine engines meets the definition of natural gas in 40 CFR 60.331(u). The permittee shall use one of the following sources of information to make the required demonstration:

- The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20 grains/100 scf or less; or
- Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 20 grains/100 scf. At a minimum, the amount of fuel sampling data specified in section 2.3.1.4 or 2.3.2.4 of appendix D to part 60 of this chapter is required.
- No monitoring of fuel nitrogen content is required so long as the permittee does not claim an allowance for fuel bound nitrogen as described in 40 CFR 60.332(a), and so long as natural gas is the fuel fired in the turbine engines.

[PTC No. P-040117, 3/10/2005]

5.10 Within 60 days after startup, the permittee shall have developed an Operations and Maintenance (O&M) manual for Unit 4A which describes the procedures that will be followed to comply with General Provision 2 and the air pollution control device manufacturer specifications. This Manual shall remain onsite at all times and shall be made available to DEQ representatives upon request.

[PTC No. P-040117, 3/10/2005]

5.11 If a replacement turbine is installed, the permittee shall conduct an initial performance test to measure oxides of nitrogen emissions in accordance with the test methods and procedures in 40 CFR 60.8, 40 CFR 60.335, IDAPA 58.01.01.157, and Permit Condition 5.8. Provided the replacement turbine demonstrates compliance with terms and conditions of this permit during the initial performance test, an additional performance test is not required during the calendar year the replacement turbine is put into service. Emissions, throughput, and rated horsepower of replacement turbines shall not exceed emission limits, throughput limits, and rated horsepower of existing Unit 4B.

5.12 The permittee shall notify DEQ of each engine replacement at least 30 days before the changeout, or in emergency situations where the permittee does not know 30 days in advance, within 48 hours of the changeout. The notification shall include a statement as to whether the unit being installed has been or will be reconstructed as defined in 40 CFR 60.15.

[40 CFR 60.335, 6/27/1989]

Reporting Requirements

5.13 The permittee is encouraged to submit a test protocol for the performance test required in Permit Condition 5.8 to DEQ for approval at least 30 days prior to the test days.

[PTC No. P-040117, 3/10/2005]

5.14 The permittee shall submit a report of the results of the performance test required in Permit Condition 5.8, including all required process data, to DEQ within 30 days after the date on which the performance test is concluded.

[PTC No. P-040117, 3/10/2005]

6. INSIGNIFICANT ACTIVITIES

Activities and emission units identified as insignificant under IDAPA 58.01.01.317.01(b) are required to be listed in the Tier I OP to qualify for a permit shield:

Table 6.1 EMISSION UNITS IDENTIFIED AS INSIGNIFICANT

Location of the Emission(s) Unit at the Facility	Description	Emission Point	Insignificant Activities IDAPA Citation Section 3 317.01(b)(l)17 317
Maintenance Bld.	Space Heating Boilers	Point Source	.317.01.b.i.(5)
Northwest Section of Yard	Emergency Generator	Point Source	.317.01.b.i.(5)
Unit 4A Bld.	Lubricating Oil System	Non-Point Source	.317.07.a.i.(4)
Unit 4B Bld.	Lubricating Oil System	Non-Point Source	.317.01.a.i.(4)
Unit 4C Bld.	Lubricating Oil System	Non-Point Source	.317.01.a.i.(4)
Within Facility Boundary	Natural Gas Pipeline and Fuel System	Non-Point Source	.317.01.b.i.(30)
Within Facility Boundary	Fugitive Emissions	Non-Point Source	.317.01.b.i.(30)

6.1 There are no additional monitoring, recordkeeping, or reporting requirements for insignificant emission units or activities beyond those required in Part A (Facility-wide Conditions) of this OP.

[IDAPA 58.01.01.322.06,5/1/1994]

7. TIER I OPERATING PERMIT GENERAL PROVISIONS

General Compliance

1. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.
[IDAPA 58.01.01.322.15.a, 5/1/1994; 40 CFR 70.6(a)(6)(i)]

2. It shall not be 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 terms and conditions of this permit.
[IDAPA 58.01.01.322.15.b, 5/1/1994; 40 CFR 70.6(a)(6)(ii)]

3. Any permittee who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.
[IDAPA 58.01.01.315.01, 5/1/1994; 40 CFR 70.5(b)]

Reopening

4. This permit may be revised, reopened, revoked and reissued, or terminated for cause. Cause for reopening exists under any of the circumstances listed in IDAPA 58.01.01.386. Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable in accordance with IDAPA 58.01.01.360 through 369.
[IDAPA 58.01.01.322.15.c, 5/1/1994; IDAPA 58.01.01.386, 3/19/1999; 40 CFR 70.7(f)(1) and (2); 40 CFR 70.6(a)(6)(iii)]

5. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
[IDAPA 58.01.01.322.15.d, 5/1/1994; 40 CFR 70.6(a)(6)(iii)]

Property Rights

6. This permit does not convey any property rights of any sort, or any exclusive privilege.
[IDAPA 58.01.01.322.15.e, 5/1/1994; 40 CFR 70.6(a)(6)(iv)]

Information Requests

7. The permittee shall furnish all information requested by DEQ, within a reasonable time, that DEQ 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.
[Idaho Code §39-108; IDAPA 58.01.01.122, 5/1/1994; IDAPA 58.01.01.322.15.f, 4/5/2000; 40 CFR 70.6(a)(6)(v)]

8. Upon request, the permittee shall furnish to DEQ copies of records required to be kept by this permit. For information claimed to be confidential, the permittee may furnish such records along with a claim of confidentiality in accordance with Idaho Code §9-342A and applicable implementing regulations including IDAPA 58.01.01.128.

[IDAPA 58.01.01.322.15.g, 5/1/1994; IDAPA 58.01.01.128, 4/5/2000; 40 CFR 70.6(a)(6)(v)]

Severability

9. The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

[IDAPA 58.01.01.322.15.h, 5/1/1994; 40 CFR 70.6(a)(5)]

Changes Requiring Permit Revision or Notice

10. The permittee may not commence construction or modification of any stationary source, facility, major facility, or major modification without first obtaining all necessary permits to construct or an approval under IDAPA 58.01.01.213, or complying with IDAPA 58.01.01.220 through 223. The permittee shall comply with IDAPA 58.01.01.380 through 386 as applicable.

[IDAPA 58.01.01.200-223, 4/5/2000; IDAPA 58.01.01.322.15.i and 380-386, 3/19/1999; 40 CFR 70.4(b)(12), (14) and (15); 40 CFR 70.7(d) and (e)]

11. Changes that are not addressed or prohibited by the Tier I operating permit require a Tier I operating permit revision if such changes are subject to any requirement under Title IV of the CAA, 42 U.S.C. Section 7651 through 7651c, or are modifications under Title I of the CAA, 42 U.S.C. Section 7401 through 7515. Administrative amendments (IDAPA 58.01.01.381), minor permit modifications (IDAPA 58.01.01. 383), and significant permit modifications (IDAPA 58.01.01.382) require a revision to the Tier I operating permit. Clean Air Act section 502(b)(10) changes are authorized in accordance with IDAPA 58.01.01.384. Off-permit changes and required notice are authorized in accordance with IDAPA 58.01.01.385.

[IDAPA 58.01.01.381-385, 3/19/1999; IDAPA 58.01.01.209.05, 5/1/1994; 40 CFR 70.4(b)(14) and (15)]

Federal and State Enforceability

12. Unless specifically identified as a "state-only" provision, all terms and conditions in this permit, including any terms and conditions designed to limit a source's potential to emit, are enforceable: (i) by DEQ in accordance with state law; and (ii) by the United States or any other person in accordance with federal law.

[IDAPA 58.01.01.322.15.j, 5/1/1994; 40 CFR 70.6(b)(1) and (2)]

13. Provisions specifically identified as a "state-only" provision are enforceable only in accordance with state law. "State-only" provisions are those that are not required under the Federal Clean Air Act or under any of its applicable requirements or those provisions adopted by the state prior to federal approval.

[Idaho Code §39-108; IDAPA 58.01.01.322.15.k, 3/23/1998]

Inspection and Entry

14. Upon presentation of credentials, the permittee shall allow DEQ or an authorized representative of DEQ to do the following:

14.1 Enter upon the permittee's premises where a Tier I source is located or emissions related activity is conducted, or where records are kept under conditions of this permit;

14.2 Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit;

14.3 Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and

14.4 As authorized by the Idaho Environmental Protection and Health Act, sample or monitor, at reasonable times, substances or parameters for the purpose of determining or ensuring compliance with this permit or applicable requirements.

[Idaho Code §39-108; IDAPA 58.01.01.322.15.i, 3/19/1999; 40 CFR 70.6(c)(2)]

New Requirements During Permit Term

15. The permittee shall comply with applicable requirements that become effective during the permit term on a timely basis.

[IDAPA 58.01.01.322.10, 4/5/2000; IDAPA 58.01.01.314.10.a.ii, 5/1/1994; 40 CFR 70.6(c)(3) citing 70.5(c)(8]

Fees

16. The owner or operator of a Tier I source shall pay annual registration fees to DEQ in accordance with IDAPA 58.01.01.387 through IDAPA 58.01.01.397.

[IDAPA 58.01.01.322.15.n, 5/1/1994; 40 CFR 70.6(a)(7)]

Certification

17. All documents submitted to DEQ shall be certified in accordance with IDAPA 58.01.01.123 and comply with IDAPA 58.01.01.124.

[IDAPA 58.01.01.322.15.o, 5/1/1994; 40 CFR 70.6(a)(3)(iii)(A); 40 CFR 70.5(d)]

Renewal

18.1 The owner or operator of a Tier I source shall submit an application to DEQ for a renewal of this permit at least six months before, but no earlier than 18 months before, the expiration date of this operating permit. To ensure that the term of the operating permit does not expire before the permit is renewed, the owner or operator is encouraged to submit a renewal application nine months prior to the date of expiration.

[IDAPA 58.01.01.313.03, 4/5/2000; 40 CFR 70.5(a)(1)(iii)]

18.2 If a timely and complete application for a Tier I operating permit renewal is submitted, but DEQ fails to issue or deny the renewal permit before the end of the term of this permit, then all the terms and conditions of this permit including any permit shield that may have been granted pursuant to IDAPA 58.01.01.325 shall remain in effect until the renewal permit has been issued or denied.

[IDAPA 58.01.01.322.15.p, 5/1/1994; 40 CFR 70.7(b)]

Permit Shield

19. Compliance with the terms and conditions of the Tier I operating permit, including those applicable to all alternative operating scenarios and trading scenarios, shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:

- Such applicable requirements are included and are specifically identified in the Tier I operating permit; or
- DEQ has determined that other requirements specifically identified are not applicable and all of the criteria set forth in IDAPA 58.01.01.325.01(b) have been met.

19.2 The permit shield shall apply to permit revisions made in accordance with IDAPA 58.01.01.381.04 (administrative amendments incorporating the terms of a permit to construct), IDAPA 58.01.01.382.04 (significant modifications), and IDAPA 58.01.01.384.03 (trading under an emissions cap).

19.3 Nothing in this permit shall alter or affect the following:

19.3.1 Any administrative authority or judicial remedy available to prevent or terminate emergencies or imminent and substantial dangers;

19.3.2 The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;

19.3.3 The applicable requirements of the acid rain program, consistent with 42 U.S.C. Section 7651(g)(a); and

19.3.4 The ability of EPA to obtain information from a source pursuant to Section 114 of the CAA; or the ability of DEQ to obtain information from a source pursuant to Idaho Code §39-108 and IDAPA 58.01.01.122.

[Idaho Code §39-108 and 112; IDAPA 58.01.01.122, 322.15.m, and 325, 5/1/1994; IDAPA 58.01.01.381.04, 382.04, 383.05, 384.03, and 385.03, 3/19/1999; 40 CFR 70.6(f)]

Compliance Schedule and Progress Reports

20. For each applicable requirement for which the source is not in compliance, the permittee shall comply with the compliance schedule incorporated in this permit.

20.1 For each applicable requirement that will become effective during the term of this permit and that provides a detailed compliance schedule, the permittee shall comply with such requirements in accordance with the detailed schedule.

20.2 For each applicable requirement that will become effective during the term of this permit that does not contain a more detailed schedule, the permittee shall meet such requirements on a timely basis.

20.3 For each applicable requirement with which the permittee is in compliance, the permittee shall continue to comply with such requirements.

[IDAPA 58.01.01.322.10, 4/5/2000; IDAPA 58.01.01.314.9 and 10, 5/1/1994; 40 CFR 70.6(c)(3) and (4)]

Periodic Compliance Certification

21. The permittee shall submit compliance certifications during the term of the permit for each emissions unit to DEQ and the EPA as follows:

21.1 The permittee's reporting period for annual compliance certifications for all emissions units shall be from January 1st to December 31st of each year. The compliance certifications shall be submitted to DEQ, and a copy of all compliance certifications shall be submitted to the EPA within 30 days of the end of the specified reporting period;

21.2 The compliance certification for each emissions unit shall address all of the terms and conditions contained in the Tier I operating permit that are applicable to such emissions unit including emissions limitations, standards, and work practices;

21.3 The compliance certification shall be in an itemized form providing the following information (provided that the identification of applicable information may cross-reference the permit or previous reports as applicable):

21.3.1 The identification of each term or condition of the Tier I operating permit that is the basis of the certification;

21.3.2 The identification of the method(s) or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. Such methods and other means shall include, at a minimum, the methods and means required by this Tier I operating permit. If necessary, the owner or operator shall identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the CAA which prohibits knowingly making a false certification or omitting material information;

21.3.3 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 Paragraph 21.3.2 above. 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 is required and in which an excursion or exceedance as defined under 40 CFR 64 occurred;

21.3.4 Such other facts as DEQ may require to determine the compliance status of the source.

[IDAPA 58.01.01.322.11, 5/1/1994; 40 CFR 70.6(c)(5)(iii) as amended; 62 Fed. Reg. 54900 and 54946, 10/22/1997; 40 CFR 70.6(c)(5)(iv)]

False Statements

22. No person shall knowingly make any false statement, representation, or certification in any form, notice, or report required under this permit, or any applicable rule or order in force pursuant thereto.
[IDAPA 58.01.01.125, 3/23/1998]

No Tampering

23. No person shall knowingly render inaccurate any monitoring device or method required under this permit or any applicable rule or order in force pursuant thereto.
[IDAPA 58.01.01.126, 3/23/1998]

Semiannual Monitoring Reports

24. In addition to all applicable reporting requirements identified in this permit, the permittee shall submit reports of any required monitoring at least every six months. The permittee's semiannual reporting periods shall be from January 1 to June 30 and July 1 to December 31. All instances of deviations from this operating permit's requirements must be clearly identified in the report. The semiannual reports shall be submitted to DEQ within 30 days of the end of the specified reporting period.
[IDAPA 58.01.01.322.15.q, 3/23/1998; IDAPA 58.01.01.322.08.c, 4/5/2000; 40 CFR 70.6(a)(3)(iii)]

Reporting Deviations and Excess Emissions

25. The permittee shall promptly report all deviations from permit requirements including upset conditions, their probable cause, and any corrective actions or preventive measures taken. For excess emissions, the report shall be made in accordance with IDAPA 58.01.01.130-136. For all other deviations, the report shall be made in accordance with IDAPA 58.01.01.322.08.c, unless otherwise specified in this permit.
[IDAPA 58.01.01.322.15.q, 3/23/1998; IDAPA 58.01.01.135, 4/5/2000; 40 CFR 70.6(a)(3)(iii)]

Permit Revision Not Required

26. No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit.
[IDAPA 58.01.01.322.05.b, 4/5/2000; 40 CFR 70.6(a)(8)]

Emergency

27. In accordance with IDAPA 58.01.01.332, an "emergency" as defined in IDAPA 58.01.01.008., constitutes an affirmative defense to an action brought for noncompliance with such technology-based emissions limitation if the conditions of IDAPA 58.01.01.332.02 are met.
[IDAPA 58.01.01.332.01, 3/19/99; 40 CFR 70.6(g)]