

State of Rhode Island
Department of Environmental Management
Office of Air Resources

NOTICE OF PUBLIC COMMENT PERIOD

Pursuant to the provisions of Chapter 23-23 of the Rhode Island General Laws and “Operating Permits”, 250-RICR-120-05-29, notice is hereby given that the Office of Air Resources offers an opportunity for public comment regarding its proposal to renew the Operating Permit to the following stationary source:

Tiverton Power LLC, 304 Progress Road, Tiverton, RI 02878

The draft operating permit is being offered for public comment in accordance with 250-RICR-120-05-29. An Operating Permit consolidates all applicable air pollution control requirements for the stationary source into a single federally enforceable document and clarifies all applicable requirements including emission limitations, operating, monitoring, testing, recordkeeping and reporting requirements. The State of Rhode Island's Operating Permit Program has been approved by the U.S. Environmental Protection Agency.

The public comment period will begin today and continue until 03 February 2025. A public hearing for interested persons to appear and submit written or oral comments on the draft operating permit will be held if requested by 10 or more persons, or by a governmental subdivision or agency or by an association having not less than 10 members. Any interested person may request that a public hearing be held.

Written comments, to be considered part of the record, or requests for a public hearing must be submitted during the public comment period until 4:00 PM, 03 February 2025, at which time the public comment period will close. Please address written comments or requests for a public hearing to:

Aleida Whitney
Department of Environmental Management
Office of Air Resources, Room 330
235 Promenade Street
Providence, RI 02908-5767

Email: Aleida.whitney@dem.ri.gov

The draft operating permit and supporting documentation are available upon request at 235 Promenade Street, Providence RI from 8:30 am to 4:00 pm. Please email the Office of Customer & Technical Assistance to schedule a file review at DEM.filereview@dem.ri.gov, or email Aleida Whitney at Aleida.Whitney@dem.ri.gov to request the documents electronically. Supporting documentation includes the operating permit renewal application, initial permit application, a discussion of the streamlining of certain applicable requirements, a discussion of the federal enforceability of applicable requirements, and a document concerning public participation in the operating permit program. For more information, contact Aleida Whitney at (401) 537-4401 (TTY 711).

Signed this 2nd day of January 2025

Laurie Grandchamp, P.E., Administrator



**STATE OF RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR RESOURCES**

OPERATING PERMIT

Tiverton Power LLC

DRAFT PERMIT NO. RI-26-XX

(Renewal date: XX/XX/2025)

(Expiration date: XX/XX/2030)

Pursuant to the provisions of *Operating Permits, 250-RICR-120-05-29*, this operating permit is issued to:

Tiverton Power LLC
304 Progress Road
Tiverton, RI 02878

This permit shall be effective from the date of its issuance. All terms and conditions of the permit are enforceable by USEPA and citizens under the federal Clean Air Act, 42 U.S.C. 7401, et seq., unless specifically designated as not federally enforceable.

**Laurie Grandchamp, P.E., Administrator
Office of Air Resources
Date of reissuance: XX/XX/2025**

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SECTION I. SOURCE SPECIFIC CONDITIONS

A. Combustion Turbines

1. Requirements for Emissions Unit G001

The following requirements are applicable to:

- Emission unit G001, is a 190.55 MW General Electric combustion turbine combined cycle unit, Model No. MS7001FA, which burns natural gas. Emission unit G001 is equipped with air pollution control device C001, which is a Peerless Selective Catalytic Reduction (SCR) system. (RI-PSD-5)

a. Emission Limitations

- (1) Nitrogen Oxides (as nitrogen dioxide (NO₂)) [Excluding Startup and Shutdown]
 - (a) The concentration of nitrogen oxides discharged to the atmosphere from the flue shall not exceed 3.5 ppmv, on a dry basis, corrected to 15 percent O₂ (1-hour average). [RI-PSD-5(A)(1)(a), 40 CFR 60.4320(a), 40 CFR 60 Subpart KKKK Table 1]
 - (b) The emission rate of nitrogen oxides discharged to the atmosphere from the flue shall not exceed 27.47 lbs/hr. (1-hour average) [RI-PSD-5(A)(1)(b)]
 - (c) The concentration of nitrogen oxides discharged to the atmosphere from the flue shall not exceed 2.9 ppmv, on a dry basis, corrected to 15 percent O₂ (24-hour block average, excluding startup and shutdown). [RI-PSD-5(A)(1)(c)]
 - (d) The emission rate of nitrogen oxides discharged to the atmosphere from the flue shall not exceed 22.76 lbs/hr. (24-hour block average, excluding startup and shutdown). [RI-PSD-5(A)(1)(d)]
- (2) Carbon Monoxide (CO)
 - (a) The concentration of carbon monoxide discharged to the atmosphere from the flue shall not exceed 12 ppmv, on a dry basis, corrected to 15 percent O₂ (1-hour average, excluding startup and shutdown). [RI-PSD-5(A)(2)(a)]
 - (b) The emission rate of carbon monoxide discharged to the atmosphere from the flue shall not exceed 52.0 lbs/hr. (1-hour average excluding startup and shutdown) [RI-PSD-5(A)(2)(b)]
 - (c) The emission rate of carbon monoxide discharged to the atmosphere from the flue shall not exceed 23.60 lbs/hr (24-hour block average, excluding startup and shutdown). [RI-PSD-5(A)(2)(c)]

(d) Carbon monoxide emissions from the combustion turbine shall not exceed 98.20 tons in any 12-month period. [RI-PSD-5(A)(2)(d)]

(3) Sulfur Dioxide (SO₂)

The emission rate of sulfur dioxide discharged to the atmosphere from the flue shall not exceed 0.006 lbs per million BTU heat input (HHV) or a maximum of 12.78 lbs/hr, whichever is more stringent. [RI-PSD-5(A)(3)(a), 40 CFR 60.4330(a)(2)]

(4) Particulate Matter less than 10 microns (PM-10)

The emission rate of PM-10 discharged to the atmosphere from the flue shall not exceed 0.009 lbs per million BTU heat input (HHV) or a maximum of 11 lbs/hr. [RI-PSD-5(A)(4)(a)]

(5) Total Nonmethane Hydrocarbons (NMHC)

(a) The concentration of total non-methane hydrocarbons discharged to the atmosphere from the flue shall not exceed 2.0 ppmv, on a dry basis, corrected to 15 percent O₂ (1-hour average). [RI-PSD-5(A)(5)(a)]

(b) The emission rate of total nonmethane hydrocarbons discharged to the atmosphere from the flue shall not exceed 5.47 lbs/hr. [RI-PSD-5(A)(5)(b)]

(6) Ammonia (NH₃)

(a) The concentration of ammonia in discharged to the atmosphere from the flue shall not exceed 10 ppmv, on a dry basis, corrected to 15 percent O₂ (1-hour average). [RI-PSD-5(A)(6)(a)]

(b) The emission rate of ammonia discharged to the atmosphere from the flue shall not exceed 29.05 lbs/hr. [RI-PSD-5(A)(6)(b)]

(7) Opacity

Visible emissions from G001 shall not exceed 10% opacity except for a period or periods aggregating no more than three minutes in any one hour. [250-RICR-120-05-1.6, RI-PSD-5(B)(2)] Where the presence of uncombined water is the only reason for failure to meet this requirement, such failure shall not be a violation of this permit. [250-RICR-120-05-1.8]

b. Operating Requirements

(1) Natural gas shall be the only fuel fired in G001. [RI-PSD-5(B)(1)]

(2) There shall be no by passing of C001 during start-up, operation or shutdown. Ammonia will not be injected during start-up or shutdown unless the catalyst bed is at or above 400° F. [RI-PSD-5(G)(1)]

- (3) Air pollution control device C001 shall be operated and maintained according to its design specifications whenever G001 is in operation or emitting air contaminants. [250-RICR-120-05-16.3]
- (4) The permittee shall shut down any emission unit in the event of a malfunction of the unit's air pollution control equipment that results in, or that could result in, emissions in excess of the permit limits. The unit shall remain shut down until the malfunction has been identified and corrected. [RI-PSD-5(F)(1)]
- (5) In the case of malfunction of C001, all reasonable measures shall be taken to assure resumption of the design control efficiency as soon as possible. Excess emissions during a malfunction shall be considered a violation. [250-RICR-120-05-16.4, RI-PSD-5(F)(2)]
- (6) The maximum heat input rate to G001 shall not exceed 2,130 million BTUs per hour. [RI-PSD-5(B)(4)]
- (7) Natural gas consumption in the turbine shall not exceed 15,300 million standard cubic feet in any consecutive 12-month period. [RI-PSD-5(B)(5)]
- (8) Turbine operation shall be limited to 8,322 hours in any consecutive 12-month period. [RI-PSD-5(B)(6)]
- (9) The permittee shall operate and maintain G001, C001 and monitoring equipment in a manner consistent with good air pollution control practices for minimizing emissions at all times including during startup, shutdown, and malfunction. [40 CFR 60.4333(a)]

c. Testing Requirements

- (1) Sulfur Dioxide
 - (a) The permittee may elect not to monitor the total sulfur content of the gaseous fuel combusted in G001, if the fuel is demonstrated not to exceed potential sulfur emissions of 0.060 lb SO₂/MMBtu heat input. The permittee shall use one of the following sources of information to make the required demonstration: [40 CFR 60.4365]
 - (i) The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20 grains/100 scf or less and has potential sulfur emissions of less than 0.060 lb/MMBTU heat input; or [40 CFR 60.4365(a)]
 - (ii) Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 0.060 lb SO₂/MMBtu heat input. At a minimum, the amount of fuel sampling data specified in section 2.3.1.4 or 2.3.2.4 of Appendix D to 40 CFR Part 75 is required. [40 CFR 60.4365(b), RI-PSD-5(G)(12)]

(2) Nitrogen Oxides

(a) Performance Testing

- (i) Within 60 days of achieving the maximum or normal operating rate after upgrades to the combustion turbine, but no later than 180 days of start-up after upgrades to the combustion turbine, initial performance testing shall be conducted for the turbine, as required by 40 CFR 60.4400(a). [40 CFR 60.4400(a)]
- (ii) A stack testing protocol shall be submitted to the Office of Air Resources and the USEPA at least 60 days prior to the performance of any emissions test. The permittee shall provide the Office of Air Resources and the USEPA at least 60 days prior notice of any emissions test. [RI-PSD-5(D)(2)]
- (iii) All test procedures used for stack testing shall be approved by the Office of Air Resources and the USEPA prior to the performance of any stack test. [RI-PSD-5(D)(3)]
- (iv) The permittee shall install any and all test ports or platforms necessary to conduct the required stack testing, provide safe access to any platforms and provide the necessary utilities for sampling and testing equipment. [RI-PSD-5(D)(4)]
- (v) All testing shall be conducted under operating conditions deemed acceptable and representative for the purpose of assessing compliance with the applicable emission limitations. [RI-PSD-5(D)(5)]
- (vi) All emissions testing must be observed by the Office of Resources or its authorized representative to be considered acceptable, unless the Office of Air Resources provides written authorization to the permittee to conduct the testing without an observer present. [RI-PSD-5(D)(7)]
- (vii) A final report of the results of the initial and subsequent performance tests shall be submitted to the Office of Air Resources and the USEPA no later than 60 days following completion of the testing. [RI-PSD-5(D)(6)]

(b) The initial performance test required under 40 CFR 60.4400(a) and paragraph (2)(a) of this subsection may be performed in the following alternative manner: [40 CFR 60.4405]

- (i) Perform a minimum of nine RATA reference method runs, with a minimum time per run of 21 minutes, at a single load level, within plus or minus 25 percent of 100 percent of peak load. The ambient temperature must be greater than 0 °F during the RATA runs. [40

CFR 60.4405(a)]

- (ii) For each RATA run, concurrently measure the heat input to the unit using a fuel flow meter (or flow meters) and measure the electrical and thermal output from the unit. [40 CFR 60.4405(b)]
 - (iii) Use the test data both to demonstrate compliance with the applicable NO_x emission limit under 40 CFR 60.4320 and to provide the required reference method data for the RATA of the CEMS described under 40 CFR 60.4335. [40 CFR 60.4405(c)]
 - (iv) Compliance with the applicable emission limit in 40 CFR 60.4320 and Condition I.A.1(a) of this permit, is achieved if the arithmetic average of all of the NO_x emission rates for the RATA runs, expressed in units of ppm or lb/MWh, does not exceed the emission limit. [40 CFR 60.4405(d)]
- (c) Fuel sampling of the natural gas for nitrogen content is waived in its entirety if the facility continues to use pipeline quality natural gas. [RI-PSD-5(G)(12)]
- (3) Opacity

Tests for determining compliance with the opacity emission limitations specified in Condition I.A.1.a(7) of this permit shall be performed per 40 CFR 60, Appendix A, Method 9. Additionally, all observers must qualify as per 40 CFR 60, Appendix A, Method 9. [250-RICR-120-05-1.7(A-B)]

d. Monitoring Requirements

- (1) Continuous emission monitoring equipment shall be operated and maintained for nitrogen oxides, carbon monoxide, ammonia and oxygen. [RI-PSD-5(C)(1), 40 CFR 75.10(a)(1)-(4), 40 CFR 60.4340(b)(1), 250-RICR-120-05-29.10(C)(1)(b)]
- (2) All data shall be monitored continuously in accordance with the applicable requirements of 40 CFR 60 and 40 CFR 75. [RI-PSD-5(C)(4), 40 CFR 60.13(e), 40 CFR 75.10(d)]
- (3) The continuous monitors must satisfy USEPA performance specifications and quality assurance procedures in 40 CFR 60, Appendices B & F, and Part 75, Appendices A & B. [RI-PSD-5(C)(2), 40 CFR 75.10(a)(2), 40 CFR 75.10(d), 40 CFR 60.4345(e), 40 CFR 60.13(e)]
- (4) Sulfur Dioxide

The permittee shall certify, operate, maintain and record the output of fuel flow meters for natural gas and calculate the sulfur-dioxide emissions for each hour of operation as follows:

$$M_{SO_2g} = ER_{SO_2} \times HI_g \quad \text{[Equation D-5 of section 3.3.2 of Appendix D to Part 75]}$$

Where: M_{SO_2g} = Hourly mass of SO₂ emissions from the combustion of pipeline natural gas, lb/hr.

ER_{SO_2} = SO₂ emission rate of 0.0006 lb/MMBTU for pipeline natural gas. [Section 2.3.1.1 of Appendix D to Part 75]

HI_g = Hourly heat input of pipeline natural gas calculated using the procedures in Section 3.4.1 of 40 CFR Appendix D of Part 75, in MMBTU/hr.

$$HI_g = (Q_g \times GCV_g) / 10000 \quad \text{[Equation D-6 of section 3.4.1 of Appendix D to Part 75]}$$

Where: Q_g = Fuel consumption in 100 scf/hr.

GCV_g = Gross calorific value of natural gas fuel in BTU/scf provided by natural gas supplier on a monthly basis.

[40 CFR 75.10(a), 40 CFR 75.11(d)(2), 40 CFR 75, Appendix D]

(5) Nitrogen Oxides

- (a) The permittee shall certify, operate and maintain, in accordance with the requirements of 40 CFR Part 75 a NO_x continuous emission monitoring system (consisting of the NO_x pollutant concentration monitor, the O₂ diluent gas monitor and a data acquisition and handling system) to measure NO_x emission rate and for a fuel flow meter for natural gas to measure heat input rate. The permittee shall account for total NO_x emissions, both NO and NO₂, either by monitoring for both NO and NO₂ or by monitoring for NO only and adjusting the emissions data to account for NO₂. [40 CFR 75.10(a)(2), 40 CFR 60.4345(a)]
- (b) The NO_x continuous emission monitoring system must meet the initial certification and recertification requirements in 40 CFR 75.20 and the quality assurance and quality control requirements in 40 CFR 75.21 and Appendix B of 40 CFR Part 75. [40 CFR 75.20, 40 CFR 75.21, 40 CFR 60.4345(a), 40 CFR 60.4345(e)]
- (c) The permittee shall provide substitute data according to the missing data procedures in 40 CFR Part 75, Subpart D. [40 CFR 75.30(a)]
- (d) The permittee shall ensure that the NO_x continuous emission monitoring system meets the equipment, installation, and performance specifications in Appendix A of 40 CFR Part 75; and is maintained according to the quality assurance and quality control procedures in Appendix B of 40 CFR Part 75; and shall record NO_x emissions in lbs/MMBtu. [40 CFR 75.10(b), RI-PSD-

5(C)(2)]

- (e) The continuous emission monitoring system for nitrogen oxides shall complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 15-minute period. The permittee shall reduce the NO_x concentration and NO_x emission rate data collected by the monitors to hourly averages, computed using at least one data point in each fifteen-minute quadrant of an hour where the unit combusted fuel during that quadrant of an hour. An hourly average may be computed from at least two data points separated by a minimum of 15 minutes if data are unavailable as a result of the performance of calibration, quality assurance, or preventative maintenance activities, backups of data from the data acquisition and handling system, or recertification. The permittee shall use all valid measurements or data points collected during an hour to calculate the hourly averages. All data points collected during the hour shall be, to the extent practicable, evenly spaced over the hour. [40 CFR 75.10(d)(1), 40 CFR 60.4345(b)]
- (f) The permittee shall continuously measure natural gas flow to G001 using fuel flow meter systems certified under 40 CFR Part 75, Appendix D. The permittee shall determine and record the heat input to G001 for every hour or part of an hour natural gas is combusted following the procedures in 40 CFR 75, Appendix F. [RI-PSD-5(C)(5), 40 CFR 75.10(c), 40 CFR 60.4345(c)]
- (g) The permittee shall ensure that the NO_x continuous emission monitoring system and each component thereof is capable of accurately measuring, recording and reporting data and shall not incur an exceedance of the full-scale range, except as provided in sections 2.1.1.5, 2.1.2.5 and 2.1.4.3 of 40 CFR 75, Appendix A. [40 CFR 75.10(f)]
- (h) The permittee shall calculate hourly NO_x mass emissions (in lbs) for each emission unit by multiplying the hourly NO_x emission rate in (lbs/MMBTU) by the hourly heat input rate (in MMBTU/hr) and the unit operating time. The permittee shall also calculate quarterly and cumulative year-to-date NO_x mass emissions and cumulative NO_x mass emissions for the ozone season (in tons) by summing the hourly NO_x mass emissions according to the applicable procedures in section 8 of Appendix F of 40 CFR 75. [250-RICR-120-05-29.10(C)(1)(b)]
- (i) The permittee shall not use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with 40 CFR 75.23, 40 CFR 75.48 and 40 CFR 75.66. [40 CFR 75.5(c)]
- (j) The permittee shall not operate G001 so as to discharge, or allow to be discharged, NO_x emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this section and 40 CFR Part 75.10 through 75.19. [40 CFR 75.5(d)]

- (k) The permittee shall not disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO_x mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed pursuant to 40 CFR Part 75.21 and Appendix B to 40 CFR Part 75. [40 CFR 75.5(e)]
- (l) The permittee shall not retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved emission monitoring system under this section, except under any one of the following circumstances:
 - (i) During the period that the unit is covered by a retired unit exemption under 40 CFR 72.8 that is in effect,
 - (ii) The permittee is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this section and 40 CFR Part 75, by the Department, for use at that unit that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system; or
 - (iii) The designated representative submits notification of the date of certification testing of a replacement monitoring system in accordance with 40 CFR 75.20 and 75.61 and the permittee recertifies thereafter a replacement monitoring system in accordance with 40 CFR 75.20. [40 CFR 75.5(f)]
- (m) Failure of the NO_x continuous emission monitoring system to acquire the minimum number of data points for calculation of an hourly average in paragraph (5)(e) of this subsection shall result in the failure to obtain a valid hour of data and the loss of such component data for the entire hour. For the NO_x continuous emission monitoring system, an hourly average NO_x emission rate in lb/MMBTU is valid only if the minimum number of data points is acquired by both the NO_x pollutant concentration monitor and the diluent monitor (O₂). If a valid hour of data is not obtained, the permittee shall estimate and record emissions for the missing hour by means of the automated data acquisition and handling system, in accordance with the applicable procedure for missing data substitution in 40 CFR 75, Subpart D. The missing data substitution methodology provided for at 40 CFR 75 Subpart D is not required for purposes of identifying excess emissions in the report required by condition I.A.1.f(5). Instead, periods of missing CEMs data are to be reported as monitor downtime. [40 CFR 75.10(d)(3)]
- (n) The relative accuracy test audit (RATA) of the NO_x and diluent monitors shall be performed on a ppm and lb/MMBTU basis for NO_x and a percent O₂ basis for oxygen. [40 CFR 75, Appendix A, 40 CFR 60.4345(a)]

(6) Carbon Monoxide

- (a) The continuous emission monitoring system for carbon monoxide consists of the carbon monoxide continuous emission monitor and the oxygen continuous emission monitor. [40 CFR 60, Appendix B]
- (b) The continuous emissions monitoring system for carbon monoxide must satisfy USEPA performance specifications and quality assurance procedures in 40 CFR 60, Appendices B & F, as applicable. [RI-PSD-5(C)(2)]
- (c) The permittee shall check the zero (or low-level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with the applicable requirements of 40 CFR 60 Subpart A and Appendix B. [40 CFR 60.13(d)(1)]
- (d) The continuous monitoring system for carbon monoxide shall complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 15-minute period. [40 CFR 60.13(e)(2)]
- (e) The permittee shall reduce all data to 1-hour averages, computed from four or more data points equally spaced over each 1-hour period. Data recorded during periods of continuous monitoring system breakdowns, repairs, calibrations checks, zero and span adjustments shall not be included in the data averages computed. [40 CFR 60.13(h)]

(7) Carbon Dioxide

The permittee shall certify, operate, maintain and record the output of fuel flow meters for natural gas and calculate the carbon dioxide emissions for each day of operation as follows: [40 CFR 75.10(a)(3)(ii), 40 CFR 75.13(b) and 40 CFR 75, Appendix G]

$$W_{CO_2} = (F_c \times H \times U_f \times MW_{CO_2}) / 2000$$

- Where:
- W_{CO_2} = Daily mass of CO₂ emissions from the combustion of pipeline natural gas, tons/day.
 - F_c = Carbon based F-factor, 1040 scf/MMBTU for pipeline natural gas.
 - H = Daily heat input of pipeline natural gas calculated using the company records.
 - U_f = 1/385 scf CO₂/lb-mole at 14.7 psia and 68°F
 - MW_{CO_2} = Molecular weight of carbon dioxide (44 lb/mole).

(8) Ammonia

The permittee shall monitor ammonia concentrations in the turbine flue gases by using the equipment and procedures described in the “Continuous Emissions Monitoring Systems Quality Assurance Manual”, prepared by Custom Instrumentation Services Corporation, dated 9/09/99. [RI-PSD-5(C)(1), 250-RICR-120-05-29.10(C)(1)(b)]

(9) Natural gas flow to the combustion turbine shall be continuously measured. [RI-PSD-5(C)(5)]

(10) Catalyst Bed Temperature

The permittee shall continuously measure the catalyst bed temperature of C001. [RI-PSD-5(C)(7)]

(11) For Purposes of Identifying Excess Emissions:

(a) The permittee shall reduce all CEMS data to 1-hour averages, computed from four or more data points equally spaced over each 1-hour period. Data recorded during periods of continuous monitoring system breakdowns, repairs, calibrations checks, zero and span adjustments shall not be included in the data averages computed. [40 CFR 60.4350(a), 40 CFR 60.13(h)]

(b) For each unit operating hour in which a valid hourly average, as described in paragraph (5)(e) of this subsection, is obtained for both NO_x and diluent monitors, the data acquisition and handling system must calculate and record the hourly NO_x emission rate in units of ppm or lb/MMBtu, using the appropriate equation from method 19 in appendix A of this part. For any hour in which the hourly average O₂ concentration exceeds 19.0 percent O₂ (or the hourly average CO₂ concentration is less than 1.0 percent CO₂), a diluent cap value of 19.0 percent O₂ or 1.0 percent CO₂ (as applicable) may be used in the emission calculations. [40 CFR 60.4350(b)]

(c) Correction of measured NO_x concentrations to 15 percent O₂ is not allowed. [40 CFR 60.4350(c)]

(d) Only quality assured data from the CEMS shall be used to identify excess emissions under 40 CFR 60 Subpart KKKK. Periods where the missing data substitution procedures in subpart D of part 75 are applied are to be reported as monitor downtime in the excess emissions and monitoring performance report required under §60.7(c). [40 CFR 60.4350(d)]

(e) All required fuel flow rate, steam flow rate, temperature, pressure, and megawatt data must be reduced to hourly averages. [40 CFR 60.4350(e)]

- (f) Calculate the hourly average NO_x emission rates, in units of the emission standards under Condition I.A.1.a(1)(a) of this subsection, using ppm for units complying with the concentration limit. [40 CFR 60.4350(f)]
- (12) For combined cycle units with heat recovery, use the calculated hourly average emission rates from paragraph (11)(f) of this subsection to assess excess emissions on a 30 unit operating day rolling average basis, as described in Condition I.A.1.f(10)(a)(i) of this permit. [40 CFR 60.4350(h)]

e. Recordkeeping Requirements

- (1) The permittee shall maintain a record of all measurements, performance evaluations, calibration checks and maintenance or adjustments for each continuous monitor. [RI-PSD-5(E)(1)]
- (2) The permittee shall continuously record all monitored data. Continuous emission monitoring data may be used as evidence in determining the permittee's compliance/non-compliance with the conditions and emission limitations contained in Section I.A of this permit. [RI-PSD-5(C)(4)]
- (3) The permittee shall continuously record the natural gas flow to G001. [RI-PSD-5(C)(5)]
- (4) Catalyst Bed Temperature

The permittee shall continuously record the catalyst bed temperature of C001. [RI-PSD-5(C)(7)]

- (5) The permittee shall maintain the following records on a monthly basis, no later than 15 days after the first of each month for G001: [RI-PSD-5(E)(4)]
 - (a) The hours of operation, including any start up, shut down, spinning reserve mode, or malfunction in the operations of the facility. [RI-PSD-5(E)(4)(a)]
 - (b) Any malfunction of C001. [RI-PSD-5(E)(4)(b)]
 - (c) The quantity of natural gas combusted for the previous 12-month period. [RI-PSD-5(E)(4)(c)]

The permittee shall keep records of this determination and provide such records to the Office of Air Resources or its authorized representative and USEPA upon request. [RI-PSD-5(E)(4)]

- (6) The permittee shall maintain a file of all measurements, including continuous monitoring system, monitoring devices and performance testing measurements; all CMS calibration checks; adjustments and maintenance performance on these systems or devices; and all other information required shall be recorded in a permanent form suitable for inspection. [40 CFR 60.7(f)]

- (7) The permittee shall maintain records of any scheduled and unscheduled maintenance to emissions unit G001 and associated control device C001. [250-RICR-120-05-29.10(C)(1)(b)]
- (8) The permittee shall maintain the following records to demonstrate that the total sulfur content of the gaseous fuel combusted in G001 does not exceed 0.060 lb SO₂/MMBtu heat input: [250-RICR-120-05-29.10(C)(1)(b)]
 - (a) The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20 grains/100 scf or less and has potential sulfur emissions of less than 0.060 lb/MMBTU heat input; or [40 CFR 60.4365(a), 250-RICR-120-05-29.10(C)(1)(b)]
 - (b) Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 0.060 lb SO₂/MMBtu heat input. At a minimum, the amount of fuel sampling data specified in section 2.3.1.4 or 2.3.2.4 of Appendix D to 40 CFR Part 75 is required. [40 CFR 60.4365(b), RI-PSD-5(G)(12), 250-RICR-120-05-29.10(C)(1)(b)]

f. Reporting Requirements

- (1) The permittee shall notify the Office of Air Resources after the discovery that a continuous emission monitor has malfunctioned. This notification shall be made within five (5) days of when the continuous emission monitor malfunctioned. [RI-PSD-5(E)(3)]
- (2) The permittee shall notify the Office of Air Resources within 15 days of determining that the total quantity of natural gas combusted in G001 exceeds 15,300 million standard cubic feet, in any consecutive 12-month period. [RI-PSD-5(E)(5)]
- (3) The permittee shall notify the Office of Air Resources within 15 days of determining the hours of operation for G001 exceeds 8,322 hours, in any consecutive 12-month period. [RI-PSD-5(E)(6)]
- (4) The permittee shall notify the Office of Air Resources of any anticipated noncompliance with the terms in Section I.A.1 of this permit or any other applicable air pollution control rules or regulations. [RI-PSD-5(E)(7)]
- (5) The permittee shall submit a report of excess emissions as measured by a continuous emission monitor for every calendar quarter. Excess emissions must be reported for all periods of unit operation, including start-up, shutdown, and malfunction. All quarterly reports shall be received no later than 30 days following the end of each calendar quarter and shall include the following information: [RI-PSD-5(E)(17), 40 CFR 60.7(c), 40 CFR 60.4375(a), 40 CFR 60.4380(b), 40 CFR 60.4395]
 - (a) The date and time of commencement and completion of each time period of excess emissions and the magnitude of the excess emissions. [RI-PSD-5(E)(17), 40 CFR 60.7(c)(1)]

- (b) Identification of the suspected reason for the excess emissions and any corrective action taken. [RI-PSD-5(E)(17), 40 CFR 60.7(c)(2)]
- (c) The date and time period any continuous emission monitor was inoperative, except for zero and span checks and the nature of system repairs or adjustments. [RI-PSD-5(E)(17), 40 CFR 60.7(c)(3)]

When none of the above items have occurred, such information shall be stated in the report. [RI-PSD-5(E)(17), 40 CFR 60.7(c)(4)]

- (6) The summary report form shall contain the information in paragraphs (5)(a-c) of this subsection and be in the format shown in 40 CFR 60 subsection 60.7 Figure – 1 unless otherwise specified by the Office of Air Resources. One summary report form shall be submitted for each pollutant monitored at each affected facility. [40 CFR 60.7(d)]
- (7) If the total duration of excess emissions for the reporting period is less than 1 percent of the total operating time for the reporting period and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report form shall be submitted and the excess emission report described in paragraph e of this subsection need not be submitted unless requested by the Office of Air Resources. [40 CFR 60.7(d)(1)]
- (8) If the total duration of excess emissions for the reporting period is 1 percent or greater of the total operating time for the reporting period or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, the summary report form and the excess emission report described in paragraph (5) of this subsection shall both be submitted. [40 CFR 60.7(d)(2)]
- (9) The permittee shall have the capability of transmitting all of the collected continuous monitoring data to the Office of Air Resources via a telemetry system. The permittee must provide all of the necessary funds to operate this equipment. [RI-PSD-5(C)(8)]
- (10) For purpose of reports required in paragraph (5)(a-c) of this subsection, periods of excess emissions and monitor downtime that shall be reported, are defined as follows: [40 CFR 60.4380]
 - (a) Nitrogen Oxides
 - (i) An excess emission is any unit operating period in which the 30-day rolling average NO_x emission rate exceeds 15 ppm at 15 percent O₂. For the purposes of this permit, a “30-day rolling average NO_x emission rate” is the arithmetic average of all hourly NO_x emission data in ppm or ng/J (lb/MWh) measured by the continuous emission monitoring equipment for a given day and the twenty-nine unit operating days immediately preceding that unit operating day. A new 30-day average is calculated each unit operating day as the average of all hourly NO_x emissions rates for the preceding 30 unit operating

days if a valid NO_x emission rate is obtained for at least 75 percent of all operating hours. [40 CFR 60.4380(b)(1)]

- (ii) A period of monitor downtime is any unit operating hour in which the data for any of the following parameters are either missing or invalid: NO_x concentration, CO₂ or O₂ concentration, fuel flow rate, or megawatts. [40 CFR 60.4380(b)(2)]
 - (iii) For operating periods during which multiple emissions standards apply, the applicable standard is the average of the applicable standards during each hour. For hours with multiple emissions standards, the applicable limit for that hour is determined based on the condition that corresponded to the highest emissions standard. [40 CFR 60.4380(b)(3)]
- (11) The designated representative for Tiverton Power LLC shall submit a notice to the Administrator, USEPA Region 1 and the Office of Air Resources as required by 40 CFR 75.61. [40 CFR 75.61(a)]

g. Other Requirements

- (1) To the extent consistent with the requirements in Section I.A.1 of this permit and applicable federal and state laws, the equipment shall be operated in accordance with the representation of the equipment in the Major Source permit application. [RI-PSD-5(G)(3)]
- (2) Emission unit G001 is subject to the requirements of the Federal New Source Performance Standards 40 CFR 60, Subparts A (General Provisions) and KKKK (Stationary Combustion Turbines). Compliance with all applicable provisions of these regulations is required. [RI-PSD-5(G)(5)]

h. Startup/Shutdown Conditions

- (1) Startup of G001 shall be defined as that period of time from initiation of combustion turbine firing until the unit reaches steady state load operation. Steady state operation shall be reached when G001 has reached minimum load (50%) and the steam turbine is declared available for load changes. This period shall not exceed, 180 minutes for a hot start or 240 minutes for a cold start. A hot start shall be defined as startup when the generating unit has been down for less than 24 hours. A cold start shall be defined as startup when the generating unit has been down 24 hours or more. The unit may be operated at lower loads after reaching steady state operation as defined above. This shall not be considered part of startup. Unit shutdown shall be defined as that period of time from steady state operation to cessation of combustion turbine firing. This period shall not exceed 60 minutes. [RI-PSD-5(H)(1)]
- (2) Notwithstanding the above definitions of startup and shutdown, the startup and shutdown emission limits shall also apply during periods where G001 is placed in a low load state (< 10 percent turbine output capacity, referred to as spinning reserve), provided that G001 is shut down within 60 minutes of being transferred to spinning

reserve or the process to restore G001 to steady state load is initiated within 60 minutes of the transfer to spinning reserve mode. Startup and shutdown emission limits shall also apply when G001 is transitioning from spinning reserve to steady state operations. The period when G001 is transitioning from spinning reserve to steady state operations shall not exceed 120 minutes. [RI-PSD-5(H)(2)]

(3) The following emission limitations shall apply during G001 startup/shutdown conditions: [RI-PSD-5(H)(5)]

(a) Nitrogen Oxides (as nitrogen dioxide (NO₂))

(i) The concentration of nitrogen oxides discharged to the atmosphere from each stack shall not exceed 107 ppmv, on a dry basis, corrected to 15 percent O₂. [RI-PSD-5(H)(5)(a)(1)]

(ii) The emission rate of nitrogen oxides discharged to the atmosphere from each stack shall not exceed 317 lbs/hr. [RI-PSD-5(H)(5)(a)(2)]

(b) Carbon Monoxide (CO)

(i) The concentration of carbon monoxide discharged to the atmosphere from each stack shall not exceed 768 ppmv, on a dry basis, corrected to 15 percent O₂. [RI-PSD-5(H)(5)(b)(1)]

(ii) The emission rate of carbon monoxide discharged to the atmosphere from each stack shall not exceed 1013 lbs/hr. [RI-PSD-5(H)(5)(b)(2)]

(c) Sulfur Dioxide (SO₂)

The emission rate of sulfur dioxide discharged to the atmosphere from the flue shall not exceed 0.006 lbs per million BTU heat input (HHV) or a maximum of 12.78 lbs/hr, whichever is more stringent. [RI-PSD-5(H)(5)(c)(1)]

(d) Particulate Matter less than 10 microns (PM-10)

The emission rate of PM-10 discharged to the atmosphere from the flue shall not exceed 0.009 lbs per million BTU heat input (HHV) or a maximum of 11 lbs/hr. [RI-PSD-5(H)(5)(d)(1)]

(e) Total Nonmethane Hydrocarbons (NMHC)

(i) The concentration of total nonmethane hydrocarbons discharged to the atmosphere from the flue shall not exceed 128 ppmv, on a dry basis, corrected to 15 percent O₂ (1-hour average). [RI-PSD-5(H)(5)(e)(1)]

(ii) The emission rate of total nonmethane hydrocarbons discharged to the atmosphere from the flue shall not exceed 117 lbs/hr. [RI-PSD-

5(H)(5)(e)(2)]

(f) Ammonia (NH₃)

- (i) The concentration of ammonia discharged to the atmosphere from the flue shall not exceed 21 ppmv, on a dry basis, corrected to 15 percent O₂(1-hour average). [RI-PSD-5(H)(5)(f)(1)]
- (ii) The emission rate of ammonia discharged to the atmosphere from the flue shall not exceed 29.05 lbs/hr. [RI-PSD-5(H)(5)(f)(2)]

(g) Opacity

Visible emissions from any stack shall not exceed 10% opacity. [250-RICR-120-05-1.6, RI-PSD-5(H)(4)(g)] Where the presence of uncombined water is the only reason for failure to meet this requirement, such failure shall not be a violation of this permit. [250-RICR-120-05-1.8]

The average of the hourly emission rates for these emissions during each startup/shutdown period shall be used to determine compliance with Conditions I.A.1.h(2)(a)-(g) of this permit.

- (3) The permittee shall follow proper operating procedures during G001 startup/shutdown conditions to minimize the emissions of air contaminants to the maximum extent practical. [RI-PSD-5(H)(6)]
- (4) The permittee shall follow proper operating procedures during turbine upgrade commissioning to minimize the emissions of air contaminants to the maximum extent practical. [RI-PSD-5(H)(7)]
- (5) Turbine upgrade commissioning shall be defined as the first 800 hours of operation following the turbine upgrades or to commercial acceptance, whichever is less. [RI-PSD-5(H)(4)]

B. Emergency Engines/Fire Pumps

1. Requirements for Emissions Unit G002

The following Requirements are applicable to:

- Emissions unit G002, is a 235 HP Caterpillar Internal Combustion Engine, Model No. 3208, which burns #2 fuel oil. Emissions unit G002 is an emergency diesel fire pump engine.

a. Emission Limitations

- (1) Opacity

Visible emissions from G002 shall not exceed 10% opacity except for a period or periods aggregating no more than three minutes in any one hour. [250-RICR-120-05-1.6, RI-PSD-5(B)(2)] Where the presence of uncombined water is the only reason for failure to meet this requirement, such failure shall not be a violation of this permit. [250-RICR-120-05-1.8]

(2) Sulfur Oxides

Unless the Director determines that a shortage of low sulfur fuel oil exists, the permittee shall not use or store any fuel oil having a sulfur content in excess of 0.0015% (15 ppm) by weight. [250-RICR-120-05-8.6(A)(1)]

b. Operating Requirements

- (1) G002 shall be operated only during emergency situations that would require the pump to operate to fight a fire at the facility or for maintenance purposes to assure that the system is in working order. Operation for maintenance purposes shall be limited to 36 hours per year (12-month rolling average). [RI-PSD-5(B)(3), 250-RICR-120-05-27.6(C-D)]
- (2) The permittee shall comply with the following requirements for G002, except for periods during periods of startup: [40 CFR 63.6603(a)]
 - (a) Change oil and filter every 500 hours of operation or annually, whichever comes first; and [40 CFR 63.6603(a), 40 CFR 63 Subpart ZZZZ Table 2d(4)(a)]
 - (b) Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and [40 CFR 63.6603(a), 40 CFR 63 Subpart ZZZZ Table 2d(4)(b)]
 - (c) Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary. [40 CFR 63.6603(a), 40 CFR 63 Subpart ZZZZ Table 2d(4)(c)]
- (3) The permittee has the option of utilizing an oil analysis program in order to extend the specified oil change requirement in paragraph b(2)(a) of this subsection. The oil analysis shall be performed at the same frequency specified for changing the oil in paragraph b(2)(a) of this subsection. The analysis program at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the permittee is not required to change the oil. If any of the limits are exceeded, the permittee shall change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the permittee shall change the oil within 2 business days or before commencing operation, whichever is later. The permittee

shall keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine. [40 CFR 63.6625(i), 40 CFR Subpart ZZZZ Table 2d(4)(a) and footnote 1]

- (4) If G002 is operating during an emergency and it is not possible to shut down the engine in order to perform the requirements on the schedule of paragraph b(2) of this subsection, or if performing the requirements of paragraph b(2) of this subsection on the required schedule would otherwise pose an unacceptable risk under federal or state law, the requirements of paragraph b(2) of this subsection can be delayed until the emergency is over or the unacceptable risk under federal or state law has abated. The requirements of paragraph b(2) of this subsection should be performed as soon as practicable after the emergency has ended or the unacceptable risk under federal or state law has abated. The permittee must report any failure to perform the requirements of paragraph b(2) of this subsection on the schedule required and the federal or state law under which the risk was deemed unacceptable. [40 CFR 63 Subpart ZZZZ, Table 2d(4) footnote 2]
- (5) The permittee shall be in compliance with the emissions limitations, operating limitations, and other requirements in 40 CFR 63 Subpart ZZZZ that apply to emissions unit G002 at all times. [40 CFR 63.6605(a)]
- (6) At all times the permittee shall operate and maintain G002 including associated air pollution control equipment (if any) and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the permittee to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. [40 CFR 63.6605(b)]
- (7) The permittee shall operate and maintain G002 and after-treatment control device (if any) according to the manufacturer's emission-related operation and maintenance instructions or the permittee shall develop a maintenance plan which must provide to the extent practicable for the maintenance and operation of G002 in a manner consistent with good air pollution control practice for minimizing emissions. [40 CFR 63.6625(e)(3)]
- (8) The permittee shall operate G002 according to the requirements in paragraphs (8)(a-b) of this subsection. In order for G002 to be considered an emergency engine, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year as described in paragraphs (8)(a-b) of this subsection, is prohibited. If the permittee does not operate G002 according to the requirements in paragraphs (8)(a-b) of this subsection, G002 will not be considered an emergency engine under this permit and must meet all requirements for non-emergency engines under 40 CFR Part 63 Subpart ZZZZ. [40 CFR 63.6640(f)]

- (a) The permittee shall operate G002 for any combination of the purposes specified in paragraph (8)(a)(i) of this subsection for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph (8)(b) of this subsection counts as part of the 100 hours per calendar year allowed by this condition. [40 CFR 63.6640(f)(2)]
 - (i) Emissions unit G002 may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal or state government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The permittee shall petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the permittee maintains records indicating that federal or state standards require maintenance and testing of the emergency engine beyond 100 hours per calendar year. [40 CFR 63.6640(f)(2)(i)]
- (b) Emissions unit G002 may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing. [40 CFR 63.6640(f)(4)]

c. Monitoring Requirements

Emissions unit G002 shall be equipped with a non-resettable elapsed time meter to indicate, in cumulative hours, the elapsed engine operating time. [RI-PSD-5(C)(6), 250-RICR-120-05-27.10(J)(1), 40 CFR 63.6625(f)]

d. Testing Requirements

(1) Opacity

Tests for determining compliance with the opacity emission limitations specified in Condition I.B.1.a(1) of this permit shall be performed per 40 CFR 60, Appendix A, Method 9. Additionally, all observers must qualify as per 40 CFR 60, Appendix A, Method 9. [250-RICR-120-05-1.7(A), 250-RICR-120-05-1.7(B)]

(2) Sulfur Oxides

Compliance with the sulfur limitations contained in Condition I.B.1.a(2) of this permit shall be determined by the procedures referenced in Condition II.T.2 of this permit. [250-RICR-120-05-29.10(C)(1)(b)]

(3) The permittee shall comply with Condition I.B.1.b(2)(a)-(c) of this permit by either:
[40 CFR 63.6640(a)]

- (a) Operating and maintaining G002 according to the manufacturer's emission related operation and maintenance instructions or; [40 CFR 63.6640(a), 40 CFR 63 Subpart ZZZZ Table 6 (9)(a)(i)]
- (b) The permittee shall develop and follow a maintenance plan which must provide to the extent practicable for the maintenance and operation of G002 in a manner consistent with good air pollution control practice of minimizing emissions. [40 CFR 63.6640(a), 40 CFR 63 Subpart ZZZZ Table 6 (9)(a)(ii)]

e. Recordkeeping Requirements

- (1) The permittee shall on a monthly basis, no later than 5 days after the first of each month, determine and record the hours of operation for G002 for the previous twelve (12) months. The permittee shall keep records of this determination and provide such records to the Office of Air Resources upon request. [RI-PSD-5(E)(8), 250-RICR-120-05-27.10(J)(2)]
- (2) The permittee shall document how many hours are spent for emergency operation including what classified the operation as emergency and how many hours are spent for non-emergency operation. [40 CFR 63.6655(f)(2)]
- (3) The permittee shall maintain the following records: [40 CFR 63.6655(a)]
 - (a) A copy of each notification and report that was submitted to comply with 40 CFR 63 Subpart ZZZZ including all documentation supporting any Initial Notification or Notification of Compliance Status that the permittee submitted, according to the requirement in §63.10(b)(2)(xiv). [40 CFR 63.6655(a)(1)]
 - (b) Records of the occurrence and duration of each malfunction of operation (*i.e.*, process equipment) or the air pollution control and monitoring equipment. [40 CFR 63.6655(a)(2)]
 - (c) Records of all required maintenance performed on the monitoring equipment. [40 CFR 63.6655(a)(4)]
 - (d) Records of actions taken during periods of malfunction to minimize emissions in accordance with Condition I.B.1.b(6) of this permit including corrective actions to restore malfunctioning process and monitoring equipment to its normal or usual manner of operation. [40 CFR 63.6655(a)(5)]
 - (e) Records to show continuous compliance with Condition I.B.1.d(3) of this permit. [40 CFR 63.6655(d)]
 - (f) Records of the maintenance conducted on G002 in order to demonstrate that the permittee operated and maintained G002 and after-treatment control device (if any) according to the permittee's own maintenance plan. [40 CFR 63.6655(e)(2)]

- (4) The permittee shall maintain all records in a form suitable and readily available for expeditious review according to §63.10(b)(1). [40 CFR 63.6660(a)]
- (5) The permittee must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record, as specified in §63.10(b)(1). [40 CFR 63.6660(b)]
- (6) The permittee shall keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to § 63.10(b)(1). [40 CFR 63.6660(c)]

f. Reporting Requirements

- (1) The permittee shall notify the Office of Air Resources, within 15 days, whenever the hours of operation for G002 exceeds 36 hours in any 12-month period. [RI-PSD-5(E)(9), 250-RICR-120-05-27.10(J)(3)]
- (2) The permittee shall submit an annual report according to the requirements specified in paragraphs (2)(a)(i-iv) of this subsection. [40 CFR 63.6650(b)(7-9), 63.6650(f)]
 - (a) The report shall contain the following information: [40 CFR 63.6650(c)]
 - (i) Company name and address. [40 CFR 63.6650(c)(1)]
 - (ii) Statement by a responsible official with that official's name, title, and signature, certifying the accuracy of the content of the report. [40 CFR 63.6650(c)(2)]
 - (iii) Date of the report and beginning and ending dates of the reporting period. [40 CFR 63.6650(c)(3)]
 - (iv) If there are no deviations from any operating limitations that apply, a statement that there were no deviations from the operating limitations during the reporting period. [40 CFR 63.6650(c)(5)]
- (3) The permittee shall report each instance in which the operating requirements in Condition I.B.1.b(2) of this permit were not met. These instances are considered deviations from the operating limitations of this permit. These deviations must be reported according to the requirements in paragraph (2) of this subsection. [40 CFR 63.6640(b)]
- (4) The permittee shall report each instance in which the applicable requirements in 40 CFR 63 Subpart ZZZZ Table 8 were not met. [40 CFR 63.6640(e)]
- (5) The permittee shall notify the Office of Air Resources of any anticipated noncompliance with the terms in Section I.B of this permit or any other applicable air pollution control rules or regulations. [RI-PSD-5(E)(7)]

g. Other Requirements

- (1) To the extent consistent with the requirements in Section I.B of this permit and applicable federal and state laws, the equipment shall be operated in accordance with the representation of the equipment in the Major Source permit application. [RI-PSD-5(G)(3)]
- (2) Emissions unit G002 is subject to the requirements of 40 CFR Part 63.1-15, 40 CFR Part 63, Subpart A, “General Provisions” and 40 CFR Part 63, Subpart ZZZZ “National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines”. Compliance with all applicable provisions therein is required, unless otherwise stated in this permit. [40 CFR 63.6665]

C. Facility Wide Requirements

1. The permittee shall submit all notifications and reports as required by this permit to the following emails: DEM.AirCompliance@dem.ri.gov and DEM.AirPermits@dem.ri.gov. [RI-PSD-5(E)(19)]

SECTION II. GENERAL CONDITIONS

A. Annual Emissions Fee Payment

The permittee shall pay an annual emissions fee as established in Operating Permit Fees, 250-RICR-120-05-28. [250-RICR-120-05-29.10(H)(1)(d)]

B. Permit Renewal and Expiration

This permit is issued for a fixed term of 5 years. The permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least 12 months prior to the date of permit expiration. Upon receipt of a complete and timely application for renewal, this source may continue to operate subject to final action by the Office of Air Resources on the renewal application. In such an event, the permit shield in Condition II.Z of this permit shall extend beyond the original permit term until renewal. This protection shall cease to apply if, subsequent to a completeness determination, the applicant fails to submit by the deadline specified in writing by the Office of Air Resources any additional information identified as being needed to process the application. The application for renewal shall include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, and any applicable requirements that were promulgated and not incorporated into the permit during the permit term. [250-RICR-120-05-29.10(H)(1)(a), 250-RICR-120-05-29.8(B)(3), 250-RICR-120-05-29.8(F), 250-RICR-120-05-29.13.4(B), 250-RICR-120-05-29.13.4(D)]

C. Transfer of Ownership or Operation

This permit is nontransferable by the permittee. Future owners and operators must obtain a new operating permit from the Office of Air Resources. A change in ownership or operational control of this source is treated as an administrative permit amendment if no other change in this permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Office of Air Resources. [250-RICR-120-05-29.14.1(A)(4)]

D. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege. [250-RICR-120-05-29.10(H)(1)(c)(4)]

E. Submissions

1. Reports, test data, monitoring data, notifications, and requests for renewal shall be submitted to:

RIDEM – Office of Air Resources
Compliance Assurance Section
235 Promenade St. Room 330
Providence, RI 02908

2. Any records, compliance certifications and monitoring data required by the provisions of this permit to be submitted to USEPA shall be sent to:

USEPA Region I – New England
Enforcement and Compliance Assurance Division
Air Compliance Section
Attn: Air Compliance Clerk
5 Post Office Square
Mail Code: 04-2
Boston, MA 02109-3912

3. Any document submitted shall be certified as being true, accurate, and complete by a responsible official. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the certification are true, accurate, and complete. [250-RICR-120-05-29.9.1(B), 29.10(H)(1)(e)]

F. Inspection and Entry

1. Employees of the Office of Air Resources and its authorized representatives shall be allowed to enter this facility at all reasonable times for the purpose of: [250-RICR-120-05-29.10(H)(1)(f)(1)]
 - a. having access to and copying at reasonable times any records that must be kept under the conditions of this permit; [250-RICR-120-05-29.10(H)(1)(f)(2)]
 - b. inspecting at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and [250-RICR-120-05-29.10(H)(1)(f)(3)]
 - c. sampling or monitoring, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or other applicable requirements. [RIGL 23-23-5(7), 250-RICR-120-05-29.10(H)(1)(f)(4), RI-PSD-5(G)(4)]

Nothing in this condition shall limit the ability of USEPA to inspect or enter the premises of the permittee under Section 114 or other provisions of the Clean Air Act.

G. Compliance

1. The permittee must comply with all conditions of this permit. Any noncompliance with a federally enforceable permit condition constitutes a violation of the Clean Air Act and is grounds for enforcement action, for permit termination, revocation and reissuance or modification, or for denial of a permit renewal application. Any noncompliance with a permit condition designated as state only enforceable constitutes a violation of state rules only and is grounds for enforcement action, for permit termination, revocation and reissuance or modification, or for denial of a permit renewal application. [250-RICR-120-05-29.10(H)(1)(c)(1)]

2. For each unit at the facility for which an applicable requirement becomes effective during the permit term, the permittee shall meet such requirements on a timely basis unless a more detailed schedule is expressly required by the applicable requirement. [250-RICR-120-05-29.9.1(A)(10)(c)(2)]
3. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [250-RICR-120-05-29.10(H)(1)(c)(2)]

H. Duty to Provide Information

The permittee shall furnish to the Office of Air Resources, within a reasonable time, any pertinent information that the Office of Air Resources 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 Office of Air Resources copies of records that the permittee is required to keep by this permit, or for information claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality. [250-RICR-120-05-29.10(H)(1)(c)(5)]

I. Duty to Supplement

The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the Office of Air Resources. The permittee shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete renewal application was submitted but prior to release of a draft permit. [250-RICR-120-05-29.9.2(E)(1)]

J. Reopening for Cause

The Office of Air Resources will reopen and revise this permit as necessary to remedy deficiencies in the following circumstances:

1. Additional requirements under the Clean Air Act become applicable to a major source 3 or more years prior to the expiration date of this permit. Such a reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the expiration date of this permit, unless this permit or any of its terms and conditions has been extended. [250-RICR-120-05-29.10(L)(1)(a)]
2. Additional requirements, including excess emissions requirements, become applicable to this source under the acid rain program. Excess emissions offset plans for this source shall be incorporated into this permit upon approval by the Administrator. [250-RICR-120-05-29.10(L)(1)(b)]
3. The Office of Air Resources or the Administrator determines that this permit contains a material mistake or inaccurate statements were made in establishing the emissions standards or other terms or conditions of this permit. [250-RICR-120-05-29.10(L)(1)(c)]

4. The Office of Air Resources or the Administrator determines that the permit must be revised or revoked to assure compliance with the applicable requirements. [250-RICR-120-05-29.10(L)(1)(d)]

Proceedings to reopen and issue this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable. [250-RICR-120-05-29.13.5(A)]

Reopenings shall not be initiated before a notice of intent to reopen is provided to the permittee by the Office of Air Resources at least 30 days in advance of the date that this permit is to be reopened, except that the Office of Air Resources may provide a shorter time period (but not less than 5 days) in the case of an emergency. [250-RICR-120-05-29.13.5(B)]

All permit conditions remain in effect until such time as the Office of Air Resources takes final action. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [§70.6(a)(6)(iii)]

K. Severability Clause

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby. [250-RICR-120-05-29.3, 250-RICR-120-05-29.10(H)(1)(b)]

L. Off-Permit Changes

1. The permittee is allowed to make certain changes that are not addressed or prohibited by this permit without a permit revision, provided that the following conditions are met: [250-RICR-120-05-29.15.2(A)]
 - a. Changes under this provision may not include changes or activities subject to any requirement under Title IV or modifications under any provision of Title I of the Clean Air Act. [250-RICR-120-05-29.15.2(A)]
 - b. Each such change shall comply with all applicable requirements and shall not violate any term or condition of this permit. [250-RICR-120-05-29.15.2(B)]
 - c. Before the permit change is made, the permittee must provide concurrent written notice to the Office of Air Resources and the USEPA Region I, except for changes that qualify as insignificant activities as specified in 250-RICR-120-05-29.20, Appendix A. This notice shall describe each change, including the date, and change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change. [250-RICR-120-05-29.15.2(C)]
 - d. The permit shield does not apply to changes made under this provision. [250-RICR-120-05-29.15.2(D)]

- e. The permittee shall keep a record describing changes made at the stationary source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under this permit, and the emissions resulting from those changes, including any other data necessary to show compliance with applicable ambient air quality standards. The record shall reside at the permittee's facility. [250-RICR-120-05-29.15.2(E)]
 - f. Changes made pursuant to this provision shall be incorporated into this permit at the time of renewal. [250-RICR-120-05-29.15.2(F)]
2. Changes made pursuant to this provision shall not be exempt from the requirement to obtain a minor source permit pursuant to the requirements of 250-RICR-120-05-9, if applicable. [250-RICR-120-05-29.15.2(A)]

M. Section 502(b)(10) Changes

1. The permittee is allowed to make changes within this permitted facility that contravene the specific terms of this permit without applying for a permit revision, provided the changes do not exceed the emissions allowable under this permit, whether expressed therein as a rate of emissions or in terms of total emissions and are not Title I modifications. [250-RICR-120-05-29.15.1(A)] This class of changes does not include: [250-RICR-120-05-29.5(A)(27)]
- a. changes that would violate applicable requirements; or [250-RICR-120-05-29.5(A)(27)]
 - b. changes to federally-enforceable permit terms or conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements. [250-RICR-120-05-29.5(A)(27)]
2. The permittee shall provide written notice to the Office of Air Resources and the USEPA Region I of any change made under this provision. The notice must be received by the Office of Air Resources no later than fourteen (14) days in advance of the proposed changes. The notice shall include information describing the nature of the change, the effect of the change on the emission of any air contaminant, the scheduled completion date of the planned change and identify any permit terms or conditions that are no longer applicable as a result of the change. The permittee shall attach each notice to its copy of this permit. [250-RICR-120-05-29.15.1(A)(1), 29.15.1(A)(2), 40 CFR 60.7(a)(4)]
3. The permittee shall be allowed to make such change proposed in its notice the day following the last day of the advance notice described in paragraph 2 of this subsection if the Office of Air Resources has not responded nor objected to the proposed change on or before that day. [250-RICR-120-05-29.15.1(B)]
4. Any permit shield provided in this permit does not apply to changes made under this provision. If subsequent changes cause the permittee's operations and emissions to revert to those anticipated in this permit, the permittee resumes compliance with the terms and conditions of the permit, and has provided the Office of Air Resources and USEPA with a minimum of fourteen (14) days advance notice of such changes in accordance with the

provisions of paragraph 2 of this subsection, the permit shield shall be reinstated in accordance with terms and conditions stated in this permit. [250-RICR-120-05-29.15.1(C)]

5. Changes made pursuant to this provision shall be incorporated into the operating permit at the time of renewal. [250-RICR-120-05-29.15.1(D)]

N. Emissions Trading

No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit. [250-RICR-120-05-29.10(F)(1)(a)]

O. Emission of Air Contaminants Detrimental to Person or Property

The permittee shall not emit any air contaminant which either alone or in connection with other emissions, by reason of their concentration or duration, may be injurious to human, plant or animal life, or cause damage to property or which unreasonably interferes with the enjoyment of life or property. [250-RICR-120-05-7.6]

P. Odors

1. The permittee shall not emit or cause to be emitted into the atmosphere any air contaminant or combination of air contaminants which creates an objectionable odor beyond the property line of this facility. [250-RICR-120-05-17.5] [Not Federally Enforceable]
2. A staff member of the Office of Air Resources shall determine by personal observation if an odor is objectionable, taking into account its nature, concentration, location, duration and source. [250-RICR-120-05-17.6] [Not Federally Enforceable]

Q. Visible Emissions

1. Except as may be specified in other provisions of this permit, the permittee shall not emit into the atmosphere, from any emission unit, any air contaminant, for a period or periods aggregating more than three minutes in any one hour, which is greater than or equal to 20 percent opacity. [250-RICR-120-05-1.6] Where the presence of uncombined water is the only reason for failure to meet this requirement, such failure shall not be a violation of this permit. [250-RICR-120-05-1.8]
2. Tests for determining compliance with the opacity limitations specified in this permit shall be performed per 40 CFR 60, Appendix A, Method 9. Additionally, all observers must qualify as per 40 CFR 60, Appendix A, Method 9. [250-RICR-120-05-1.7(A), 250-RICR-120-05-1.7(B)]

R. Open Fires

It shall be unlawful for the permittee to burn any material in an open fire, except as provided in Open Fires, 250-RICR-120-05-4.6. [250-RICR-120-05-4.5]

S. Construction Permits

The permittee shall not construct, install, modify or cause the construction, installation or modification of any stationary source subject to the provisions of 250-RICR-120-05-9 without obtaining either a minor source permit or a major source permit from the Director. [250-RICR-120-05-9.6(A)]

T. Fuel Oil

1. Unless the Director determines, pursuant to Conditions II.T.6 and 7 of this permit, that a shortage of fuel oil meeting the requirements of this permit exists, the permittee shall not use or store fuel oil having a sulfur content in excess of the following, except for use with marine vessels and motor vehicles: [250-RICR-120-05-8.6(A), 250-RICR-120-05-8.7(C)]
 - a. All distillate or biodiesel fuel oil burned at the facility shall contain no more than 0.0015 percent sulfur by weight (15 ppm). [250-RICR-120-05-8.6(A)(1)]
2. Fuel oil stored at the facility that met the applicable requirements of subsection II.T.1 at the time the fuel oil was received for storage at the facility may be stored for use after the effective date in 250-RICR-120-05-8.6(A)(1). [250-RICR-120-05-8.7(B)]
3. Compliance with the sulfur in fuel limitations contained in this section shall be determined by procedures referenced below or deemed equivalent by the Director. Such procedures shall include but not be limited to any of the following: [250-RICR-120-05-8.8(A)]
 - a. Emission testing conducted by the permittee according to the Reference Methods of Appendix A to 40 CFR 60; or [250-RICR-120-05-8.8(A)(1)]
 - b. For each shipment of fuel oil, the permittee shall obtain a certification from the fuel supplier which contains: [250-RICR-120-05-8.8(A)(2), 250-RICR-120-05-29.10(C)(1)(b)]
 - (1) the name of the supplier and the date the fuel oil was received from the supplier; and, [250-RICR-120-05-8.8(A)(2)(a)]
 - (2) the sulfur content of the fuel oil; and, [250-RICR-120-05-8.8(A)(2)(b)]
 - (3) the date and location of the fuel oil when the sample was drawn for analysis to determine the sulfur content of the fuel oil, specifically including where the fuel oil was sampled; or [250-RICR-120-05-8.8(A)(2)(c)]
 - c. Laboratory analysis of fuel oils by the permittee or by the supplier. Sampling and analysis shall be conducted after each new shipment of fuel oil is received by the permittee. Samples shall be collected from the fuel tank immediately after the fuel tank is filled and before any fuel oil is combusted. All fuel oil must be sampled and analyzed in accordance with applicable ASTM methods or another method which has the prior approval of or are required by the Director. [250-RICR-120-05-8.8(A)(3), 250-RICR-120-05-27.10(F)]

- d. A continuous monitoring system for the measurement of sulfur dioxide that meets the performance specifications in Appendix B of 40 CFR 60. The monitoring equipment shall also be installed, calibrated, operated, and maintained in accordance with the procedures in Appendix B of 40 CFR 60 and the minimum specifications in Appendix P of 40 CFR 51. [250-RICR-120-05-8.8(A)(4)]
4. The Director may require, under his supervision, the collection of fossil fuel samples for the purpose of determining compliance with the sulfur limitations in this permit. [250-RICR-120-05-8.8(C)]
5. For residual oil, the fuel supplier's certification shall also contain the following information: [250-RICR-120-05-27.10(E)]
 - (a) The nitrogen content of the oil and the ASTM method used to determine the nitrogen content of the oil, [250-RICR-120-05-27.10(E)(1)-(2)]
 - (b) The location of the oil when the sample was drawn for analysis to determine the nitrogen content of the oil, specifically including whether the oil was sampled as delivered to the permittee or whether the sample was drawn from oil in storage at the oil suppliers/refiners facility or another location. [250-RICR-120-05-27.10(E)(4)]
6. Copies of all fuel supplier certifications or fuel oil analysis shall be maintained by the permittee and be made accessible for review by the Office of Air Resources or its authorized representatives and USEPA. These records shall include a certified statement, signed by a responsible official, that the records represent all of the fuel combusted during each quarter. [250-RICR-120-05-8.9(A), 250-RICR-120-05-27.10(G)]
7. The Director may, upon application, defer compliance with Condition II.T.1 of this permit where compliance is not possible because of breakdowns or malfunction of equipment, acts of God, other unavoidable casualties or for good cause shown, provided that the order shall not defer compliance for more than three (3) months. [250-RICR-120-05-8.11(A)]
8. The Director shall notify the Administrator within five (5) business days after issuing an order deferring compliance with Condition II.T.1 of this permit. [250-RICR-120-05-8.11(B)]

U. Air Pollution Episodes

Conditions justifying the proclamation of an air pollution alert, air pollution warning or air pollution emergency shall be deemed to exist whenever the Director determines that the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. If the governor declares an air pollution alert, air pollution warning or air pollution emergency, the permittee shall comply with the applicable requirements contained in Air Pollution Episodes, 250-RICR-120-05-10. [250-RICR-120-05-10.5(A)]

V. Fugitive Dust

The permittee shall not cause or permit any materials, including but not limited to sand, gravel, soil, aggregate and any other organic or inorganic solid matter capable of releasing dust, to be handled, transported, mined, quarried, stored or otherwise utilized in any way so as to cause airborne particulate matter to travel beyond the property line of the facility without taking adequate precautions to prevent particulate matter from becoming airborne. Such precaution shall be in accordance with good industrial practice as determined by the Director and/or shall be other reasonable fugitive dust prevention measures as determined by the Director. [250-RICR-120-05-5.6(A)]

W. Adhesives and Sealants

Except as provided in 250-RICR-120-05-44.6(B) and (C), the permittee shall comply with all applicable provisions of Control of VOC from Adhesives and Sealants, 250-RICR-120-05-44 if the permittee sells, offers for sale supplies or manufactures any adhesive, sealant, adhesive primer or sealant primer for use within the State of Rhode Island or uses or solicits the use of any adhesive, sealant, adhesive primer or sealant primer within the State of Rhode Island. [250-RICR-120-05-44.6(A)]

X. Architectural and Industrial Maintenance Coatings

Except as provided in 250-RICR-120-05-33.6(B), the permittee shall comply with all applicable provisions of Control of VOC from Architectural Coatings and Industrial Maintenance Coatings, 250-RICR-120-05-33 if the permittee sells, offers for sale, or supplies or manufactures an architectural coating for use within the State of Rhode Island or applies an architectural coating for compensation, or solicits the application of any architectural coating within the State of Rhode Island. [250-RICR-120-05-33.6(A)]

Y. Compliance Certifications

1. The permittee shall submit a certification of compliance with permit terms and conditions annually. [250-RICR-120-05-29.10(E)(1)(c)(1)]
2. The certification shall describe the following:
 - a. the permit term or condition that is the basis of the certification; [250-RICR-120-05-29.10(E)(1)(c)(3)(AA)]
 - b. the current compliance status; [250-RICR-120-05-29.10(E)(1)(c)(3)(BB)]
 - c. whether compliance was continuous or intermittent; and [250-RICR-120-05-29.10(E)(1)(c)(3)(CC)]
 - d. the methods used for determining compliance, currently and over the reporting period. [250-RICR-120-05-29.10(E)(1)(c)(3)(DD)]
3. All compliance certifications shall be submitted to the Office of Air Resources and to the USEPA Region I. They shall be submitted within 60 days following the end of the reporting

period which is the calendar year unless otherwise specified. [250-RICR-120-05-29.10(E)(1)(c)(4)]

4. All compliance certifications shall be certified as being true, accurate, and complete by a responsible corporate official. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the certification are true, accurate, and complete. [250-RICR-120-05-29.9.1(B), 250-RICR-120-05-29.10(H)(1)(e)]

Z. Permit Shield

1. Compliance with the terms and conditions of this permit shall be deemed compliance with all requirements applicable to the source in the following: RI-PSD-5, 250-RICR-120-05 Part Nos: 0, 1, 4, 5, 7, 8, 9, 10, 14, 16, 17, 27, 28, 29, 33, 44, 46, 47 and Federal Requirements: 40 CFR Part 60 Subparts KKKK and A, 40 CFR Part 63, Subparts ZZZZ and A, and 40 CFR Parts 72, 73, 75, 77, and 78. [250-RICR-120-05-29.10(L)(1)(a)(1)]
2. The Office of Air Resources has determined that units G001 and G002 are not subject to 250-RICR-120-05 Part Nos.: 3, 6, 11, 12, 13, 15, 19, 20, 21, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 39, 43, 45, 48, 49, 50, 51, and 53 and 40 CFR Part 60 Subpart GG, 40 CFR Parts 64, 74, and 76. [250-RICR-120-05-29.10(L)(1)(a)(2)]
3. Nothing in this permit shall alter or affect the following:
 - a. the provisions of Section 303 of the Clean Air Act, including the authority of the USEPA under that Section. [250-RICR-120-05-29.10(L)(1)(c)(1)]
 - b. the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [250-RICR-120-05-29.10(L)(1)(c)(2)]
 - c. the applicable requirements of the acid rain program consistent with Section 408 of the Clean Air Act. [250-RICR-120-05-29.10(L)(1)(c)(3)]
 - d. the ability of the USEPA to obtain information under Section 114 of the Act. [250-RICR-120-05-29.10(L)(1)(c)(4)]
4. If it is determined that this operating permit was issued based on inaccurate or incomplete information provided by the permittee, this permit shield shall be void as to the portions of this permit which are affected, directly or indirectly, by the inaccurate or incomplete information. [250-RICR-120-05-29.10(L)(1)(d)]

AA. Recordkeeping

1. The permittee shall, at the request of the Director, maintain records of and provide data on operational processes, fuel usage, raw materials, stack dimensions, exhaust gas flow rates and temperatures, emissions of air contaminants, steam or hot water generator capacities, types of equipment producing air contaminants and air pollution control systems or other data that may be necessary to determine if the facility is in compliance with air pollution control regulations. [250-RICR-120-05-14.5.1]

2. All records and supporting information required by this permit shall be maintained at the permittee's 304 Progress Road facility for a period of at least 5 years from the date of sample monitoring, measurement, report or application, and shall be made available to representatives of the Office of Air Resources and the USEPA upon request. Supporting information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. [250-RICR-120-05-14.5.1, 250-RICR-120-05-29.10(D)(1)(b), 250-RICR-120-05-27.10(K), RI-PSD-5(E)(18), 40 CFR 60.7(f)]
3. The permittee shall keep records of required monitoring information that include the following:
 - a. The date, place and time of sampling or measurements; [250-RICR-120-05-29.10(D)(1)(a)(1)]
 - b. The date(s) analyses were performed; [250-RICR-120-05-29.10(D)(1)(a)(2)]
 - c. The company or entity that performed the analyses; [250-RICR-120-05-29.10(D)(1)(a)(3)]
 - d. The analytical techniques or methods used; [250-RICR-120-05-29.10(D)(1)(a)(4)]
 - e. The results of such analyses; and [250-RICR-120-05-29.10(D)(1)(a)(5)]
 - f. The operating conditions as existing at the time of sampling or measurement. [250-RICR-120-05-29.10(D)(1)(a)(6)]

BB. Reporting

1. The information recorded by the permittee pursuant to Condition II.AA.1 of this Section shall be summarized and reported at least annually to the Director. It shall be submitted by April 15th unless otherwise specified. [250-RICR-120-05-14.5.2] Information submitted pursuant to this condition will be correlated with applicable emission limitations and other applicable emissions information and will be available for public inspection. [250-RICR-120-05-14.5.3]
2. The permittee shall submit reports of any required monitoring for each semiannual period ending 30 June and 31 December of each calendar year. These reports shall be due to the Office of Air Resources no later than forty-five (45) days after the end of the reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with Condition II.Y.4. [250-RICR-120-05-29.10(D)(2)(b)]
3. Deviations from permit conditions, including those attributable to upset conditions as defined in this permit, shall be reported, in writing, within five (5) business days of the deviation, to the Office of Air Resources. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken. Each report must be certified by a responsible official consistent with Condition II.Y.4 of this permit. [RI-PSD-5(E)(2), 250-RICR-120-05-29.10(D)(2)(b)]

4. The Office of Air Resources shall be notified of any planned physical change or operational change to the emissions units and control devices identified in this permit. Such notification shall include information describing the nature of the change, information describing the effect of the change on the emissions of air contaminants and the scheduled completion date of the planned change. Any change which may result in an increased emission rate of any air contaminant shall be subject to approval of the Office of Air Resources. [RI-PSD-5(E)(15), 40 CFR 60.7(a)(4)]

CC. Credible Evidence

For the purpose of submitting compliance certifications or establishing whether or not the permittee has violated or is in violation of any provision of this permit, the methods used in this permit shall be used as applicable. However, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether the permittee would have been in compliance with applicable requirements if the appropriate performance or compliance test procedures or methods had been performed. [40 CFR 51.212(c), 52.12(c), 52.33(a)]

DD. Emission Statements

1. The permittee shall submit annually an emission statement which includes information for both VOC and NO_x if facility wide actual emissions are 25 tons per year of either pollutant. Emission statements shall be submitted to the Director on April 15th of each year unless otherwise specified. The permittee may apply to the Office of Air Resources to be allowed to discontinue submitting annual emission statements if actual emissions at the facility decrease to below 10 tons per year as a result of a permanent process change. [250-RICR-120-05-14.6.1] The permittee shall submit this emission statement in a format approved by the Office of Air Resources. The emission statement shall contain the following information: [250-RICR-120-05-14.6.2(A)]
 - a. A certification that the information contained in the emission statement is accurate and complete to the best knowledge of the certifying individual. [250-RICR-120-05-14.6.2(A)(1)]
 - b. The full name, title, signature, date of signature, and telephone number of the certifying individual. [250-RICR-120-05-14.6.2(A)(2)]
 - c. Facility identification information, including the full name, physical location, mailing address, latitude, longitude, and four digit SIC code(s). [250-RICR-120-05-14.6.2(A)(3)]
 - d. Process data pertaining to each process emitting VOC and/or NO_x, including: [250-RICR-120-05-14.6.2(A)(4)]
 - (1) Annual and typical ozone season daily fuel use, [250-RICR-120-05-14.6.2(A)(4)(a)]
 - (2) Annual and typical ozone season daily process rate(s), and [250-RICR-120-05-14.6.2(A)(4)(b)]
 - (3) Process throughput while air pollution control equipment was not in operation. [250-RICR-120-05-14.6.2(A)(4)(c)]

- e. Operating data pertaining to each process emitting VOC and/or NO_x during the reporting year, including: [250-RICR-120-05-14.6.2(A)(5)]
 - (1) Percentage annual throughput, [250-RICR-120-05-14.6.2(A)(5)(a)]
 - (2) Average hours of operation per day during the reporting year and on a typical ozone season day, [250-RICR-120-05-14.6.2(A)(5)(b)]
 - (3) Average number of days of operation per week during the reporting year and during a typical ozone season week, and [250-RICR-120-05-14.6.2(A)(5)(c)]
 - (4) Weeks of operation during the reporting year and during the peak ozone season. [250-RICR-120-05-14.6.2(A)(5)(d)]

- f. Control equipment information, including: [250-RICR-120-05-14.6.2(A)(6)]
 - (1) Specific primary and secondary control equipment for each process emitting VOC and/or NO_x, [250-RICR-120-05-14.6.2(A)(6)(a)]
 - (2) Current overall control efficiency for each piece of control equipment (indicated by percent capture and percent destruction or removal), and [250-RICR-120-05-14.6.2(A)(6)(b)]
 - (3) Control equipment downtime during the reporting year and during the peak ozone season. [250-RICR-120-05-14.6.2(A)(6)(c)]

- g. Emissions information, including: [250-RICR-120-05-14.6.2(A)(7)]
 - (1) Actual annual and typical ozone season daily emissions of VOC and NO_x for each process. Emissions should be reported in tons per year and in pounds per day. [250-RICR-120-05-14.6.2(A)(7)(a)]
 - (2) A description of the emission calculation method and, if applicable, emission factor(s) used, and [250-RICR-120-05-14.6.2(A)(7)(b)]
 - (3) The calendar year for which emissions are reported. [250-RICR-120-05-14.6.2(A)(7)(c)]

- h. Any additional information required by the Director to document the facility's emission statements. [250-RICR-120-05-14.6.2(A)(8)]

EE. Miscellaneous Conditions

- 1. This permit may be modified, revoked, reopened, reissued or terminated for cause. The filing of a request, by the permittee, for a permit modification, revocation and reissuance or termination or of a notification of planned changes or anticipated noncompliance does not release the permittee from the conditions of this permit. [250-RICR-120-05-29.10(H)(1)(c)(3)]

- 2. Any application for a permit revision need only submit information related to the proposed change. [250-RICR-120-05-29.8(C)(2)]

- 3. Terms not otherwise defined in this permit shall have the meaning given to such terms in 40 CFR 60.2, the Clean Air Act as amended in 1990 or the referenced regulation as applicable.

4. Where more than one condition in this permit applies to an emission unit and/or the entire facility, the most stringent condition shall apply.

SECTION III. SPECIAL CONDITIONS

A. CO₂ Budget Trading Program – (Not Federally Enforceable)

The following requirements are applicable to:

- CO₂ Budget Source: Tiverton Power LLC (ORIS Code 55048)
CO₂ Budget Unit: Unit ID No. 1 (Emission unit G001)

1. Carbon Dioxide Requirement

- a. Starting on January 1, 2009 the permittee shall hold CO₂ allowances available for compliance deductions under Condition III.A.10 of this permit, as of the CO₂ allowance transfer deadline, in the source's compliance account in an amount not less than the total CO₂ emissions for the control period from all CO₂ budget units at the source, less the CO₂ allowances deducted to meet the requirements with respect to the previous interim control periods, as determined in accordance with the provisions of the CO₂ Budget Trading Program, 250-RICR-120-05-46, sections 46.12 through 46.14. [250-RICR-120-05-46.7(A)(1)]
- b. The permittee of each CO₂ budget source and each CO₂ budget unit at the source shall hold CO₂ allowances available for compliance deductions under Condition III.A.10 of this permit, as of CO₂ allowance transfer deadline, in the source's compliance account in an amount not less than the total CO₂ emissions for the interim control period from all CO₂ budget units at the source multiplied by 0.50, as determined in accordance with 250-RICR-120-05-46, sections 46.12 through 46.14. [250-RICR-120-05-46.7(A)(2)]
- c. Each ton of CO₂ emitted in excess of the CO₂ budget emissions limitation for a control period shall constitute a separate violation of 250-RICR-120-05-46 and applicable State law. [250-RICR-120-05-46.7(A)(3)]
- d. Each ton of excess interim emissions shall constitute a separate violation of 250-RICR-120-05-46 and applicable state law. [250-RICR-120-05-46.7(A)(4)]
- e. CO₂ allowances shall be held in, deducted from, or transferred among CO₂ Allowance Tracking System accounts in accordance with 250-RICR-120-05-46.8, 46.11 and 46.12. [250-RICR-120-05-46.7(A)(6), 250-RICR-120-05-46.8.1, 250-RICR-120-05-46.8.2, 250-RICR-120-05-46.8.3, 250-RICR-120-05-46.11.1, 250-RICR-120-05-46.11.2, 250-RICR-120-05-46.11.3, 250-RICR-120-05-46.12.1, 250-RICR-120-05-46.12.2, 250-RICR-120-05-46.12.3, 250-RICR-120-05-46.12.4, 250-RICR-120-05-46.12.7, 250-RICR-120-05-46.12.8]
- f. A CO₂ allowance shall not be deducted, in order to comply with the requirements under III.A.1 of this section, for a control period or interim control period that ends prior to the year for which the CO₂ allowance was allocated. A CO₂ offset allowance shall not be deducted, in order to comply with the requirements under III.A.1 of this

section, beyond the applicable percent limitations set out in condition III.A.10.a(3). [250-RICR-120-05-46.7(A)(7)]

- g. A CO₂ allowance under the CO₂ Budget Trading Program is a limited authorization by the Department or a participating state to emit one ton of CO₂ in accordance with the CO₂ Budget Trading Program. No provision of the CO₂ Budget Trading Program, the CO₂ budget permit application, the CO₂ budget permit or any provision of law shall be construed to limit the authority of the Department or a participating state to terminate or limit such authorization. [250-RICR-120-05-46.7(A)(8)]
- h. A CO₂ allowance under the CO₂ Budget Trading Program does not constitute a property right. [250-RICR-120-05-46.7(A)(9)]

2. Monitoring Requirements

- a. The permittee, and to the extent applicable, the CO₂ authorized account representative of Tiverton Power LLC (each CO₂ budget source and each CO₂ budget unit at the source) shall comply with the monitoring requirements of 250-RICR-120-05-46.13 and 46.14 and all applicable sections of 40 CFR part 75 and 40 CFR part 98. Where referenced in sections 250-RICR-120-05-46.13 and 46.14, the monitoring requirements of 40 CFR Part 75 shall be adhered to in a manner consistent with the purpose of monitoring and reporting CO₂ mass emissions pursuant to 250-RICR-120-05-46. For purposes of complying with such requirements, the definitions in 250-RICR-120-05-46.5 and in 40 CFR 72.2 shall apply, and the terms “affected unit,” “designated representative,” and “continuous emissions monitoring system” (or “CEMS”) in 40 CFR part 75 shall be replaced by the terms “CO₂ budget unit,” “CO₂ authorized account representative,” and “continuous emissions monitoring system” (or “CEMS”), respectively, as defined in 250-RICR-120-05-46.5. [250-RICR-120-05-46.7(D)(1), 250-RICR-120-05-46.13.1(A), 250-RICR-120-05-46.13.2, 250-RICR-120-05-46.13.3, 250-RICR-120-05-46.13.4, 250-RICR-120-05-46.13.5, 250-RICR-120-05-46.14.2, 250-RICR-120-05-46.14.3, 250-RICR-120-05-46.14.4]
- b. The emission measurements recorded and reported in accordance with 250-RICR-120-05-46.13 shall be used to determine compliance by the unit(s) with the CO₂ requirements under III.A.1 of this section. [250-RICR-120-05-46.13.1(B)]

3. Excess Emissions

- a. If a CO₂ budget source has excess emissions in any control period, or excess interim emissions for any interim control period the permittee shall: [250-RICR-120-05-46.7(B)(1)]
 - (1) Forfeit the CO₂ allowances required for deduction under condition III.A.10.d(1); provided CO₂ offset allowances may not be used to cover any part of such excess emissions; and [250-RICR-120-05-46.7(B)(1)(a)]
 - (2) Pay any fine, penalty, or assessment or comply with any other remedy imposed under condition III.A.10.d(2). [250-RICR-120-05-46.7(B)(1)(b)]

4. Recordkeeping and Reporting Requirements

- a. The CO₂ authorized account representative shall comply with all recordkeeping and reporting requirements in this section, the applicable recordkeeping and reporting requirements under 40 CFR 75.73, 40 CFR 98, and with the requirements of 250-RICR-120-05-46.4(A), 46.7(C), and 46.9.1(E). [250-RICR-120-05-46.14.1, 250-RICR-120-05-46.14.7(F)(1)(a)]
- b. The permittee shall keep on site at the source each of the following documents for a period of 10 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 10 years, in writing by the Department. [250-RICR-120-05-46.7(C)(1)]
 - (1) The account certificate of representation for the CO₂ authorized account representative for the source and each CO₂ budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with the provisions of 250-RICR-120-05-46.9.5, provided that the certificate and documents shall be retained on site at the source beyond such 10-year period until such documents are superseded because of the submission of a new account certificate of representation changing the CO₂ authorized account representative. [250-RICR-120-05-46.7(C)(1)(a)]
 - (2) All emissions monitoring information, in accordance with 250-RICR-120-05-46.13 through 46.14 and 40 CFR 75.57 incorporated in 250-RICR-120-05-46.4(A). [250-RICR-120-05-46.7(C)(1)(b)]
 - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CO₂ Budget Trading Program. [250-RICR-120-05-46.7(C)(1)(c)]
 - (4) Copies of all documents used to complete a CO₂ budget permit application and any other submission under the CO₂ Budget Trading Program or to demonstrate compliance with the requirements of the CO₂ Budget Trading Program. [250-RICR-120-05-46.7(C)(1)(d)]
- c. The CO₂ authorized account representative of a CO₂ budget source and each CO₂ budget unit at the source shall submit the reports and compliance certifications required under the CO₂ Budget Trading Program, including those under 250-RICR-120-05-46.13 through 46.15. [250-RICR-120-05-46.7(C)(2)]
- d. The CO₂ authorized account representative shall submit an application to the Department within 45 days after completing all CO₂ monitoring system initial certification or recertification tests required under 250-RICR-120-05-46.13.3, including the information required under 40 CFR 75.63 and 40 CFR 75.53(g) and (h), incorporated in 250-RICR-120-05-46.4(A). [250-RICR-120-05-46.14.3]

5. Compliance Certification Report

- a. For each control period, the CO₂ authorized account representative shall submit to the Department by the March 1 following the relevant control period, a compliance certification report. [250-RICR-120-05-46.15.1(A)]
- b. The CO₂ authorized account representative shall include in the compliance certification report under paragraph a. of this subsection the following elements, in a format prescribed by the Department concerning each unit at the source and subject to the CO₂ budget emissions limitation for the control period covered by the report. A compliance certification report is not required as part of the compliance obligation during an interim control period: [250-RICR-120-05-46.15.1(B)]
 - (1) Identification of the source and each CO₂ budget unit at the source; [250-RICR-120-05-46.15.1(B)(1)]
 - (2) At the CO₂ authorized account representative's option, the serial numbers of the CO₂ allowances that are to be deducted from the source's compliance account under condition III.A.10 of this section for the control period, including the serial numbers of any CO₂ offset allowances that are to be deducted subject to the limitations of condition III.A.10.a(3) of this section; and [250-RICR-120-05-46.15.1(B)(2)]
 - (3) The compliance certification under paragraph c of this subsection. [250-RICR-120-05-46.15.1(B)(3)]
- c. In the compliance certification report under paragraph a of this subsection, the CO₂ authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the CO₂ budget units at the source in compliance with the CO₂ Budget Trading Program, whether the source and each CO₂ budget unit for which the compliance certification is submitted was operated during the calendar years covered by the report in compliance with the requirements of the CO₂ Budget Trading Program, applicable to the unit, including: [250-RICR-120-05-46.15.1(C)]
 - (1) Whether the source was operated in compliance with the CO₂ requirements under condition III.A.1 of this section; [250-RICR-120-05-46.15.1(C)(1)]
 - (2) Whether the monitoring plan applicable to each unit at the source has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute CO₂ emissions to the unit, in accordance with 250-RICR-120-05-46.13 and 46.14; [250-RICR-120-05-46.15.1(C)(2)]
 - (3) Whether all the CO₂ emissions from the units at the source were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with 250-RICR-120-05-46.13 and 46.14. If conditional data were reported, the permittee shall indicate

whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions have been made; [250-RICR-120-05-46.15.1(C)(3)]

- (4) Whether the facts that form the basis for certification under 250-RICR-120-05-46.13 and 46.14 of each monitor at each unit at the source, or for using an accepted monitoring method or alternative monitoring method approved under 250-RICR-120-05-46.13 and 46.14, if any, have changed; and [250-RICR-120-05-46.15.1(C)(4)]
- (5) If a change is required to be reported under paragraph c(4) of this subsection, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification. [250-RICR-120-05-46.15.1(C)(5)]

6. Quarterly Reports

- a. The CO₂ authorized account representative shall report the CO₂ mass emissions data for the CO₂ budget unit, in an electronic format prescribed by the Administrator, unless otherwise prescribed by the Department, for each calendar quarter beginning with the calendar quarter covering January 1, 2009, through March 31, 2009. [250-RICR-120-05-46.14.4(A)(1)(a)]
- b. The CO₂ authorized account representative shall submit each quarterly report to the Department or its agent within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in Subpart H of 40 CFR part 75 and 40 CFR 75.64. Quarterly reports shall be submitted for each CO₂ budget unit (or group of units using a common stack), and shall include all of the data and information required in Subpart G of 40 CFR part 75, except for opacity, NO_x and SO₂ provisions. [250-RICR-120-05-46.14.4(A)(2), 40 CFR 98.43(a)]
- c. Compliance Certification. The CO₂ authorized account representative shall submit to the Department or its agent a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that: [250-RICR-120-05-46.14.4(A)(3)]
 - (1) The monitoring data submitted were recorded in accordance with the applicable requirements of 250-RICR-120-05-46.13 through 46.14 and 40 CFR part 75, including the quality assurance procedures and specifications; [250-RICR-120-05-46.14.4(A)(3)(a), 40 CFR 98.44]
 - (2) The CO₂ concentration values substituted for missing data under Subpart D of 40 CFR part 75 do not systematically underestimate CO₂ emissions. [250-RICR-120-05-46.14.4(A)(3)(c)]

7. Output Data

- a. Ongoing QA/QC. The following ongoing quality assurance/quality control activities must be performed in order to maintain the output system: [250-RICR-120-05-46.14.7(E)]
- (1) Billing meters. In the case where billing meters are used to determine output, no QA/QC activities beyond what are already performed are required. [250-RICR-120-05-46.14.7(E)(1)(a)]
 - (2) Non-billing meters. Certain types of equipment such as potential transformers, current transformers, nozzle and venture type meters, and the primary element of an orifice plate only require an initial certification of calibration and do not require periodic recalibration unless the equipment is physically changed. However, the pressure and temperature transmitters accompanying an orifice plate will require periodic retesting. For such pressure and temperature transmitters, and other types of equipment, either recalibrate or re-verify the meter accuracy at least once every two years (i.e., every eight calendar quarters), unless a consensus standard allows for less frequent calibrations or accuracy tests. For non-billing meters, the output monitoring system must either meet an accuracy of within 10% of the reference value, or each component monitor for the output system must meet an accuracy of within 3% of the full scale value, whichever is less stringent. If testing a piece of output measurement equipment shows that the output readings are not accurate to within 3.0 percent of the full scale value, then the equipment should be repaired or replaced to meet that requirement. [250-RICR-120-05-46.14.7(E)(2)(a)]
 - (3) Out-of-control periods. If testing a piece of output measurement equipment shows that the output readings are not accurate to the certification value, data remain invalid until the output measurement equipment passes an accuracy test or is replaced with another piece of equipment that passes the accuracy test. All invalid data shall be replaced by either zero or an output value that is likely to be lower than a measured value and that is approved as part of the monitoring plan required under 250-RICR-120-05-46.14.7(C). [250-RICR-120-05-46.14.7(E)(3)(a)]
- b. The permittee shall retain data used to monitor, determine, or calculate net generation for ten (10) years from the date reported. [250-RICR-120-05-46.14.7(F)(2)(a)]
- c. Annual reports. The CO₂ authorized account representative shall submit annual output reports, as follows. The data must be sent both electronically and in hardcopy by March 1 for the immediately preceding calendar year to the Department or its agent. The annual report shall include the annual total unit level MWh, the annual total useful thermal energy and a certification statement from the CO₂ authorized account representative stating the following: [250-RICR-120-05-46.14.7(F)(3)(a)]

“I am authorized to make this submission on behalf of the owners and operators of the CO₂ budget sources or CO₂ budget units for which the

submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.”

[250-RICR-120-05-46.14.7(F)(3)(a)(1)]

8. Liability

- a. No permit revision shall excuse any violation of the requirements of the CO₂ Budget Trading Program that occurs prior to the date that the revision takes effect. [250-RICR-120-05-46.7(E)(1)]
- b. Any provision of the CO₂ Budget Trading Program that applies to a CO₂ budget source (including a provision applicable to the CO₂ authorized account representative of a CO₂ budget source) shall also apply to the owners and operators of such source and of the CO₂ budget units at the source. [250-RICR-120-05-46.7(E)(2)]
- c. Any provision of the CO₂ Budget Trading Program that applies to a CO₂ budget unit (including a provision applicable to the CO₂ authorized account representative of a CO₂ budget unit) shall also apply to the owners and operators of such unit. [250-RICR-120-05-46.7(E)(3)]
- d. Any person who negligently, willingly or knowingly violates any requirement or prohibition of the CO₂ Budget Trading Program or a CO₂ budget permit shall be subject to enforcement pursuant to applicable law. [250-RICR-120-05-46.7(E)(4)]
- e. Any person who negligently, willingly or knowingly makes a false material statement in any record, submission, or report under the CO₂ Budget Trading Program shall be subject to criminal enforcement pursuant to applicable law. [250-RICR-120-05-46.7(E)(5)]
- f. Each CO₂ budget source and each CO₂ budget unit shall meet the requirements of the CO₂ Budget Trading Program. [250-RICR-120-05-46.7(E)(6)]

9. Effect on other authorities

No provision of the CO₂ Budget Trading Program, a CO₂ budget permit application, or a CO₂ budget permit, shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the CO₂ authorized account representative of a CO₂ budget source or CO₂ budget unit from compliance with any other provision of any Air Pollution Control Regulation, the Rhode Island State Implementation Plan, a federally enforceable permit, or the Clean Air Act. [250-RICR-120-05-46.7(F)(1)]

10. Compliance

- a. Allowances available for compliance deduction.
- (1) CO₂ allowances that meet the following criteria are available to be deducted in order for a CO₂ budget source to comply with the CO₂ requirements under III.A.1 of this section for a control period or an interim control period. [250-RICR-120-05-46.12.5(A)(1)]
 - (a) The CO₂ allowances, other than CO₂ offset allowances, are of allocation years that fall within a prior control period, the same control period or the same interim control period for which the allowances will be deducted. [250-RICR-120-05-46.12.5(A)(1)(a)]
 - (b) The CO₂ allowances are held in the CO₂ budget source's compliance account as of the CO₂ allowance transfer deadline for that control period or interim control period are transferred into the compliance account by a CO₂ allowance transfer correctly submitted for recordation under 250-RICR-120-05-46.11.1 by the CO₂ allowance transfer deadline for that control period or interim control period. [250-RICR-120-05-46.12.5(A)(1)(b)]
 - (c) For CO₂ offset allowances, the number of CO₂ offset allowances that are available to be deducted in order for a CO₂ budget source to comply with the CO₂ requirements under III.A.1 of this section for a control period or interim control period may not exceed 3.3 percent of the CO₂ budget source's CO₂ emissions for that control period, or of 0.50 times the CO₂ budget source's CO₂ emissions for an interim control period, as determined in accordance with 250-RICR-120-05-46.12 through 46.14. [250-RICR-120-05-46.12.5(A)(1)(c)]
 - (d) The CO₂ allowances are not necessary for deductions for excess emissions for a prior control period under III.A.10(d) of this section. [250-RICR-120-05-46.12.5(A)(1)(d)]
- b. Deductions for compliance.
- (1) Following the recordation, in accordance with 250-RICR-120-05-46.11.2, of CO₂ allowance transfers submitted for recordation in the CO₂ budget source's compliance account by the CO₂ allowance transfer deadline for a control period or interim control period, the Department or its agent will deduct CO₂ allowances available under condition III.A.10(a)(1) of this section to cover the source's CO₂ emissions (as determined in accordance with 250-RICR-120-05-46.13 and 46.14) for the control period or interim control period, as follows: [250-RICR-120-05-46.12.5(B)(1)]
 - (a) Until the amount of CO₂ allowances deducted equals the number of tons of total CO₂ emissions, emissions (or 0.50 times the number of tons of total CO₂ emissions for an interim control period), from all

CO₂ budget units at the CO₂ budget source for the control period or interim control period; or [250-RICR-120-05-46.12.5(B)(1)(a)]

- (b) If there are insufficient CO₂ allowances to complete the deductions in condition III.A.10(b)(1) of this section, until no more CO₂ allowances available under III.A.10(b)(1)(a) of this section remain in the compliance account. [250-RICR-120-05-46.8.5(B)(1)(b)]
- c. Identification of available CO₂ allowances by serial number; default compliance deductions.
 - (1) The CO₂ authorized account representative for a source's compliance account may request that specific CO₂ allowances, identified by serial number, in the compliance account be deducted for emissions or excess emissions for a control period or interim control period in accordance with III.A.10.b or III.A.10.d of this section. Such identification shall be made in the compliance certification report submitted in accordance with condition III.A.5 of this section. [250-RICR-120-05-46.12.5(C)(1)]
 - (2) The Department or its agent will deduct CO₂ allowances for a control period or interim control period from the CO₂ budget source's compliance account, in the absence of an identification or in the case of a partial identification of available CO₂ allowances by serial number under condition III.A.10.c(1) of this section, in the following order: [250-RICR-120-05-46.12.5(C)(2)]
 - (a) First, subject relevant compliance deduction limitations under conditions III.A.10.a(3) and III.A.10.d(1) of this section, CO₂ offset allowances. CO₂ offset allowances shall be deducted in chronological order (i.e., CO₂ offset allowances from earlier allocation years shall be deducted before CO₂ offset allowances from later allocation years). In the event that some, but not all, CO₂ offset allowances from a particular allocation year are to be deducted, CO₂ offset allowances shall be deducted by serial number, with lower serial number allowances deducted before higher serial number allowances. [250-RICR-120-05-46.12.5(C)(2)(a)]
 - (b) Second, any CO₂ allowances, other than CO₂ offset allowances that are available for deduction under III.A.10.a of this section. CO₂ allowances shall be deducted in chronological order (i.e., CO₂ allowances from earlier allocation years shall be deducted before CO₂ allowances from later allocation years). In the event that some, but not all, CO₂ allowances from a particular allocation year are to be deducted, CO₂ allowances shall be deducted by serial number, with lower serial number allowances deducted before higher serial number allowances. [250-RICR-120-05-46.12.5(C)(2)(b)]

d. Deductions for excess emissions.

- (1) After making the deductions for compliance under III.A.10.b of this section, the Department or its agent will deduct from the CO₂ budget source's compliance account a number of CO₂ allowances, from allocation years that occur after the control period in which the source has excess emissions, equal to three times the number of the source's excess emissions. In the event that a source has insufficient CO₂ allowances to cover three times the number of the source's excess emissions, the source shall be required to immediately transfer sufficient allowances into its compliance account. No CO₂ offset allowances may be deducted to account for the source's excess emissions. [250-RICR-120-05-46.12.5(D)(1)]
- (2) Any CO₂ allowance deduction required under III.A.10.d(1) of this section shall not affect the liability of the permittee for any fine, penalty, or assessment, or their obligation to comply with any other remedy, for the same violation, as ordered under applicable State law. The following guidelines will be followed in assessing fines, penalties or other obligations. [250-RICR-120-05-46.12.5(D)(2)]
 - (a) For purposes of determining the number of days of violation, if a CO₂ budget source has excess emissions for a control period, each day in the control period constitutes a day in violation unless the owners and operators of the unit demonstrate that a lesser number of days should be considered. The Department or its agent will have complete discretion to determine if the permittee demonstrated that a lesser number of days should be used. [250-RICR-120-05-46.12.5(D)(2)(a)]
 - (b) Each ton of excess emissions is a separate violation. [250-RICR-120-05-46.12.5(D)(2)(b)]
 - (c) For purposes of determining the number of days of violation, if a CO₂ budget source has excess interim emissions for an interim control period, each day in the interim control period constitutes a day in violation unless the permittee of the unit demonstrate that the lesser number of days should be considered. [250-RICR-120-05-46.12.5(D)(2)(c)]
 - (d) Each ton of excess interim emissions is a separate violation. [250-RICR-120-05-46.12.5(D)(2)(d)]
- (3) The propriety of the Department's determination that a CO₂ budget source had excess emissions and the associated deduction of CO₂ allowances from that CO₂ budget source's account may be later challenged in the context of an administrative enforcement, or any civil or criminal judicial action arising from or encompassing that excess emissions violation. The commencement or pendency of any administrative enforcement, or civil or criminal judicial action arising from or encompassing that excess emissions violation will not

act to prevent the Department or its agent from initially deducting the CO₂ allowances resulting from the Department's original determination that the relevant CO₂ budget source has had excess emissions. Should the Department's determination of the existence or extent of the CO₂ budget source's excess emissions be revised either by a settlement or final conclusion of any administrative or judicial action, the Department shall: [250-RICR-120-05-46.12.5(D)(3)]

- (a) In any instance where the Department's determination of the extent of excess emissions was too low, the Department will take further action under III.A.10.d(1) and III.A.10.d(2) of this section to address the expanded violation. [250-RICR-120-05-46.12.5(D)(3)(a)]
 - (b) In any instance where the Department's determination of the extent of excess emissions was too high, the Department will distribute to the relevant CO₂ budget source a number of CO₂ allowances equaling the number of CO₂ allowances deducted which are attributable to the difference between the original and final quantity of excess emissions. Should such CO₂ budget source's compliance account no longer exist, the CO₂ allowances will be provided to a general account selected by the permittee. [250-RICR-120-05-46.12.5(D)(3)(b)]
- e. The Department will record in the appropriate compliance account all deductions from such an account pursuant to III.A.10.b and III.A.10.d of this section. [250-RICR-120-05-46.12.5(E)]
 - f. Action by the Department on submissions.
 - (1) The Department may review and conduct independent audits concerning any submission under the CO₂ Budget Trading Program and make appropriate adjustments of the information in the submissions. [250-RICR-120-05-46.12.5(F)(1)]
 - (2) The Department may deduct CO₂ allowances from or transfer CO₂ allowances to a source's compliance account based on information in the submissions, as adjusted under III.A.10.f(1) of this section. [250-RICR-120-05-46.12.5(F)(2)]

11. Banking

Each CO₂ allowance that is held in a compliance account or a general account will remain in such account unless and until the CO₂ allowance is deducted or transferred under 250-RICR-120-05-46.11, 250-RICR-120-05-46.15.2, subsection III.A.10, or subsection III.A.12 of this permit. [250-RICR-120-05-46.12.6]

12. Account Error

The Department or its agent may, at its sole discretion and on his or her own motion, correct any error in any CO₂ Allowance Tracking System account. Within ten (10) business days of making such correction, the Department or its agent will notify the CO₂ authorized account representative for the account. [250-RICR-120-05-46.12.7]

13. Other Requirements

- a. The Department or its agent may review and conduct independent audits concerning any compliance certification or any other submission under the CO₂ Budget Trading Program and make appropriate adjustments of the information in the compliance certifications or other submissions. [250-RICR-120-05-46.15.2(A)]
- b. The Department or its agent may deduct CO₂ allowances from or transfer CO₂ allowances to a source's compliance account based on the information in the compliance certifications or other submissions, as adjusted under paragraph a of this subsection. [250-RICR-120-05-46.15.2(B)]
- c. Authorization and responsibilities of, changing of, objections concerning and delegation by the CO₂ authorized account representative and the alternate, changes in the owners and operators and matters concerning the account certificate of representation shall be conducted in accordance with 250-RICR-120-05-46.9. [250-RICR-120-05-46.9.1, 250-RICR-120-05-46.9.2, 250-RICR-120-05-46.9.3, 250-RICR-120-05-46.9.4, 250-RICR-120-05-46.9.5, 250-RICR-120-05-46.9.6, 250-RICR-120-05-46.9.7]
- d. The CO₂ Budget Trading Program portion of this permit is deemed to incorporate automatically the definition of terms under section 250-RICR-120-05-46.5. [250-RICR-120-05-46.10.1(C)]
- e. The CO₂ Budget Trading Program portion of this permit shall be modified in accordance with the procedures in 250-RICR-120-05-29. [250-RICR-120-05-46.10.4]
- f. The CO₂ authorized account representative shall submit a complete CO₂ budget permit application under 250-RICR-120-05-46.10.3 in accordance with the provisions of 250-RICR-120-05-29 addressing permit renewals. [250-RICR-120-05-46.10.5(A)]
- g. The permittee shall not use any alternative to any requirement of 40 CFR Part 75 without having obtained prior written approval in accordance with 250-RICR-120-05-46.14.5. [250-RICR-120-05-46.14.5]
- h. Any conditions included in Section III.A of this permit shall have the full force and effect of rules and regulations. [250-RICR-120-05-46.18(B)]
- i. The permittee shall comply with all conditions included in Section III.A of this permit. [250-RICR-120-05-46.18(C)]

- j. Failure to comply with any condition included in Section III.A of this permit shall be considered failure to comply with 250-RICR-120-05-46. [250-RICR-120-05-46.18(D)]

B. Acid Rain

1. Sulfur Dioxide Requirements

- a. The permittee shall:
 - (1) Hold allowances, as of the allowance transfer deadline, in the compliance subaccount for G001 (after deductions under 40 CFR 73.34(c) not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and [RI-PSD-5(I)(5)]
 - (2) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide. [40 CFR 72.9(c)(1), RI-PSD-5(I)(1)]
- b. Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act. [40 CFR 72.9(c)(2)]
- c. G001 shall be subject to the requirements under paragraph (a) of this subsection starting January 17, 2001. [40 CFR 72.9(c)(3)(iii)]
- d. Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program. [40 CFR 72.9(c)(4)]
- e. An allowance shall not be deducted in order to comply with the requirements under paragraph (a) of this subsection prior to the calendar year for which the allowance was allocated. [40 CFR 72.9(c)(5)]
- f. An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7, 72.8, or 72.14 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization. [40 CFR 72.9(c)(6)]
- g. An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right. [40 CFR 72.9(c)(7)]

2. Monitoring Requirements

- a. The permittee and, to the extent applicable, the designated representative shall comply with the monitoring requirements as provided in 40 CFR Part 75. [40 CFR 72.9(b)(1)]
- b. The emissions measurements recorded and reported in accordance with 40 CFR Part 75 shall be used to determine compliance by G001 with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program. [40 CFR 72.9(b)(2)]
- c. The requirements of 40 CFR Part 75 shall not affect the responsibility of the permittee to monitor emissions of other pollutants or other emissions characteristics at G001 under other applicable requirements of the Act and other provisions of this operating permit. [40 CFR 72.9(b)(3)]

3. Excess Emissions Requirements

- a. The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR Part 77. [40 CFR 72.9(e)(1)]
- b. The owners and operators of an affected unit that has excess emissions in any calendar year shall:
 - (1) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR Part 77; and
 - (2) Comply with the terms of an approved offset plan, as required by 40 CFR Part 77. [40 CFR 72.9(e)(2)]

4. Recordkeeping and Reporting Requirements

- a. Unless otherwise provided, the permittee shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or the Office of Air Resources:
 - (1) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
 - (2) All emissions monitoring information, in accordance with 40 CFR Part 75, provided that to the extent that 40 CFR Part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.

- (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
 - (4) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program. [40 CFR 72.9(f)]
- b. The designated representative shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 Subpart I and 40 CFR Part 75. [40 CFR 72.9(f)(2)]

5. Liability

- a. Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7, 72.8, or 72.14, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act. [40 CFR 72.9(g)(1)]
- b. Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001. [40 CFR 72.9(g)(2)]
- c. No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect. [40 CFR 72.9(g)(3)]
- d. Each affected source and each affected unit shall meet the requirements of the Acid Rain Program. [40 CFR 72.9(g)(4)]
- e. Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source. [40 CFR 72.9(g)(5)]
- f. Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NO_x averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative. [40 CFR 72.9(g)(6)]

- g. Each violation of a provision of 40 CFR Parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by the permittee or designated representative of such source or unit, shall be a separate violation of the Act. [40 CFR 72.9(g)(7)]

6. **Effect on Other Authorities**

- a. No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7, 72.8, or 72.14 shall be construed as:
 - (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans; [40 CFR 72.9(h)(1)]
 - (2) Limiting the number of allowances a unit can hold; provided, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act; [40 CFR 72.9(h)(2)]
 - (3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law; [40 CFR 72.9(h)(3)]
 - (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; [40 CFR 72.9(h)(4)]
 - (5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established. [40 CFR 72.9(h)(5)]

C. **Prevention of Accidental Releases**

This section contains air pollution control requirements that are applicable to this facility, and the United States Environmental Protection Agency enforces these requirements.

The permittee shall implement the Risk Management Program that was summarized and submitted as a Risk Management Plan in accordance with 40 CFR 68 on May 17, 2000. The permittee shall make any necessary modifications to the Risk Management Program and submit an updated Risk Management Plan in accordance with 40 CFR 68 by May 17, 2005. The Risk Management Program must meet USEPA requirements and must include but is not limited to a Prevention Program, a Management System, an Offsite Consequence Analysis, and an Emergency Response Plan. In addition, the facility must comply with any additional requirements imposed by the State upon promulgation of State Regulations.

Your facility is also subject to the requirements of the General Duty Clause, under 112(r)(1) of the CAA Amendments of 1990. This clause specifies that owners or operators of stationary sources

producing, processing, handling or storing a chemical in any quantity listed in 40 CFR Part 68 or any other extremely hazardous substance have a general duty to identify hazards associated with these substances and to design, operate and maintain a safe facility, in order to prevent releases and to minimize the consequences of accidental releases which may occur.

D. Mandatory Greenhouse Gas Reporting [40 CFR 98]

1. Monitoring, reporting, recordkeeping, and verification requirements [40 CFR 98.3]

- a. The permittee shall follow the procedures for emission calculation, monitoring, quality assurance, missing data, recordkeeping, and reporting that are specified in each relevant subpart of 40 CFR 98. [40 CFR 98.3(a)]
- b. The permittee shall submit an annual GHG report no later than March 31 of each calendar year for GHG emissions in the previous calendar year. [40 CFR 98.3(b)]
- c. Each annual GHG report shall contain the following information: [40 CFR 98.3(c)]
 - (1) Facility name and physical street address, including the city, state, and zip code. [40 CFR 98.3(c)(1)]
 - (2) Year and months covered by the report. [40 CFR 98.3(c)(2)]
 - (3) Date of submittal. [40 CFR 98.3(c)(3)]
 - (4) Annual emissions of CO₂, CH₄, and N₂O. [40 CFR 98.3(c)(4)]
 - (5) A written explanation, as required under § 98.3(e), if you change emission calculation methodologies during the reporting period. [40 CFR 98.3(c)(6)]
 - (6) A brief description of each “best available monitoring method” used, the parameter measured using the method, and the time period during which the “best available monitoring method” was used, if applicable. [40 CFR 98.3(c)(7)]
 - (7) Each parameter for which a missing data procedure was used according to the procedures of an applicable subpart and the total number of hours in the year that a missing data procedure was used for each parameter. Parameters include not only reported data elements, but any data element required for monitoring and calculating emissions. [40 CFR 98.3(c)(8)]
 - (8) A signed and dated certification statement provided by the designated representative. [40 CFR 98.3(c)(9)]
 - (9) NAICS code(s) that apply to the facility. [40 CFR 98.3(c)(10)]
 - (a) **Primary NAICS code.** Report the NAICS code that most accurately describes the facility's primary product/activity/service. The primary product/activity/service is the principal source of revenue for the

facility or supplier. A facility that has two distinct products/activities/services providing comparable revenue may report a second primary NAICS code. [40 CFR 98.3(c)(10)(i)]

- (b) ***Additional NAICS code(s)***. Report all additional NAICS codes that describe all product(s)/activity(s)/service(s) at the facility that are not related to the principal source of revenue. [40 CFR 98.3(c)(10)(ii)]
- (10) Legal name(s) and physical address(es) of the highest-level United States parent company(s) of the permittee of the facility and the percentage of ownership interest for each listed parent company as of December 31 of the year for which data are being reported according to the following instructions: [40 CFR 98.3(c)(11)]
- (a) If the facility is entirely owned by a single United States company that is not owned by another company, provide that company's legal name and physical address as the United States parent company and report 100 percent ownership. [40 CFR 98.3(c)(11)(i)]
 - (b) If the facility is entirely owned by a single United States company that is, itself, owned by another company (*e.g.*, it is a division or subsidiary of a higher-level company), provide the legal name and physical address of the highest-level company in the ownership hierarchy as the United States parent company and report 100 percent ownership. [40 CFR 98.3(c)(11)(ii)]
 - (c) If the facility is owned by more than one United States company (*e.g.*, company A owns 40 percent, company B owns 35 percent, and company C owns 25 percent), provide the legal names and physical addresses of all the highest-level companies with an ownership interest as the United States parent companies, and report the percent ownership of each company. [40 CFR 98.3(c)(11)(iii)]
 - (d) If the facility is owned by a joint venture or a cooperative, the joint venture or cooperative is its own United States parent company. Provide the legal name and physical address of the joint venture or cooperative as the United States parent company, and report 100 percent ownership by the joint venture or cooperative. [40 CFR 98.3(c)(11)(iv)]
 - (e) If the facility is entirely owned by a foreign company, provide the legal name and physical address of the foreign company's highest-level company based in the United States as the United States parent company, and report 100 percent ownership. [40 CFR 98.3(c)(11)(v)]
 - (f) If the facility is partially owned by a foreign company and partially owned by one or more U.S. companies, provide the legal name and physical address of the foreign company's highest-level company based in the United States, along with the legal names and physical

addresses of the other U.S. parent companies, and report the percent ownership of each of these companies. [40 CFR 98.3(c)(11)(vi)]

- (g) If the facility is a federally owned facility, report “U.S. Government” and do not report physical address or percent ownership. [40 CFR 98.3(c)(11)(vii)]
 - (h) The facility shall refer to the reporting instructions of the electronic GHG reporting tool regarding standardized conventions for the naming of a parent company. [40 CFR 98.3(c)(11)(viii)]
- (11) An indication of whether the facility includes one or more plant sites that have been assigned a “plant code” (as defined under [§ 98.6](#)) by either the Department of Energy's Energy Information Administration or by the EPA's Clean Air Markets Division. [40 CFR 98.3(c)(13)]
- d. **Emission calculations.** In preparing the GHG report, the permittee shall use the calculation methodologies specified in the relevant subparts. For each source category, the permittee shall use the same calculation methodology throughout a reporting period unless the permittee provides a written explanation of why a change in methodology was required. [40 CFR 98.3(e)]
 - e. **Verification.** To verify the completeness and accuracy of reported GHG emissions, the Administrator may review the certification statements described in [paragraph c\(8\)](#) of this subsection and any other credible evidence, in conjunction with a comprehensive review of the GHG reports and periodic audits of selected reporting facilities. Nothing in this section prohibits the Administrator from using additional information to verify the completeness and accuracy of the reports. [40 CFR 98.3(f)]
 - f. **Recordkeeping.** A permittee that is required to report GHGs under 40 CFR 98 shall keep records as specified in this paragraph. Except as otherwise provided in this paragraph, retain all required records for at least 3 years from the date of submission of the annual GHG report for the reporting year in which the record was generated. The records shall be kept in an electronic or hard-copy format (as appropriate) and recorded in a form that is suitable for expeditious inspection and review. If the permittee is required under [§ 98.5\(b\)](#) to use verification software specified by the Administrator, then all records required for the facility under 40 CFR 98 shall be retained for at least 5 years from the date of submission of the annual GHG report for the reporting year in which the record was generated, starting with records for reporting year 2010. Upon request by the Administrator, the records required under this section shall be made available to the USEPA. Records may be retained off site if the records are readily available for expeditious inspection and review. For records that are electronically generated or maintained, the equipment or software necessary to read the records shall be made available, or, if requested by the USEPA, electronic records shall be converted to paper documents. The permittee shall retain the following records, in addition to those records prescribed in each applicable subpart of 40 CFR 98: [40 CFR 98.3(g)]

- (1) A list of all units, operations, processes, and activities for which GHG emission were calculated. [40 CFR 98.3(g)(1)]
- (2) The data used to calculate the GHG emissions for each unit, operation, process, and activity, categorized by fuel or material type. These data include but are not limited to the following information: [40 CFR 98.3(g)(2)]
 - (a) The GHG emissions calculations and methods used. For data required by [§ 98.5\(b\)](#) to be entered into verification software specified in [§ 98.5\(b\)](#), maintain the entered data in the format generated by the verification software according to [§ 98.5\(b\)](#). [40 CFR 98.3(g)(2)(i)]
 - (b) Analytical results for the development of site-specific emissions factors. [40 CFR 98.3(g)(2)(ii)]
 - (c) The results of all required analyses for high heat value, carbon content, and other required fuel or feedstock parameters. [40 CFR 98.3(g)(2)(iii)]
 - (d) Any facility operating data or process information used for the GHG emission calculations. [40 CFR 98.3(g)(2)(iv)]
- (3) The annual GHG reports. [40 CFR 98.3(g)(3)]
- (4) Missing data computations. For each missing data event, also retain a record of the cause of the event and the corrective actions taken to restore malfunctioning monitoring equipment. [40 CFR 98.3(g)(4)]
- (5) A written GHG Monitoring Plan. [40 CFR 98.3(g)(5)]
 - (a) At a minimum, the GHG Monitoring Plan shall include the following elements: [40 CFR 98.3(g)(5)(i)]
 - (i) Identification of positions of responsibility (i.e., job titles) for collection of the emissions data. [40 CFR 98.3(g)(5)(i)(A)]
 - (ii) Explanation of the processes and methods used to collect the necessary data for the GHG calculations. [40 CFR 98.3(g)(5)(i)(B)]
 - (iii) Description of the procedures and methods that are used for quality assurance, maintenance, and repair of all continuous monitoring systems, flow meters, and other instrumentation used to provide data for the GHGs reported under this part. [40 CFR 98.3(g)(5)(i)(C)]
 - (b) The GHG Monitoring Plan may rely on references to existing corporate documents (e.g., standard operating procedures, quality assurance programs under appendix F to 40 CFR part 60 or appendix

B to 40 CFR part 75, and other documents) provided that the elements required by [paragraph f\(5\)\(a\)](#) of this subsection are easily recognizable. [40 CFR 98.3(g)(5)(ii)]

- (c) The permittee shall revise the GHG Monitoring Plan as needed to reflect changes in production processes, monitoring instrumentation, and quality assurance procedures; or to improve procedures for the maintenance and repair of monitoring systems to reduce the frequency of monitoring equipment downtime. [40 CFR 98.3(g)(5)(iii)]
 - (d) Upon request by the Administrator, the permittee shall make all information that is collected in conformance with the GHG Monitoring Plan available for review during an audit. Electronic storage of the information in the plan is permissible, provided that the information can be made available in hard copy upon request during an audit. [40 CFR 98.3(g)(5)(iv)]
 - (6) The results of all required certification and quality assurance tests of continuous monitoring systems, fuel flow meters, and other instrumentation used to provide data for the GHGs reported under this part. [40 CFR 98.3(g)(6)]
 - (7) Maintenance records for all continuous monitoring systems, flow meters, and other instrumentation used to provide data for the GHGs reported under this part. [40 CFR 98.3(g)(7)]
- g. ***Annual GHG report revisions.*** This paragraph applies to the reporting years for which the owner or operator is required to maintain records for a facility or supplier according to the time periods specified in paragraph f of this subsection. [40 CFR 98.3(h)]
- (1) The permittee shall submit a revised annual GHG report within 45 days of discovering that an annual GHG report that the permittee previously submitted contains one or more substantive errors. The revised report must correct all substantive errors. [40 CFR 98.3(h)(1)]
 - (2) The Administrator may notify the permittee in writing that an annual GHG report previously submitted by the permittee contains one or more substantive errors. Such notification will identify each such substantive error. The permittee shall, within 45 days of receipt of the notification, either resubmit the report that, for each identified substantive error, corrects the identified substantive error (in accordance with the applicable requirements of this part) or provide information demonstrating that the previously submitted report does not contain the identified substantive error or that the identified error is not a substantive error. [40 CFR 98.3(h)(2)]

- (3) A substantive error is an error that impacts the quantity of GHG emissions reported or otherwise prevents the reported data from being validated or verified. [40 CFR 98.3(h)(3)]
 - (4) Notwithstanding [paragraphs g\(1\)](#) and [\(2\)](#) of this subsection, upon request by the permittee, the Administrator may provide reasonable extensions of the 45-day period for submission of the revised report or information under paragraphs g(1) and (2) of this subsection. If the Administrator receives a request for extension of the 45-day period, by email to an address prescribed by the Administrator prior to the expiration of the 45-day period, the extension request is deemed to be automatically granted for 30 days. The Administrator may grant an additional extension beyond the automatic 30-day extension if the permittee submits a request for an additional extension and the request is received by the Administrator prior to the expiration of the automatic 30-day extension, provided the request demonstrates that it is not practicable to submit a revised report or information under paragraphs g(1) and (2) of this subsection within 75 days. The Administrator will approve the extension request if the request demonstrates to the Administrator's satisfaction that it is not practicable to collect and process the data needed to resolve potential reporting errors identified pursuant to paragraph g(1) or (2) of this subsection within 75 days. [40 CFR 98.3(h)(4)]
 - (5) The permittee shall retain documentation for 3 years to support any revision made to an annual GHG report. [40 CFR 98.3(h)(5)]
- h. ***Calibration accuracy requirements.*** The permittee shall meet the applicable flow meter calibration and accuracy requirements of 40 CFR 98.3(i). The accuracy specifications in 40 CFR 98.3(i) do not apply where either the use of company records (as defined in [§ 98.6](#)) or the use of “best available information” is specified in an applicable subpart of 40 CFR part 98 to quantify fuel usage and/or other parameters. Further, the provisions of 40 CFR 98.3(i) do not apply to stationary fuel combustion units that use the methodologies in 40 CFR [part 75](#) to calculate CO₂ mass emissions. [40 CFR 98.3(i)]

2. **Authorization and responsibilities of the designated representative. [40 CFR 98.4]**

- a. ***General.*** The permittee shall have one and only one designated representative, who shall be responsible for certifying, signing, and submitting GHG emissions reports and any other submissions for such facility to the Administrator under 40 CFR part 98. If the facility is required under any other part of title 40 of the Code of Federal Regulations to submit to the Administrator any other emission report that is subject to any requirement in 40 CFR part 75, the same individual shall be the designated representative responsible for certifying, signing, and submitting the GHG emissions reports and all such other emissions reports under 40 CFR 98. [40 CFR 98.4(a)]
- b. Authorization and responsibilities of a designated representative are subject to the requirements of 40 CFR 98.4. [40 CFR 98.4(b)-(m)]

3. Requirements for report submittal. [40 CFR 98.5]

- a. Each GHG report and certificate of representation for a facility shall be submitted electronically in accordance with the requirements of § 98.4 and in a format specified by the Administrator. [40 CFR 98.5(a)]
- b. The permittee shall enter into verification software specified by the Administrator the data specified in the verification software records provision in each applicable recordkeeping section. For each data element entered into the verification software, if the software produces a warning message for the data value and the permittee elects not to revise the data value, the permittee shall provide an explanation in the verification software of why the data value is not being revised. [40 CFR 98.5(b)]

4. Compliance and enforcement provisions of 40 CFR part 98. [40 CFR 98.8]

Any violation of any requirement of 40 CFR part 98 shall be a violation of the Clean Air Act, including section 114 ([42 U.S.C. 7414](#)). A violation includes but is not limited to failure to report GHG emissions, failure to collect data needed to calculate GHG emissions, failure to continuously monitor and test as required, failure to retain records needed to verify the amount of GHG emissions, and failure to calculate GHG emissions following the methodologies specified in 40 CFR part 98. Each day of a violation constitutes a separate violation. [40 CFR 98.8]

5. Greenhouse Gases (GHGs) to report [40 CFR 98 Subpart D, § 98.42]

- a. For each electricity generating unit that is subject to the requirements of the Acid Rain Program or is otherwise required to monitor and report to the USEPA CO₂ emissions year-round according to 40 CFR part 75, the permittee shall report, under 40 CFR 98, subpart D, the annual mass emissions of CO₂, N₂O, and CH₄ by following the requirements of 40 CFR 98, subpart D. [40 CFR 98.2(a)(1), 40 CFR 98.42(a), 40 CFR 98 Table A-3]
- b. For each stationary fuel combustion unit that does not generate electricity, the permittee shall report under 40 CFR 98, [subpart C of this part](#) (General Stationary Fuel Combustion Sources) the emissions of CO₂, CH₄, and N₂O by following the requirements of 40 CFR 98, [subpart C](#). [40 CFR 98.42(c)]

6. Calculating GHG emissions [40 CFR 98.43]

- a. The permittee shall continue to monitor and report CO₂ mass emissions as required under § 75.13 or section 2.3 of Appendix G to 40 CFR part 75, and § 75.64. The permittee shall calculate CO₂, CH₄, and N₂O emissions as follows: [40 CFR 98.43(a)]
 - (1) Convert the cumulative annual CO₂ mass emissions reported in the fourth quarter electronic data report required under § 75.64 from units of short tons to metric tons. To convert tons to metric tons, divide by 1.1023. [40 CFR 98.43(a)(1)]

- (2) Calculate and report annual CH₄ and N₂O mass emissions under this subpart (40 CFR 98 subpart D) by following the applicable method specified in [§ 98.33\(c\)](#). [40 CFR 98.43(a)(2)]

7. Monitoring and QA/QC requirements [40 CFR 98.44]

The permittee shall follow the applicable quality assurance procedures for CO₂ emissions in Appendices B, D, and G to 40 CFR part 75. [40 CFR 98.44]

8. Procedures for estimating missing data [40 CFR 98.45]

The permittee shall follow the applicable missing data substitution procedures in 40 CFR part 75 for CO₂ concentration, stack gas flow rate, fuel flow rate, high heating value, and fuel carbon content. [40 CFR 98.45]

9. Data reporting requirements. [40 CFR 98.46]

The annual report shall comply with the data reporting requirements specified in § 98.36(d)(1). [40 CFR 98.46]

10. Records that must be retained. [40 CFR 98.47]

The permittee shall comply with the recordkeeping requirements of §§ 98.3(g) and 98.37. Records retained under § 75.57(h) for missing data events satisfy the recordkeeping requirements of § 98.3(g)(4) for those same events. [40 CFR 98.47]