

# Colorado Department of Public Health and Environment

# OPERATING PERMIT

Black Hills/Colorado Electric Utility Company, LP - Pueblo Power Plant

First Issued: October 20, 1997

Renewed: June 1, 2008

Last Modified: June 23, 2011

# AIR POLLUTION CONTROL DIVISION COLORADO OPERATING PERMIT

FACILITY NAME: Black Hills/Colorado OPERATING PERMIT NUMBER

Electric Utility Company, LP - Pueblo Power Plant

FACILITY ID: **1010008** 

FIRST ISSUED: October 20, 1997

RENEWED: June 1, 2008 EXPIRATION DATE: June 1, 2013

MODIFICATIONS: See Appendix F of Permit

Issued in accordance with the provisions of the Colorado Air Pollution Prevention and Control Act, 25-7-101 et seq. and applicable rules and regulations.

ISSUED TO: PLANT SITE LOCATION:

Black Hills/Colorado Electric Utility Company, LP 105 South Victoria Avenue

1515 Wynkoop St., Suite 500 **Pueblo CO** 

Denver, CO 80202 Pueblo County

INFORMATION RELIED UPON

Operating Permit Renewal Application Received: April 24, 2006

And Additional Information Received: April 27, 2007, September 5, 2007, February 8,

2008, July 24, 2008

95OPPB025

Nature of Business: Electrical power production

Primary SIC: 4911

RESPONSIBLE OFFICIAL FACILITY CONTACT PERSON

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SUBMITTAL DEADLINES

Semi-Annual Monitoring Period: January 1 – June 30, July 1 – December 31

Semi-Annual Monitoring Report: August 1, 2008 & February 1, 2008 and subsequent years

Annual Compliance Period: January 1 to December 31

Annual Compliance Certification Due: February 1, 2008 and subsequent years

Note that the Semi-Annual Monitoring Reports and Annual Compliance Certifications must be received at the Division office by 5:00 p.m. on the due date. Postmarked dates will not be accepted for the purposes of determining the timely receipt of those reports/certifications.

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#### **SECTION I - General Activities and Summary**

#### 1. Permitted Activities

1.1 This facility consists of two steam driven electrical generating units and the associated equipment and five (5) identical diesel engine driven generating units. One boiler, rated at 246 million Btu per hour, has a steam generation rating of 185,000 pounds per hour. This boiler operates on natural gas only. The associated steam turbine/generator unit has a nameplate rated capacity of 16.5 megawatts gross turbine output. The other boiler, rated at 134.7 million Btu per hour, has a steam flow of 100,000 pounds per hour to generate 9 megawatts. This boiler is fired by natural gas only. The diesel/biodiesel (B20) engine driven generators are each rated at 2000 kilowatts and are used as needed to respond to peak demands and as backup for the boiler/generator units. None of the units are subject to Title IV, the Acid Rain Program.

The facility is located at 105 South Victoria Avenue in Pueblo, Colorado. The area in which the plant operates is designated as attainment for all criteria pollutants.

There are no affected states within 50 miles of the plant. The Great Sand Dunes National Park is a Federal Class I designated area within 100 kilometers of the facility. Florissant Fossil Beds National Monument is a Federal land area within 100 kilometers of the facility. Florissant Fossil Beds National Monument has been designated by the State to have the same sulfur dioxide increment as a Federal Class I area.

- 1.2 Until such time as this permit expires or is modified or is revoked, the permittee is allowed to discharge air pollutants from this facility in accordance with the requirements, limitations, and conditions of this permit.
- 1.3 This Operating Permit incorporates the applicable requirements contained in the underlying construction permits, and does not affect those applicable requirements, except as modified during review of the application or as modified subsequent to permit issuance using the modification procedures found in Regulation No. 3, Part C. These Part C procedures meet all applicable substantive New Source review requirements of Part B. Any revisions made using the provisions of Regulation No 3, Part C shall become new applicable requirements for purposes of this operating permit and shall survive reissuance. This permit incorporates the applicable requirements (except as noted in Section II) from the following construction permits:

00PB0830 (formerly issued to WestPlains Energy) 96PB895 (formerly issued to WestPlains Energy)

All the other significant emissions units at this facility had construction permit grandfather status at the time of the preparation of the initial Title V permit; therefore, this Operating Permit affected no other construction permits.

Since 1922 there have been a number of boilers and turbine/generator units constructed. All except the current operating units have been abandoned in-place and are no longer in service.

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The 246 million Btu per hour steam boiler (Boiler #1) was placed in service in 1949 as a coal fired unit. The boiler has been converted to use only natural gas as fuel. This unit previously used diesel as a backup fuel but this capability has been removed. The 134.7 million Btu per hour natural gas fired boiler (Boiler #2), placed in service in 2001, was provided to replace the 1941 boiler (Boiler #4) previously abandoned. The 134.7 million Btu per hour boiler will operate with the existing turbine and existing facility components and produce 9 megawatts. The five (5) diesel powered units were placed in service in 1964. A 300,000 gallon aboveground fuel oil storage tank supplies the diesel engines.

- 1.4 All conditions in this permit are enforceable by US Environmental Protection Agency, Colorado Air Pollution Control Division (hereinafter Division) and its agents, and citizens unless otherwise specified. **State-only enforceable conditions are:** Permit Condition Number(s): Section IV Conditions 3.g (last paragraph), 14 and 18 (as noted).
- 1.5 All information gathered pursuant to the requirements of this permit is subject to the Record keeping and Reporting requirements listed under Condition 22 of the General Conditions in Section IV of this permit.

#### 2. Prevention of Significant Deterioration/New Source Review

The plant is categorized as a major source for the Prevention of Significant Deterioration (PSD) provisions. The plant is one of the PSD special source categories (Fossil fuel boilers (or combinations thereof) totaling more than 250 MMBtu/hr heat input) having a major source threshold of 100 tons per year. The plant is a major source for NO<sub>x</sub>, PM, PM<sub>10</sub>, CO, and SO<sub>2</sub>. Future addition of new sources and modifications of existing sources at this plant resulting in a significant net emissions increase (see Reg 3, Part D, Sections II.A.26 and 42) for any pollutant as listed in Regulation No. 3, Part A, Section I.B.42 or a modification which is major by itself may result in the application of the PSD review requirements as appropriate.

There are no other Operating Permits associated with this facility for purposes of determining applicability of Prevention of Significant Deterioration regulations.

#### 3. Accidental Release Program (112(r))

3.1 Based on the information provided by the applicant, this facility is not subject to the provisions of the Accidental Release Prevention Plan of Section 112 (r) of the Clean Air Act.

#### 4. Alternative Operating Scenarios

The permittee shall be allowed to make the following changes to its method of operation without applying for a revision of this permit.

4.1 No separate operating scenarios have been specified.

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#### **5.** Compliance Assurance Monitoring (CAM)

5.1 The following emission points at this facility use a control device to achieve compliance with an emission limitation or standard to which they are subject and have pre-control emissions that exceed or are equivalent to the major source threshold. They are therefore subject to the provisions of the CAM program as set forth in 40 CFR Part 64 as adopted by reference into Colorado Regulation No. 3, Part C, Section XIV:

None

#### 6. Summary of Emission Units

6.1 The emissions units regulated by this permit are the following:

Emission Unit Number	AIRS Stack Number	Facility Identifier	Description	Size	Startup Year	Existing Permit
B001	002	S006	Babcock and Wilcox boiler firing natural gas; HMB15312	246 MMBtu/Hr	1949	Grandfathered
E01	003	S001	GM Electromotive Power, turbo charged diesel/biodiesel (B20) powered generating unit, Model 16-567-D4, SN 63-M-25	2000 KW 2682 HP	1964	Grandfathered
E02	003	S002	GM Electromotive Power, turbo charged diesel/biodiesel (B20) powered generating unit, Model 16-567-D4, SN 73-A3-1095	2000 KW 2682 HP	1964	Grandfathered
E03	003	S003	GM Electromotive Power, turbo charged diesel/biodiesel (B20) powered generating unit, Model 16-567-D4, SN 63-M-15	2000 KW 2682 HP	1964	Grandfathered
E04	003	S004	GM Electromotive Power, turbo charged diesel/biodiesel (B20) powered generating unit, Model 16-567-D4, SN 63-M-3	2000 KW 2682 HP	1964	Grandfathered
E05	003	S005	GM Electromotive Power, turbo charged diesel/biodiesel (B20) powered generating unit, Model 16-567-D4, SN 63-L-84	2000 KW 2682 HP	1964	Grandfathered
B002	006	S007	ABCO Industries, Inc. "D" Type, Natural Gas Fired Boiler, SN SO200003	134.7 MMBtu/Hr	2001	00PB0830

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#### **SECTION II - Specific Permit Terms**

The information provided in this section includes emission factors for various air pollutants. Wherever an emission factor is provided it shall be used to estimate the emissions for the pollutant or determine the compliance status with the limitation shown. Some of the emission factors are dependent on the fuel analysis and may be modified without reopening this permit.

#### 1. S006 - 246 MMBtu/Hr Babcock and Wilcox Boiler, Natural Gas Fired

Parameter	Permit	Limitations	Compliance		Monitoring
	Condition Number		Factors**	Method	Interval
NOx	1.1		See Table 1.1	Recordkeeping and	Annually
VOC				Calculation	
СО					
$SO_2$					
PM					
$PM_{10}$					
PM Standard	1.2	0.120 lbs/MMBtu	7.6 lb/MMSCF	Fuel Restriction	When Natural Gas is Used as Fuel
Fuel Consumption	1.3			Individual Fuel Meter, Record Keeping and Calculation	Annually
Opacity	1.4	Not to Exceed 20% Except as Provided for Below		See Con	dition 1.6
		During Startup – Not to exceed 30% per a period or periods aggregating more than six (6) minutes in any 60 consecutive minutes			
Heat Content (Btu Value)	1.5		Test Result, Invoice or Certificate of Quality Value	Vendor supplied certificates of quality or natural gas testing in accordance with the appropriate ASTM methods	As required by other permit conditions, for burning natural gas only

<sup>\*\*</sup> The fuel parameters and emission factors presented in this column are not permit limitations. Rather, these fuel parameters and emission factors were those used by the Division to determine initial compliance with applicable standards. To determine ongoing compliance status or estimated annual emissions the appropriate factors from this column shall be used with monitored data or data from vendor supplied certificates of quality. The boiler emission factors for natural gas were found in the February 1998 issuance of AP-42.

1.1 The terms and conditions of this permit are based on the boiler burning natural gas. The use of any other fuel may require the permit to be re-opened prior to any use of the fuel. The emission factors listed above have been approved by the Division and shall be used to calculate

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emissions from this boiler. Annual emissions from this boiler, for the purposes of APEN reporting and the payment of annual fees, shall be calculated using the above emission factors and the annual fuel consumption (as determined by Condition 1.5) in the following equation:

Natural Gas: Tons/yr = EF (lbs/MMscf) x annual fuel consumption (MMscf/yr) 2000 lbs/ton

Table 1.1

AP-42 Emission Factors (Natural Gas – 7/98 – Tables 1.4-1 and -2)				
Pollutant	Natural Gas (lb/MMscf) <sup>1</sup>			
NO <sub>x</sub>	280			
SO <sub>x</sub> <sup>3</sup>	0.6			
VOC	5.5			
СО	84.0			
PM	7.6			
PM <sub>10</sub>	7.6			

<sup>&</sup>lt;sup>1</sup>Natural gas factors are based on AP-42, Section 1.4 footnote a in Tables 1.4-1 and -2

- 1.2 Particulate matter emissions from this boiler shall not exceed the above limitation(s) (Colorado Regulation No. 1, Section III.A.1.b.). Compliance with the particulate matter limitation shall be monitored as follows:
  - 1.2.1 In the absence of credible evidence to the contrary, compliance with the particulate matter standard shall be presumed whenever natural gas is used as fuel for this boiler.

Note that the numeric PM standard was determined using the design heat input for the boiler (246 MMBtu/hr) in the following equation:

$$PE = 0.5 \text{ x (FI)}^{-0.26}$$
 where:  $PE = particulate standard in lbs/MMBtu$ 

FI = fuel input in MMBtu/hr

- 1.3 Fuel consumption of Natural Gas, No. 2 Fuel Oil, **and biodiesel (B20)**, together, shall be monitored and recorded annually. Annual fuel consumption will be used to calculate annual emissions as required by Condition 1.1. Compliance with the fuel consumption limit shall be monitored as follows:
  - 1.3.1 Natural gas usage from the boiler shall be determined from the unit's individual fuel meter.
- 1.4 The boiler is subject to the following requirements:

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- 1.4.1 Except as provided for in Condition 1.6.2 below, no owner or operator of a source shall allow or cause the emission into the atmosphere of any air pollutant which is in excess of 20% opacity (Colorado Regulation No.1, Section II.A.4). This opacity standard applies to this boiler.
- 1.4.2 No owner or operator of a source shall allow or case to be emitted into the atmosphere any air pollutant resulting from start-up which is in excess of 30% opacity for a period or periods aggregating more than six (6) minutes in any sixty (60) consecutive minutes (Colorado Regulation No. 1, Section II.A.4). This opacity standard applies to this boiler.

Compliance with the opacity requirements will be monitored as follows:

- 1.4.3 In the absence of credible evidence to the contrary, compliance with the above opacity requirements shall be presumed whenever natural gas is used as fuel for this boiler.
- 1.5 The heat content value provided in the Title V application was 850 Btu/scf. The natural gas heat content may be obtained from the vendor delivery invoices or certificates of quality for each purchase, or actual fuel sampling and testing. The invoices, certificates of quality, or copies of the test results shall be kept at the facility and made available to the Division upon request. The heat content reported and used for calculations shall be the daily value from the vendor receipts or any permittee gas testing during the reporting period.

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#### 2. Five 2000 KW Diesel/Biodiesel (B20) Powered Generators

# S001, S002, S003, S004, S005 - 2000 KW Diesel/Biodiesel (B20) Powered Generators NOTE: The following establishes the requirements for each engine.

Parameter	Permit		Compliance	Monitoring	
	Condition Number		Factors (lbs/gal) <sup>1</sup> **	Method	Interval
Emission	2.1		PM 0.0137	Recordkeeping and	Annually
Calculations			PM <sub>10</sub> 0.137	Calculation	
			SO <sub>2</sub> 0.138S		
			NO <sub>x</sub> 0.438		
			CO 0.116		
			VOC 0.0123		
Fuel Consumption	2.2			Records of fuel consumption or vendor receipts and inventory on hand	Annually
Fuel Sampling	2.3			ASTM Methods	Annually
Opacity	2.4	Not to Exceed 20% Except as Provided for Below		Method 9	Once per calendar quarter if operating and valid Method 9 observation conditions satisfied
		During Startup – Not to exceed 30% per a period or periods aggregating more than six (6) minutes in any 60 consecutive minutes		Method 9	If Startup > 10 minutes

<sup>\*\*</sup> The emission factors presented in this column are not permit limitations. Rather, these emission factors were those used by the Division to determine initial compliance with applicable standards. To determine ongoing compliance status or estimated annual emissions the appropriate factors from this column shall be used with monitored data or data from vendor supplied certificates of quality. The engine emission factors for No. 2 fuel oil were found in EPA AP-42 October 1996 version <sup>1</sup>S = weight percent sulfur in fuel

2.1 The emission factors listed above have been approved by the Division and shall be used to calculate emissions from these engines (AP-42, October 1996, Section 3.4). Annual emissions from these engines, for the purposes of APEN reporting and the payment of annual fees, shall be calculated using the above emission factors and the annual fuel consumption (as determined by Condition 2.3) in the following equation:

#### $Tons/yr = \underline{EF (lbs/gal) \ x \ annual \ fuel \ consumption \ (gal/yr)}$

2000 lbs/ton

2.2 Fuel consumption of No. 2 Fuel Oil, **and biodiesel** (**B20**), together, shall be monitored annually. Annual fuel consumption will be used to calculate annual emissions as required by Condition 2.1. Vendor receipts and inventory on hand will be used to monitor fuel consumption.

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2.3 No. 2 fuel oil **and biodiesel (B20)** shall be sampled and analyzed for heat content and sulfur content, annually, using the appropriate ASTM methods, or equivalent as approved by the Division in advance. The sulfur content of the fuel, as determined by sampling shall be used in the emission calculations required by Condition 2.1.

In lieu of annual sampling, the heat and sulfur content of the fuel oil **or biodiesel** (**B20**) shall be monitored by maintaining a file of readable copies of vendor invoices or certificates of quality reporting the heat value and the sulfur content of the fuel oil. The file information shall demonstrate that the fuel oil complies with the appropriate ASTM methods, or equivalent, if approved by the Division in advance, for No. 2 fuel oil or **for biodiesel** (**B20**). The file information shall be made available to Division for review upon request. Under this scenario, the average sulfur content of fuel received over the annual period shall be used in the emission calculations required by Condition 2.1 (for sulfur oxides only).

- 2.4 These engines are subject to these requirements:
  - 2.4.1 Except as provided for in Condition 2.4.2 below, no owner or operator of a source shall allow or cause the emission into the atmosphere of any air pollutant which is in excess of 20% opacity (Colorado Regulation No.1, Section II.A.4). This opacity standard applies to these engines.
  - 2.4.2 No owner or operator of a source shall allow or case to be emitted into the atmosphere any air pollutant resulting from start-up which is in excess of 30% opacity for a period or periods aggregating more than six (6) minutes in any sixty (60) consecutive minutes (Colorado Regulation No. 1, Section II.A.4). This opacity standard applies to these engines.
  - 2.4.3 Compliance with the opacity standard in Condition 2.4.2 shall be monitored by conducting a Method 9 observation any time an engine start up requires longer than ten (10) consecutive minutes.
  - 2.4.4 Compliance with the opacity standard in Condition 2.4.1 shall be monitored by conducting a Method 9 observation at least once per calendar quarter when the engine is operating under load during conditions suitable for properly performing a valid Method 9 observation. If the engine has not been operated under load during the quarter, of if a valid Method 9 reading could not be performed when the engine did operate, the permittee is not required to operate the engine for the sole purpose of obtaining a quarterly opacity observation. The annual compliance certification for any quarter in which a valid Method 9 opacity observation was not performed shall include an explanation for the lack of a Method 9 observation.

A Method 9 observation shall be performed when non-routine visible emissions are detected to persist for longer than fifteen (15) consecutive minutes.

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2.4.5 Subject to the provisions of C.R.S. 25-7-123.1 and in the absence of credible evidence to the contrary, exceedance of the opacity limit shall be considered to exist from the time a Method 9 reading is taken that shows the opacity is less than the opacity limit.

#### 3. S007 – 134.7 MMBtu/Hr ABCO Industries Boiler Type "D" SN SO200003

#### **Natural Gas Fired**

Parameter	Permit	Limitations	Compliance		
	Condition Number		Factors**	Method	Interval
NOx	4.1	18.1 tons per year	28.9 lb/MMscf	Recordkeeping and	Monthly
VOC		3.4 tons per year	4.6 lb/MMscf	Calculation	
СО		45.1 tons per year	72.3 lb/MMscf	12-month rolling total	
SO <sub>2</sub>		0.4 tons per year	0.6 lb/MMscf		
PM		4.8 tons per year	6.3 lb/MMscf		
PM <sub>10</sub>		4.8 tons per year	6.3 lb/MMscf		
NOx – NSPS Subpart Db	4.2	0.10 lbs/MMBtu or 85 lbs/MMscf		See Condition	on 4.2
NSPS General Provisions	4.3			As Required by NSPS General Provisions	Subject to NSPS General Provisions
PM Standard	4.4	0.14 lbs/MMBtu or 119.0 lbs/MMscf		Fuel Restriction	When Natural Gas is Used as Fuel
Fuel Consumption	4.5	1,061,650 MMBtu/year or 1249 MMscf/year		Fuel meter, vendor receipts, recordkeeping, and calculation	Monthly
Opacity	4.6	Not to Exceed 20% Except as Provided for Below		See Condition	on 4.6
		During Startup – Not to exceed 30% per a period or periods aggregating more than six (6) minutes in any 60 consecutive minutes			
Heat Content (Btu value)	4.7		Test Result, Invoice or Certificate of Quality Value	Vendor supplied certificates of quality or natural gas testing in accordance with appropriate ASTM methods.	As required by other permit conditions

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Parameter	Permit	Limitations	Compliance	Monitoring		
	Condition Number		Factors**	Method	Interval	
Parametric Emission Monitoring System (PEMS) Relative Accuracy Test Assessment (RATA)	4.8			In accordance with EPA or Division approved methods	Annually	

3.1 The terms and conditions of this permit are based on the boiler burning natural gas. The use of any other fuel may require the permit to be re-opened prior to any use of the fuel. The emission factors listed above have been approved by the Division and shall be used to calculate emissions from this boiler (Section I, Condition 1.3). Compliance with the annual limitations shall be monitored by calculating monthly emissions using the emission factors from Summary Table 4 in the following equation:

 $Tons/month = \underbrace{EF (lbs/MMscf) \ x \ monthly \ fuel \ consumption \ (MMBtu/mo)}_{(850 \ MMBtu/MMscf) \ x \ 2000 \ lbs/ton}$ 

Monthly emissions from the boiler shall be calculated by the end of each subsequent month. Monthly emissions from each boiler shall be summed together and used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months data.

Monthly emissions of  $NO_X$  from the boiler shall be used in a twelve-month rolling total to monitor compliance with the annual limitation. Each month a new twelve-month total shall be calculated using the previous twelve months' data.

NOTE: Although this facility is considered a major stationary source, the net emission increase from the addition of this boiler remained below PSD significance levels and PSD review was not required.

- 3.2 The boiler is subject to New Source Performance Standards, 40 CFR 60 Subpart Db (as adopted by reference in Colorado Regulation No. 6, Part A, Subpart Db) Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units, including but not limited to the following:
  - 3.2.1 The amount of natural gas combusted shall be recorded daily. (§60.49b(d))
  - 3.2.2 Compliance with the annual capacity factor (§60.49b(d) shall be monitored on a rolling twelve (12) calendar month total. By the end of each new calendar month

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the emissions for the previous month and a new twelve (12) calendar month total shall be calculated and compliance determined. The records of all the calculations and the compliance determinations shall be maintained and made available for Division review upon request.

- 3.2.3 Stack emissions of nitrogen oxides shall not exceed 0.10 pounds per million Btu. (§60.44b(l)(2))
- 3.2.4 Compliance with the nitrogen oxides standard applies at all times including periods of startup, shutdown and malfunction. (§60.44b(h))
- 3.2.5 Compliance with the nitrogen oxides standard shall be determined on a 30-day rolling average basis. (§60.44b(i))
- 3.2.6 Compliance with stack emissions of nitrogen oxides shall be determined from a Predictive Emissions Monitoring System (PEMS) based on monitored operating conditions (§60.48b(g)(1)) or by use of a continuous emissions monitoring system (CEMS) (§60.48b(b)).
- 3.2.7 The PEMS plan for this boiler shall identify the operating conditions to be monitored under  $\S60.48b(g)(2)$  and the records to be maintained. The plan shall:
  - 3.2.7.1 Identify the specific operating conditions to be monitored and the relationship between these operating conditions and the nitrogen oxides emissions rates. Steam generating unit operating conditions include, but are not limited to, the degree of staged combustion and the level of excess air. (§60.49b(c)(1))
  - 3.2.7.2 Include the data and information that the owner or operator used to identify the relationship between nitrogen oxides emission rates and these operating conditions. (§60.49b(c)(2))
  - 3.2.7.3 Identify how these operating conditions, including steam generating load, will be monitored on an hourly basis during the operation of the boiler; the quality assurance procedures or practices that will be employed to ensure that the data generated by monitoring these operating conditions will be representative and accurate; and the type and format of the records of these operating conditions, including the steam generating unit load, that will be maintained. (§60.49b(c)(3))
  - 3.2.7.4 Records of predicted nitrogen oxide emission rates and the monitored operating condition, including steam generating unit load, identified in the plan. (\$60.49b(c)(3))
- 3.2.8 Records of the following information shall be maintained for each steam generating unit operating day and made available for Division review upon request (§60.49b(g):
  - 3.2.8.1 Calendar date

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- 3.2.8.2 The average hourly nitrogen oxides emissions (expressed as  $NO_2$ ) measured or predicted
- 3.2.8.3 The 30-day average nitrogen oxides rates calculated at the end of each steam generating unit operating day from the measured or predicted hourly nitrogen oxides emission rates for the preceding 30 steam generating unit operating days.
- 3.2.8.4 Identification of the steam generating operating days when the calculated 30-day average nitrogen oxides emission rates are in excess of the nitrogen oxides emissions standards (0.10 pounds per million Btu), with the reasons for such excess emissions as well as a description of corrective actions taken.
- 3.2.8.5 Identification of steam generating unit operating days for which pollutant data have not been obtained, including reasons for not obtaining sufficient data and a description of corrective actions taken.
- 3.2.8.6 Identification of the time when emission data have been excluded from the calculation of average emission rates and the reasons for excluding data.
- 3.2.8.7 Identification of "F" factor used for calculations, method of determination and type of fuel combusted.
- 3.2.9 Submit excess emission reports for each calendar quarter (\$60.49b(v) for any excess emissions that occurred during the reporting period. (\$60.49b(h) The report shall be submitted no later than 30 days after the end of the calendar quarter and shall be accompanied by a certification statement indicating whether compliance with the emission standard(s) and minimum data requirements was achieved during the reporting period. (\$60.49b(v)
- 3.2.10 The reporting period for all reports required by this NSPS Subpart shall be each six (6) month period. (§60.49b(w))
- 3.2.11 The owner or operator shall maintain all records for a period of five (5) years following the date of such record.
- 3.3 This boiler is subject to 40 CFR Part 60, Subpart A General Provisions, as adopted by reference in Colorado Regulation No. 6, Part B, Section I.A. Specifically, this unit is subject to the following requirements:
  - No article, machine, equipment or process shall be used to conceal an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gasses discharged to the atmosphere (40 CFR Part 60 Subpart A § 60.12, as adopted by reference in Colorado Regulation No. 6, Part B, Section I.A).

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- 3.3.2 Records shall be maintained of the occurrence and duration of any startup, shutdown, or malfunction in the operation of the source; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative (40 CFR Part 60 Subpart A § 60.7(b), as adopted by reference in Colorado Regulation No. 6, Part B, Section I.A).
- 3.3.3 At all times, including periods of startup, shutdown, and malfunction owners and operators shall to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source (40 CFR Subpart A § 60.11(d), as adopted by reference in Colorado Regulation No. 6, Part B, Section I.A).
- 3.4 Particulate matter emissions from this boiler shall not exceed the above limitation(s) (Colorado Regulation No. 1, Section III.A.1.b). Compliance with the particulate matter limitation shall be monitored as follows:
  - 3.4.1 In the absence of credible evidence to the contrary, compliance with the particulate matter standard shall be presumed whenever natural gas is used as fuel for this boiler.

Note that the numeric PM standard was determined using the design heat input for the boiler (137.4 MMBtu/hr) in the following equation:

 $PE = 0.5 \ x \ (FI)^{-0.26} \qquad where: PE = particulate \ standard \ in \ lbs/MMBtu$   $FI = fuel \ input \ in \ MMBtu/hr$ 

- 3.5 Consumption of Natural Gas from this boiler shall not exceed the limitation stated above (based on the requested fuel consumption identified on the APENs received September 7, 2004). Compliance with the fuel consumption limit shall be monitored as follows:
  - 3.5.1 Natural gas usage from the boiler shall be determined from the unit's individual fuel meter or from vendor receipts.
- 3.6 The boiler is subject to the following requirements:
  - 3.6.1 Except as provided for in Condition 4.6.2 below, no owner or operator of a source shall allow or cause the emission into the atmosphere of any air pollutant which is in excess of 20% opacity (Colorado Regulation No. 1, Section II.A.4). This opacity standard applies to this boiler.

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3.6.2 No owner or operator of a source shall allow or cause to be emitted into the atmosphere any air pollutant resulting from start-up which is in excess of 30% opacity for a period or periods aggregating more than six (6) minutes in any sixty (60) consecutive minutes (Colorado Regulation No. 1, Section II.A.4). This opacity standard applies to the boiler.

In the absence of any credible evidence to the contrary compliance with the opacity standard shall be presumed when only natural gas is fired in the boiler. No opacity observations are required.

- 3.7 The heat content value provided in the Title V application was 850 Btu/scf. The natural gas heat content may be obtained from the vendor delivery invoices or certificates of quality for each purchase, or actual fuel sampling and testing. The invoices, certificates of quality, or copies of the test results shall be kept at the facility and made available to the Division upon request. The heat content reported and used for calculations shall be from the vendor receipts or any permittee gas testing during the reporting period.
- 3.8 A Parametric Emission Monitoring System (PEMS) Relative Accuracy Test Assessment (RATA) shall be performed annually.

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#### **SECTION III - Permit Shield**

Regulation No. 3, 5 CCR 1001-5, Part C, §§ I.A.4, V.D. & XIII.B; § 25-7-114.4(3)(a), C.R.S.

#### 1. Specific Conditions

Based upon information available to the Division and supplied by the applicant, the following parameters and requirements have been specifically identified as non-applicable to the facility to which this permit has been issued. This shield does not protect the source from any violations that occurred prior to or at the time of permit issuance. In addition, this shield does not protect the source from any violations that occur as a result of any modifications or reconstruction on which construction commenced prior to permit issuance.

No permit shield has been granted.

#### 2. General Conditions

Compliance with this Operating Permit shall be deemed compliance with all applicable requirements specifically identified in the permit and other requirements specifically identified in the permit as not applicable to the source. This permit shield shall not alter or affect the following:

- 2.1 The provisions of §\$25-7-112 and 25-7-113, C.R.S., or \$303 of the federal act, concerning enforcement in cases of emergency;
- 2.2 The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
- 2.3 The applicable requirements of the federal Acid Rain Program, consistent with § 408(a) of the federal act;
- 2.4 The ability of the Air Pollution Control Division to obtain information from a source pursuant to § 25-7-111(2)(I), C.R.S., or the ability of the Administrator to obtain information pursuant to § 114 of the federal act;
- 2.5 The ability of the Air Pollution Control Division to reopen the Operating Permit for cause pursuant to Regulation No. 3, Part C, §XIII.
- 2.6 Sources are not shielded from terms and conditions that become applicable to the source subsequent to permit issuance.

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#### 3. Streamlined Conditions

The following applicable requirements have been subsumed within this operating permit using the pertinent streamlining procedures approved by the U.S. EPA. For purposes of the permit shield, compliance with the listed permit conditions will also serve as a compliance demonstration for purposes of the associated subsumed requirements.

Permit Condition	Streamlined (Subsumed) Requirements
NONE	

#### Section IV - General Permit Conditions (Ver. 11/16/2010)

#### 1. Administrative Changes

#### Regulation No. 3, 5 CCR 1001-5, Part A, § III.

The permittee shall submit an application for an administrative permit amendment to the Division for those permit changes that are described in Regulation No. 3, Part A, § I.B.1. The permittee may immediately make the change upon submission of the application to the Division.

#### 2. Certification Requirements

#### Regulation No. 3, 5 CCR 1001-5, Part C, §§ III.B.9., V.C.16.a.& e. and V.C.17.

- a. Any application, report, document and compliance certification submitted to the Air Pollution Control Division pursuant to Regulation No. 3 or the Operating Permit shall contain a certification by a responsible official of the truth, accuracy and completeness of such form, report or certification stating that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
- b. All compliance certifications for terms and conditions in the Operating Permit shall be submitted to the Air Pollution Control Division at least annually unless a more frequent period is specified in the applicable requirement or by the Division in the Operating Permit.
- c. Compliance certifications shall contain:
  - (i) the identification of each permit term and condition that is the basis of the certification;
  - (ii) the compliance status of the source;
  - (iii) whether compliance was continuous or intermittent;
  - (iv) method(s) used for determining the compliance status of the source, currently and over the reporting period; and
  - (v) such other facts as the Air Pollution Control Division may require to determine the compliance status of the source.
- d. All compliance certifications shall be submitted to the Air Pollution Control Division and to the Environmental Protection Agency at the addresses listed in Appendix D of this Permit.
- e. If the permittee is required to develop and register a risk management plan pursuant to § 112(r) of the federal act, the permittee shall certify its compliance with that requirement; the Operating Permit shall not incorporate the contents of the risk management plan as a permit term or condition.

#### 3. Common Provisions

#### Common Provisions Regulation, 5 CCR 1001-2 §§ II.A., II.B., II.C., II.E., II.F., II.I, and II.J

a. To Control Emissions Leaving Colorado

When emissions generated from sources in Colorado cross the State boundary line, such emissions shall not cause the air quality standards of the receiving State to be exceeded, provided reciprocal action is taken by the receiving State.

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#### b. Emission Monitoring Requirements

The Division may require owners or operators of stationary air pollution sources to install, maintain, and use instrumentation to monitor and record emission data as a basis for periodic reports to the Division.

#### c. Performance Testing

The owner or operator of any air pollution source shall, upon request of the Division, conduct performance test(s) and furnish the Division a written report of the results of such test(s) in order to determine compliance with applicable emission control regulations.

Performance test(s) shall be conducted and the data reduced in accordance with the applicable reference test methods unless the Division:

- (i) specifies or approves, in specific cases, the use of a test method with minor changes in methodology;
- (ii) approves the use of an equivalent method;
- (iii) approves the use of an alternative method the results of which the Division has determined to be adequate for indicating where a specific source is in compliance; or
- (iv) waives the requirement for performance test(s) because the owner or operator of a source has demonstrated by other means to the Division's satisfaction that the affected facility is in compliance with the standard. Nothing in this paragraph shall be construed to abrogate the Commission's or Division's authority to require testing under the Colorado Revised Statutes, Title 25, Article 7, and pursuant to regulations promulgated by the Commission.

Compliance test(s) shall be conducted under such conditions as the Division shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Division such records as may be necessary to determine the conditions of the performance test(s). Operations during period of startup, shutdown, and malfunction shall not constitute representative conditions of performance test(s) unless otherwise specified in the applicable standard.

The owner or operator of an affected facility shall provide the Division thirty days prior notice of the performance test to afford the Division the opportunity to have an observer present. The Division may waive the thirty day notice requirement provided that arrangements satisfactory to the Division are made for earlier testing.

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

- (i) Sampling ports adequate for test methods applicable to such facility;
- (ii) Safe sampling platform(s);
- (iii) Safe access to sampling platform(s); and
- (iv) Utilities for sampling and testing equipment.

Each performance test shall consist of at least three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable

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standard. For the purpose of determining compliance with an applicable standard, the arithmetic mean of results of at least three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, compliance may, upon the Division's approval, be determined using the arithmetic mean of the results of the two other runs.

Nothing in this section shall abrogate the Division's authority to conduct its own performance test(s) if so warranted.

d. Affirmative Defense Provision for Excess Emissions during Malfunctions

Note that until such time as the U.S. EPA approves this provision into the Colorado State Implementation Plan (SIP), it shall be enforceable only by the State.

An affirmative defense to a claim of violation under these regulations is provided to owners and operators for civil penalty actions for excess emissions during periods of malfunction. To establish the affirmative defense and to be relieved of a civil penalty in any action to enforce an applicable requirement, the owner or operator of the facility must meet the notification requirements below in a timely manner and prove by a preponderance of evidence that:

- (i) The excess emissions were caused by a sudden, unavoidable breakdown of equipment, or a sudden, unavoidable failure of a process to operate in the normal or usual manner, beyond the reasonable control of the owner or operator;
- (ii) The excess emissions did not stem from any activity or event that could have reasonably been foreseen and avoided, or planned for, and could not have been avoided by better operation and maintenance practices;
- (iii) Repairs were made as expeditiously as possible when the applicable emission limitations were being exceeded;
- (iv) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent practicable during periods of such emissions;
- (v) All reasonably possible steps were taken to minimize the impact of the excess emissions on ambient air quality;
- (vi) All emissions monitoring systems were kept in operation (if at all possible);
- (vii) The owner or operator's actions during the period of excess emissions were documented by properly signed, contemporaneous operating logs or other relevant evidence;
- (viii) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;
- (ix) At all times, the facility was operated in a manner consistent with good practices for minimizing emissions. This section is intended solely to be a factor in determining whether an affirmative defense is available to an owner or operator, and shall not constitute an additional applicable requirement; and
- (x) During the period of excess emissions, there were no exceedances of the relevant ambient air quality standards established in the Commissions' Regulations that could be attributed to the emitting source.

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The owner or operator of the facility experiencing excess emissions during a malfunction shall notify the division verbally as soon as possible, but no later than noon of the Division's next working day, and shall submit written notification following the initial occurrence of the excess emissions by the end of the source's next reporting period. The notification shall address the criteria set forth above.

The Affirmative Defense Provision contained in this section shall not be available to claims for injunctive relief.

The Affirmative Defense Provision does not apply to failures to meet federally promulgated performance standards or emission limits, including, but not limited to, new source performance standards and national emission standards for hazardous air pollutants. The affirmative defense provision does not apply to state implementation plan (sip) limits or permit limits that have been set taking into account potential emissions during malfunctions, including, but not necessarily limited to, certain limits with 30-day or longer averaging times, limits that indicate they apply during malfunctions, and limits that indicate they apply at all times or without exception.

#### e. Circumvention Clause

A person shall not build, erect, install, or use any article, machine, equipment, condition, or any contrivance, the use of which, without resulting in a reduction in the total release of air pollutants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of this regulation. No person shall circumvent this regulation by using more openings than is considered normal practice by the industry or activity in question.

#### f. Compliance Certifications

For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in the Colorado State Implementation Plan, nothing in the Colorado State Implementation Plan shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. Evidence that has the effect of making any relevant standard or permit term more stringent shall not be credible for proving a violation of the standard or permit term.

When compliance or non-compliance is demonstrated by a test or procedure provided by permit or other applicable requirement, the owner or operator shall be presumed to be in compliance or non-compliance unless other relevant credible evidence overcomes that presumption.

#### g. Affirmative Defense Provision for Excess Emissions During Startup and Shutdown

An affirmative defense is provided to owners and operators for civil penalty actions for excess emissions during periods of startup and shutdown. To establish the affirmative defense and to be relieved of a civil penalty in any action to enforce an applicable requirement, the owner or operator of the facility must meet the notification requirements below in a timely manner and prove by a preponderance of the evidence that:

- (i) The periods of excess emissions that occurred during startup and shutdown were short and infrequent and could not have been prevented through careful planning and design;
- (ii) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation or maintenance;

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- (iii) If the excess emissions were caused by a bypass (an intentional diversion of control equipment), then the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (iv) The frequency and duration of operation in startup and shutdown periods were minimized to the maximum extent practicable;
- (v) All possible steps were taken to minimize the impact of excess emissions on ambient air quality;
- (vi) All emissions monitoring systems were kept in operation (if at all possible);
- (vii) The owner or operator's actions during the period of excess emissions were documented by properly signed, contemporaneous operating logs or other relevant evidence; and,
- (viii) At all times, the facility was operated in a manner consistent with good practices for minimizing emissions. This subparagraph is intended solely to be a factor in determining whether an affirmative defense is available to an owner or operator, and shall not constitute an additional applicable requirement.

The owner or operator of the facility experiencing excess emissions during startup and shutdown shall notify the Division verbally as soon as possible, but no later than two (2) hours after the start of the next working day, and shall submit written quarterly notification following the initial occurrence of the excess emissions. The notification shall address the criteria set forth above.

The Affirmative Defense Provision contained in this section shall not be available to claims for injunctive relief.

The Affirmative Defense Provision does not apply to State Implementation Plan provisions or other requirements that derive from new source performance standards or national emissions standards for hazardous air pollutants, or any other federally enforceable performance standard or emission limit with an averaging time greater than twenty-four hours. In addition, an affirmative defense cannot be used by a single source or small group of sources where the excess emissions have the potential to cause an exceedance of the ambient air quality standards or Prevention of Significant Deterioration (PSD) increments.

In making any determination whether a source established an affirmative defense, the Division shall consider the information within the notification required above and any other information the Division deems necessary, which may include, but is not limited to, physical inspection of the facility and review of documentation pertaining to the maintenance and operation of process and air pollution control equipment.

#### 4. Compliance Requirements

#### Regulation No. 3, 5 CCR 1001-5, Part C, §§ III.C.9., V.C.11. & 16.d. and § 25-7-122.1(2), C.R.S.

a. The permittee must comply with all conditions of the Operating Permit. Any permit noncompliance relating to federally-enforceable terms or conditions constitutes a violation of the federal act, as well as the state act and Regulation No. 3. Any permit noncompliance relating to state-only terms or conditions constitutes a violation of the state act and Regulation No. 3, shall be enforceable pursuant to state law, and shall not be enforceable by citizens under § 304 of the federal act. Any such violation of the federal act, the state act or regulations implementing either statute is grounds for enforcement action, for permit termination, revocation and reissuance or modification or for denial of a permit renewal application.

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- b. It shall not be a defense for a permittee in an enforcement action or a consideration in favor of a permittee in a permit termination, revocation or modification action or action denying a permit renewal application that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- c. The permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of any request by the permittee for a permit modification, revocation and reissuance, or termination, or any notification of planned changes or anticipated noncompliance does not stay any permit condition, except as provided in §§ X. and XI. of Regulation No. 3, Part C.
- d. The permittee shall furnish to the Air Pollution Control Division, within a reasonable time as specified by the Division, any information that the Division may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Division copies of records required to be kept by the permittee, including information claimed to be confidential. Any information subject to a claim of confidentiality shall be specifically identified and submitted separately from information not subject to the claim.
- e. Any schedule for compliance for applicable requirements with which the source is not in compliance at the time of permit issuance shall be supplemental, and shall not sanction noncompliance with, the applicable requirements on which it is based.
- f. For any compliance schedule for applicable requirements with which the source is not in compliance at the time of permit issuance, the permittee shall submit, at least every 6 months unless a more frequent period is specified in the applicable requirement or by the Air Pollution Control Division, progress reports which contain the following:
  - (i) dates for achieving the activities, milestones, or compliance required in the schedule for compliance, and dates when such activities, milestones, or compliance were achieved; and
  - (ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
- g. The permittee shall not knowingly falsify, tamper with, or render inaccurate any monitoring device or method required to be maintained or followed under the terms and conditions of the Operating Permit.

#### 5. Emergency Provisions

#### Regulation No. 3, 5 CCR 1001-5, Part C, § VII.E

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 the technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. "Emergency" does not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. An emergency constitutes an affirmative defense to an enforcement action brought for noncompliance with a technology-based emission limitation if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. an emergency occurred and that the permittee can identify the cause(s) of the emergency;

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- b. the permitted facility was at the time being properly operated;
- c. 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
- d. the permittee submitted oral notice of the emergency to the Air Pollution Control Division no later than noon of the next working day following the emergency, and followed by written notice within one month of the time when emissions limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

This emergency provision is in addition to any emergency or malfunction provision contained in any applicable requirement.

#### 6. Emission Controls for Asbestos

#### Regulation No. 8, 5 CCR 1001-10, Part B

The permittee shall not conduct any asbestos abatement activities except in accordance with the provisions of Regulation No. 8, Part B, "asbestos control."

#### 7. Emissions Trading, Marketable Permits, Economic Incentives

#### Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.13.

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

#### 8. Fee Payment

#### C.R.S §§ 25-7-114.1(6) and 25-7-114.7

- a. The permittee shall pay an annual emissions fee in accordance with the provisions of C.R.S. § 25-7-114.7. A 1% per month late payment fee shall be assessed against any invoice amounts not paid in full on the 91st day after the date of invoice, unless a permittee has filed a timely protest to the invoice amount.
- b. The permittee shall pay a permit processing fee in accordance with the provisions of C.R.S. § 25-7-114.7. If the Division estimates that processing of the permit will take more than 30 hours, it will notify the permittee of its estimate of what the actual charges may be prior to commencing any work exceeding the 30 hour limit.
- c. The permittee shall pay an APEN fee in accordance with the provisions of C.R.S. § 25-7-114.1(6) for each APEN or revised APEN filed.

#### 9. Fugitive Particulate Emissions

#### Regulation No. 1, 5 CCR 1001-3, § III.D.1.

The permittee shall employ such control measures and operating procedures as are necessary to minimize fugitive particulate emissions into the atmosphere, in accordance with the provisions of Regulation No. 1, § III.D.1.

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#### 10. Inspection and Entry

#### Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.16.b.

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Air Pollution Control Division, or any authorized representative, to perform the following:

- a. enter upon the permittee's premises where an Operating Permit source is located, or emissions-related activity is conducted, or where records must be kept under the terms of the permit;
- b. have access to, and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- c. inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the Operating Permit;
- d. sample or monitor at reasonable times, for the purposes of assuring compliance with the Operating Permit or applicable requirements, any substances or parameters.

#### 11. Minor Permit Modifications

#### Regulation No. 3, 5 CCR 1001-5, Part C, §§ X. & XI.

The permittee shall submit an application for a minor permit modification before making the change requested in the application. The permit shield shall not extend to minor permit modifications.

#### 12. New Source Review

#### Regulation No. 3, 5 CCR 1001-5, Part B

The permittee shall not commence construction or modification of a source required to be reviewed under the New Source Review provisions of Regulation No. 3, Part B, without first receiving a construction permit.

#### 13. No Property Rights Conveyed

#### Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.11.d.

This permit does not convey any property rights of any sort, or any exclusive privilege.

#### 14. Odor

#### Regulation No. 2, 5 CCR 1001-4, Part A

As a matter of state law only, the permittee shall comply with the provisions of Regulation No. 2 concerning odorous emissions.

#### 15. Off-Permit Changes to the Source

#### Regulation No. 3, 5 CCR 1001-5, Part C, § XII.B.

The permittee shall record any off-permit change to the source that causes the emissions of a regulated pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from the change, including any other data necessary to show compliance with applicable ambient air quality standards. The permittee shall provide contemporaneous notification to the

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Air Pollution Control Division and to the Environmental Protection Agency at the addresses listed in Appendix D of this Permit. The permit shield shall not apply to any off-permit change.

#### 16. **Opacity**

#### Regulation No. 1, 5 CCR 1001-3, §§ I., II.

The permittee shall comply with the opacity emissions limitation set forth in Regulation No. 1, §§ I.- II.

#### **17. Open Burning**

#### Regulation No. 9, 5 CCR 1001-11

The permittee shall obtain a permit from the Division for any regulated open burning activities in accordance with provisions of Regulation No. 9.

#### 18. **Ozone Depleting Compounds**

#### Regulation No. 15, 5 CCR 1001-17

The permittee shall comply with the provisions of Regulation No. 15 concerning emissions of ozone depleting compounds. Sections I., II.C., II.D., III. IV., and V. of Regulation No. 15 shall be enforced as a matter of state law only.

#### 19. **Permit Expiration and Renewal**

#### Regulation No. 3, 5 CCR 1001-5, Part C, §§ III.B.6., IV.C., V.C.2.

- The permit term shall be five (5) years. The permit shall expire at the end of its term. Permit expiration terminates the permittee's right to operate unless a timely and complete renewal application is submitted.
- Applications for renewal shall be submitted at least twelve months, but not more than 18 months, b. prior to the expiration of the Operating Permit. An application for permit renewal may address only those portions of the permit that require revision, supplementing, or deletion, incorporating the remaining permit terms by reference from the previous permit. A copy of any materials incorporated by reference must be included with the application.

#### 20. **Portable Sources**

#### Regulation No. 3, 5 CCR 1001-5, Part C, § II.D.

Portable Source permittees shall notify the Air Pollution Control Division at least 10 days in advance of each change in location.

#### 21. **Prompt Deviation Reporting**

#### Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.7.b.

The permittee shall promptly report any deviation from permit requirements, including those attributable to malfunction conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken.

"Prompt" is defined as follows:

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- a. Any definition of "prompt" or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit; or
- b. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:
  - (i) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report shall be made within 24 hours of the occurrence;
  - (ii) For emissions of any regulated air pollutant, excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two hours in excess of permit requirements, the report shall be made within 48 hours; and
  - (iii) For all other deviations from permit requirements, the report shall be submitted every six (6) months, except as otherwise specified by the Division in the permit in accordance with paragraph 22.d. below.
- c. If any of the conditions in paragraphs b.i or b.ii above are met, the source shall notify the Division by telephone (303-692-3155) or facsimile (303-782-0278) based on the timetables listed above. [Explanatory note: Notification by telephone or facsimile must specify that this notification is a deviation report for an Operating Permit.] A written notice, certified consistent with General Condition 2.a. above (Certification Requirements), shall be submitted within 10 working days of the occurrence. All deviations reported under this section shall also be identified in the 6-month report required above.

"Prompt reporting" does not constitute an exception to the requirements of "Emergency Provisions" for the purpose of avoiding enforcement actions.

#### 22. Record Keeping and Reporting Requirements

#### Regulation No. 3, 5 CCR 1001-5, Part A, § II.; Part C, §§ V.C.6., V.C.7.

- a. Unless otherwise provided in the source specific conditions of this Operating Permit, the permittee shall maintain compliance monitoring records that include the following information:
  - (i) date, place as defined in the Operating Permit, and time of sampling or measurements;
  - (ii) date(s) on which analyses were performed;
  - (iii) the company or entity that performed the analysis;
  - (iv) the analytical techniques or methods used;
  - (v) the results of such analysis; and
  - (vi) the operating conditions at the time of sampling or measurement.
- b. The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report or application. Support information, for this purpose, includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the Operating Permit. With prior approval of the Air Pollution Control Division, the permittee may maintain any of the above records in a computerized form.

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- c. Permittees must retain records of all required monitoring data and support information for the most recent twelve (12) month period, as well as compliance certifications for the past five (5) years on-site at all times. A permittee shall make available for the Air Pollution Control Division's review all other records of required monitoring data and support information required to be retained by the permittee upon 48 hours advance notice by the Division.
- d. The permittee shall submit to the Air Pollution Control Division all reports of any required monitoring at least every six (6) months, unless an applicable requirement, the compliance assurance monitoring rule, or the Division requires submission on a more frequent basis. All instances of deviations from any permit requirements must be clearly identified in such reports.
- The permittee shall file an Air Pollutant Emissions Notice ("APEN") prior to constructing, e. modifying, or altering any facility, process, activity which constitutes a stationary source from which air pollutants are or are to be emitted, unless such source is exempt from the APEN filing requirements of Regulation No. 3, Part A, § II.D. A revised APEN shall be filed annually whenever a significant change in emissions, as defined in Regulation No. 3, Part A, § II.C.2., occurs; whenever there is a change in owner or operator of any facility, process, or activity; whenever new control equipment is installed; whenever a different type of control equipment replaces an existing type of control equipment; whenever a permit limitation must be modified; or before the APEN expires. An APEN is valid for a period of five years. The five-year period recommences when a revised APEN is received by the Air Pollution Control Division. Revised APENs shall be submitted no later than 30 days before the five-year term expires. Permittees submitting revised APENs to inform the Division of a change in actual emission rates must do so by April 30 of the following year. Where a permit revision is required, the revised APEN must be filed along with a request for permit revision. APENs for changes in control equipment must be submitted before the change occurs. Annual fees are based on the most recent APEN on file with the Division.

#### 23. Reopenings for Cause

#### Regulation No. 3, 5 CCR 1001-5, Part C, § XIII.

- a. The Air Pollution Control Division shall reopen, revise, and reissue Operating Permits; permit reopenings and reissuance shall be processed using the procedures set forth in Regulation No. 3, Part C, § III., except that proceedings to reopen and reissue permits affect only those parts of the permit for which cause to reopen exists.
- b. The Division shall reopen a permit whenever additional applicable requirements become applicable to a major source with a remaining permit term of three or more years, unless the effective date of the requirements is later than the date on which the permit expires, or unless a general permit is obtained to address the new requirements; whenever additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program; whenever the Division determines the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or whenever the Division determines that the permit must be revised or revoked to assure compliance with an applicable requirement.
- c. The Division shall provide 30 days' advance notice to the permittee of its intent to reopen the permit, except that a shorter notice may be provided in the case of an emergency.
- d. The permit shield shall extend to those parts of the permit that have been changed pursuant to the reopening and reissuance procedure.

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#### **24.** Section 502(b)(10) Changes

#### Regulation No. 3, 5 CCR 1001-5, Part C, § XII.A.

The permittee shall provide a minimum 7-day advance notification to the Air Pollution Control Division and to the Environmental Protection Agency at the addresses listed in Appendix D of this Permit. The permittee shall attach a copy of each such notice given to its Operating Permit.

#### 25. Severability Clause

#### Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.10.

In the event of a challenge to any portion of the permit, all emissions limits, specific and general conditions, monitoring, record keeping and reporting requirements of the permit, except those being challenged, remain valid and enforceable.

#### 26. Significant Permit Modifications

#### Regulation No. 3, 5 CCR 1001-5, Part C, § III.B.2.

The permittee shall not make a significant modification required to be reviewed under Regulation No. 3, Part B ("Construction Permit" requirements) without first receiving a construction permit. The permittee shall submit a complete Operating Permit application or application for an Operating Permit revision for any new or modified source within twelve months of commencing operation, to the address listed in Item 1 in Appendix D of this permit. If the permittee chooses to use the "Combined Construction/Operating Permit" application procedures of Regulation No. 3, Part C, then the Operating Permit must be received prior to commencing construction of the new or modified source.

#### 27. Special Provisions Concerning the Acid Rain Program

#### Regulation No. 3, 5 CCR 1001-5, Part C, §§ V.C.1.b. & 8

- a. Where an applicable requirement of the federal act is more stringent than an applicable requirement of regulations promulgated under Title IV of the federal act, 40 Code of Federal Regulations (CFR) Part 72, both provisions shall be incorporated into the permit and shall be federally enforceable.
- b. Emissions exceeding any allowances that the source lawfully holds under Title IV of the federal act or the regulations promulgated thereunder, 40 CFR Part 72, are expressly prohibited.

#### 28. Transfer or Assignment of Ownership

#### Regulation No. 3, 5 CCR 1001-5, Part C, § II.C.

No transfer or assignment of ownership of the Operating Permit source will be effective unless the prospective owner or operator applies to the Air Pollution Control Division on Division-supplied Administrative Permit Amendment forms, for reissuance of the existing Operating Permit. No administrative permit shall be complete until a written agreement containing a specific date for transfer of permit, responsibility, coverage, and liability between the permittee and the prospective owner or operator has been submitted to the Division.

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#### 29. Volatile Organic Compounds

#### Regulation No. 7, 5 CCR 1001-9, §§ III & V.

The requirements in paragraphs a, b and e apply to sources located in an ozone non-attainment area or the Denver 1-hour ozone attainment/maintenance area. The requirements in paragraphs c and d apply statewide.

- a. All storage tank gauging devices, anti-rotation devices, accesses, seals, hatches, roof drainage systems, support structures, and pressure relief valves shall be maintained and operated to prevent detectable vapor loss except when opened, actuated, or used for necessary and proper activities (e.g. maintenance). Such opening, actuation, or use shall be limited so as to minimize vapor loss.
  - Detectable vapor loss shall be determined visually, by touch, by presence of odor, or using a portable hydrocarbon analyzer. When an analyzer is used, detectable vapor loss means a VOC concentration exceeding 10,000 ppm. Testing shall be conducted as in Regulation No. 7, Section VIII.C.3.
- b. Except when otherwise provided by Regulation No. 7, all volatile organic compounds, excluding petroleum liquids, transferred to any tank, container, or vehicle compartment with a capacity exceeding 212 liters (56 gallons), shall be transferred using submerged or bottom filling equipment. For top loading, the fill tube shall reach within six inches of the bottom of the tank compartment. For bottom-fill operations, the inlet shall be flush with the tank bottom.
- c. The permittee shall not dispose of volatile organic compounds by evaporation or spillage unless Reasonably Available Control Technology (RACT) is utilized.
- d. No owner or operator of a bulk gasoline terminal, bulk gasoline plant, or gasoline dispensing facility as defined in Colorado Regulation No. 7, Section VI, shall permit gasoline to be intentionally spilled, discarded in sewers, stored in open containers, or disposed of in any other manner that would result in evaporation.
- e. Beer production and associated beer container storage and transfer operations involving volatile organic compounds with a true vapor pressure of less than 1.5 PSIA actual conditions are exempt from the provisions of paragraph b, above.

#### 30. Wood Stoves and Wood burning Appliances

#### Regulation No. 4, 5 CCR 1001-6

The permittee shall comply with the provisions of Regulation No. 4 concerning the advertisement, sale, installation, and use of wood stoves and wood burning appliances.

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# **OPERATING PERMIT APPENDICES**

- A INSPECTION INFORMATION
- **B COMPLIANCE MONITORING REPORT FORMAT**
- **C COMPLIANCE CERTIFICATION REPORT FORMAT**
- **D-NOTIFICATION ADDRESSES**
- **E PERMIT ACRONYMS**
- F PERMIT MODIFICATIONS

#### \*DISCLAIMER:

None of the information found in these Appendices shall be considered to be State or Federally enforceable, except as otherwise provided in the permit, and is presented to assist the source, permitting authority, inspectors, and citizens.

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# **APPENDIX A Inspection Information**

#### **Directions to Plant:**

The plant is located as 105 South Victoria in Pueblo within one mile of Interstate 25.

#### **Safety Equipment Required:**

Hard Hat Work Shoes Hearing Protection Safety Glasses

### **Facility Plot Plan:**

Figure 1 (following page) shows the yard plan as submitted on January 27, 1995, with the source's Title V Operating Permit Application. The drawing also includes notations of interest made during the site visit.

#### **List of Insignificant Activities:**

The following list of insignificant activities was provided by the source to assist in the inspection of the facility. Black Hills should annually review the insignificant sources to verify that they have remained insignificant.

T001 – 300,000 Gallon Above Ground Fuel Oil Storage Tank. This unit is exempt because it is no longer subject to NSPS Subpart Kb and is below APEN thresholds.

Chemical storage areas where chemicals are stored in closed containers, and where total storage capacity does not exceed 5,000 gallons. This exemption applies solely to storage of such chemicals. This exemption does not apply to transfer of chemicals from, to, or between such containers.

There are several chemical storage buildings containing varying quantities of chemicals, mostly lubricating and turbine oils and boiler treatment chemicals at this facility.

Air pollution emission units, operations, or activities with emissions less than the appropriate de minimis reporting level.

There is a paint booth with limited and documented usage, and a cooling tower with potential to emit of less than two tons of particulate matter per year at this facility.

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#### **Appendix B - Reporting Requirements and Definitions**

with codes ver 2/20/07

Please note that, pursuant to 113(c)(2) of the federal Clean Air Act, any person who knowingly:

- (A) makes any false material statement, representation, or certification in, or omits material information from, or knowingly alters, conceals, or fails to file or maintain any notice, application, record, report, plan, or other document required pursuant to the Act to be either filed or maintained (whether with respect to the requirements imposed by the Administrator or by a State);
- (B) fails to notify or report as required under the Act; or
- (C) falsifies, tampers with, renders inaccurate, or fails to install any monitoring device or method required to be maintained or followed under the Act shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code, or by imprisonment for not more than 2 years, or both. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

The permittee must comply with all conditions of this operating permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

The Part 70 Operating Permit program requires three types of reports to be filed for all permits. All required reports must be certified by a responsible official.

#### **Report #1: Monitoring Deviation Report** (due at least every six months)

For purposes of this operating permit, the Division is requiring that the monitoring reports are due every six months unless otherwise noted in the permit. All instances of deviations from permit monitoring requirements must be clearly identified in such reports.

For purposes of this operating permit, monitoring means any condition determined by observation, by data from any monitoring protocol, or by any other monitoring which is required by the permit as well as the recordkeeping associated with that monitoring. This would include, for example, fuel use or process rate monitoring, fuel analyses, and operational or control device parameter monitoring.

#### **Report #2: Permit Deviation Report (must be reported "promptly")**

In addition to the monitoring requirements set forth in the permits as discussed above, each and every requirement of the permit is subject to deviation reporting. The reports must address deviations from permit requirements, including those attributable to malfunctions as defined in this Appendix, the

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probable cause of such deviations, and any corrective actions or preventive measures taken. All deviations from any term or condition of the permit are required to be summarized or referenced in the annual compliance certification.

For purposes of this operating permit, "malfunction" shall refer to both emergency conditions and malfunctions. Additional discussion on these conditions is provided later in this Appendix.

For purposes of this operating permit, the Division is requiring that the permit deviation reports are due as set forth in General Condition 21. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. For example, quarterly Excess Emission Reports required by an NSPS or Regulation No. 1, Section IV.

In addition to the monitoring deviations discussed above, included in the meaning of deviation for the purposes of this operating permit are any of the following:

- (1) A situation where emissions exceed an emission limitation or standard contained in the permit;
- (2) A situation where process or control device parameter values demonstrate that an emission limitation or standard contained in the permit has not been met;
- (3) A situation in which observations or data collected demonstrates noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit; or,
  - (4) A situation in which an excursion or exceedance as defined in 40CFR Part 64 (the Compliance Assurance Monitoring (CAM) Rule) has occurred. (only if the emission point is subject to CAM)

For reporting purposes, the Division has combined the Monitoring Deviation Report with the Permit Deviation Report. All deviations shall be reported using the following codes:

1 = **Standard:** When the requirement is an emission limit or standard 2 = **Process:** When the requirement is a production/process limit

3 = Monitor: When the requirement is monitoring 4 = Test: When the requirement is testing

5 = Maintenance: When required maintenance is not performed
6 = Record: When the requirement is recordkeeping
7 = Report: When the requirement is reporting

**8 = CAM:** A situation in which an excursion or exceedance as defined in 40CFR Part 64 (the Compliance

Assurance Monitoring (CAM) Rule) has occurred.

**9 = Other:** When the deviation is not covered by any of the above categories

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### **Report #3: Compliance Certification (annually, as defined in the permit)**

Submission of compliance certifications with terms and conditions in the permit, including emission limitations, standards, or work practices, is required not less than annually.

Compliance Certifications are intended to state the compliance status of each requirement of the permit over the certification period. They must be based, at a minimum, on the testing and monitoring methods specified in the permit that were conducted during the relevant time period. In addition, if the owner or operator knows of other material information (i.e. information beyond required monitoring that has been specifically assessed in relation to how the information potentially affects compliance status), that information must be identified and addressed in the compliance certification. The compliance certification must include the following:

- 3.1.1 The identification of each term or condition of the permit that is the basis of the certification;
- 3.1.2 Whether or not the method(s) used by the owner or operator for determining the compliance status with each permit term and condition during the certification period was the method(s) specified in the permit. Such methods and other means shall include, at a minimum, the methods and means required in the permit. If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Federal Clean Air Act, which prohibits knowingly making a false certification or omitting material information;
- 3.1.3 The status of compliance with the terms and conditions of the permit, and whether compliance was continuous or intermittent. The certification shall identify each deviation and take it into account in the compliance certification. Note that not all deviations are considered violations.<sup>1</sup>
- 3.1.4 Such other facts as the Division may require, consistent with the applicable requirements to which the source is subject, to determine the compliance status of the source.

The Certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR Part 64 (the Compliance Assurance Monitoring (CAM) Rule) has occurred. (only for emission points subject to CAM)

Note the requirement that the certification shall identify each deviation and take it into account in the compliance certification. Previously submitted deviation reports, including the deviation report submitted at the time of the annual certification, may be referenced in the compliance certification.

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<sup>&</sup>lt;sup>1</sup> For example, given the various emissions limitations and monitoring requirements to which a source may be subject, a deviation from one requirement may not be a deviation under another requirement which recognizes an exception and/or special circumstances relating to that same event.

# Startup, Shutdown, Malfunctions and Emergencies,

Understanding the application of Startup, Shutdown, Malfunctions and Emergency Provisions, is very important in both the deviation reports and the annual compliance certifications.

### Startup, Shutdown, and Malfunctions

Please note that exceedances of some New Source Performance Standards (NSPS) and Maximum Achievable Control Technology (MACT) standards that occur during Startup, Shutdown or Malfunctions may not be considered to be non-compliance since emission limits or standards often do not apply unless specifically stated in the NSPS. Such exceedances must, however, be reported as excess emissions per the NSPS/MACT rules and would still be noted in the deviation report. In regard to compliance certifications, the permittee should be confident of the information related to those deviations when making compliance determinations since they are subject to Division review. The concepts of Startup, Shutdown and Malfunctions also exist for Best Available Control Technology (BACT) sources, but are not applied in the same fashion as for NSPS and MACT sources.

### **Emergency Provisions**

Under the Emergency provisions of Part 70 certain operational conditions may act as an affirmative defense against enforcement action if they are properly reported.

#### **DEFINITIONS**

**Malfunction** (NSPS) means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

**Malfunction** (SIP) means any sudden and unavoidable failure of air pollution control equipment or process equipment or unintended failure of a process to operate in a normal or usual manner. Failures that are primarily caused by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

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 the 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.

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## Monitoring and Permit Deviation Report - Part I

- 1. Following is the **required** format for the Monitoring and Permit Deviation report to be submitted to the Division on a semi-annual basis unless otherwise noted in the permit. The Table below must be completed for all equipment or processes for which specific Operating Permit terms exist.
- 2. Part II of this Appendix B shows the format and information the Division will require for describing periods of monitoring and permit deviations, or upset or emergency conditions as indicated in the Table below. One Part II Form must be completed for each Deviation. Previously submitted reports (e.g. EER's or Upsets) may be referenced and the form need not be filled out in its entirety.

FACILITY NAME:	Black Hills/Colorado Electric Utility Company, LP – Pueblo Power Plant
OPERATING PERMIT NO:	95OPPB025
REPORTING PERIOD:	(see first page of the permit for specific reporting period and dates)

Operating		Deviation During F		Deviation Code <sup>2</sup>	Upset/Malfuncti Reported Duri	
Permit Unit ID	Unit Description	YES	NO		YES	NO
B001	Babcock & Wilcox 249 MMBtu/Hr boiler, HMB15312					
E001	GM Electromotive 2000 KW Generator SN 63-M-25					
E002	GM Electromotive 2000 KW Generator SN 73-A3-1095					
E003	GM Electromotive 2000 KW Generator SN 63-M-15					
E004	GM Electromotive 2000 KW Generator SN 63-M-3					
E005	GM Electromotive 2000 KW Generator SN 63-L-84					
T001	300,000 Above Ground No. 2 Distillate Storage Tank					
B002	ABCO Industries, Inc. "D" Type, 134.7 MMBtu/hr Natural Gas Fired Boiler, SN SO200003					
General Conditions						

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Operating	Operating	Deviations noted During Period? <sup>1</sup>		Deviation Code <sup>2</sup>	Upset/Malfuncti Reported Duri	
Permit Unit ID	Unit Description	YES	NO		YES	NO
Insignificant Activities						

<sup>&</sup>lt;sup>1</sup> See previous discussion regarding what is considered to be a deviation. Determination of whether or not a deviation has occurred shall be based on a reasonable inquiry using readily available information.

1 = **Standard:** When the requirement is an emission limit or standard **2 = Process:** When the requirement is a production/process limit

3 = Monitor: When the requirement is monitoring 4 = Test: When the requirement is testing

5 = Maintenance: When required maintenance is not performed
 6 = Record: When the requirement is record keeping
 7 = Report: When the requirement is reporting

**8 = CAM:** A situation in which an excursion or exceedance as defined in 40CFR Part 64 (the Compliance Assurance

Monitoring (CAM) Rule) has occurred.

**9 = Other:** When the deviation is not covered by any of the above categories

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<sup>&</sup>lt;sup>2</sup> Use the following entries, as appropriate:

# Monitoring and Permit Deviation Report - Part II

FACILITY NAME: Black Hills/OPERATING PERMIT NO: 950PPB02: REPORTING PERIOD:		ftility Company, LP -	- Pueblo Power Plant
Is the deviation being claimed as an:	Emergency	Malfunction	N/A
(For NSPS/MACT) Did the deviation occ	eur during: Startup Malfunction	Shutd Normal Oper	own ration
OPERATING PERMIT UNIT IDENTIFI	CATION:		
Operating Permit Condition Number Cita	<u>tion</u>		
Explanation of Period of Deviation			
Duration (start/stop date & time)			
Action Taken to Correct the Problem			
Measures Taken to Prevent a Reoccurrence	ce of the Problem		
Dates of Malfunctions/Emergencies Repo	orted (if applicable)		
Deviation Code	Division	Code QA:	

# SEE EXAMPLE ON THE NEXT PAGE

# **EXAMPLE**

FACILITY NAME:						
OPERATING PERMIT NO:						
REPORTING PERIOD:	1/1/96 - 6/30	)/96				
Is the deviation being claimed	l as an:	Emergency		Malfunction	XX	N/A
(For NCDC/MACT) Did the d	aviation agai	ur during. S	tortun		Chutdo	ATT 150
(For NSPS/MACT) Did the d	eviation occi	ur durnig. S Malfur	nction	—— Norma	al Opera	tion
			_		1	
OPERATING PERMIT UNIT	Γ IDENTIFIO	CATION:				
Asphalt Plant with a Scrubber	for Particul	ate Control -	Unit XX	ΧX		
•						
Operating Permit Condition N						
Section II, Condition 3.1 - Op	acity Limita	tion				
Explanation of Period of Dev	iation					
Slurry Line Feed Plugged						
Duration						
START- 1730 4/10/96						
END- 1800 4/10/96						
A . T. 1 . C 1 . F.	<b>.</b> 11					
Action Taken to Correct the F Line Blown Out	<u>robiem</u>					
Line Blown Out						
Measures Taken to Prevent R	eoccurrence	of the Proble	<u>em</u>			
Replaced Line Filter						
Dates of Malfunctions/Emerg	encies Repor	rted (if appli	cable)			
5/30/06 to A. Einstein, APCD			<del></del>			
Deviation Code		D	ivicion C	Code QA:		
Deviation Code		D.	1 4 1 2 1 O 1 1 C	oue QA		<del></del>

# **Monitoring and Permit Deviation Report - Part III**

## REPORT CERTIFICATION

SOURCE NAME:	Black Hills/Colora	ado Electric Utility Company, LP – Pueblo Power Plant
FACILITY IDENTIFICA	TION NUMBER: 101	0008
PERMIT NUMBER:	950	OPPB025
REPORTING PERIOD	(see f	First page of the permit for specific reporting period and dates)
	lorado Regulation No	Deviation Reports must be certified by a responsible 3, Part A, Section I.B.54. This signed certification being submitted.
STATEMENT OF COM	IPLETENESS	
	onable inquiry, I cert	nitted in its entirety and, based on information and if that the statements and information contained in e.
Section 18-1-501(6), C.R	.S., makes any false i of a misdemeanor and	that any person who knowingly, as defined in Sub material statement, representation, or certification in d may be punished in accordance with the provision
Printed or	Гуреd Name	Title
Signature of F	Responsible Official	Date Signed
Note: Deviation reports shal copies need be sent to the U.S		vision at the address given in Appendix D of this permit. N
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First Issued: October 21, 1997 Renewed: May 1, 2002 Last Modified: June 23, 2011

# APPENDIX C Required Format for Annual Compliance Certification Reports (ver 2/20/07)

Following is the format for the Compliance Certification report to be submitted to the Division and the U.S. EPA annually based on the effective date of the permit. The Table below must be completed for all equipment or processes for which specific Operating Permit terms exist.

FACILITY NAME: Black Hills/Colorado Electric Utility Company, LP – Pueblo Power Plant
OPERATING PERMIT NO: 95OPPB025
REPORTING PERIOD:
I. Facility Status
During the entire reporting period, this source was in compliance with <b>ALL</b> terms and conditions contained in the Permit, each term and condition of which is identified and included by this reference. The method(s) used to determine compliance is/are the method(s) specified in the Permit.
With the possible exception of the deviations identified in the table below, this source was in compliance with all terms and conditions contained in the Permit, each term and condition of which is identified and included by this reference, during the entire reporting period. The method used to determine compliance for each term and condition is the method specified in the Permit, unless otherwise indicated and described in the deviation report(s). Note that not all deviations are considered violations.

Operating Permit Unit ID	Permit Unit Unit Description		Deviations Reported <sup>1</sup>		oring od per nit? <sup>2</sup>	Was compliance continuous or intermittent? <sup>3</sup>	
ID		Previous	Current	Yes	No	Continuous	Intermittent
B001	Babcock & Wilcox 249 MMBtu/Hr boiler, HMB15312						
E001	GM Electromotive 2000 KW Generator SN 63-M-25						
E002	GM Electromotive 2000 KW Generator SN 73-A3-1095						
E003	GM Electromotive 2000 KW Generator SN 63-M-15						
E004	GM Electromotive 2000 KW Generator SN 63-M-3						
E005	GM Electromotive						

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Operating Permit Unit	Unit Description	Deviations Reported <sup>1</sup>		Monitoring Method per Permit? <sup>2</sup>		Was compliance continuous or intermittent? <sup>3</sup>	
ID		Previous	Current	Yes	No	Continuous	Intermittent
	2000 KW Generator SN 63-L-84						
T001	300,000 Above Ground No. 2 Distillate Storage Tank						
B002	ABCO Industries, Inc. "D" Type, 134.7 MMBtu/hr Natural Gas Fired Boiler, SN SO200003						
General Conditions <sup>5</sup>							
Insignificant Activities <sup>5</sup>							

<sup>&</sup>lt;sup>1</sup> If deviations were noted in the previous deviation report (i.e. for the first six months of the annual reporting period), put an "X" under "previous". If deviations were noted in the current deviation report (i.e. for the last six months of the annual reporting period), put an "X" under "current". Mark both columns if both apply.

The Periodic Monitoring requirements of the Operating Permit program rule are intended to provide assurance that even in the absence of a continuous system of monitoring the Title V source can demonstrate whether it has operated in continuous compliance for the duration of the reporting period. Therefore, if a source 1) conducts all of the monitoring and record keeping required in its permit, even if such activities are done periodically and not continuously, and if 2) such monitoring and record keeping does not indicate non-compliance, and if 3) the Responsible Official is not aware of any credible evidence that indicates non-compliance, then the Responsible Official can certify that the emission point(s) in question were in continuous compliance during the applicable time period.

Note whether the method(s) used to determine the compliance status with each term and condition was the method(s) specified in the permit. If it was not, mark "no" and attach additional information/explanation.

<sup>&</sup>lt;sup>3</sup> Note whether the compliance status with of each term and condition provided was continuous or intermittent. "Intermittent Compliance" can mean either that noncompliance has occurred or that the owner or operator has data sufficient to certify compliance only on an intermittent basis. Certification of intermittent compliance therefore does not necessarily mean that any noncompliance has occurred

<sup>&</sup>lt;sup>5</sup> Compliance status for these sources shall be based on a reasonable inquiry using readily available information.

II.	Status	s for Accidental Release Prevention P	rogram:		
	A.	This facility is subject Accidental Release Prevention Pro Act)			
	B.	If subject: The facility the requirements of section 112(r).	is	is not in o	compliance with all
		1. A Risk Management Plan to the appropriate authority required date.			
III.	Certif	ication			
form	ed after	ewed this certification in its entire reasonable inquiry, I certify that to tion are true, accurate and complete	the statements		
§18-1 this	1-501(6) docume	that the Colorado Statutes state the C.R.S., makes any false material and its guilty of a misdemeanor and §25-7 122.1, C.R.S.	statement, rep	presentation	, or certification in
		Printed or Typed Name		Title	
		Signature		Date Signe	ed
NOTI	E. All co	mnliance certifications shall be submitte	d to the Air Po	Mution Contro	al Division and to the

Environmental Protection Agency at the addresses listed in Appendix D of this Permit.

## APPENDIX D Notification Addresses

#### 1. **Air Pollution Control Division**

Colorado Department of Public Health and Environment Air Pollution Control Division Operating Permits Unit APCD-SS-B1 4300 Cherry Creek Drive S. Denver, CO 80246-1530

**ATTN: Matt Burgett** 

## 2. United States Environmental Protection Agency

Compliance Notifications:

Office of Enforcement, Compliance and Environmental Justice Mail Code 8ENF U.S. Environmental Protection Agency, Region VIII 1595 Wynkoop Street Denver, CO 80202-1129

Permit Modifications, Off Permit Changes:

Office of Partnerships and Regulatory Assistance Mail Stop 8P-AR U.S. Environmental Protection Agency, Region VIII 1595 Wynkoop Street Denver, CO 80202-1129

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# **APPENDIX E Permit Acronyms**

## Listed Alphabetically:

AIRS -	Aerometric Information Retrieval System
AP-42-	EPA Document Compiling Air Pollutant Emission Factors
APEN -	Air Pollution Emission Notice (State of Colorado)
APCD -	Air Pollution Control Division (State of Colorado)

ASTM - American Society for Testing and Materials

BACT - Best Available Control Technology

Btu - British thermal unit

CAA - Clean Air Act (CAAA = Clean Air Act Amendments)

CCR - Colorado Code of Regulations CEM - Continuous Emissions Monitor

cu ft - cubic feet

CFR - Code of Federal Regulations

CO - Carbon Monoxide

CEM - Continuous Emissions Monitor COM - Continuous Opacity Monitor CRS - Colorado Revised Statute

dscf - dry cubic feet at standard conditions EPA - Environmental Protection Agency

FO - Fuel Oil

FR - Federal Register

FSA - Fuel sampling, analysis and emission calculations plan

g - grams gal - gallon

HAPs - Hazardous Air Pollutants

HP - Horsepower

HP-Hr - Horsepower hour (g/HP-Hr = Grams per Horsepower hour)

Hr,hr - Hour KW - Kilowatts

LAER - Lowest Achievable Emission Rate

lbs - pounds M - thousand MM - million

NA - Not Applicable NG - Natural Gas NOx - nitrogen oxides

NESHAP - National Emission Standards for Hazardous Air Pollutants

NSPS - New Source Performance Standards

PM - Particulate Matter

PM<sub>10</sub> - Particulate Matter smaller than 10 microns

ppm - Parts per million

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PSD -	Potential for Significant Deterioration
PTE -	Potential To Emit
RACT -	Reasonably Available Control Technology
RO -	Residual Oil
scf -	cubic feet at standard conditions
SCC -	Source Classification Code
SIC -	Standard Industrial Code
SpO -	On-spec Used Oil
$SO_2$ -	sulfur dioxide
TPY -	Tons Per Year
TSP -	Total Suspended Particulate
VOC -	Volatile Organic Compound

# APPENDIX F Permit Modifications

DATE OF REVISION	TYPE OF REVISION	SECTION NUMBER, CONDITION NUMBER	DESCRIPTION OF REVISION
10/29/2008	Administrative	Throughout permit	Transfer of ownership – all Aquila references changed to Black Hills/Colorado Electric Utility Company, LP
		Description page	Changed responsible official due to transfer of ownership
6/23/2011	Minor	Description page	Changed company address
		Section II, Condition 1	Removed all conditions associated with using fuel oil/biodiesel as fuel.
		Section I, Condition 1 and 6	Removed description of fuel oil/biodiesel firing.
		Section IV	Updated General Conditions to most current version

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