



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706 • (208) 373-0502
www.deq.idaho.gov

C.L. "Butch" Otter, Governor
John H. Tippetts, Director

June 22, 2016

Jim Wiest, Authorized Representative
333 Perry Street, Suite 301
Castle Rock, CO 80104

RE: Facility ID No. 053-00018, Double A Digester AgPower, LLC, Jerome
Final Permit Letter

Dear Mr. Wiest:

The Department of Environmental Quality (DEQ) is issuing Permit to Construct (PTC) No. P-2011.0010 Project 61674 to Double A Digester AgPower, LLC located at Jerome for the PTC revision to increase operational flexibility and establish a mutually agreed-upon method for tracking annual CO emissions for the dairy digester generators. This PTC is issued in accordance with IDAPA 58.01.01.200 through 228 (Rules for the Control of Air Pollution in Idaho) and is based on the certified information provided in your PTC application received March 7, 2016.

This permit is effective immediately and replaces PTC No. P-2010.0010, issued on July 3, 2013. This permit does not release Double A Digester AgPower, LLC from compliance with all other applicable federal, state, or local laws, regulations, permits, or ordinances.

In order to fully understand the compliance requirements of this permit, DEQ highly recommends that you schedule a meeting with Twin Falls Regional Manager Bobby Dye, at (208) 737-3889 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 Tom Burnham at (208) 373-0502 or tom.burnham@deq.idaho.gov to address any questions or concerns you may have with the enclosed permit.

Sincerely,

A handwritten signature in black ink that reads "Mike Simon".

Mike Simon
Stationary Source Program Manager
Air Quality Division

MS\tb

Permit No. P-2010.0010
PROJ 61674
Enclosures

Air Quality

PERMIT TO CONSTRUCT

Permittee AgPower, LLC, Double A Dairy Digester
Permit Number P-2011.0010
Project ID 61674
Facility ID 053-00018
Facility Location 305 County Line Road
Jerome, Idaho 83338

Permit Authority

This permit (a) is issued according to the “Rules for the Control of Air Pollution in Idaho” (Rules), IDAPA 58.01.01.200–228; (b) 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; (c) has been granted on the basis of design information presented with the application; (d) does not affect the title of the premises upon which the equipment is to be located; (e) 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; (f) does not release the permittee from compliance with other applicable federal, state, tribal, or local laws, regulations, or ordinances; and (g) in no manner implies or suggests that the Idaho 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. Changes in design, equipment, or operations may be considered a modification subject to DEQ review in accordance with IDAPA 58.01.01.200–228.

Date Issued June 22, 2016



Tom Burnham, Permit Writer



Mike Simon, Stationary Source Manager

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1 Permit Scope

Purpose

- 1.1 This is a revised permit to construct for three IC engines and two flares to combust biogas from the Double A Dairy.
- 1.2 Those permit conditions that have been modified or revised by this permitting action are identified by the permit issue date citation located directly under the permit condition and on the right-hand margin.
- 1.3 This PTC replaces Permit to Construct No. P-2011.0010, issued on July 3, 2013.

Regulated Sources

Table 1.1 lists all sources of regulated emissions in this permit:

Table 1.1 Regulated Sources

Permit Section	Source	Control Equipment
2	<u>Anaerobic Digester</u> Generation peak capacity of 1,765,085 scf/day	Three spark-ignited lean-burn IC engines or two flares when the engines are down.
2	<u>Biogas-fired IC Engine #1</u> Manufacturer: Caterpillar Model: 3520C Maximum Rated Power: 2,110 bhp Maximum Rated Electrical Generating Capacity -1512 kW Fuel: Biogas only	Lean-burn combustion technology
2	<u>Biogas-fired IC Engine #2</u> Manufacturer: Caterpillar Model: 3520C Maximum Rated Power: 2,110 bhp Maximum Rated Electrical Generating Capacity- 1512 kW Fuel: Biogas only	
2	<u>Biogas-fired IC Engine #3</u> Manufacturer: Caterpillar Model: 3520C Maximum Rated Power: 2,110 bhp Maximum Rated Electrical Generating Capacity- 1512 kW Fuel: Biogas only	
2	<u>Biogas-fired IC Flare #1</u> Flare – Andgar flare with a heat input rating of 19.9 MMBtu/hr	None
2	<u>Biogas-fired IC Flare #2</u> Flare – Andgar flare with a heat input rating of 19.9 MMBtu/hr	None

[6/22/2016]

2 Anaerobic Digester, Biogas-Fired IC Engines And Flares

2.1 Process Description

An anaerobic digester is used to produce biogas from on-site dairy cattle manure. The biogas is then combusted in three Caterpillar Model 3520C spark ignition reciprocating internal combustion (IC) engines or two flares. The three 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 flares.

2.2 Control Device Descriptions

Table 2.1 2 Anaerobic Digester, Biogas-Fired IC Engines And Flares Description

Emissions Units / Processes	Control Devices	Emission Points
Anaerobic digester (DIGESTER)	Three IC engines and two flares	N/A
Caterpillar Model 3520C IC Engines (IC-1 thru IC-3)	None	Exhaust stacks Engine 1-3
Flares (1&2)	None	Exhaust Flare 4-5

Emission Limits

2.3 Emission Limits

The emissions from the Biogas-Fired Caterpillar Model 3520C IC Engines #1-#3 combined shall not exceed the annual emission for the 3 pollutants listed in Table 2.2. For NO_x, each separate IC engine must not exceed the pound per hour limit listed in Table 2.2.

Table 2.2 Biogas-Fired IC Engines Emission Limits^a

Source Description	SO ₂		CO		NO _x	
	lb/hr	T/yr ^(b)	lb/hr	T/yr ^(c)	lb/hr ^(d)	T/yr ^(e)
IC Engine #1	--	29.88	--	98.34	4.65	56.85
IC Engine #2	--		--		4.65	
IC Engine #3	--		--		4.65	

- In absence of any other credible evidence, compliance is ensured by complying with permit operating, monitoring, and record keeping requirements.
- Tons SO₂ per any consecutive 12-calendar month period as determined in permit condition 2.12.
- Tons CO per any consecutive 12-calendar month period for IC Engines 1-#3 combined determined in permit condition 2.17.
- Pounds NO_x per hour as calculated during DEQ approved source testing using permit condition 2.20.
- Tons NO_x per any consecutive 12-calendar month period for IC Engines 1-#3 combined determined in permit condition 2.17.

[6/22/2016]

2.4 SO₂ Limit

Sulfur dioxide (SO₂) emissions from the IC engines and the flares combined shall not exceed 7.35 lb/hr based on a calendar day average.

[7/3/2013]

2.5 Opacity Limit

Emissions from the IC engines and flare stacks, or any other stack, vent, or functionally equivalent opening associated with the IC engines or flares 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.

IDAPA 58.01.01.625. Opacity shall be determined by the procedures contained in IDAPA 58.01.01.625.

2.6 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.

2.7 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 3 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 ²	NO _x	CO	VOC ^b
Lean Burn Digester Gas Fired	≥500	7/1/2010	2.0	5.0	1.0	150	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.

Operating Requirements

2.8 40 CFR 60, Subpart JJJJ – Emissions 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.

2.9 Biogas Combustion

Facility generated biogas produced from the on-site anaerobic digester shall only be combusted in IC Engine No. 1 and/or IC Engine No.2 and/or IC Engine No.3 and/or Flare No.1 and/or Flare No.2.

[6/22/2016]

2.10 Flare Pilot Flame

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.

Monitoring and Recordkeeping Requirements

2.11 Biogas Flow Rate 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:

- Within 60 days of the initial startup of the anaerobic digester, the permittee shall install, calibrate, maintain, and operate biogas flow meters that shall be placed at each combustion device, in order to determine the total quantity of biogas produced by the digester. The biogas flow meters shall be installed, operated, and maintained in accordance with the O&M manual and the manufacturer specifications. The applicant shall compute the total biogas generated by summing measured flows at each combustion device.
- Calibration of the biogas flow meters 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. Records of this information shall be maintained in accordance with Recordkeeping General Provision.

2.12 Biogas SO₂ Monitoring

Monitoring and recordkeeping of sulfur dioxide emissions in pounds per hour from the generators and flare combined shall occur at least once daily every day to obtain the calendar day average.

Each month the permittee shall determine the tons of SO₂ emitted during the previous consecutive 12-calendar month period from the IC engines and flares.

Records of this information shall be maintained on site and be made available to DEQ representatives upon request and in accordance with the Recordkeeping General Provision.

The permittee may use a hydrogen sulfide CEM, Sulfur Dioxide CEM(s), or a hand held hydrogen sulfide monitor to determine sulfur dioxide emission rates. The permittee shall presume all hydrogen sulfide is oxidized to sulfur dioxide.

If the permittee elects to use a hydrogen sulfide CEM or sulfur dioxide CEM monitoring shall occur in accordance with a written and DEQ approved monitoring protocol. The monitoring protocol shall address:

- Installation specifications
- Calibration requirements (i.e. zero and span checks)
- Details of how the combined sulfur dioxide pound per hour emissions will be calculated from the CEM data and biogas flow data.

If the permittee elects to use a hand held hydrogen sulfide monitor the device shall have a certified accuracy of plus or minus 3% and the hand held monitor shall be calibrated, maintained, and replaced in accordance with manufacturer specifications. The permittee shall maintain documentation on-site the manufacturer's specifications for the hand held monitor including documentation of the accuracy of the device, calibration and replacement requirements. Sulfur dioxide emission rate monitoring shall occur in accordance with a written and DEQ approved monitoring protocol. The monitoring protocol shall address:

- Monitoring procedures including details regarding monitoring ports, and sampling procedures
- Calibration requirements
- Details of how the combined sulfur dioxide pound per hour emissions will be calculated from the hand held hydrogen sulfide monitoring data and biogas flow data.

[6/22/2016]

2.13 Operations and Maintenance Manual

The permittee shall maintain an Operations and Maintenance (O&M) manual for the anaerobic digester, the IC engines No.1, No.2, No. 3, and flares No.1 and 2 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 Meters
 - 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.
- Flare Ignition System
 - Method of ensuring proper operation,
 - Operational maintenance, and
 - Procedures for upset/breakdown conditions and for correcting equipment malfunctions.

The contents of the O&M manual shall be based on manufacturer's specifications for each piece of equipment. The manual shall be a permittee developed document independent of the manufacturer supplied operating manuals but may include summaries of procedures included in the manufacturer supplied operating manual. 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.

[6/22/2016]

2.14 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.

2.15 Odor Complaints

The permittee shall maintain records of all odor complaints received to demonstrate compliance with 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.

2.16 Engines Total Calendar Month Power Output

The permittee shall maintain records of the total kWh output for the calendar month for each engine. This total kWh shall be used to calculate the monthly CO and NO_x in Permit Condition 2.17 for the corresponding months.

[6/22/2016]

Performance Testing Requirements

2.17 Carbon Monoxide and Nitrogen Oxides Performance Test

Each time an emission test is conducted in accordance with 40 CFR 60 Subpart JJJJ the permittee shall determine the carbon monoxide and nitrogen oxides emission rates in pounds per hour. Source testing shall be conducted in accordance with the Performance Testing requirements included in the General Provisions of this permit.

- Compliance with the CO and NO_x 12-calendar month limits in Table 2.2 shall be determined each month by means of engine-specific emission factors based on the DEQ approved emission test. The emission factor calculation and 12-month emission value shall be calculated using the following three equations:

Equation 1: Determine Pollutant Emission Factor

n = engine unit number (1, 2, or 3)

P = Pollutant (CO or NO_x) emission rate in pounds per hour measured during the most recent test

L = Engine load in kW measured during the test

$$EF_n \left(\frac{lb}{kWh} \right) = \frac{P}{L} \frac{lb/hr}{kW}$$

Equation 2: Each Month Calculate the Pounds of Pollutant emitted using the most recent emission factor and the kWh meter data for each unit

$$\frac{\text{Pounds CO or NO}_x}{\text{month}} = \sum_{n=1}^3 [EF_n * \text{mo. total kWh}_n]$$

Equation 3: Calculate Emissions during the Previous Consecutive 12-month Period

$$\frac{\text{Tons CO or NO}_x}{12 \text{ month}} = 0.0005 * \sum_{m=1}^{12} \left[\frac{\text{Pounds CO or NO}_x}{\text{month}} \right]$$

$m = \text{month (1-12)}$

- 12 month total shall be defined as the previous consecutive 12 month period and shall be calculated monthly and shall not exceed the CO or NO_x 12-calendar month limit in Table 2.2.
- If a new source test report has been submitted during the month being calculated in Equation 2, Equation 1 shall be re-calculated using the new source test measurements to determine a new EF_n . The new EF_n shall be applied to the month the test was conducted and the following months until a new DEQ approved test is conducted.
- The permittee will maintain records of these calculations in accordance with the General Provisions of this permit.

[6/22/2016]

2.18 40 CFR 60, 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 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup 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).

2.19 40 CFR 60, Subpart JJJJ – Testing Requirements for Owners and Operators of Stationary Spark Ignition Internal Combustion Engines

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

- Performance tests shall be conducted within 10% of 100 percent peak (or 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 100 percent peak (or 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 3.

[6/22/2016]

2.20 NO_x Performance Testing

NO_x pounds per hour shall be determined using the method in 40 CFR 60.4244(d) and using the resulting NO_x g/bhp-hr measured as a basis to calculate NO_x lb/hr for each IC engine listed in Table 2.2.

[6/22/2016]

Reporting Requirements

2.21 40 CFR 60, Subpart JJJJ – Notification, Reports, and Recordkeeping Requirements for Owners and Operations 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 in the Subpart A Table 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 the Subpart A Table 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 in the Subpart A Table.

2.22 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 Subpart A 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 4 NSPS SUBPART A (40 CFR 60.1) SUMMARY OF GENERAL PROVISIONS FOR AFFECTED FACILITIES

Section	Section Title	Summary of Section			
60.4	Address	<p align="center">All notifications and reports shall be submitted to:</p> <table border="0"> <tr> <td>Director Air and Waste US EPA 1200 Sixth Avenue Seattle, WA 98101</td> <td align="center">And</td> <td>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 creditable 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.			

2.23 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.

3 General Provisions

General Compliance

3.1 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, 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.]

3.2 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]

3.3 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

3.4 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, 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

3.5 This permit shall expire if construction has not begun within two years of its issue date, or if construction is suspended for one year.

[IDAPA 58.01.01.211.02, 5/1/94]

3.6 The permittee shall furnish DEQ written notifications as follows:

- A notification of the date of initiation of construction, within five working days after occurrence; except in the case where pre-permit construction approval has been granted then notification shall be made within five working days after occurrence or within five working days after permit issuance whichever is later;

- 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; and
- 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.

[IDAPA 58.01.01.211.03, 5/1/94]

Performance Testing

- 3.7** 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 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.
- 3.8** 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.
- 3.9** Within 60 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 and 4/11/15]

Monitoring and Recordkeeping

- 3.10** The permittee shall maintain sufficient records to ensure compliance with all of the terms and conditions of this permit. Monitoring records 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, 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

- 3.11 The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130–136 for excess emissions due to start-up, shut-down, scheduled maintenance, safety measures, upsets, and breakdowns.

[IDAPA 58.01.01.130–136, 4/5/00]

Certification

- 3.12 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

- 3.13 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

- 3.14 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

- 3.15 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

- 3.16 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]