Enclosed is the Class I Operating Permit Renewal for Sunflower Electric Power Corporation – Fort Dodge Station located in Dodge City, Kansas. The annual certification must be submitted to the Kansas Department of Health and Environment (KDHE) on or before April 30th of each year the permit is in effect. The annual certification form is available in KEIMS (https://keims.kdhe.ks.gov/nsuite/ncore/external/home). For the semi-annual reports, please refer to the Section XII. Testing, Monitoring, Recordkeeping and Reporting of the permit. Submittal of the annual certification does not take the place of the semi-annual report.

For the transition period between the previous permit and the enclosed renewal permit, please comply with the following interim reporting requirements. The certification due on April 30, 2023 should cite both the August 16, 2016 permit and the enclosed permit. The semi-annual report due on October 30, 2022 shall contain two separate reports: one covering the August 16, 2016 permit requirements from April 1, 2022 to DRAFT – 1 day, and one covering the enclosed permit requirements from DRAFT to September 30, 2022. For questions on semi-annual reporting requirements for this facility please contact Air Compliance and Enforcement staff at 785-296-1542 or 785-296-0243.

Please review the enclosed operating permit carefully since it obligates Sunflower Electric Power Corporation to certain requirements.

As provided for in K.S.A. 65-3008b(e), an owner or operator may request a hearing within 15 days after affirmations, modification or reversal of a permit decision pursuant to subsection (b) of K.S.A. 65-3008a. In the Request for Hearing, the owner or operator shall specify the provision of this act or rule and regulation allegedly violated, the facts constituting the alleged violation and secretary’s intended action. Such request must be submitted to: Director, Office of Administrative Hearings, 1020 S. Kansas Avenue, Topeka, Kansas 66612-1327. Failure to submit a timely request shall result in a waiver of the right to hearing.
The enclosed Class I Operating Permit does not relieve the permittee of the responsibility to obtain an air construction permit for future modifications that increase the facility’s potential-to-emit of any regulated air pollutants as specified in K.A.R. 28-19-300, or any other modifications that may trigger other applicable air emission requirements.

Please include the source ID number listed above in all communications with KDHE in reference to this permitted facility. If you have any questions about the enclosed permit, please contact me at (785) 296-1947.

Sincerely,

Cathy Richardson
Environmental Specialist
Air Permitting Section

CLR
Enclosures
c: SWDO
OP100081 v8.0
AIR EMISSION SOURCE
CLASS I OPERATING PERMIT

Source ID No.: 0570001

Initial Date: March 28, 2001 (Revised October 10, 2003)

Renewal Date: October 11, 2006
May 6, 2011 (Revised October 11, 2011)
August 16, 2016
DATE, 2022

Expiration Date: DATE-1 day, 2027

Source Name: Sunflower Electric Power Corporation – Fort Dodge Station

SIC Code: 4911 – Electric Services – electric power generation by fossil fuels

NAICS Code: 221112 – Fossil fuel electric power generation

Source Location: 11453 Fort Dodge Road
Section 4, Township 27 S, Range 24 W
Dodge City, Ford County, Kansas 67801

Mailing Address: P.O. Box 430
2440 Holcomb Lane
Holcomb, Kansas 67851

Contact Person: Del Kaps
Environmental Compliance Supervisor
(620) 277-4518
Email: dkaps@sunflower.net

I. Authority

This permit, developed in accordance with the provisions of K.A.R. 28-19-500 et seq., “Operating Permit” meets the requirements of K.A.R. 28-19-510 et seq., “Class I Operating Permits” and Title V of the federal Clean Air Act.
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Attachment A: List of Acronyms and Symbols  
Attachment B: Site Diagram  
Attachment C: Acid Rain Phase II Requirements  
Attachment D: Cross-State Air Pollution Rule (Transport Rule) Requirements, 40 CFR Part 97
II. Permit Intent

The purpose of this Class I Air Operating Permit is to identify the emission sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of this permit. At the time of permit re-issuance, this facility required a Class I Air Emission Source Operating Permit because the facility’s potential-to-emit (PTE) for nitrogen oxides and carbon monoxide are each greater than 100 tons per year and the PTE for a single hazardous air pollutant (HAP, i.e., hexane) is greater than 10 tons per year.

III. Facility Description

Sunflower Electric Power Corporation (Sunflower) operates Fort Dodge Station located at 11453 Fort Dodge Road, Dodge City, Kansas. The facility consists of one (1) natural gas-fired boiler and one (1) emergency generator. Insignificant activities at the plant include one (1) 300 gallon above ground gasoline tank, space heaters.

IV. Emission Source Information

<table>
<thead>
<tr>
<th>Emission Source ID No.</th>
<th>Emission Source Description</th>
<th>Stack/Vent ID No.</th>
<th>Control ID No.</th>
<th>Applicable Requirements</th>
</tr>
</thead>
</table>
| EU-BOILER4             | Babcock & Wilcox (1969) dry-bottom, wall-fired, natural gas-fired boiler, commercial operation – 1,540 MMBtu/hr, 148.8 MW output | SV-BOILER4 | N/A | K.A.R. 28-19-31(a)  
K.A.R. 28-19-31(b)(1)  
K.A.R. 28-19-31(c)  
K.A.R. 28-19-275  
40 CFR Part 63, Subpart DDDDD  
40 CFR Part 72  
40 CFR Part 75  
40 CFR Part 97 |
| EU-EMERGEN             | Emergency Generator (1968), natural gas-fired, 4-stroke lean burn, 85 kW/115 hp | SV-EMERGEN | N/A | K.A.R. 28-19-650(a)(2)  
40 CFR Part 63, Subpart ZZZZ |
| IA-TANK011             | 300 gallon above-ground gasoline tank | SV-TANK011 | N/A | K.A.R. 28-19-650(a)(3) |
| IA-HTRS                | Natural gas-fired space heaters | SV-HTRS | N/A | K.A.R. 28-19-31(a)  
K.A.R. 28-19-31(b) |

V. Summary of Applicable Requirements

K.A.R. 28-19-210, Calculation of Actual Emissions........................................................................................................ 8  
K.A.R. 28-19-275, Special Provisions; Acid Rain Deposition (40 CFR Part 72) ......................................................... 4  
K.A.R. 28-19-517, Annual Emission Inventory and Fees ............................................................................................. 8  
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K.A.R. 28-19-650, Emissions Opacity Limits.................................................................................................................. 8
VI. Applicable Requirements

A. The following emission source is subject to the requirements listed below:

<table>
<thead>
<tr>
<th>Emission Source ID No.</th>
<th>Emission Source Description</th>
<th>Stack/Vent ID No.</th>
<th>Control ID No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU-BOILER4</td>
<td>Babcock &amp; Wilcox (1969) dry-bottom, wall-fired, natural gas-fired boiler, commercial operation – 1,540 MMBtu/hr, 148.8 MW output</td>
<td>SV-BOILER4</td>
<td>N/A</td>
</tr>
</tbody>
</table>

1. Limitation or Standard

Opacity of visible contaminant emissions shall not equal or exceed 40 percent. [K.A.R. 28-19-31(b)(1)]

   a. Monitoring

      Periodic monitoring shall be as provided in the Section IX.Opacity Limitations and Monitoring of this permit.

   b. Recordkeeping and Reporting

      Recordkeeping and reporting shall be as provided in the Section IX.Opacity Limitations and Monitoring of this permit.

2. Limitation or Standard

K.A.R. 28-19-275 which adopts by reference 40 CFR Part 72, Acid Rain. This unit is subject to the Title IV Acid Rain Requirements [40 CFR 72.6(a)]. Where an applicable requirement is more stringent than an applicable requirement of the regulations promulgated under Title IV, both provisions shall be incorporated into this permit. [40 CFR 70.6(a)(1)(ii)]

Emissions from this unit shall not exceed any allowances that the source lawfully holds under Title IV of the Act or its regulations. [40 CFR 70.6(a)(4)]

As specified in 40 CFR Part 72.72(b)(1)(viii), the Acid Rain Permit requirements shall be a complete and segregable portion of the operating permit. As such, the requirements are found in Attachment C of this permit. This unit is subject to and must comply with all the terms and conditions in Attachment C of this permit.

3. Limitation or Standard
The owner or operator of any indirect heating equipment (having an input capacity of 250 million Btu per hour or greater) shall not cause or permit the emission of more than 3.0 pounds of sulfur dioxide per million Btu of heat input [K.A.R. 28-19-31(c)]

a. **Monitoring**

The owner or operator shall install, maintain, calibrate, and operate Continuous Monitoring Systems for each unit as required by 40 CFR 75.11(a).

b. **Recordkeeping and Reporting**

Records and reports shall be maintained and submitted in accordance with the requirements of 40 CFR Part 75.

4. **Limitation or Standard**

The owner or operator shall comply with the applicable requirements of the federal Cross-State Air Pollution Rule (CSAPR), also known as the Transport Rule (TR), for the CSAPR NO\textsubscript{X} Annual Trading Program found at 40 CFR Part 97, Subpart AAAAA; for the CSAPR SO\textsubscript{2} Group 2 Trading Program found at 40 CFR Part 97, Subpart DDDDD; and for the CSAPR NO\textsubscript{X} Ozone Season Group 2 Trading Program under 40 CFR Part 97, Subpart EEEEEE. Additional information is found in *Attachment D* of this permit.

a. **Monitoring, Recordkeeping and Reporting**

The owner or operator shall conduct monitoring, maintain records, and submit reports in accordance with 40 CFR 97.430 through §97.435 (for CSAPR NO\textsubscript{X} Annual Trading Program), 40 CFR 97.730 through §97.735 (for CSAPR SO\textsubscript{2} Group 2 Trading Program), and 40 CFR 97.830 through §97.835 (for the CSAPR NO\textsubscript{X} Ozone Season Group 2 Trading Program), as outlined in *Attachment D* of this permit.

5. **Limitation or Standard**

The owner of operator shall comply with the applicable requirements for existing natural gas-fired boilers (gas 1 fuel) located at a major source of HAP emissions specified in 40 CFR Part 63, Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial and Institutional Boilers and Process Heaters (MACT DDDDD).

a. The owner or operator shall comply with all applicable requirements specified in this subpart by the date specified in 40 CFR 63.7495(b).

b. The owner or operator shall comply with the work practice standards specified in Table 3 to MACT DDDDD, which includes a tune-up annually as specified in 40 CFR 63.7540 and a one-time energy assessment. [40 CFR 63.7500(a) and (e)]

c. The owner or operator shall operate and maintain the boiler, at all times, in a manner consistent with safety and good air pollution control practices for minimizing emissions. [40 CFR 63.7500(a)(3)]

d. The owner or operator shall be in compliance with the work practice standards in this subpart at all times. [40 CFR 63.7505(a)]

e. Subsequent tune-ups shall be conducted no more than 13 months after the previous tune-up. [40 CFR 63.7515(d)].

f. Initial and subsequent tune-ups shall be conducted as specified in 40 CFR
63.7540(a)(10)(i) through (vi).

g. Recordkeeping and Reporting

i. The owner or operator shall submit each applicable report in Table 9 to MACT DDDDD and an annual compliance report as specified in 40 CFR 63.7550.

ii. The owner or operator shall maintain records as specified in 40 CFR 63.7555.

iii. The owner or operator shall keep records in a form suitable and readily available for expeditious review for five (5) years, records shall be kept on-site or readily accessible for at least two (2) years, they may be kept off-site for the remaining three (3) years. [40 CFR 63.7560]

B. The following emission source is subject to the requirements listed below:

<table>
<thead>
<tr>
<th>Emission Source ID No.</th>
<th>Emission Source Description</th>
<th>Stack/Vent ID No.</th>
<th>Control ID No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU-EMERGEN</td>
<td>Emergency Generator (1968), natural gas-fired, 4-stroke lean burn, 85 kW/115 hp</td>
<td>SV-EMERGEN</td>
<td>N/A</td>
</tr>
</tbody>
</table>

1. Limitation or Standard

Opacity of visible contaminant emissions shall not equal or exceed 40 percent. [K.A.R. 28-19-650(a)(2)]

a. Monitoring

Periodic monitoring shall be as provided in the Section IX. Opacity Limitations and Monitoring of this permit.

b. Recordkeeping and Reporting

Recordkeeping and reporting shall be as provided in the Section IX. Opacity Limitations and Monitoring of this permit.

2. Limitation or Standard

In accordance with 40 CFR 63.6590(a)(1)(ii) and 40 CFR 63.6675, Sunflower is subject to 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants (HAP) for Stationary Reciprocating Internal Combustion Engines (RICE) (MACT ZZZZ) because it operates an existing emergency generator engine located at a major source of HAP emissions.

a. Monitoring and Compliance

1. The owner or operator must comply with the following requirements in Table 2c of MACT ZZZZ. [40 CFR 63.6602]

   (a) Change oil and filter every 500 hours of operation or annually, whichever comes first.

   (b) Inspect spark plugs every 1,000 hours of operation or annually, whichever comes first, and replace as necessary.
(c) Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

2. The owner or operator shall be in compliance with the applicable emission limitations, operating limitations, and other requirements in MACT ZZZZ at all times. [40 CFR 63.6605(a)]

3. The owner or operator shall maintain the engine, at all times, in a manner consistent with safety and good air pollution control practices for minimizing emissions. [40 CFR 63.6605(b)]

4. The engine shall be operated and maintained according to the manufacturer’s emission-related written instructions or an alternative maintenance plan which minimizes emissions. [40 CR 63.6625(e)(2)]

5. The engine shall be equipped with a non-resettable hour meter. [40 CFR 63.6625(f)]

6. The owner or operator shall comply with the applicable operating and maintenance requirements specified in 40 CFR 63.6625(h) and (j).

7. The owner or operator shall demonstrate continuous compliance with each emission limitation or operating limitation in accordance with the procedures specified in 40 CFR 63.6640.

8. The owner or operator shall comply with the applicable sections of 40 CFR 63 Subpart A, General Provisions, as identified in Table 8 of MACT ZZZZ. [40 CFR 63.6665]

b. Recordkeeping and Reporting

1. The owner or operator must keep the records as specified in 40 CFR 63.6655(a), if applicable.

2. The owner or operator must keep records required in Table 6 of this subpart to show continuous compliance with each emission or operating limitation that applies to you.

3. The owner or operator shall keep records of maintenance conducted on the engine. [40 CFR 63.6655(e)]

4. In regarding to existing emergency internal combustion engines that do not meet the standards applicable to non-emergency engines, the owner or operator shall keep the records specified at 40 CFR 63.6655(f).

5. Records shall be kept as specified in 40 CFR 63.6660.

6. The owner or operator shall comply with the reporting requirements in 40 CFR 63.6650, if applicable.

Since monitoring, recordkeeping, and reporting requirements are required in Section VI. Applicable Requirements, the facility is required to submit a semi-annual report every six months. Refer to Section XIV. G., Compliance Certification for the submittal dates of required reports.
VII. **Opacity Summary**

All emission units other than those listed below are subject to 20% opacity:

<table>
<thead>
<tr>
<th>Stack /Vent ID No.</th>
<th>Emission Source ID No.</th>
<th>Emission Source Opacity Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>SV-BOILER4</td>
<td>EU-BOILER4</td>
<td>&lt;40%</td>
</tr>
<tr>
<td>SV-EMERGEN</td>
<td>EU-EMERGEN</td>
<td>40%</td>
</tr>
</tbody>
</table>

VIII. **Facility-Wide Applicable Requirements**

The permittee shall comply with the following when required by the relevant regulation:


Except as provided in K.A.R. 28-19-32, aggregated emissions of particulate matter from indirect heating equipment shall not exceed those specified in table H-1 of K.A.R. 28-19-31(a), or for equipment having intermediate heat input between 10 MMBtu/hr and 10,000 MMBtu/hr, the allowable emission rate may be determined by the equation provided at K.A.R. 28-19-31(a).

Records shall be maintained of any recalculation and evaluations. These records shall include the design rate capacity of the unit, emission factors used in calculations and potential/allowable emission rates.


The permittee shall comply with the requirements of K.A.R. 28-19-55 through 28-19-58, Air Pollution Emergency Episode Plans, and shall maintain on site an emergency episode plan if the KDHE requires an emergency episode plan be developed pursuant to K.A.R. 28-19-58.

C. **K.A.R. 28-19-210, Calculation of Actual Emissions**

The following applies to emission control equipment not otherwise addressed in this permit:

If the owner or operator uses air emission control equipment, not otherwise addressed in this permit, to calculate actual emissions, the air emission control equipment shall be maintained in accordance with the manufacturer’s recommendation. The owner or operator shall keep a written log recording the date and type of action taken when performing preventive or other maintenance on the air emission control equipment.

D. **K.A.R. 28-19-517, Annual Emissions Inventory and Fees**

1. **Annual Emissions Inventory:**

   The owner or operator shall submit all operating or relevant information to estimate emissions for the preceding year to the KDHE. This information shall be submitted on or before the date specified at K.A.R. 28-19-517 or amendments thereto.

2. **Annual Emissions Fee:**
The owner or operator of a permitted emissions unit or stationary source is required to pay fees to the permitting authority consistent with the fee schedule set out in the regulations pursuant to K.A.R. 28-19-517(b).

3. Submittal:

Each annual emissions inventory and each annual emissions fee shall be submitted through SLEIS as specified in K.A.R. 28-19-517(c). At the time of permit issuance, the due date for submittal of this information is on or before April 1 of each year.

4. Late Fee and Refund:

Each owner or operator who fails to submit the annual emission inventory and pay the annual emissions fee by the due date specified shall pay a late fee as specified in K.A.R. 28-19-517(d) and any overpayment of $100.00 or more made by the owner or operator of a stationary source may be refunded.

E. K.A.R. 28-19-645, Open Burning


Chemical Accident Prevention Provisions, 40 CFR Part 68, is applicable to an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined in 40 CFR 68.115.

If the stationary source is subject to 40 CFR Part 68, but is not required to comply with those requirements as of the effective date of this operating permit, the stationary source shall be in compliance with the requirements of 40 CFR Part 68 no later than the latest of the following dates:

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

H. 40 CFR Part 82, Protection of Stratospheric Ozone

The permittee shall comply with 40 CFR Part 82, Protection of Stratospheric Ozone. Affected controlled substances include, but are not limited to, chlorofluorocarbons, hydrochlorofluorocarbon refrigerants, halons, carbon tetrachloride, and methyl chloroform (specific affected controlled substances are listed in 40 CFR Part 82, Subpart A, appendices A {Class I} and B {Class II}).

The following subparts and sections of 40 CFR Part 82 are conditions of this permit:

Subpart A - Production and Consumption Controls
Subpart B - Servicing of Motor Vehicle Air Conditioners
IX. **Opacity Limitations and Monitoring**

Except as otherwise provided in K.A.R. 28-19-9, K.A.R. 28-19-11, and K.A.R. 28-19-650(c) or as otherwise identified in the Applicable Requirements portion of this permit, K.A.R. 28-19-650(a)(3) limits visible air emissions from each emission unit to 20%. K.A.R. 28-19-31(b)(2) limits visible air emissions from any indirect heating equipment to less than 20%.

Except as otherwise provided in the applicable requirements portion of this permit, emissions from the following or similar activities do not require routine periodic monitoring: emissions vented inside an enclosed building or structure, from cooling towers, and from evaporative VOC sources; and emissions from turbines, reciprocating internal combustion engines, burners in indirect heating applications, and space heaters when burning natural gas, propane/LPG, or refinery gas.

Routine periodic monitoring requirements: Except as otherwise provided in the applicable requirements portion of this permit or as provided above, the owner or operator shall perform a qualitative assessment at least once per calendar month, with at least one week between assessments. The monthly qualitative assessment shall include each activity at the facility, which is operating at the time scheduled. For each activity from which the opacity of visible emissions appears to exceed the limit, the permittee shall take appropriate action to correct process operating parameters, after which the permittee shall perform an additional qualitative assessment for that unit. If, at the end of ten operating days from the date of the possible exceedance, opacity of visible emissions appears to continue to exceed the limit, the owner or operator shall notify the agency, within seven days of the end of the ten operating day period, and shall schedule a test utilizing EPA Method 9, of visible emissions from the unit appearing to exceed the limit, within 30 days of the end of the ten operating day period.

The person responsible for making qualitative opacity assessments shall be knowledgeable about the effects on visibility of emissions caused by background contrast, ambient lighting, observer position relative to lighting and wind, and the presence of uncombined water in the plume. The permittee shall keep records of each qualitative assessment, which shall include the time and date of the assessment, a description of the emission point from which any unusual emissions emanated, the steps taken to correct any abnormal emissions, and the name of the person conducting the assessment.

The KDHE Bureau of Air does not consider a qualitative assessment in which emissions appear to exceed the applicable opacity limits to be a violation or deviation subject to reporting in accordance with Section XIII. **Reporting of Deviations from Permit Terms.** A Method 9 evaluation that shows opacity exceeding the emission limit would be subject to reporting in accordance with Section XIII. **Reporting of Deviations from Permit Terms.**

X. **Requirements Which Will Become Applicable During the Permit Term**

The owner or operator, in accordance with the provisions of K.A.R. 28-19-511(b)(16)(C)(ii) and K.A.R. 28-19-512(a)(23) shall comply in a timely manner with those applicable requirements that become effective during the permit term.

---

1 For basic information about opacity observations, refer to 40 CFR Part 60 Appendix A, Method 9.
XI. **Permit Shield**

Compliance with the conditions of this permit shall be deemed in compliance with the applicable requirements of the Kansas air quality program as of the date of permit issuance. This shield applies only to:

A. Applicable requirements included, and specifically identified in the permit; and

B. Applicable requirements that the KDHE has specifically identified in writing as not being applicable to the emissions unit or stationary sources and the determination or a concise summary thereof is included in the permit.

Nothing in this permit shall alter or affect:

A. The liability of a permittee for any violation of an applicable requirement occurring prior to or at the time of issuance of this permit;

B. U.S. EPA’s ability to obtain information under Section 114 of the federal Clean Air Act

C. The provisions of Section 303, Emergency orders, of the federal Clean Air Act, including the authority of the administrator of the U.S. EPA under that section or the air pollution emergency provisions of the Kansas air quality program regulations, K.A.R. 28-19-55 through 28-19-58; or

D. The applicable requirements of the acid rain program, consistent with section 408(a) of the Act. [K.A.R. 28-19-512(b)]

XII. **Testing, Monitoring, Recordkeeping and Reporting**

Testing, monitoring, recordkeeping and reporting requirements sufficient to assure compliance with the terms and conditions of the permit are required. [K.A.R. 28-19-512(a)(21)]

In addition to any testing, monitoring, recordkeeping, or reporting requirement contained in **Section VI. Applicable Requirements**, monitoring and reporting may be required under the provisions of K.A.R. 28-19-12, Measurement of Emissions, or as required by any other provision of the federal Clean Air Act.

Records to support all monitoring and copies of all reports required by the permit must be maintained for a period of at least five years from the date of the activity. [K.A.R. 28-19-512(a)(10)(G)]

Summary reports of any routine, continuous, or periodic monitoring must continue to be submitted at six-month intervals for the duration of the permit. The reporting periods and due dates for these reports are identified in **Section XIV. G. Compliance Certification**. All instances of deviations from permit requirements, **including perceived opacity exceedances**, shall be clearly identified in the report. All reports shall be certified by a responsible official. [K.A.R. 28-19-512(a)(11)(A)]

Submission of quarterly or semi-annual reports required by any applicable requirement which duplicate the reporting required in the previous paragraph will satisfy the reporting requirements of the previous paragraph if noted on the submitted report. [K.A.R. 28-19-512(a)(9)]

Records of required monitoring shall include:

A. The date, place, and time of sampling or measurement;

B. The date(s) analyses were performed;

C. The company or entity which performed the analyses;
D. The analytical techniques or methods used;
E. The results of the analyses;
F. The operating conditions that existed at the time of sampling or measurement; and
G. The retention of records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information shall include all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. [K.A.R. 28-19-512(a)(10)]

XIII. Reporting of Deviations from Permit Terms

Unless a different time period is specified in this permit, deviations from the requirements of this permit shall be reported to the KDHE as follows:

A. Deviations which result in emissions exceeding those allowed in this permit shall be reported the next business day following the discovery of the release, with follow-up written notice within five business days following discovery of the release. The report shall include the probable cause of such deviations and any corrective actions or preventive measures taken.

B. Deviations which do not result in emissions exceeding those allowed in this permit shall be reported in writing within ten business days following discovery of the deviation.

Oral notification shall be made to the air program compliance staff in the KDHE central office in Topeka. Written notifications shall also be made to the KDHE central office through KEIMS at https://keims.kdhe.ks.gov/nsuite/ncore/external/home. [K.A.R. 28-19-512(a)(11)]

XIV. General Provisions

A. K.A.R. 28-19-11, Enforcement Discretion Due to Startup, Shutdown, Malfunctions, or Scheduled Maintenance

An emission source having emissions that are in excess of the applicable emission limitation and standard specified at K.A.R. 28-19-30 through 32 and K.A.R. 28-19-650, and result from startup, shutdown, malfunctions, or scheduled maintenance of control or processing equipment and appurtenances may be exempt from enforcement action at the secretary’s discretion if both of the following conditions are met:

1. The person responsible for the operation of the emission source notifies the KDHE of the occurrence and nature of the excess emissions resulting from startup, shutdown, malfunctions, or scheduled maintenance, in writing, within ten (10) days of discovery of the excess emissions.

2. Reasonable action is taken regarding the occurrence specified in paragraph (a)(1) to initiate and complete any necessary repairs and place the equipment back in operation as quickly as possible.

Emissions that are in excess of the applicable emission source emission limitation and standard specified at K.A.R. 28-19-30 through 32 and K.A.R. 28-19-650, and result from startup, shutdown, or malfunctions shall be evaluated by the secretary for potential enforcement action based on the frequency and severity of the excess emissions.

Emissions that are in excess of the applicable emission source emission limitation and standard result from scheduled maintenance of control or processing equipment and appurtenances shall be evaluated by
the secretary for potential enforcement action based on the following: (1) the severity of the excess emissions; (2) any prior approval for scheduled maintenance by the secretary; and (3) demonstration that the scheduled maintenance cannot be accomplished by maximum reasonable effort, including off-shift labor where required, during periods of shutdown of any related control or processing equipment.

Any exemption granted under this regulation may be rescinded if the secretary obtains additional information and deems enforcement action necessary based upon this information.

Lack of enforcement for excess emissions under this regulation shall not preclude the taking of enforcement action by USEPA or through private citizen lawsuits.

B. **K.A.R. 28-19-752a, Hazardous Air Pollutants; Limitations Applicable to Construction of New Major Sources or Reconstruction of Existing Major Sources**

This regulation shall continue in effect for an emissions unit or stationary source until a standard has been promulgated which is applicable to such source pursuant to section 112(d) of the federal Clean Air Act.

This regulation shall apply whenever construction of a new major source or reconstruction of an existing major source of hazardous air pollutants is proposed.

C. **Permit Term and Renewal**

This permit has a term of five years unless otherwise stated in this permit. A complete application, as defined in K.A.R. 28-19-518, and any applicable fee must be submitted to the KDHE not less than six months and not more than 18 months prior to the expiration date. This operating permit shall not expire on the expiration date if a complete and timely application has been filed with the KDHE. [K.A.R. 28-19-512(a)(8) and K.A.R. 28-19-514]

D. **Severability**

The provisions of this permit are severable, and if any portion of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstance, and the remainder of this permit, shall not be affected thereby. [K.A.R. 28-19-512(a)(13)]

E. **Property Rights**

This permit does not convey any property rights of any sort or any exclusive privilege. [K.A.R. 28-19-512(a)(14)(D)]

F. **Compliance**

The owner or operator shall comply with all conditions of the permit and shall continue to comply with applicable requirements with which the owner or operator is in compliance, in accordance with K.A.R. 28-19-511(b)(16)(C)(i). Any permit noncompliance shall constitute a violation of the Kansas Air Quality Act and shall be grounds for enforcement action, for permit revocation or amendment, or for denial of a permit renewal application. All permit terms and conditions are federally enforceable.

It shall not be a defense for a permittee in an enforcement action to contend that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

This permit may contain provisions which require that data from specific test methods, monitoring, or recordkeeping be used as a demonstration of compliance with permit limits. On February 24, 1997, the U.S. EPA promulgated revisions to the following federal regulations: 40 CFR Sec. 51.212; 40 CFR Sec. 52.12; 40 CFR Sec. 60.11; 40 CFR Sec. 61.12; and incorporation of 40 CFR Sec. 52.33, that allow
the use of any credible evidence to establish compliance with applicable requirements. At the issuance of this permit, the State of Kansas has incorporated these provisions in its air quality regulations K.A.R. 28-19-212(c) and (d), K.A.R. 28-19-350, K.A.R. 28-19-720 and K.A.R. 28-19-735. [K.A.R. 28-19-512(a)(14)]

G. Compliance Certification

The permittee shall annually submit a certification of compliance (Form CR-02, “Annual Certification”) to the system or address required in Section XIV. N. Submissions.

The due date of the certification shall continue to be April 30 of each year for the period from April 1 to March 31 of the previous year.

The semiannual summary reports required by Section XII. Testing, Monitoring, Recordkeeping and Reporting shall be submitted by the dates specified below for each subsequent reporting period:

- The report covering the period from October 1 to March 31 shall be submitted by April 30 of each year, and
- The report covering the period from April 1 to September 30 shall be submitted by October 30 of each year.

The certification shall include the permit term or condition that is the basis of the certification; the current compliance status; whether compliance was continuous or intermittent; the method or methods used for determining the compliance, currently and over the reporting period; and such other facts as the KDHE may require to determine the compliance status of the source. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the certification are true, accurate and complete. [K.A.R. 28-19-512(a)(26) and K.A.R. 28-19-512(a)(27)]

H. Emergency

An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under this permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

An emergency shall constitute an affirmative defense to an action brought for noncompliance with such technology-based emission limitation if the conditions below are met. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs or relevant evidence that:

1. An emergency occurred and that the permittee can identify the cause or causes of the emergency;
2. The permitted facility was at the time being properly operated;
3. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in the permit; and
4. The permittee submitted notice of the emergency, containing a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken, to the KDHE within two working days of the time when emission limitations were exceeded due to the emergency.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.
These emergency provisions are in addition to any emergency or upset provisions contained in any applicable requirement. Whenever these emergency provisions conflict with the provisions of K.A.R. 28-19-11, these emergency provisions shall control.

[K.A.R. 28-19-512(d)]

I. Inspection and Entry

Upon presentation of credentials and other documents as may be required by law, representatives of the KDHE, including authorized contractors of the KDHE, shall be allowed by the permittee to:

1. enter upon the premises where a regulated facility or activity is located or conducted or where records are kept under conditions of this document;

2. have access to and copies of, at reasonable times, any records that must be kept under conditions of this document;

3. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this document; and

4. as authorized by the Kansas Air Quality Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

[K.A.R. 28-19-512(a)(22)]

J. Permit Amendment, Modification, Reopening, and Changes Not Requiring a Permit Action

The permit may be modified, revoked, reopened, reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation, reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

The permitting authority will reopen and revise or revoke this permit as necessary to remedy deficiencies in the following circumstances:

1. Additional requirements under the federal Clean Air Act become applicable to the source three or more years prior to the expiration date of this permit. Such a reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the expiration date of this permit.

2. It is determined by the KDHE that this permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of this permit.

3. It is determined by the KDHE that it is necessary to revise or revoke this permit in order to assure compliance with applicable requirements.

This document is subject to periodic review and amending as deemed necessary to fulfill the intent and purpose of the Kansas Air Quality Statutes and the Kansas Air Quality Regulations.

No permit revision shall be required under any approved economic incentives, pollution prevention incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit.

[K.A.R. 28-19-513]

K. Duty to Provide Information

Unless a different time frame is specified in this permit, the permittee shall furnish to the KDHE any information that the KDHE may request in writing within 60 days of the request, unless the KDHE
specifies another time period. Submittal of confidential business information must be in accordance with the KDHE procedures. [K.A.R. 28-19-518(c) and K.A.R. 28-19-512(a)(14)(E)]

L. Duty to Supplement

The permittee, upon becoming aware that any relevant facts were omitted from or incorrect information was included in any submittal, shall promptly submit such supplementary facts or corrected information. [K.A.R. 28-19-518(e)]

M. Other Permits and Approvals; Applicability

A construction permit or approval must be obtained from the KDHE prior to commencing any construction or modification of equipment or processes which results in potential emission increases equal to or greater than the thresholds specified at K.A.R. 28-19-300.

This document does not relieve the permittee of the obligation to obtain any approvals, permits, licenses, or documents of sanction which may be required by other federal, state, or local government agencies. [K.A.R. 28-19-512(a)(29)]

N. Submissions

Written notification of malfunctions, exceedances, and deviations shall be submitted through KEIMS. Questions regarding submission may be sent to the following email address: KDHE.BOAKEIMS@ks.gov.

EPA regulations codified in 40 CFR Part 60, 62, and 63 require affected sources to electronically submit performance test reports, notification reports, and periodic reports to EPA, as specified in the affected regulations. As a result, the EPA has developed the Compliance and Emissions Data Reporting Interface (CEDRI), which is accessed through the EPA's Central Data Exchange (CDX) (https://cdx.epa.gov/).

The CDX Web is the application used by EPA programs and various stakeholders to manage environmental data transmitted to EPA in order to meet EPA's electronic reporting requirements. The source must begin submitting required reports via CEDRI no later than 90 days after the form becomes available in CEDRI. However, if the reporting form is not available in CEDRI at the time that the report is due, the source must submit the report to the Administrator [address listed in 40 CFR 63.13]:

Kansas Compliance Officer
Air Branch
Enforcement and Compliance Assurance Division
U.S. EPA, Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219

All other reports, notifications, information, and other correspondence (including submission of the Annual Certification Form CR-02) shall be submitted through the Kansas Environmental Information Management System (KEIMS):

https://keims.kdhe.ks.gov/nsuite/ncore/external/home

A copy of each Annual Certification Form CR-02 shall be submitted to either CEDRI, unless it contains confidential business information, or the address below:

Kansas Compliance Officer
Air Branch
Enforcement and Compliance Assurance Division
U.S. EPA, Region 7
The Annual Certification shall be certified by a responsible official. This certification shall state that, based on the information and belief formed after reasonable inquiry, the statements and information in the certification are true, accurate, and complete. [K.A.R. 28-19-512(a)(21) and K.A.R. 28-19-512(a)(27)]

When specified in the permit, contact the Southwest District office at:

Southwest District Office  
313 Oklahoma Terrace  
Ulysses, Kansas 67880  
(620) 356-1075- Ulysses Office  
(620) 225-0596- Dodge City Office

**Permit Writer**

Cathy Richardson  
Environmental Specialist  
Air Permitting Section  
CLR  
c: Ethel Evans - SWDO  
OP100081 v8.0
# LIST OF ACRONYMS AND SYMBOLS

<table>
<thead>
<tr>
<th>ACRONYM or SYMBOL</th>
<th>DESCRIPTION</th>
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<tr>
<td>2SLB</td>
<td>2-stroke lean burn</td>
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<tr>
<td>4SLB</td>
<td>4-stroke lean burn</td>
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<tr>
<td>4SRB</td>
<td>4-stroke rich burn</td>
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<tr>
<td>µm</td>
<td>micrometer (or micron, 10(^{-6}) meter)</td>
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<tr>
<td>acfm</td>
<td>actual cubic feet per minute</td>
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<tr>
<td>AP-42</td>
<td>compilation of air pollutant emission factors (U.S. EPA)</td>
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<td>ASTM</td>
<td>American Society for Testing and Materials (now ASTM International)</td>
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<td>best available control technology</td>
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<td>KDHE Bureau of Air</td>
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<td>cfm</td>
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<tr>
<td>DSI</td>
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<td>10% ethanol blend (10% ethanol, 90% gasoline by volume)</td>
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<td>gpm</td>
<td>gallons per minute</td>
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<tr>
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<td>MBtu</td>
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<td>NOx, NOX</td>
<td>nitrogen oxides</td>
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<td>NSR</td>
<td>new source review</td>
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<td>OAQPS</td>
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<td>P2</td>
<td>pollution prevention</td>
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<td>PAL</td>
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<td>ppmw</td>
<td>parts per million, weight basis</td>
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<td>PSD</td>
<td>prevention of significant deterioration</td>
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<td>psia</td>
<td>pounds per square inch, absolute</td>
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<td>psig</td>
<td>pounds per square inch, gauge or gage</td>
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<td>PTE</td>
<td>potential to emit, potential-to-emit</td>
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<td>QA/QC</td>
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<td>RACM</td>
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<td>DESCRIPTION</td>
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<tr>
<td>RICE</td>
<td>reciprocating internal combustion engine</td>
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<td>RMP</td>
<td>risk management plan</td>
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<td>RTO</td>
<td>regenerative thermal oxidizer</td>
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<td>RVP</td>
<td>Reid vapor pressure (psia at 100 °F)</td>
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<td>SBEAP</td>
<td>(Kansas) Small Business Environmental Assistance Program</td>
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<td>South Central District Office (KDHE)</td>
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<td>SCR</td>
<td>selective catalytic reduction</td>
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<td>Southeast District Office (KDHE)</td>
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<td>SEP</td>
<td>supplemental environmental project</td>
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<tr>
<td>SIC</td>
<td>Standard Industrial Classification (code)</td>
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<tr>
<td>SIP</td>
<td>state implementation plan</td>
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<tr>
<td>SLEIS</td>
<td>State and Local Emissions Inventory System (emissions inventory database)</td>
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<tr>
<td>SNCR</td>
<td>selective non-catalytic reduction</td>
</tr>
<tr>
<td>SOCMI</td>
<td>synthetic organic chemical manufacturing industry</td>
</tr>
<tr>
<td>SOx, SOX</td>
<td>sulfur oxides (typically measured as sulfur dioxide, SO₂)</td>
</tr>
<tr>
<td>SPP</td>
<td>Southwest Power Pool (electric grid operator for Kansas)</td>
</tr>
<tr>
<td>SWDO</td>
<td>Southwest District Office (KDHE)</td>
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<td>thermal catalytic oxidizer</td>
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<td>tire-derived fuel</td>
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<td>THC</td>
<td>total hydrocarbons</td>
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<td>thermal oxidizer</td>
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<tr>
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<tr>
<td>tpy</td>
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<td>Transport Rule</td>
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<td>total suspended particulate(s)</td>
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<td>ULSD</td>
<td>ultra low sulfur diesel</td>
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<td>United States Environmental Protection Agency</td>
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<td>United States Code</td>
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<td>vapor recovery unit</td>
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<td>Wichita Department of Environmental Health</td>
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<td>WDGS</td>
<td>wet distiller’s grains with solubles</td>
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<tr>
<td>WTE</td>
<td>waste to energy</td>
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<tr>
<td>WYCO-KCK</td>
<td>Unified Government of Wyandotte County and Kansas City, Kansas Health Department</td>
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ATTACHMENT B
ATTACHMENT C
I. SO₂ Allocations for each affected unit

<table>
<thead>
<tr>
<th>Unit</th>
<th>SO₂ Allocations</th>
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<tbody>
<tr>
<td></td>
<td>2020*</td>
</tr>
<tr>
<td>4</td>
<td>34</td>
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</table>

* The number of allowances allocated to Phase II affected units by U.S. EPA may change in future revisions to 40 CFR part 73 Table 2. In addition, the number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. Neither of the aforementioned conditions necessitates a revision to the unit SO₂ allowance allocations identified in this permit (See 40 CFR 72.84).

II. Standard Requirements

A. Permit Requirements

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

2. The owners and operators of each affected source and each affected unit at the source shall:
   a. Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
   b. Have an Acid Rain Permit.

B. Monitoring Requirements

1. The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.

2. The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.

3. The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the
unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

C. **Sulfur Dioxide Requirements**

1. The owners and operators of each source and each affected unit at the source shall:
   
a. Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)) or in the compliance subaccount of another affected unit at the same source, not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
   
b. Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.

2. Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.

3. An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
   
a. Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
   
b. Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).

4. Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.

5. An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.

6. An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 and 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

7. An allowance allocated by the Administrator under the Acid Rain Program does not constitute property right.

D. **Nitrogen Oxides Requirements**

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

E. **Excess Emissions Requirements**

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

F. Recordkeeping and Reporting Requirements

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

G. Liability

1. Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.

2. Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
3. No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.

4. Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.

5. Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.

6. Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NOx averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.

7. Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

H. Effect on Other Authorities

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

   a. Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;

   b. Limiting the number of allowances a unit can hold; provided, that the number of allowances held by the unit shall not affect the source’s obligation to comply with any other provisions of the Act;

   c. Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;

   d. Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,

   e. Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.
III. Reporting Requirements

A. The following reports shall be submitted to the Air Permit Section of KDHE:

1. Pursuant to 40 CFR Part 75.14, coal and oil fired units are required to have a continuous opacity monitoring system (COMS), unless exempt as per 40 CFR 75.14 (b), (c), (d), and (e), and in 40 CFR 75.18. As required by 40 CFR Part 75.65, excess emission of opacity shall be reported to KDHE. The format for these semiannual reports shall be as specified in 40 CFR 60.7. An excess emission is determined from one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period. An excess emission is defined as any 6-minute period in excess of the opacity limit specified for that emission unit, except for one 6-minute period per hour of not more than the opacity limit plus 35% (27% opacity if the limit is 20% or 54% opacity if the limit is 40%). This standard applies at all times except during periods of startup, shutdown, and malfunction. These reports shall be submitted as specified under periodic monitoring in the Testing, Monitoring, Record keeping, and Reporting section of the operating permit.

2. Any revisions to the Acid Rain permit shall be made in accordance with 40 CFR Part 72, Subpart H, ’72.80 through ’72.85. Permit modification requests shall be submitted to KDHE.

3. Changes to the Designated Representative of Alternate Designated Representative shall be made in accordance with 40 CFR 72.23. A copy of the complete certificate of representation shall be submitted to KDHE within thirty (30) days of submittal to the Administrator of the EPA.
Transport Rule (TR) Trading Program Title V Requirements

I. Description of TR Monitoring Provisions

The TR subject unit, and the unit-specific monitoring provisions at this source, are identified in the following table. This unit is subject to the requirements for the TR NOX Annual Trading Program, the TR SO2 Group 2 Trading Program, and the TR NOX Ozone Season Group 2 Trading Program.

<table>
<thead>
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<tbody>
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<tr>
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<td>X</td>
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<tr>
<td>Heat input</td>
<td>X</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

A. The above description of the monitoring used by a unit does not change, create an exemption from, or otherwise affect the monitoring, recordkeeping, and reporting requirements applicable to the unit under 40 CFR 97.430 through 97.435 for the TR NOX Annual Trading Program, and 97.730 through 97.735 for the TR SO2 Group 2 Trading Program, and 97.830 through 97.835 for the TR NOX Ozone Season Group 2 Trading Program, as applicable. The monitoring, recordkeeping and reporting requirements applicable are included below in the standard conditions for the applicable TR trading programs.

B. Owners and operators must submit to the Administrator a monitoring plan for each unit in accordance with 40 CFR 75.53, 75.62 and 75.73, as applicable. The monitoring plan for each unit is available at the EPA’s website at http://www.epa.gov/airmarkets/emissions/monitoringplans.html.

C. Owners and operators that want to use an alternative monitoring system must submit to the Administrator a petition requesting approval of the alternative monitoring system in accordance with 40 CFR part 75, subpart E and 40 CFR 75.66 and 97.435 for the TR NOX Annual Trading Program, 97.735 for the TR SO2 Group 2 Trading Program and 97.835 for the TR NOX Ozone Season Group 2 Trading Program, as applicable. The Administrator’s response approving or disapproving any petition for an alternative monitoring system is available on the EPA’s website at http://www.epa.gov/airmarkets/emissions/petitions.html.

D. Owners and operators that want to use an alternative to any monitoring, recordkeeping, or reporting requirement under 40 CFR 97.430 through 97.434 for the TR NOX Annual Trading Program, 97.730 through 97.734 for the TR SO2 Group 2 Trading Program, and 97.830 through 97.834 for the TR NOX
Ozone Season Group 2 Trading Program, as applicable, must submit to the Administrator a petition requesting approval of the alternative in accordance with 40 CFR 75.66 and 97.435 for the TR NOX Annual Trading Program, 97.735 for the TR SO2 Group 2 Trading Program, and 97.8.35 for the TR NOX Ozone Season Group 2 Trading Program, as applicable. The Administrator’s response approving or disapproving any petition for an alternative to a monitoring, recordkeeping, or reporting requirement is available on EPA’s website at http://www.epa.gov/airmarkets/emissions/petitions.html.

E. The descriptions of monitoring applicable to the unit included above meet the requirement of 40 CFR 97.430 through 97.434 for the TR NOX Annual Trading Program, 97.730 through 97.734 for the TR SO2 Group 2 Trading Program, and 97.830 through 97.834 for the TR NOX Ozone Season Group 2 Trading Program, as applicable, and therefore minor permit modification procedures, in accordance with 40 CFR 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B), may be used to add to or change this unit’s monitoring system description.

II. 40 CFR Part 97, Subpart AAAAA – CSAPR NOX Annual Trading Program

A. 40 CFR 97.406 – Standard Requirements

1. Designated representative requirements.
   a. The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.413 through 97.418.

2. Emissions monitoring, reporting, and recordkeeping requirements.
   a. The owners and operators, and the designated representative, of each TR NOX Annual source and each TR NOX Annual unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.430 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.431 (initial monitoring system certification and recertification procedures), 97.432 (monitoring system out-of-control periods), 97.433 (notifications concerning monitoring), 97.434 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.435 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).

   b. The emissions data determined in accordance with 40 CFR 97.430 through 97.435 shall be used to calculate allocations of TR NOX Annual allowances under 40 CFR 97.411(a)(2) and (b) and 97.412 and to determine compliance with the TR NOX Annual emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.430 through 97.435 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

3. NOX emissions requirements
   a. TR NOX Annual emissions limitation.
i. As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR NOX Annual source and each TR NOX Annual unit at the source shall hold, in the source's compliance account, TR NOX Annual allowances available for deduction for such control period under 40 CFR 97.424(a) in an amount not less than the tons of total NOX emissions for such control period from all TR NOX Annual units at the source.

ii. If total NOX emissions during a control period in a given year from the TR NOX Annual units at a TR NOX Annual source are in excess of the TR NOX Annual emissions limitation set forth in paragraph (c)(1)(i) above, then:

- The owners and operators of the source and each TR NOX Annual unit at the source shall hold the TR NOX Annual allowances required for deduction under 40 CFR 97.424(d); and
- The owners and operators of the source and each TR NOX Annual unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart AAAAA and the Clean Air Act.

b. TR NOX Annual assurance provisions.

iii. If total NOX emissions during a control period in a given year from all TR NOX Annual units at TR NOX Annual sources in the state and Indian country within the borders of such State exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative’s share of such NOX emissions during such control period exceeds the common designated representative’s assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) TR NOX Annual allowances available for deduction for such control period under 40 CFR 97.425(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.425(b), of multiplying—(A) The quotient of the amount by which the common designated representative’s share of such NOX emissions exceeds the common designated representative’s assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state and Indian country within the borders of such state for such control period, by which each common designated representative’s share of such NOX emissions exceeds the respective common designated representative’s assurance level; and (B) The amount by which total NOX emissions from all TR NOX Annual units at TR NOX Annual sources in the state and Indian country within the borders of such state for such control period exceed the state assurance level.

iv. The owners and operators shall hold the TR NOX Annual allowances required under paragraph (c)(2)(i) above, as of midnight of November 1 (if it is a business
day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.

v. Total \( \text{NO}_X \) emissions from all TR \( \text{NO}_X \) Annual units at TR \( \text{NO}_X \) Annual sources in the State and Indian country within the borders of such state during a control period in a given year exceed the state assurance level if such total \( \text{NO}_X \) emissions exceed the sum, for such control period, of the state \( \text{NO}_X \) Annual trading budget under 40 CFR 97.410(a) and the state’s variability limit under 40 CFR 97.410(b).

vi. It shall not be a violation of 40 CFR part 97, subpart AAAAA or of the Clean Air Act if total \( \text{NO}_X \) emissions from all TR \( \text{NO}_X \) Annual units at TR \( \text{NO}_X \) Annual sources in the State and Indian country within the borders of such State during a control period exceed the state assurance level or if a common designated representative’s share of total \( \text{NO}_X \) emissions from the TR \( \text{NO}_X \) Annual units at TR \( \text{NO}_X \) Annual sources in the state and Indian country within the borders of such state during a control period exceeds the common designated representative’s assurance level.

vii. To the extent the owners and operators fail to hold TR \( \text{NO}_X \) Annual allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) above,

- The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
- Each TR \( \text{NO}_X \) Annual allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart AAAAA and the Clean Air Act.

c. Compliance periods.

i. A TR \( \text{NO}_X \) Annual unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of January 1, 2015, or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.

ii. A TR \( \text{NO}_X \) Annual unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.

d. Vintage of allowances held for compliance.

i. A TR \( \text{NO}_X \) Annual allowance held for compliance with the requirements under paragraph (c)(1)(i) above for a control period in a given year must be a TR \( \text{NO}_X \) Annual allowance that was allocated for such control period or a control period in a prior year.
ii. A TR NO\textsubscript{X} Annual allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (2)(i) through (iii) above for a control period in a given year must be a TR NO\textsubscript{X} Annual allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.

e. Allowance Management System requirements. Each TR NO\textsubscript{X} Annual allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart AAAAA.

f. Limited authorization. A TR NO\textsubscript{X} Annual allowance is a limited authorization to emit one ton of NO\textsubscript{X} during the control period in one year. Such authorization is limited in its use and duration as follows:

i. Such authorization shall only be used in accordance with the TR NO\textsubscript{X} Annual Trading Program; and

ii. Notwithstanding any other provision of 40 CFR part 97, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.

g. Property right. A TR NO\textsubscript{X} Annual allowance does not constitute a property right.

4. Title V permit revision requirements.

a. No title V permit revision shall be required for any allocation, holding, deduction, or transfer of TR NO\textsubscript{X} Annual allowances in accordance with 40 CFR part 97, subpart AAAAA.

b. This permit incorporates the TR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.430 through 97.435, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR part 75, subparts B and H), an excepted monitoring system (pursuant to 40 CFR part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR 75.19), and an alternative monitoring system (pursuant to 40 CFR part 75, subpart E). Therefore, the Description of TR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this title V permit using minor permit modification procedures in accordance with 40 CFR 97.406(d)(2) and 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).

5. Additional recordkeeping and reporting requirements.

a. Unless otherwise provided, the owners and operators of each TR NO\textsubscript{X} Annual source and each TR NO\textsubscript{X} Annual unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.

i. The certificate of representation under 40 CFR 97.416 for the designated representative for the source and each TR NO\textsubscript{X} Annual unit at the source and all documents that demonstrate the truth of the statements in the certificate of
representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.416 changing the designated representative.

ii. All emissions monitoring information, in accordance with 40 CFR part 97, subpart AAAAA.

iii. Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the TR NOX Annual Trading Program.

b. The designated representative of a TR NOX Annual source and each TR NOX Annual unit at the source shall make all submissions required under the TR NOX Annual Trading Program, except as provided in 40 CFR 97.418. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR parts 70 and 71.


a. Any provision of the TR NOX Annual Trading Program that applies to a TR NOX Annual source or the designated representative of a TR NOX Annual source shall also apply to the owners and operators of such source and of the TR NOX Annual units at the source.

b. Any provision of the TR NOX Annual Trading Program that applies to a TR NOX Annual unit or the designated representative of a TR NOX Annual unit shall also apply to the owners and operators of such unit.

7. Effect on other authorities.

a. No provision of the TR NOX Annual Trading Program or exemption under 40 CFR 97.405 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR NOX Annual source or TR NOX Annual unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

8. Effect on units in Indian country.

a. Notwithstanding the provisions of paragraphs (a) through (g) above, paragraphs (a) through (g) shall be deemed not to impose any requirements on any source or unit, or any owner, operator, or designated representative with regard to any source or unit, in Indian country within the borders of the state.

III. 40 CFR Part 97, Subpart DDDDD – CSAPR SO\2\ Group 2 Trading Program

A. 40 CFR 97.706 – Standard Requirements

1. Designated representative requirements.
a. The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.713 through 97.718.

2. Emissions monitoring, reporting, and recordkeeping requirements.

a. The owners and operators, and the designated representative, of each TR SO₂ Group 2 source and each TR SO₂ Group 2 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.730 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.731 (initial monitoring system certification and recertification procedures), 97.732 (monitoring system out-of-control periods), 97.733 (notifications concerning monitoring), 97.734 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.735 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).

b. The emissions data determined in accordance with 40 CFR 97.730 through 97.735 shall be used to calculate allocations of TR SO₂ Group 2 allowances under 40 CFR 97.711(a)(2) and (b) and 97.712 and to determine compliance with the TR SO₂ Group 2 emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.730 through 97.735 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

3. SO₂ emissions requirements.

a. TR SO₂ Group 2 emissions limitation.

i. As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR SO₂ Group 2 source and each TR SO₂ Group 2 unit at the source shall hold, in the source's compliance account, TR SO₂ Group 2 allowances available for deduction for such control period under 40 CFR 97.724(a) in an amount not less than the tons of total SO₂ emissions for such control period from all TR SO₂ Group 2 units at the source.

ii. If total SO₂ emissions during a control period in a given year from the TR SO₂ Group 2 units at a TR SO₂ Group 2 source are in excess of the TR SO₂ Group 2 emissions limitation set forth in paragraph (c)(1)(i) above, then:

• The owners and operators of the source and each TR SO₂ Group 2 unit at the source shall hold the TR SO₂ Group 2 allowances required for deduction under 40 CFR 97.724(d); and

• The owners and operators of the source and each TR SO₂ Group 2 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control
period shall constitute a separate violation of 40 CFR part 97, subpart DDDDD and the Clean Air Act.

b. TR SO₂ Group 2 assurance provisions.

i. If total SO₂ emissions during a control period in a given year from all TR SO₂ Group 2 units at TR SO₂ Group 2 sources in the state and Indian country within the borders of such state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative’s share of such SO₂ emissions during such control period exceeds the common designated representative’s assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) TR SO₂ Group 2 allowances available for deduction for such control period under 40 CFR 97.725(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.725(b), of multiplying—

- The quotient of the amount by which the common designated representative’s share of such SO₂ emissions exceeds the common designated representative’s assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state and Indian country within the borders of such state for such control period, by which each common designated representative’s share of such SO₂ emissions exceeds the respective common designated representative’s assurance level; and

- The amount by which total SO₂ emissions from all TR SO₂ Group 2 units at TR SO₂ Group 2 sources in the state and Indian country within the borders of such state for such control period exceed the state assurance level.

i. The owners and operators shall hold the TR SO₂ Group 2 allowances required under paragraph (c)(2)(i) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.

ii. Total SO₂ emissions from all TR SO₂ Group 2 units at TR SO₂ Group 2 sources in the state and Indian country within the borders of such state during a control period in a given year exceed the state assurance level if such total SO₂ emissions exceed the sum, for such control period, of the state SO₂ Group 2 trading budget under 40 CFR 97.710(a) and the state’s variability limit under 40 CFR 97.710(b).

iii. It shall not be a violation of 40 CFR part 97, subpart DDDDD or of the Clean Air Act if total SO₂ emissions from all TR SO₂ Group 2 units at TR SO₂ Group 2 sources in the state and Indian country within the borders of such state during a control period exceed the state assurance level or if a common designated representative’s share of total SO₂ emissions from the TR SO₂ Group 2 units at TR SO₂ Group 2 sources in the state and Indian country within the borders of
such state during a control period exceeds the common designated representative’s assurance level.

iv. To the extent the owners and operators fail to hold TR SO₂ Group 2 allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) above,

- The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
- Each TR SO₂ Group 2 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart DDDDD and the Clean Air Act.

c. Compliance periods.

i. A TR SO₂ Group 2 unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of January 1, 2015 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.730(b) and for each control period thereafter.

ii. A TR SO₂ Group 2 unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.730(b) and for each control period thereafter.

d. Vintage of allowances held for compliance.

i. A TR SO₂ Group 2 allowance held for compliance with the requirements under paragraph (c)(1)(i) above for a control period in a given year must be a TR SO₂ Group 2 allowance that was allocated for such control period or a control period in a prior year.

ii. A TR SO₂ Group 2 allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (2)(i) through (iii) above for a control period in a given year must be a TR SO₂ Group 2 allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.

e. Allowance Management System requirements. Each TR SO₂ Group 2 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart DDDDD.

f. Limited authorization. A TR SO₂ Group 2 allowance is a limited authorization to emit one ton of SO₂ during the control period in one year. Such authorization is limited in its use and duration as follows:

i. Such authorization shall only be used in accordance with the TR SO₂ Group 2 Trading Program; and
ii. Notwithstanding any other provision of 40 CFR part 97, subpart DDDDD, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.

g. Property right. A TR SO2 Group 2 allowance does not constitute a property right.

4. Title V permit revision requirements.
   a. No title V permit revision shall be required for any allocation, holding, deduction, or transfer of TR SO2 Group 2 allowances in accordance with 40 CFR part 97, subpart DDDDD.
   b. This permit incorporates the TR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.730 through 97.735, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR part 75, subparts B and H), an excepted monitoring system (pursuant to 40 CFR part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR 75.19), and an alternative monitoring system (pursuant to 40 CFR part 75, subpart E). Therefore the Description of TR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this title V permit using minor permit modification procedures in accordance with 40 CFR 97.706(d)(2) and 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).

5. Additional recordkeeping and reporting requirements.
   a. Unless otherwise provided, the owners and operators of each TR SO2 Group 2 source and each TR SO2 Group 2 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
   i. The certificate of representation under 40 CFR 97.716 for the designated representative for the source and each TR SO2 Group 2 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.716 changing the designated representative.
   ii. All emissions monitoring information, in accordance with 40 CFR part 97, subpart DDDDD.
   iii. Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the TR SO2 Group 2 Trading Program.
   b. The designated representative of a TR SO2 Group 2 source and each TR SO2 Group 2 unit at the source shall make all submissions required under the TR SO2 Group 2 Trading Program, except as provided in 40 CFR 97.718. This requirement does not change, create
an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in parts 70 and 71.

6. **Liability.**
   a. Any provision of the TR SO\textsubscript{2} Group 2 Trading Program that applies to a TR SO\textsubscript{2} Group 2 source or the designated representative of a TR SO\textsubscript{2} Group 2 source shall also apply to the owners and operators of such source and of the TR SO\textsubscript{2} Group 2 units at the source.
   b. Any provision of the TR SO\textsubscript{2} Group 2 Trading Program that applies to a TR SO\textsubscript{2} Group 2 unit or the designated representative of a TR SO\textsubscript{2} Group 2 unit shall also apply to the owners and operators of such unit.

7. **Effect on other authorities.**
   a. No provision of the TR SO\textsubscript{2} Group 2 Trading Program or exemption under 40 CFR 97.705 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR SO\textsubscript{2} Group 2 source or TR SO\textsubscript{2} Group 2 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

8. **Effect on units in Indian country.**
   a. Notwithstanding the provisions of paragraphs (a) through (g) above, paragraphs (a) through (g) shall be deemed not to impose any requirements on any source or unit, or any owner, operator, or designated representative with regard to any source or unit, in Indian country within the borders of the state.

IV. **40 CFR Part 97, Subpart EEEE – CSAPR NO\textsubscript{X} Ozone Season Group 2 Trading Program**

A. **40 CFR 97.806 – Standard Requirements**

1. **Designated representative requirements.**
   a. The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.813 through 97.818.

2. **Emissions monitoring, reporting, and recordkeeping requirements.**
   a. The owners and operators, and the designated representative, of each CSAPR NO\textsubscript{X} Ozone Season Group 2 source and each CSAPR NO\textsubscript{X} Ozone Season Group 2 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.830 (general monitoring, recordkeeping, and reporting requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.831 (initial monitoring system certification and recertification procedures), 97.832 (monitoring system out-of-control periods), 97.833 (notifications concerning monitoring), 97.834 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.835 (petitions for alternatives to monitoring,
The emissions data determined in accordance with 40 CFR 97.830 through 97.835 shall be used to calculate allocations of CSAPR NO\X\ Ozone Season Group 2 allowances under 40 CFR 97.811(a)(2) and (b) and 97.812 and to determine compliance with the CSAPR NO\X\ Ozone Season Group 2 emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.830 through 97.835 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

3. NO\X\ emissions requirements.
   a. CSAPR NO\X\ Ozone Season Group 2 emissions limitation.
      i. As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NO\X\ Ozone Season Group 2 source and each CSAPR NO\X\ Ozone Season Group 2 unit at the source shall hold, in the source's compliance account, CSAPR NO\X\ Ozone Season Group 2 allowances available for deduction for such control period under 40 CFR 97.824(a) in an amount not less than the tons of total NO\X\ emissions for such control period from all CSAPR NO\X\ Ozone Season Group 2 units at the source.

      ii. If total NO\X\ emissions during a control period in a given year from the CSAPR NO\X\ Ozone Season Group 2 units at a CSAPR NO\X\ Ozone Season Group 2 source are in excess of the CSAPR NO\X\ Ozone Season Group 2 emissions limitation set forth in paragraph (c)(1)(i) above, then:

         • The owners and operators of the source and each CSAPR NO\X\ Ozone Season Group 2 unit at the source shall hold the CSAPR NO\X\ Ozone Season Group 2 allowances required for deduction under 40 CFR 97.824(d); and

         • The owners and operators of the source and each CSAPR NO\X\ Ozone Season Group 2 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart EEEEE and the Clean Air Act.

   b. CSAPR NO\X\ Ozone Season Group 2 assurance provisions.
      i. If total NO\X\ emissions during a control period in a given year from all base CSAPR NO\X\ Ozone Season Group 2 units at base CSAPR NO\X\ Ozone Season Group 2 sources in a State (and Indian country within the borders of such State) exceed the State
assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative’s share of such NO\textsubscript{X} emissions during such control period exceeds the common designated representative’s assurance level for the State and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR NO\textsubscript{X} Ozone Season Group 2 allowances available for deduction for such control period under 40 CFR 97.825(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.825(b), of multiplying:

- The quotient of the amount by which the common designated representative’s share of such NO\textsubscript{X} emissions exceeds the common designated representative’s assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the State (and Indian country within the borders of such State) for such control period, by which each common designated representative’s share of such NO\textsubscript{X} emissions exceeds the respective common designated representative’s assurance level; and

- The amount by which total NO\textsubscript{X} emissions from all base CSAPR NO\textsubscript{X} Ozone Season Group 2 units at base CSAPR NO\textsubscript{X} Ozone Season Group 2 sources in the State (and Indian country within the borders of such State) for such control period exceed the State assurance level.

ii. The owners and operators shall hold the CSAPR NO\textsubscript{X} Ozone Season Group 2 allowances required under paragraph (c)(2)(i) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after the year of such control period.

iii. Total NO\textsubscript{X} emissions from all base CSAPR NO\textsubscript{X} Ozone Season Group 2 units at base CSAPR NO\textsubscript{X} Ozone Season Group 2 sources in a State (and Indian country within the borders of such State) during a control period in a given year exceed the State assurance level if such total NO\textsubscript{X} emissions exceed the sum, for such control period, of the State NO\textsubscript{X} Ozone Season Group 2 trading budget under 40 CFR 97.810(a) and the State’s variability limit under 40 CFR 97.810(b).

iv. It shall not be a violation of 40 CFR Part 97, Subpart EEEEE or of the Clean Air Act if total NO\textsubscript{X} emissions from all base CSAPR NO\textsubscript{X} Ozone Season Group 2 units at base CSAPR NO\textsubscript{X} Ozone Season Group 2 sources in a State (and Indian country within the borders of such State) during a control period exceed the State assurance level or if a common designated representative’s share of total NO\textsubscript{X} emissions from the base CSAPR NO\textsubscript{X} Ozone Season Group 2 units at base CSAPR NO\textsubscript{X} Ozone Season Group 2 sources in a State (and Indian country within the borders of such State) during a control period
exceeds the common designated representative’s assurance level.

v. To the extent the owners and operators fail to hold CSAPR NO\x\x\x Ozone Season Group 2 allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) above,

- The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
- Each CSAPR NO\x\x\x Ozone Season Group 2 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) above and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart EEEEEE and the Clean Air Act.

c. Compliance periods.

i. A CSAPR NO\x\x\x Ozone Season Group 2 unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of May 1, 2017, or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.830(b) and for each control period thereafter.

ii. A base CSAPR NO\x\x\x Ozone Season Group 2 unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.830(b) and for each control period thereafter.

d. Vintage of CSAPR NO\x\x\x Ozone Season Group 2 allowances held for compliance.

i. A CSAPR NO\x\x\x Ozone Season Group 2 allowance held for compliance with the requirements under paragraph (c)(1)(i) above for a control period in a given year must be a CSAPR NO\x\x\x Ozone Season Group 2 allowance that was allocated or auctioned for such control period or a control period in a prior year.

ii. A CSAPR NO\x\x\x Ozone Season Group 2 allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (c)(2)(i) through (iii) above for a control period in a given year must be a CSAPR NO\x\x\x Ozone Season Group 2 allowance that was allocated or auctioned for a control period in a prior year or the control period in the given year or in the immediately following year.

e. Allowance Management System requirements.

i. Each CSAPR NO\x\x\x Ozone Season Group 2 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR Part 97, Subpart EEEEEE.

f. Limited authorization.
i. A CSAPR NO\x\ Ozone Season Group 2 allowance is a limited authorization to emit one ton of NO\x\ during the control period in one year. Such authorization is limited in its use and duration as follows:

- Such authorization shall only be used in accordance with the CSAPR NO\x\ Ozone Season Group 2 Trading Program; and

- Notwithstanding any other provision of 40 CFR Part 97, Subpart EEEEE, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.

g. Property right.

i. A CSAPR NO\x\ Ozone Season Group 2 allowance does not constitute a property right.

4. Title V permit requirements.

a. No title V permit revision shall be required for any allocation, holding, deduction, or transfer of CSAPR NO\x\ Ozone Season Group 2 allowances in accordance with 40 CFR Part 97, Subpart EEEEE.

b. A description of whether a unit is required to monitor and report NO\x\ emissions using a continuous emission monitoring system (pursuant to 40 CFR Part 75, Subparts B and H), an excepted monitoring system (pursuant to 40 CFR Part 75, Appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR 75.19), or an alternative monitoring system (pursuant to 40 CFR Part 75, Subpart E) in accordance with 40 CFR 97.830 through 97.835 may be added to, or changed in, a title V permit using minor permit modification procedures in accordance with 40 CFR 70.7(e)(2) and 71.7(e)(1), provided that the requirements applicable to the described monitoring and reporting (as added or changed, respectively) are already incorporated in such permit. This paragraph explicitly provides that the addition of, or change to, a unit’s description as described in the prior sentence is eligible for Title V minor permit modification procedures in accordance with 40 CFR 97.806(d)(2), 40 CFR 70.7(e)(2)(i)(B), and 40 CFR 71.7(e)(1)(i)(B).

5. Additional recordkeeping and reporting requirements.

a. Unless otherwise provided, the owners and operators of each CSAPR NO\x\ Ozone Season Group 2 source and each CSAPR NO\x\ Ozone Season Group 2 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.

i. The certificate of representation under 40 CFR 97.816 for the
designated representative for the source and each CSAPR NO\(_X\)\_ Ozone Season Group 2 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.816 changing the designated representative.

ii. All emissions monitoring information, in accordance with 40 CFR Part 97, Subpart EEEE.

iii. Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NO\(_X\)\_ Ozone Season Group 2 Trading Program.

b. The designated representative of a CSAPR NO\(_X\)\_ Ozone Season Group 2 source and each CSAPR NO\(_X\)\_ Ozone Season Group 2 unit at the source shall make all submissions required under the CSAPR NO\(_X\)\_ Ozone Season Group 2 Trading Program, except as provided in 40 CFR 97.818. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR Part 70 and 71.


   a. Any provision of the CSAPR NO\(_X\)\_ Ozone Season Group 2 Trading Program that applies to a CSAPR NO\(_X\)\_ Ozone Season Group 2 source or the designated representative of a CSAPR NO\(_X\)\_ Ozone Season Group 2 source shall also apply to the owners and operators of such source and of the CSAPR NO\(_X\)\_ Ozone Season Group 2 units at the source.

   b. Any provision of the CSAPR NO\(_X\)\_ Ozone Season Group 2 Trading Program that applies to a CSAPR NO\(_X\)\_ Ozone Season Group 2 unit or the designated representative of a CSAPR NO\(_X\)\_ Ozone Season Group 2 unit shall also apply to the owners and operators of such unit.

7. Effect on other authorities.

   a. No provision of the CSAPR NO\(_X\)\_ Ozone Season Group 2 Trading Program or exemption under 40 CFR 97.805 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NO\(_X\)\_ Ozone Season Group 2 source or CSAPR NO\(_X\)\_ Ozone Season Group 2 unit from compliance with any other provision of the applicable, approved State Implementation Plan, a federally enforceable permit, or the Clean Air Act.

8. Effect on units in Indian country.

   a. Notwithstanding the provisions of paragraphs (a) through (g) above, paragraphs (a) through (g) shall be deemed not to impose any requirements on any source or unit, or any owner, operator, or designated representative with regard to any source or unit, in Indian country within the borders of the state.
STATEMENT OF BASIS
by
Kansas Department of Health and Environment
for
Sunflower Electric Power Generation – Fort Dodge Station
Source ID: 0570001, Tracking No.: OP100081v8.0
DRAFT, 2022

This statement of basis sets forth the legal and factual basis for the proposed permit conditions, including references to the applicable statutory or regulatory provisions. Determinations were made based upon the application submitted, file review and reasonable inquiry.

I. Facility Description

Sunflower Electric Power Corporation (Sunflower) operates Fort Dodge Station located at 11453 Fort Dodge Road, Dodge City, Kansas. The facility consists of one (1) natural gas-fired boiler and one (1) emergency generator. Insignificant activities at the plant include one (1) 300 gallon above ground gasoline tank, space heaters, a parts cleaner, a cooling tower, a diesel tank, and a lube oil tank.

At the time of permit issuance, a Class I Air Emission Source Operating Permit was required because the facility has the potential-to-emit over 100 tons per year of nitrous oxides (NOx) and carbon monoxide (CO) and over 10 tons per year of a single hazardous air pollutant (HAP), hexane.

II. Facility Equipment

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<tr>
<th>Emission Source ID No.</th>
<th>Emission Source Description</th>
<th>Stack/Vent ID No.</th>
<th>Control ID No.</th>
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<tr>
<td>EU-BOILER4</td>
<td>Babcock &amp; Wilcox (1969) dry-bottom, wall-fired, natural gas-fired boiler, commercial operation – 1,540 MMBtu/hr, 148.8 MW output</td>
<td>SV-BOILER4</td>
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<td>EU-EMERGEN</td>
<td>Emergency Generator (1968), natural gas-fired, 4-stroke lean burn, 85 kW/115 hp</td>
<td>SV-EMERGEN</td>
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<td>IA-TANK011</td>
<td>300-gallon above-ground gasoline tank</td>
<td>SV-TANK011</td>
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<tr>
<td>IA-HTRS</td>
<td>Natural gas-fired space heaters</td>
<td>SV-HTRS</td>
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Parts cleaner
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<th>Emission Source Description</th>
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### III. Facility Emissions Summary

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<td>Hexane</td>
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<td>Total HAPs</td>
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<td>11.93</td>
</tr>
</tbody>
</table>

### IV. Basis for 2022 Permit Renewal

A. Permit language has been updated to meet current standards.

B. Insignificant activities have been revised in accordance with U.S. EPA permit streamlining guidance and current Kansas Department of Health and Environment (KDHE) policy.

C. Facility-wide requirements including opacity monitoring have been revised in accordance with current KDHE policy.

D. The facility-wide potential-to-emit (PTE) was re-evaluated and it was determined that the PTE for a single HAP, i.e., hexane, is greater than 10 tons per year. Therefore, the facility is now considered a major HAP source. Requirements from 40 CFR Part 63, Subpart DDDDD, *National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (MACT DDDDD)* for EU-BOILER4 and major HAP source requirements from 40 CFR Part 63,
Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (MACT ZZZZ) for EU-EMERGEN were included in this permit renewal.

Area HAP source requirements from 40 CFR Part 63, Subpart CCCCCC, National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (GACT CCCCCC) for the 300-gallon above-ground gasoline tank were removed from this permit renewal.

E. The existing emergency generator (EU-EMERGEN) has been re-designated as an emission unit (EU) rather than an insignificant activity (IA). The emergency generator is subject to 40 CFR Part 63, Subpart ZZZZZ and the major HAP source requirements have been included in this renewal. Also, the facility verified that the emergency generator has 115 horsepower (HP) and not 127.5 HP. This was corrected in this permit renewal.

F. Incorporation of 40 CFR Part 64, Compliance Assurance Monitoring (CAM) is not applicable or required. This facility is not subject to CAM requirements because none of the units use control device to meet any emission limitation or standard.

G. The Relative Accuracy Test Audit (RATA) was conducted on the unit EU-BOILER4 to comply with the monitoring requirements of 40 CFR Part 75. Sunflower changed the method for measuring NOx for the Fort Dodge Station. Sunflower has decommissioned the continuous emissions monitoring system (CEMS) and will utilize NOx emission estimation by following the emission testing requirements set forth in the standards designated by 40 CFR Part 75, Appendix E. The RATA test for EU-BOILER4 was conducted on June 10, 2021.

H. The natural gas-fired boiler (EU-BOILER4) is an affected unit subject to K.A.R. 28-19-275 Special Provisions; Acid Rain Deposition. The new Title IV Acid Rain Permit (OPAR00007 v3.0) is issued on December 31, 2019 and becomes effective on January 1, 2020 and expires on December 31, 2024 (Attachment C of the permit).

I. The requirements from 40 CFR Part 97 for the Cross-State Air Pollution Rule (CSAPR), also known as the Transport Rule (TR), for the CSAPR NOX Annual Trading Program found at 40 CFR Part 97, Subpart AAAAA; for the CSAPR SO2 Group 2 Trading Program found at 40 CFR Part 97, Subpart DDDDD and for the CSAPR NOX Ozone Season Group 2 Trading Program under 40 CFR Part 97, Subpart EEEEE have been updated and are included as Attachment D of the permit.

J. The auxiliary boiler was listed previously as an insignificant activity. The auxiliary boiler has ceased operation and is disconnected from original gas service with a blind flange installed on the fuel supply, power has been disconnected, steam piping has been cut away, and the oil heater has been completely removed from the facility. Sunflower is requesting that this unit be removed as an insignificant activity.

V. Basis for Previous Permits
A. Permit Renewal dated August 16, 2016 (O-13100/ OP100081 v7.0)

1. Permit wording has been updated to meet current standards.

2. Insignificant activities have been reviewed in accordance with U.S. EPA permit streamlining guidance and current KDHE policy.

3. Facility-wide requirements including opacity monitoring have been revised in accordance with current KDHE policy.

4. For Title V purposes, the facility is not a major source for emissions of greenhouse gases (GHGs) as defined in 40 CFR 70.2. No requirements related to GHGs applied to the facility at the time of permit issuance.

5. 40 CFR Part 64, Compliance Assurance Monitoring (CAM). The source is not subject to CAM requirements because no emissions control equipment is used.

6. K.A.R. 28-19-275. Special Provisions; Acid Rain Deposition. The natural gas-fired boiler (EU-BOILER4) is an affected unit subject to this regulation. The boiler operates under a Title IV Acid Rain Permit (O-12308/ OPAR00007 v2.0, revised as OPAR00007 v2.1) that was issued on December 16, 2014. The Acid Rain Permit requirements are found in Attachment C of the permit. The Title IV Acid Rain Permit is effective on January 1, 2015 and expires on December 31, 2019.

7. The Relative Accuracy Test Audit (RATA) was conducted on the unit EU-BOILER4 to comply with the monitoring requirements of 40 CFR Part 75. The RATA was reported for Continuous Emission Monitoring Systems (CEMS) and was performed for the determination of oxides of nitrogen (NOX). The RATA test for EU-BOILER4 was conducted on August 20, 2013.

8. 40 CFR Part 97 – Federal NOX Budget Trading Program and CAIR NOX and SO2 Trading Programs, also known as the Cross-State Air Pollution Rule (CSAPR) or Transport Rule. The natural gas-fired boiler (EU-BOILER4) is subject to this rule. The owner or operator shall follow the applicable requirements of 40 CFR Part 97 (Attachment D of the operating permit). The Transport Rule NOX Ozone Season Trading Program Requirements of 40 CFR 97.506 may become applicable during the permit term. If the facility becomes subject to this rule, the owner or operator shall comply with the applicable provisions.

9. The facility requested to change the nameplate output rating number for EU-BOILER4 to 148.8 MW, and that the commercial operation for this unit began in the year 1969. The facility clarified that the reason for change in MW output on the permit was to have the value consistent with the nameplate value which is reported in other agency reports. Also, the facility clarified that there have not been any procedural or operational changes to the units and there have not been any changes to the MMBtu/hr at which the units run.
10. The permit renewal application incorrectly listed “EU-TURBINE” as an emission unit. The facility requested to remove “EU-TURBINE” as listed in the renewal application and confirmed that “EU-BOILER4” is subject to the applicable requirements under 40 CFR Part 97.

11. The facility confirmed that the gasoline tank “TANK011” is subject to the applicable requirements under 40 CFR 63.11116 (GACT CCCCCC) and requested to classify the unit as “EU-TANK011”. The gasoline from the tank is used to fill small equipment such as pumps that run on gasoline.

12. The facility confirmed that it does not have any diesel engines. The diesel fuel from the diesel fuel tank is being utilized for portable diesel equipment (tractor), etc.

13. Since the previous renewal, the annual inspections showed the facility was in compliance with its permit.

B. Permit Administrative Amendment dated October 11, 2011 (O-9769/ OP100081 v6.0)

1. After further review of the Class I Operating Permit issued on May 6, 2011, the KDHE discovered an error on Page 6 of the permit. Reporting and recordkeeping requirements for fuel oil were erroneously listed in that section. However, the boiler (EU-BOILER4) solely combusts natural gas and no longer uses fuel oil. Therefore, the Class I permit has been revised to correct the Reporting and Recordkeeping requirements under Limitation or Standard #3 on Page 6. The revisions were authorized under the provisions of K.A.R. 28-19-513(a) as “administrative permit amendments.” On that basis, KDHE sent to the facility a revised Page 6 of the operating permit that reflects these changes.

C. Permit Renewal dated May 6, 2011 (O-9329/ OP100081 v5.0)

1. Permit wording has been updated to meet current standards.

2. Facility-wide requirements including opacity monitoring have been revised in accordance with current KDHE policy.

3. Requirements were included for K.A.R. 28-19-31(a) for Boiler 4. This regulation was included in the 10/11/2006 permit (O-6468/ OP100081 v4.0) under Emission Source Information, Specific Applicable Regulations but requirements were not included in the Applicable Requirements section of the permit. Requirements for this regulation were included in the Applicable Requirements section in the permits previous to the 10/11/06 permit.

4. Requirements were included for K.A.R. 28-19-31(a) and K.A.R. 28-19-31(b)(2) for the space heaters. These were included in the permits previous to the 10/11/06 permit but were not included in that permit.
5. Per phone conversation and follow-up email from Del Kaps, Environmental Coordinator for Sunflower Electric, the auxiliary boiler (IA-AUXBOILER) and oil tank were no longer used and were not included in this permit renewal.

6. At the request of the owner/operator, reporting dates for the annual and semi-annual reports has been changed from April 27th and October 27th to April 30th for the annual CR-02 report and April 30th and October 30th for the semi-annual reports.

Potential Applicable Requirements

1. K.A.R. 28-19-275. Special Provisions; Acid Rain Deposition. The natural gas-fired boiler (EU-BOILER4) is an affected unit subject to this regulation. The boiler operates under a Title IV Acid Rain Permit (O-8591/ OPAR00007 v1.0) that was issued on December 7, 2009. The Acid Rain Permit requirements are found in Attachment C of the permit. The Title IV Acid Rain Permit is effective on January 1, 2010 and expires on December 31, 2014.

2. Incorporation of CFR Part 64, Compliance Assurance Monitoring (CAM) is not applicable or required. This facility is not subject to CAM requirements since the source does not use control equipment to achieve compliance with applicable requirements.

3. On February 21, 2011, the Environmental Protection Agency issued the Final Rule for National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial and Institutional Boilers Area Sources, 40 CFR Part 63, Subpart JJJJJJ. At the time of this permit issuance, Boiler 4 is an existing industrial boiler located at an area source of HAP emissions. Boiler 4 is natural gas-fired and is not subject to the standard as promulgated.

4. Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971, 40 CFR 60.40, NSPS Subpart D – Boiler 4 is an industrial boiler located at an area source of HAP emissions. This unit is an existing source that commenced construction or modification prior to August 17, 1971 and is therefore not subject to this rule.

5. Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978, 40 CFR 60.40Da, NSPS Subpart Da – Boiler 4 is an electric utility steam generating unit. This unit is an existing source that commenced construction, modification or reconstruction prior to September 18, 1978 and is therefore not subject to this rule.

6. Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units, 40 CFR 60.40b, NSPS Subpart Db – Boiler 4 is an electric utility steam generating unit. This unit is an existing source that commenced construction, modification or reconstruction prior to June 19, 1984 and is therefore not subject to this rule.
7. Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, 40 CFR 60.40c, NSPS Subpart Dc – Boiler 4 is an electric utility steam generating unit with a maximum design heat input of 1,540 MMBtu/hr and is therefore not subject to this rule. The auxiliary boiler has a design heat input of less than 10 MMBtu/hr and is not subject to this rule.

8. The applicant is not subject to any applicable requirement, as defined by Title V purposes, related to greenhouse gas emissions.

D. Permit Renewal dated October 11, 2006 (O-6468/ OP100081 v4.0)

1. Incorporation of CFR Part 64, Compliance Assurance Monitoring (CAM) is not appropriate. This facility is not subject to CAM requirements since it does not meet the applicability requirements of 40 CFR 64.2(a).

2. K.A.R. 28-19-275. Special Provisions; Acid Rain Deposition. The source is subject to the Acid Rain Requirements. The natural gas-fired boiler (EU-BOILER4) is an affected unit subject to this regulation. The boiler operates under a Title IV Acid Rain Permit (O-5972), inadvertently named an OP100081 v3.0 in the Kansas Environmental Information Management System (KEIMS). The Acid Rain Permit requirements are found in Attachment C of the permit. The Title IV Acid Rain Permit was issued on December 29, 2004 and effective on January 1, 2005 and expires on December 31, 2009.

2. No physical or operational changes at the facility since issuance of the initial Class I Permit.

3. Permit wording has been updated to meet current standards.

4. Insignificant activities have been revised in accordance with U.S. EPA permit streamlining guidance and current KDHE policy.

5. Facility-wide requirements including opacity monitoring have been revised in accordance with current KDHE policy.

E. Acid Rain Permit Renewal dated December 29, 2004 (O-5972/ OP100081 v3.0)

1. The Acid Rain Permit Renewal issued on December 29, 2004 was inadvertently named OP100081 v3.0 in the Kansas Environmental Information Management System (KEIMS).

F. Initial Permit dated March 28, 2001 (0-0200/ OP100081 v1.0) (Permit Reopened dated October 10, 2003 (O-5202/ OP100081 v2.0))


primary nonferrous smelter or combust a process gas stream containing a significant level of sulfur. (Revoked as of September 23, 2005)

3. K.A.R. 28-19-23. Hydrocarbon emissions stationary sources. The applicant has no tanks greater than 40,000-gallon capacity nor has an ethylene waste gas stream greater than 50 pounds per day nor emits a hydrocarbon gas stream excluding methane of more than 50 pounds per day from a vapor blow-down system.

The fuel oil storage tanks listed in the original application are not operational or have been dismantled and are not included in the permit.


5. K.A.R. 28-19-26. Sulfuric acid mist (H\textsubscript{2}SO\textsubscript{4}) emissions. The facility does not produce sulfuric acid.


The source operates one (1) commercial boiler, one (1) insignificant boiler and space heaters. Permit conditions address applicable requirements with standard language.

The particulate matter emission requirement applies to commercial boilers and space heaters in accordance with K.A.R. 28-19-31(a).

The commercial boiler EU-BOILER4 was in existence prior to January 1, 1971 and is subject to the less than 40% opacity requirement in accordance with K.A.R. 28-19-31(b)(1). The boiler is also subject to the oxides of sulfur (SO\textsubscript{2}) requirement under K.A.R. 28-19-31(c). The boiler is exempt from the oxides of nitrogen (NO\textsubscript{x}) requirement under K.A.R. 28-19-31(d) in accordance with K.A.R. 28-19-32(b).

The natural gas-fired insignificant boiler and space heaters are assumed to be in compliance with less than 20% opacity as required under K.A.R. 28-19-31(b)(2).


9. K.A.R. 28-19-61 through K.A.R. 28-19-77. The source is not subject to these regulations since it is located outside Wyandotte and Johnson Counties.

10. K.A.R. 28-19-202. Annual fee payment. The owner or operator is required to pay fees to the permitting authority consistent with the fee schedule set out in the
regulations. (Revoked as of January 5, 2018)


Emission unit EU-BOILER4, individually serves a generator with a total nameplate capacity of 150 MW and is subject to these regulations. Boiler #4 is an affected unit under Phase II with an Acid Rain permit issued December 5, 1997. Permit conditions address applicable requirements with standard language.

The Title IV acid rain permit is effective on January 1, 2000 and expires on December 31, 2004.

12. K.A.R. 28-19-517. Annual emissions inventory and fees. The owner or operator shall submit all operating or relevant information to estimate emissions for the preceding year to KDHE. This information shall be submitted before April 1 of each year and shall be submitted on forms provided by or approved by the department.


The lube oil storage tanks are VOC sources existing prior to January 1, 1971, and therefore are assumed to be in compliance with 40% opacity as required under K.A.R. 28-19-650(a)(2). The parts cleaners are VOC sources, and therefore are assumed to be in compliance with 20% opacity as required under K.A.R. 28-19-650(a)(3).

The cooling tower is assumed to be in compliance with 40% opacity as required under K.A.R. 28-19-650(a)(2).

Observations using Method 9 considerations are taken at the point where particulate separates from the moisture present in the air stream. Since, according to AP-42, particulate matter emissions from wet cooling towers consist primarily of the total dissolved solids in the moisture droplets entrained in the tower air stream, observations using Method 9 considerations will not generate visible opacity readings. Therefore, visible emissions are very low or nonexistent.

15. K.A.R. 28-19-720, adopting by reference 40 CFR Part 60. Standards of Performance for New Stationary Sources (NSPS). The applicant has certified that the source has no equipment subject to NSPS requirements. Permit conditions address future potential applicable requirements with standard language.


19. 40 CFR Part 61, Subpart M in §61.145. National Emission Standard for Asbestos. The facility may have asbestos containing materials, therefore standard permit language for Subpart M has been used to cover possible future needs.


An owner or operator, in accordance with the provisions of K.A.R. 28-19-511(b)(16)(C)(ii) and K.A.R. 28-19-512(a)(23) shall comply in a timely manner with those applicable requirements that become effective during the permit term, unless a detailed schedule is expressly required by the applicable requirement.

21. 40 CFR Part 63, Subpart F. Hazardous Organic NESHAP (HON). The applicant has certified that the source is not subject to HON requirements.

22. 40 CFR Part 64. Compliance Assurance Monitoring (CAM). The source is not currently subject to CAM requirements as the Class I application was deemed complete prior to April 20, 1998.

23. 40 CFR Part 68. Chemical Accident Prevention Provisions §112(r). The applicant has certified that the source does not have any regulated substance in any process over the threshold quantities. Standard permit language has been used to cover possible future needs.

24. 40 CFR Part 82. Protection of stratospheric ozone. The source uses air conditioning units containing Class I and Class II ozone depleting substances. The standard conditions for handling these materials are included in the permit.

25. §129(e) of the Clean Air Act, as amended in 1990. Solid waste combustion. The applicant does not operate any units classified as solid waste combustion units under Section 129 of the Clean Air Act, as amended in 1990.

26. The source is not located in Wyandotte County; thus, it is not subject to any Wyandotte County ordinance as adopted into the Kansas State Implementation Plan at 40 CFR 52.870(c)(9)(iii).

27. The applicant has certified that it is not subject to any federally enforceable emission limits which conflict with any applicable requirements.

28. The applicant did not propose any exemptions from otherwise applicable requirements.

29. The applicant did not propose any federally enforceable permit conditions.

30. The applicant did not propose any permit terms or conditions allowing emissions trading.

31. The applicant has certified that it will meet, on a timely basis, any applicable requirement
which becomes effective during the permit term.

32. Construction Permit Conditions: The source has no prior construction permit.
## Operating Permit Application Summary Report

### General Facility Information

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<tr>
<th>Facility Name:</th>
<th>Sunflower Electric Power Corporation</th>
<th>Source ID Number:</th>
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<td>Facility Address/Legal Description:</td>
<td>11453 Fort Dodge Road, Dodge City</td>
<td>KIEMS Permit Number:</td>
<td>OP100081 v8.0</td>
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<td>Major Product Description:</td>
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<td>Date Application Received:</td>
<td>02/12/21</td>
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### Application Type/Permit Activity

- [ ] Initial Issuance
- [ ] Conditional Major
- [ ] Permit Modification
- [X] Permit Renewal

### Facility Emissions Summary

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<th>Pollutant</th>
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**Single Hazardous Air Pollutant (HAP) – Hexane**

- 0.0435
- 11.93

**Single Hazardous Air Pollutant (HAP) – Formaldehyde**

- 0.0017
- 0.0030

**Combined HAPs**

- 0.0452
- 11.93

### Compliance Summary

- [ ] Source is out of compliance
- [ ] Compliance schedule included (CD-03)
- [X] Compliance certification signed (CR-01)
- [ ] Other ___________________________

### Applicable Requirements list

- [ ] NSR
- [ ] NSPS (Part 60)
- [X] SIP
- [ ] PSD (Part 52.21)
- [ ] NESHAPS (Part 61)
- [X] MACT (Part 63)
- [ ] CAM (Part 64)
- [ ] Other ___________________________

### Miscellaneous

- [X] Acid rain source
- [ ] Source subject to 112(r)
- [ ] Source applied for federally enforceable emissions cap
- [ ] Source provided terms for alternative operating scenarios
- [ ] Source requested case-by-case 112(g) or (j) determination
- [ ] Application proposes new control technology
- [X] Certified by responsible official
- [X] Diagrams or drawings included
Confidential business information (CBI) included