



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

C.L. "Butch" Otter, Governor
Toni Hardesty, Director

July 30, 2010

Marlin Statema, Manager
DF-AP #1 - Big Sky West Dairy
P.O. Box 2708
Ferndale, WA 98248

RE: Facility ID No. 047-00022, DF-AP #1 - Big Sky West Dairy, Gooding
Final Permit Letter

Dear Mr. Statema:

The Department of Environmental Quality (DEQ) is issuing Permit to Construct (PTC) No. P-2015.0015 to DF-AP #1 for the replacement of one of the two dairy digester biogas-fired IC engines at Gooding, in accordance with IDAPA 58.01.01.200 through 228 (Rules for the Control of Air Pollution in Idaho).

This permit is based on your permit application received on February 8, 2010. This permit is effective immediately and replaces PTC No. P-2007.0096, issued on August 31, 2007. This permit does not release DF-AP #1 - Big Sky West Dairy from compliance with all other applicable federal, state, or local laws, regulations, permits, or ordinances.

Pursuant to the Construction and Operation Notification General Provision of your permit, it is required that construction and operation notification be provided. Please provide this information as listed to DEQ's Twin Falls Regional Office, 1363 Fillmore, Twin Falls, ID 83301, Fax (208) 736-2194.

In order to fully understand the compliance requirements of this permit, DEQ highly recommends that you schedule a meeting with Steve VanZandt, Air Quality Coordinator, at (208) 736-4261 to review and discuss the terms and conditions of this permit. Should you choose to schedule this meeting, DEQ recommends that the following representatives attend the meeting: your facility's plant manager, responsible official, environmental contact, and any other 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 contact Darrin Pampaian at (208) 373-0502 or **darrin.pampaian@deq.idaho.gov** to address any questions or concerns you may have with the enclosed permit.

Sincerely,

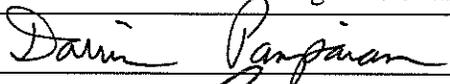
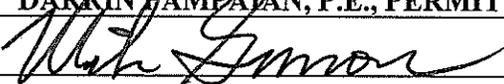
A handwritten signature in black ink, appearing to read "Mike Simon". The signature is fluid and cursive, with a large initial "M" and a stylized "S".

Mike Simon
Stationary Source Program Manager
Air Quality Division

MS\dp

Project No. P-2010.0015

Enclosures

<p style="text-align: center;">Air Quality PERMIT TO CONSTRUCT State of Idaho Department of Environmental Quality</p>	PERMIT NUMBER	CLASS	SIC
	P-2010.0015	B	4911
	FACILITY ID	AQCR	NAICS
	047-00022	63	221119
	ZONE	UTM COORDINATES (km)	
11	505.4	7853.16	
PERMITTEE			
DF-AP #1, LLC – Big Sky West Dairy			
PROJECT			
Permit to Construct modification			
MAILING ADDRESS	CITY	STATE	ZIP
P.O. Box 2708	Ferndale	WA	98248
FACILITY CONTACT	TITLE	TELEPHONE	
Kyle Juergens	Project Manager	(360) 366-9900	
RESPONSIBLE OFFICIAL	TITLE	TELEPHONE	
Marlin Statema	Manager	(360) 392-8938	
EXACT PLANT LOCATION		COUNTY	
2396 South 1500 E., Gooding, ID 83330		Gooding	
GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS			
Anaerobic digester renewable energy system using biogas-fired IC engines to generate electricity			
PERMIT AUTHORITY			
<p>This permit is issued according to the Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01.200 through 228, and pertains only to emissions of air contaminants regulated by the state of Idaho and to the sources specifically allowed to be constructed or modified by this permit.</p> <p>This permit (a) does not affect the title of the premises upon which the equipment is to be located; (b) does not release the permittee from any liability for any loss due to damage to person or property caused by, resulting from, or arising out of the design, installation, maintenance, or operation of the proposed equipment; (c) does not release the permittee from compliance with other applicable federal, state, tribal, or local laws, regulations, or ordinances; (d) in no manner implies or suggests that the Department of Environmental Quality (DEQ) or its officers, agents, or employees, assume any liability, directly or indirectly, for any loss due to damage to person or property caused by, resulting from, or arising out of design, installation, maintenance, or operation of the proposed equipment.</p> <p>This permit will expire if construction has not begun within two years of its issue date or if construction is suspended for one year.</p> <p>This permit has been granted on the basis of design information presented with its application. Changes in design, equipment or operations may be considered a modification. Modifications are subject to DEQ review in accordance with IDAPA 58.01.01.200 through 228 of the Rules for the Control of Air Pollution in Idaho.</p>			
		DATE ISSUED	July 30, 2010
DARRIN PAMPAJAN, P.E., PERMIT WRITER			
			
MIKE SIMON, STATIONARY SOURCE MANAGER			

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PERMIT TO CONSTRUCT SCOPE

Purpose

1. This is a modification of a permit to construct to replace one of the IC engines with one identical to the IC engine installed at the facility.
2. Those permit conditions that have been modified or revised by this permitting action are identified by a date citation located directly under the permit condition and on the right hand margin.
3. This PTC replaces Permit to Construct No. P-2007.0096, issued on August 31, 2007.
4. The emission sources regulated by this permit are listed in the following table.

Table 1 REGULATED SOURCES

Source Descriptions	Emission Controls
<u>ANAEROBIC DIGESTER:</u> Capacity: 3.2 million gallons Throughput: 145,455 gallons per day Biogas production: 584,880 cubic feet per day	Internal Combustion Engines (IC Engines No. 1 and 2) and the Emergency Flare
<u>IC ENGINE NO. 1:</u> Manufacturer: Guascor Model: SFGLD 560 Maximum Rated Power: 1,057 bhp Fuel: Biogas Ignition Type: Spark	Lean-burn Combustion Technology
<u>IC ENGINE NO. 2:</u> Manufacturer: Guascor Model: SFGLD 560 Maximum Rated Power: 1,057 bhp Fuel: Biogas Ignition Type: Spark	Lean-burn Combustion Technology
<u>FLARE:</u> Manufacturer: Andgar Model: 10" Maximum Heat Input Rating: 25 MMBtu/hr Fuel: Biogas	N/A

ANAEROBIC DIGESTER, BIOGAS-FIRED IC ENGINES, AND FLARE

Process Description

5. Process Description

An anaerobic digester is used to produce biogas from on-site dairy cattle manure. The biogas is combusted in two reciprocating IC engines or a flare. The two reciprocating IC engines are used to power electrical generators. During emergencies and routine maintenance the IC engines are taken offline, and the excess biogas is combusted in the flare.

6. Emission Controls Description

Table 2 ANAEROBIC DIGESTER, IC ENGINES, AND FLARE DESCRIPTION

Source Description	Control Equipment Description	Emissions Point ID No. and Description
Anaerobic Digester	Internal Combustion Engines (IC Engines No. 1 and 2) and Flare	N/A
Internal Combustion Engines (Engines No. 1 and 2)	Lean-burn Combustion Technology	IC Engines 1 and 2 Exhaust Stacks
Flare	N/A	Flare Exhaust Stack

Emission Limits

7. Emission Limits

The emissions from the IC engines and flare stacks shall not exceed any emissions rate limit in the following table:

Table 3 IC ENGINES AND FLARE EMISSION LIMITS^{a,b}

Emissions Unit	PM ₁₀ ^c		SO ₂		NO _x		CO		VOC	
	lb/hr ^d	T/yr ^e	lb/hr ^d	T/yr ^e	lb/hr ^d	T/yr ^e	lb/hr ^d	T/yr ^e	lb/hr ^d	T/yr ^e
Point Sources										
IC Engine No. 1	0.07	0.30	4.10	17.96	2.33	10.20	5.12	22.43	2.33	10.20
IC Engine No. 2	0.07	0.30	4.10	17.96	2.33	10.20	5.12	22.43	2.33	10.20
Flare	0.10	0.45	8.20	35.92	1.38	6.02	2.75	12.05	4.95	21.68

- a) In absence of any other credible evidence, compliance is assured by complying with permit operating, monitoring, and record keeping requirements.
- b) The total PTE is the estimated worst-case from either the IC engines or the flare.
- c) Particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers, including condensable particulate as defined in IDAPA 58.01.01.006.81.
- d) Pounds per hour, as determined by a test method prescribed by IDAPA 58.01.01.157, EPA reference method, or DEQ-approved alternative.
- e) Tons per any consecutive 12-calendar month period.

[July 30, 2010]

8. H₂S Concentration Limit

The average annual concentration of Hydrogen sulfide (H₂S) in the biogas produced by the anaerobic digester shall not exceed 2,000 ppmv.

[July 30, 2010]

9. Biogas Production Limit

Biogas production from the anaerobic digester shall not exceed 584,880 standard cubic feet per day, based on the average scf produced per day over any consecutive 12-month period.

[July 30, 2010]

10. Opacity Limit

Emissions from the IC engines and flare stacks, or any other stack, vent, or functionally equivalent opening associated with the IC engines and flare, 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. Opacity shall be determined by the procedures contained in IDAPA 58.01.01.625.

11. Odors

The permittee shall not allow, suffer, cause, or permit the emission of odorous gasses, liquids, or solids to the atmosphere in such quantities as to cause air pollution in accordance with IDAPA 58.01.01.776.01.

12. 40 CFR 60, Subpart JJJJ – Emission Standards for Owners and Operators of Stationary Spark Ignition Internal Combustion Engines

In accordance with 40 CFR 60.4233(e) and Table 1 of 40 CFR 60, Subpart JJJJ, the permittee shall comply with the following emission standards for IC engines firing on digester gas:

Table 4 40 CFR 60, SUBPART JJJJ, TABLE 1 SUMMARY

Engine Type and Fuel	Maximum Engine Horsepower (bhp)	Manufacture Date	Emission Standards ^a					
			g/bhp-hr			ppmvd at 15% O ₂		
			NO _x	CO	VOC ^b	NO _x	CO	VOC ^b
Lean Burn Digester Gas Fired	500 ≥ BHP < 1,350	1/1/2008	3.0	5.0	1.0	220	610	80

- a) Owners and operators of stationary non-certified spark ignited IC engines may choose to comply with the emission standards in units of either g/bhp-hr or ppmvd at 15% O₂.
- b) When calculating emissions of volatile organic compounds, emission of formaldehyde should not be included.

[July 30, 2010]

Operating Requirements

13. 40 CFR 60, Subpart JJJJ – Emission Standards for Owners and Operators of Stationary Spark Ignition Internal Combustion Engines

Owners and operators must operate and maintain the engines that achieve these standards over the life of the engine in accordance with 40 CFR 60.4234.

[July 30, 2010]

14. Biogas Combustion

Only facility-generated biogas produced from the on-site anaerobic digester shall be combusted in IC Engine No. 1 and/or IC Engine No.2 and/or the flare.

15. Flare Ignition System

The permittee shall install, maintain, and operate a flare during operation of the anaerobic digester. A flame shall be present at all times when combustible gases are vented through the flare. The outlet of the flare shall be equipped with an automatic ignition system, or, shall operate with a pilot flame present at all times when combustible gases are vented through the flare.

[July 30, 2010]

Monitoring and Recordkeeping Requirements

16. Flare Flame Monitoring

The permittee shall install, maintain, and operate a heat sensing device such as a thermocouple, ultraviolet beam sensor, infrared sensor, or an alternative equivalent device, capable of continuously detecting that the flare flame is present.

[July 30, 2010]

17. Fuel Consumption Monitoring and Recordkeeping

The permittee shall monitor and record the amount of biogas combusted by the IC engines and the flare on a monthly basis. Each monthly amount of biogas combusted shall also be summed over the previous consecutive 12-month period. The amount of biogas combusted shall be recorded in units of million standard cubic feet per month (MMscf/month) and MMscf per consecutive 12-month period (MMscf/yr).

18. Biogas Flowrate Monitoring

Unless an alternative monitoring and recordkeeping method is approved by DEQ, the permittee shall comply with the following requirements to determine the quantity of biogas produced by the anaerobic digester:

- The permittee shall install, calibrate, maintain, and operate a biogas flow meter that shall be placed at the outlet of the covered anaerobic digester, in order to determine the total quantity of biogas produced by the digester. The biogas flow meter shall be installed, operated, and maintained in accordance with the O&M manual and the manufacturer specifications.
- Calibration of the biogas flow meter shall be performed and recorded in accordance with the O&M manual.
- The permittee shall monitor and record the total biogas flow rate on a monthly basis, in units of MMscf/month.

19. Biogas H₂S Concentration Monitoring

Unless an alternative monitoring and recordkeeping method is approved by DEQ, the permittee shall comply with the following requirements to determine the concentration of H₂S in the gas stream produced by the anaerobic digester:

- The permittee shall install, calibrate, maintain, and operate an H₂S gas concentration monitor that shall be placed downstream of the digester and the bio-scrubber, and upstream of the IC engines and the flare, to measure the H₂S concentration of the biogas. The monitor shall be installed in accordance with the O&M manual and the manufacturer specifications.
- Calibration of the H₂S concentration monitor shall be performed no less frequently than semi-annually and recorded in accordance with the O&M manual.
- The H₂S concentrations from the monitor shall be recorded once per week.
- Monitoring and recordkeeping of H₂S concentrations shall occur weekly during operation of the digester. Monthly monitoring may be conducted in lieu of weekly monitoring, provided that 24 consecutive weeks of monitoring show that the measured H₂S concentration does not equal or exceed 90% of the 2,000 ppmv H₂S Concentration Limit. If any measured H₂S concentration during monthly monitoring equals or exceeds 90% of the 2,000 ppmv H₂S Concentration Limit, then the monitoring frequency shall revert to weekly until 24 consecutive weeks of monitoring do not equal or exceed 90% of the 2,000 ppmv H₂S Concentration Limit. Records of this information shall be maintained on site and be made available to DEQ representatives upon request.

20. Operations and Maintenance Manual

The permittee shall have developed and submitted to DEQ an Operations and Maintenance (O&M) manual for the anaerobic digester, the IC engines No.1 and No.2, and the flare which describes the procedures that will be followed to comply with the General Compliance General Provision of this permit and the manufacturer's specifications for each piece of equipment. At a minimum, the following shall be included in the O&M manual:

- Biogas Flow Rate Meter
 - Standard operational procedure for flow-rate sampling,
 - Frequency and method of calibration,

- Operational maintenance plan,
- Procedures for upset/breakdown conditions and for correcting equipment malfunctions, and
- Maximum flow rate.
- H₂S Concentration Monitor
 - Standard operational procedure for H₂S concentration sampling,
 - Frequency and method of calibration,
 - Operational maintenance plan,
 - Procedures for upset/breakdown conditions and for correcting equipment malfunctions, and
 - Maximum H₂S concentration.
- Flare Ignition System
 - Method of ensuring continuous operation,
 - Operational maintenance,
 - Procedure for flare flame reignition, and
 - Procedures for upset/breakdown conditions and for correcting equipment malfunctions.

The requirements to periodically monitor and record the parameters listed above shall be no less frequently than once per calendar month.

The contents of the O&M manual shall be based on manufacturer's specifications for each piece of equipment. A copy of the manufacturer's recommendations shall be included with the O&M manual, and both shall be made available to DEQ representatives upon request.

Any changes to the O&M Manual shall be submitted within 15 days of the change.

The operation and monitoring requirements specified in the O&M manual are incorporated by reference to this permit and are enforceable permit conditions.

[July 30, 2010]

21. Alternative Operating Parameters

As an alternative to the manufacturer's operating parameters for the anaerobic digester, the IC engines No.1 and No.2, and the flare, the permittee may establish new operating parameters by conducting a performance test that demonstrates compliance with the Emissions Limits Permit Condition while operating at the alternative operating parameters. The performance test shall be conducted in accordance with the test methods and procedures specified in the Rules (IDAPA 58.01.01.157) and in accordance with a DEQ-approved source test protocol. All operating parameters specified in this permit condition shall be continuously monitored and recorded during each test run. The permittee may request to operate outside of the operating parameters specified by the manufacturer during the performance test by submitting a written source protocol to DEQ for approval and requesting to operate under alternative operating parameters during the duration of the test. The protocol shall describe how the operating parameters will be monitored during the performance test. Once the source test is completed the permittee may request in writing to operate in accordance with alternative operating parameters. The request shall include a source test report and justification for the alternative operating parameters. Upon receiving DEQ written approval of the source test and the requested alternative operating parameters, the permittee shall operate in accordance with those DEQ approved alternative operating parameters. A copy of DEQ's approval shall be maintained on site with a copy of this permit.

[July 30, 2010]

22. Manufacturer's Recommendations and Specifications for Operation of the IC Engines

The permittee shall operate and maintain IC engines No.1 and No.2 to manufacturer's recommendations and specifications at all times and shall make the manufacturer's recommendations and specifications available to DEQ representatives upon request. A copy of the documentation shall be submitted to DEQ's Twin Falls Regional Office.

23. Visible Emissions Monitoring

The permittee shall conduct a monthly facility-wide inspection of potential sources of visible emissions, during daylight hours and under normal operating conditions. The visible emissions inspection shall consist of a see/no see evaluation for each potential source. If any visible emissions are present from any point of emission, the permittee shall either take appropriate corrective action as expeditiously as practicable, or perform a Method 9 opacity test in accordance with the procedures outlined in IDAPA 58.01.01.625. A minimum of 30 observations shall be recorded when conducting the opacity test. If opacity is greater than 20% for a period or periods aggregating more than three minutes in any 60-minute period, the permittee shall take all necessary corrective action and report the exceedance in accordance with IDAPA 58.01.01.130-136. The permittee shall maintain records of the results of each visible emissions inspection and each opacity test when conducted. The records shall include, at a minimum, the date and results of each inspection and test and a description of the following: the permittee's assessment of the conditions existing at the time visible emissions are present (if observed), any corrective action taken in response to the visible emissions, and the date corrective action was taken.

[July 30, 2010]

24. Odor Complaints

The permittee shall maintain records of all odor complaints received to demonstrate compliance with the Odors Permit Condition. The permittee shall take appropriate corrective action as expeditiously as practicable. The records shall include, at a minimum, the date 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.

[July 30, 2010]

25. Recordkeeping

The permittee shall comply with the recordkeeping requirements of the Recordkeeping General Provision.

[July 30, 2010]

Performance Testing Requirements

26. 40 CFR 60.4243, Subpart JJJJ – Compliance Requirements for Owners and Operators of Stationary Spark Ignition Internal Combustion Engines

The permittee shall comply with the compliance requirements for owners and operators per 40 CFR 60.4243 as follows:

- Keep a maintenance plan and records of conducted maintenance and, to the extent practicable, maintain and operate the engines in a manner consistent with good air pollution practices for minimizing emissions in accordance with 40 CFR 60.4243(b)(2)(ii).
- Conduct a performance test within one year of initial IC engine operation and conduct subsequent performance testing every 8,760 hours of each IC engine's operation or every 3 years, whichever comes first, in accordance with 40 CFR 60.4243(b)(2)(ii).

[July 30, 2010]

27. 40 CFR 60.4243, Subpart JJJJ – Testing Requirements for Owners and Operators of Stationary Spark Ignition Internal Combustion Engines

The permittee shall comply with all applicable performance test standards of 40 CFR 60.4244 as follows:

- Performance tests shall be conducted within 10% of the highest achievable load in accordance with 40 CFR 60.4244(a).
- Performance tests shall not be conducted during periods of start-up, shut down, or malfunction in accordance with 40 CFR 60.4244(b).
- Three separate test runs shall be conducted within 10% of the highest achievable load and last at least one hour in accordance with 40 CFR 60.4244(c).
- Compliance with the NO_x, CO, and VOC standards of 40 CFR 60.4234 shall be demonstrated in accordance with the calculations provided in 40 CFR 60.4244(d) through 40 CFR 60.4244(f) and 40 CFR 60, Subpart JJJJ, Table 2.

[July 30, 2010]

Reporting Requirements

28. 40 CFR 60.4245, Subpart JJJJ – Notification, Reports, and Records Requirements for Owners and Operators of Stationary Spark Ignition Internal Combustion Engines

The permittee shall comply with all applicable standards for notification, reports, and records per 40 CFR 60.4245 as follows:

- Submit all notifications and all supporting documentation to the addressees provided and in accordance with 40 CFR 60.4245(a)(1).
- Keep records of maintenance conducted on the engines in accordance with 40 CFR 60.4245(a)(2).
- If the stationary SI internal combustion engine is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards and information as required in 40 CFR parts 90 and 1048 in accordance with 40 CFR 60.4245(a)(3).
- If the stationary SI internal combustion engine is not a certified engine or is a certified engine operating in a non-certified manner and subject to §60.4243(a)(2), documentation that the engine meets the emission standards in accordance with 40 CFR 60.4245(a)(4).
- Submit an initial notification to the addressees provided in accordance with 40 CFR 60.4245(c). The notification shall contain the following information:
 - Name and address of the owner or operator
 - The address of the affected sources
 - Engine information including make, model, engine family, serial number, model year, maximum engine brake horsepower, and engine displacement
 - Emission control equipment
 - Fuel used
- Submit results of the performance tests within 60 days after the performance test was conducted in accordance with 40 CFR 60.4245(d). Results shall be sent to the addressees provided.

[July 30, 2010]

29. NSPS 40 CFR 60 Subpart A –General Provisions

Generally applicable requirements of Subpart A of the New Source Performance Standards (NSPS, 40 CFR 60) are summarized in the following Table. These summaries are provided to aid the permittee in understanding the general requirements and to highlight the notification and record keeping requirements of 40 CFR 60 for affected facilities. These summaries do not relieve the permittee from the responsibility to comply with all applicable requirements of the CFR, and they are not intended to be a comprehensive listing of all requirements that may apply.

Table 5 NSPS SUBPART A (40 CFR 60.1) SUMMARY OF GENERAL PROVISIONS FOR AFFECTED FACILITIES

Section	Section Title	Summary of Section			
60.4	Address	<p style="text-align: center;">All notifications and reports shall be submitted to:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Director Air and Waste US EPA 1200 Sixth Avenue Seattle, WA 98101</td> <td style="width: 10%; text-align: center; border: none;">And</td> <td style="width: 40%; border: none;">Department of Environmental Quality Twin Falls Regional Office 1363 Fillmore Street Twin Falls, ID 83301</td> </tr> </table>	Director Air and Waste US EPA 1200 Sixth Avenue Seattle, WA 98101	And	Department of Environmental Quality Twin Falls Regional Office 1363 Fillmore Street Twin Falls, ID 83301
Director Air and Waste US EPA 1200 Sixth Avenue Seattle, WA 98101	And	Department of Environmental Quality Twin Falls Regional Office 1363 Fillmore Street Twin Falls, ID 83301			
60.7(b),(c)(d) and (f)	Notification and Record Keeping	<ul style="list-style-type: none"> • Notification of construction postmarked no later than 30 days of such date. • Notification of startup postmarked within 15 days of such date. • Notification of physical or operational change that may increase emissions postmarked 60 days before the change is made. • Maintain records of the occurrence and duration of any: startup, shutdown or malfunction of the affected source; malfunction of air pollution control device; and any period when a continuous monitoring system or monitoring device is inoperative. • For affected units with continuous monitoring device requirements, report excess emissions and monitoring system performance semiannually, postmarked by January 30th and July 30th (in the format required by NSPS). • Maintain in a permanent form records suitable for inspection all measurements, system testing, performance measurements, calibration checks, adjustments and maintenance performed. Records shall be maintained for a period of two years from the date the record is required to be generated by the applicable regulation. 			
60.11(a),(b),(c), (d) and (g)	Compliance with Standards and Maintenance Requirements	<ul style="list-style-type: none"> • Other than opacity standards, where performance tests are required compliance with standards is determined by methods and procedures established by 40 CFR 60.8. • Compliance with opacity standards shall be determined by Method 9 of Appendix A. The owner or operator may elect to use COM measurements in lieu of Method 9, provided notification is made at least 30 days before the performance test. • At all times, including periods of startup, shutdown, and malfunction to the extent practicable, the operator shall maintain and operate any affected facility and air pollution control equipment consistent with good air pollution control practices. • For the purposes of determining compliance with standards, any credible evidence may be used if the appropriate performance or compliance test procedure has been performed. 			
60.12	Circumvention	No owner or operator shall build, erect, install, or use any article or method, including dilution, to conceal an emission which would otherwise constitute a violation.			

[July 30, 2010]

30. Incorporation of Federal Requirements by Reference

Unless expressly provided otherwise, any reference in this permit to any document identified in IDAPA 58.01.01.107.03 shall constitute the full incorporation into this permit of that document for the purposes of the reference, including any notes and appendices therein. Documents include, but are not limited to:

- Standards of Performance for New Stationary Sources (NSPS), 40 CFR Part 60, Subpart JJJJ.

For permit conditions referencing or cited in accordance with any document incorporated by reference (including permit conditions identified as NESHAP), should there be any conflict between the requirements of the permit condition and the requirements of the document, the requirements of the document shall govern, including any amendments to that regulation.

[July 30, 2010]

PERMIT TO CONSTRUCT GENERAL PROVISIONS

General Compliance

31. The permittee has a continuing duty to comply with all terms and conditions of this permit. All emissions authorized herein shall be consistent with the terms and conditions of this permit and the Rules for the Control of Air Pollution in Idaho. The emissions of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the Rules for the Control of Air Pollution in Idaho, and the Environmental Protection and Health Act, Idaho Code §39-101, et seq.
- [Idaho Code §39-101, et seq.]**
32. The permittee shall at all times (except as provided in the Rules for the Control of Air Pollution in Idaho) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable Idaho laws for the control of air pollution.
- [IDAPA 58.01.01.211, 5/1/94]**
33. Nothing in this permit is intended to relieve or exempt the permittee from the responsibility to comply with all applicable local, state, or federal statutes, rules and regulations.
- [IDAPA 58.01.01.212.01, 5/1/94]**

Inspection and Entry

34. Upon presentation of credentials, the permittee shall allow DEQ or an authorized representative of DEQ to do the following:
- Enter upon the permittee's premises where an emissions source is located or emissions related activity is conducted, or where records are kept under conditions of this permit;
 - Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit;
 - Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
 - 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]**

Construction and Operation Notification

35. The permittee shall furnish DEQ written notifications as follows in accordance with IDAPA 58.01.01.211:
- A notification of the date of initiation of construction, within five working days after occurrence;
 - A notification of the date of any suspension of construction, if such suspension lasts for one year or more;
 - A notification of the anticipated date of initial start-up of the stationary source or facility not more than sixty days or less than thirty days prior to such date;
 - A notification of the actual date of initial start-up of the stationary source or facility within fifteen days after such date; and
 - A notification of the initial date of achieving the maximum production rate, within five working days after occurrence - production rate and date.

Performance Testing

36. If performance testing (air emissions source test) is required by this permit, the permittee shall provide notice of intent to test to DEQ at least 15 days prior to the scheduled test date or shorter time period as approved by DEQ. DEQ, at its option, may 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.
37. All performance 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, at least 30 days prior to conducting any performance test, the permittee is encouraged to submit a performance test protocol to DEQ for approval. The written protocol shall include a description of the test method(s) to be used, an explanation of any or unusual circumstances regarding the proposed test, and the proposed test schedule for conducting and reporting the test.
38. Within 30 days following the date in which a performance test required by this permit is concluded, the permittee shall submit to DEQ a performance test report. The written report shall include a description of the process, identification of the test method(s) used, equipment used, all process operating data collected during the test period, and test results, as well as raw test data and associated documentation, including any approved test protocol.

[IDAPA 58.01.01.157, 4/5/00]

Monitoring and Recordkeeping

39. The permittee shall maintain sufficient records to ensure compliance with all of the terms and conditions of this permit. Records of monitoring information shall include, but not be limited to the following: (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 and 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 58.01.01.211, 5/1/94]

Excess Emissions

40. The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130-136 for excess emissions due to startup, shutdown, scheduled maintenance, safety measures, upsets and breakdowns.

[IDAPA 58.01.01.130-136, 4/5/00]

Certification

41. All documents submitted to DEQ, including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certification shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete.

[IDAPA 58.01.01.123, 5/1/94]

False Statements

42. 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, 3/23/98]

Tampering

43. 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, 3/23/98]

Transferability

44. This permit is transferable in accordance with procedures listed in IDAPA 58.01.01.209.06.
[IDAPA 58.01.01.209.06, 4/11/06]

Severability

45. 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 58.01.01.211, 5/1/94]