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**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION**

MEMORANDUM

May 12, 2014

TO: *PF* Phillip Fielder, P.E., Permits and Engineering Group Manager

THROUGH: *PM* Phil Martin, P.E., Existing Source Permits Section Manager

THROUGH: Peer Review, Stephanie Shaulis, DEQ Regional Office at Tulsa

FROM: Herb Neumann, DEQ Regional Office at Tulsa

SUBJECT: Evaluation of Construction Permit Application No. 2014-0047-C
Myall, LLC
PRY Data Storage Facility (SIC-7374 /NAICS-518210)
4581 Webb Street, Mid America Industrial Park, Pryor, OK
NW/4 SW/4 Sec. 6, T20N, R19E, Mayes County
Driving directions: From intersection of US 412 and US 69, north
approximately five miles on US 69, right (east) on Main Street (E0535 Road), ¼
mile to Webb St. (N4210 Road), facility is on southeast corner. Security gate at
36.23983°N, 95.33194°W.

INTRODUCTION

Myall operates a data storage facility in the Mid-America Industrial Park near Pryor, OK under Permit No. 2007-021-O, issued September 27, 2011. Applicant stated that none of the equipment directly related to data storage would be a source of emissions, but emergency generators to preserve continuity of service in the event of power interruption would be emission sources and would be subject to certain federal subparts. The facility claimed that the number and size of these generators was proprietary in nature, and DEQ agreed. The public version of the memorandum and permit, with the proprietary information deleted, was made available in both printed and electronic versions. The facility has undergone expansion, including the addition of new buildings, which has required several construction permits to cover emergency generators, rooftop HVAC units, and non-contact cooling towers. Construction permit 2007-021-C (M-4) was issued December 11, 2013, and is the most recent of the permits concerning expansion. Applicant now plans to construct additional buildings that will require more emergency generators. Because of the stringent conditions required to maintain its status as a "synthetic" minor source, the facility has decided to become a major source under Part 70. Additional emissions will not be major by themselves, and the new emissions will not reach major stationary source thresholds. The following analysis repeats the form of the earlier operating and construction modification permits and leads to issuance of a modification to the existing minor permit that will cause the facility to become a major source under Title V.

EQUIPMENT

CONFIDENTIAL INFORMATION REMOVED

EMISSIONS

Reviewing natural gas emission factors for residential furnaces in Tables 1.4-1 and 2 of AP-42 (7/98), it is clear that criteria pollutant emissions from the rooftop HVAC units are small in comparison to those from other emission sources. Using emission factors of 100 or 94 lbs/MMCF for NO_x for the heaters of various sizes yields emissions of 8.62 TPY for the combined MMBTUH for Buildings 1, 3A, 3B, 4A, 4B, 4C, and 4D. Applicant has accepted a voluntary restriction on fuel consumption so that this application does not constitute a major source by itself.

Facility-wide Emissions (TPY)

	NO _x	CO	VOC	PM ₁₀	SO ₂
Heaters					
Day tanks & storage tanks					
Fire pump engine					
WWTP booster pump generator					
Emergency generator engines					
Totals	198	23.8	3.29	3.42	3.61

CONFIDENTIAL INFORMATION REMOVED

Notice that emissions of NO_x could exceed 188 TPY with consumption of the number of gallons of fuel calculated above, depending on which engines are utilized. We cannot use gross annual fuel consumption alone as a surrogate to show compliance with the 198 TPY NO_x emission limit because of the difference in fuel-based emission factors between the types of engine/generator sets. Therefore, compliance may be based on monitoring fuel use per type of generator, and using this information in conjunction with the fuel-based emission factors (lb/Kgal) shown in the preceding tables to perform a monthly calculation of annual emissions on a 12-month rolling total basis. Alternatively, hour-meters on each engine may be used with the power-based factors (g/hp-hr) to perform the needed annual calculations.

HAP emissions from diesel fuel combustion were calculated using factors from Table 3.4-3 of AP-42 (10/96). These factors are stated in lbs/MMBTU and diesel is assumed to have 138,000 BTU/gallon. Total facility emissions of HAP are 0.4 TPY. Natural gas HAP emissions are negligible.

FEDERAL REGULATIONS

PSD, 40 CFR Part 52

[Not Applicable]

Final total emissions are less than the threshold of 250 TPY of any single regulated pollutant and the facility is not one of the listed stationary sources with an emission threshold of 100 TPY. Without a federally enforceable limit on hours of operation of the emergency generators or on fuel, potential emissions would be based on 500 hours per year. At 500 hours per year per generator, potential

emissions of NO_x for the new units would exceed 250 TPY. The facility has been a synthetic minor source, will now become a major source (Part 70), but not a major stationary source (PSD).

NSPS, 40 CFR Part 60

[Subpart IIII Applicable]

Subpart Kb regulates VOL storage vessels built after July 23, 1984, with capacity greater than or equal to 75 m³ (19,813 gallons), and storing liquids with vapor pressure greater than 15 kPa. Diesel has vapor pressure of approximately 0.06 kPa, so even the largest tanks are not affected sources.

Subpart IIII, Stationary Compression Ignition Internal Combustion Engines (CI ICE) According to 40 CFR 60.4200(a)(2)(i), this subpart applies to owners and operators of stationary CI ICE that commence construction after July 11, 2005, where the stationary CI ICE are manufactured after April 1, 2006, and are not fire pump engines. NFPA-certified fire pump engines manufactured after July 1, 2006 are affected per §4200(a)(2)(ii). The emergency generator engines for this project are not fire pump engines and have displacement of less than 10 liters per cylinder. Per §4205 (b), owners and operators of such 2007 model year and later emergency stationary CI ICE must comply with the emission standards for new non-road CI engines in §60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary CI ICE. For engines with maximum power less than or equal to 2,237 kW, §60.4202(a) requires that the manufacturer must certify to the emission standards specified for new non-road CI engines for the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants beginning in model year 2007. For engines with maximum power greater than 2,237 kW, §60.4202(b) requires that the manufacturer must certify to the emission standards specified in Table 1 of Subpart IIII. Because this facility is subject to §60.4205, permittee shall operate and maintain stationary CI ICE according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer, over the entire life of the engine per §60.4206. Permittee shall use diesel fuel that meets the requirements of 40 CFR 80.510(b) for non-road diesel fuel, per §60.4207. The only monitoring requirement that applies to this facility is to install a non-resettable hour meter prior to startup of each engine (§60.4209). Finally, §60.4211(e) states that emergency stationary ICE may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by federal, state, or local government, the manufacturer, the vendor, or the insurance company associated with the engine, but that such testing is limited to 100 hours per year. In accordance with 40 CFR 60.4211 emergency stationary ICE 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 and emergency demand response. Except as provided otherwise, the 50 hours per calendar year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

A Certificate of Conformity has been supplied for all previous engines, and a certificate will be required with the operating permit application for the proposed new engines, including the WWTP booster.

NESHAP, 40 CFR Part 61

[Not Applicable]

There are no emissions of any of the regulated pollutants: arsenic, asbestos, benzene, beryllium, coke oven emissions, mercury, radionuclides, or vinyl chloride, except for trace amounts of benzene. Subpart J, Equipment Leaks of Benzene, concerns only process streams that contain more than 10% benzene by weight.

NESHAP, 40 CFR Part 63

[Applicable]

Subpart ZZZZ, Reciprocating Internal Combustion Engines (RICE) affects new and existing engines at major and area sources. All of the engines associated with emergency generators, as well as the fire pump and WWTP booster engine, are new engines and satisfy requirements of ZZZZ through compliance with NSPS Subpart IIII, per §6590(c)(1).

Chemical Accident Prevention Provisions, 40 CFR Part 68

[Not Applicable]

This facility does not process or store more than the threshold quantity of any regulated substance (Section 112r of the Clean Air Act 1990 Amendments).

Stratospheric Ozone Protection, 40 CFR Part 82

[Not Applicable]

These standards require phase out of Class I & II substances, reductions of emissions of Class I & II substances to the lowest achievable level in all use sectors, and other standards. This facility does not utilize any Class I & II substances.

OKLAHOMA AIR POLLUTION CONTROL RULES

OAC 252:100-1 (General Provisions)

[Applicable]

Subchapter 1 includes definitions but there are no regulatory requirements.

OAC 252:100-2 (Incorporation by Reference)

[Applicable]

This subchapter incorporates by reference applicable provisions of Title 40 of the Code of Federal Regulations listed in OAC 252:100, Appendix Q. These requirements are addressed in the "Federal Regulations" section.

OAC 252:100-3 (Air Quality Standards and Increments)

[Applicable]

Subchapter 3 enumerates the primary and secondary ambient air quality standards and the significant deterioration increments. At this time, all of Oklahoma is in "attainment" of these standards.

OAC 252:100-5 (Registration, Emissions Inventory and Annual Operating Fees)

[Applicable]

Subchapter 5 requires sources of air contaminants to register with Air Quality, file emission inventories annually, and pay annual operating fees based upon total annual emissions of regulated pollutants. Required annual information (Turn-Around Document) shall be provided to Air Quality. The facility commenced operation in 2011, and the inventory report for 2012 shows less than 10 TPY of combined criteria pollutants.

OAC 252:100-7 (Permits for Minor Facilities)

[Not Applicable]

Subchapter 7 sets forth the permit application fees and the basic substantive requirements of permits for minor facilities. Because criteria pollutant emissions have been less than 100 TPY

for each pollutant, and emissions of Hazardous Air Pollutants (HAP) have not exceeded 10 TPY for any one HAP or 25 TPY for any aggregate of HAP, the facility has been defined as a minor source. The current project does not add 100 TPY of any pollutant emissions, so BACT is not required. The operating permit following this project will be a Title V permit, and the facility shall become subject to the requirements of OAC 252:100-8.

OAC 252:100-8 (Permits for Part 70 Sources)

[Applicable]

Part 5 includes the general administrative requirements for Part 70 permits. Any planned changes in the operation of the facility which result in emissions not authorized in the permit and which exceed the "Insignificant Activities" or "Trivial Activities" thresholds require prior notification to AQD and may require a permit modification. Insignificant activities mean individual emission units that either are on the list in Appendix I (OAC 252:100) or whose actual calendar year emissions do not exceed the following limits.

- 5 TPY of any one criteria pollutant
- 2 TPY of any one hazardous air pollutant (HAP) or 5 TPY of multiple HAPs or 20% of any threshold less than 10 TPY for single HAP that the EPA may establish by rule

Emission limitations and operational requirements necessary to assure compliance with all applicable requirements for all sources are taken from the existing operating permit, from the permit applications, or have been developed from the applicable requirement.

OAC 252:100-9 (Excess Emissions Reporting Requirements)

[Applicable]

Except as provided in OAC 252:100-9-7(a)(1), the owner or operator of a source of excess emissions shall notify the Director as soon as possible but no later than 4:30 p.m. the following working day of the first occurrence of excess emissions in each excess emission event. No later than thirty (30) calendar days after the start of any excess emission event, the owner or operator of an air contaminant source from which excess emissions have occurred shall submit a report for each excess emission event describing the extent of the event and the actions taken by the owner or operator of the facility in response to this event. Request for affirmative defense, as described in OAC 252:100-9-8, shall be included in the excess emission event report. Additional reporting may be required in the case of ongoing emission events and in the case of excess emissions reporting required by 40 CFR Parts 60, 61, or 63.

OAC 252:100-13 (Open Burning)

[Applicable]

Open burning of refuse and other combustible material is prohibited except as authorized in the specific examples and under the conditions listed in this subchapter.

OAC 252:100-19 (Particulate Matter (PM))

[Applicable]

Section 19-4 regulates emissions of PM from new and existing fuel-burning equipment, with emission limits based on maximum design heat input rating. Fuel-burning equipment is defined in OAC 252:100-19 as any internal combustion engine or gas turbine, or other combustion device used to convert the combustion of fuel into usable energy. Thus, the emergency generators, fire pump engine, and WWTP booster engine are subject to the requirements of this subchapter. The heat input rate for each engine may be computed by multiplying the fuel rate by 138,000 BTU per gallon. The following table shows that all units are or will be in compliance,

using twice the manufacturer's stated emission factors, as described in the Emissions section discussion above.

CONFIDENTIAL INFORMATION REMOVED

OAC 252:100-25 (Visible Emissions and Particulates) [Applicable]

No discharge of greater than 20% opacity is allowed except for short-term occurrences which consist of not more than one six-minute period in any consecutive 60 minutes, not to exceed three such periods in any consecutive 24 hours. In no case shall the average of any six-minute period exceed 60% opacity. Under normal operating conditions, this facility will not cause a problem in this area, therefore it is not necessary to require specific precautions be taken.

OAC 252:100-29 (Fugitive Dust) [Applicable]

No person shall cause or permit the discharge of any visible fugitive dust emissions beyond the property line on which the emissions originate in such a manner as to damage or to interfere with the use of adjacent properties, or cause air quality standards to be exceeded, or interfere with the maintenance of air quality standards. Under normal operating conditions, this facility will not cause a problem in this area, therefore it is not necessary to require specific precautions be taken.

OAC 252:100-31 (Sulfur Compounds) [Applicable]

Part 5 limits sulfur dioxide emissions from new equipment (constructed after July 1, 1972). For liquid fuels the limit is 0.8 lbs/million BTU heat input. Even the highest lbs/1,000 gallons factor used for SO₂ content in the Emissions section discussion above yields only 0.05 lbs/MMBTU, well below the Part 5 standard.

OAC 252:100-33 (Nitrogen Oxides) [Not Applicable]

This subchapter limits new liquid-fired fuel-burning equipment with rated heat input greater than or equal to 50 MMBTUH to emissions of 0.30 lbs of NO_x per MMBTU, three-hour average. There will be no equipment items that exceed the 50 MMBTUH threshold.

OAC 252:100-35 (Carbon Monoxide) [Not Applicable]

This subchapter affects gray iron cupolas, blast furnaces, basic oxygen furnaces, petroleum catalytic cracking units, and petroleum catalytic reforming units. There will be no affected sources.

OAC 252:100-37 (Volatile Organic Compounds) [Part 7 Applicable]

Part 3 requires new storage tanks with a capacity of 400 gallons or more and storing a VOC with a vapor pressure greater than 1.5 psia at maximum storage temperature to be equipped with a permanent submerged fill pipe. The day tanks and large storage tanks hold diesel with vapor pressure well below 1.5 psia.

Part 5 limits the VOC solvent content of coating or other operations. This facility will not normally conduct coating or painting operations except for routine maintenance of the facility and equipment, which is not an affected operation.

Part 7 also requires fuel-burning equipment to be operated and maintained so as to minimize emissions. Temperature and available air must be sufficient to provide essentially complete combustion. The emergency engines are designed to satisfy these requirements.

OAC 252:100-42 (Toxic Air Contaminants (TAC))

[Applicable]

This subchapter regulates toxic air contaminants (TAC) that are emitted into the ambient air in areas of concern (AOC). Any work practice, material substitution, or control equipment required by the Department prior to June 11, 2004, to control a TAC, shall be retained, unless a modification is approved by the Director. Since no AOC has been designated there are no specific requirements for this facility at this time.

OAC 252:100-43 (Testing, Monitoring, and Recordkeeping)

[Applicable]

This subchapter provides general requirements for testing, monitoring and recordkeeping and applies to any testing, monitoring or recordkeeping activity conducted at any stationary source. To determine compliance with emissions limitations or standards, the Air Quality Director may require the owner or operator of any source in the state of Oklahoma to install, maintain and operate monitoring equipment or to conduct tests, including stack tests, of the air contaminant source. All required testing must be conducted by methods approved by the Air Quality Director and under the direction of qualified personnel. A notice-of-intent to test and a testing protocol shall be submitted to Air Quality at least 30 days prior to any EPA Reference Method stack tests. Emissions and other data required to demonstrate compliance with any federal or state emission limit or standard, or any requirement set forth in a valid permit shall be recorded, maintained, and submitted as required by this subchapter, an applicable rule, or permit requirement. Data from any required testing or monitoring not conducted in accordance with the provisions of this subchapter shall be considered invalid. Nothing shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

COMPLIANCE

Tier Classification and Public Review

This application has been classified as **Tier II** based on the request for a construction modification that will change the status of the facility to major source. Public notice of filing of this application was published in *The Times* of Mayes County on February 4, 2014. The notice stated that the application was available for review at the Mayes County Administration/Courthouse Building, 1 Court Place, Pryor, Oklahoma. Public notice of the 30-day public review opportunity for the draft permit was published in *The Times* of Mayes County on April 3, 2014. The draft was available for review at the Mayes County Administration/Courthouse Building, 1 Court Place, Pryor, Oklahoma, at the Air Quality Division main office in Oklahoma City, and on the AQD website. This site is not within 50 miles of the Oklahoma border. Information on all permit actions is available for review by the public in the Air Quality section of the DEQ Web Page: <http://www.deq.state.ok.us/>

The applicant has submitted an affidavit that they are not seeking a permit for land use or for any operation upon land owned by others without their knowledge. The affidavit certifies that the applicant owns the real property.

Fee Paid

Construction permit that establishes a new Part 70 source fee of \$7,500.

SUMMARY

Ambient air quality standards are not threatened at the site. There are no active Air Quality compliance or enforcement issues concerning this facility. Issuance of the construction permit is recommended.



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN
Governor

MAY 14 2014

Mike Edwards, Facility Manager
Myall, LLC
4581 Webb Street, MAIP
Pryor, Oklahoma 74361

Re: Construction Permit No. **2014-0047-C**
Same

Dear Mr. Edwards:

Enclosed is the permit authorizing construction of additional emergency generators at the referenced facility. Please note that this permit is issued subject to certain standard and specific conditions, which are attached. These conditions must be carefully followed since they define the limits of the permit and will be confirmed by periodic inspections.

Also note that you are required to annually submit an emission inventory for this facility. An emission inventory must be completed on approved AQD forms and submitted (hardcopy or electronically) by April 1st of every year. Any questions concerning the form or submittal process should be referred to the Emission Inventory Staff at 405-702-4100.

Thank you for your cooperation in this matter. If we may be of further service, please contact our office at (918) 293-1600. Air Quality personnel are located in the DEQ Regional Office at Tulsa, 3105 E. Skelly Drive, Suite 200, Tulsa, OK, 74105.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip Fielder", is written over the word "Sincerely,".

Phillip Fielder
AIR QUALITY DIVISION





PART 70 PERMIT

AIR QUALITY DIVISION
STATE OF OKLAHOMA
DEPARTMENT OF ENVIRONMENTAL QUALITY
707 N. ROBINSON, SUITE 4100
P.O. BOX 1677
OKLAHOMA CITY, OKLAHOMA 73101-1677

Permit No. 2014-0047-C

Myall, LLC,

having complied with the requirements of the law, is hereby granted permission to
construct additional emergency generators and auxiliary equipment at the PRY facility,
4581 Webb Street, Mid-America Industrial Park near Pryor, Mayes County, OK,

subject to standard conditions dated July 21, 2009, and specific conditions, both attached.

In the absence of construction commencement, this permit shall expire 18 months from the issuance date below, except as authorized under Section VIII of the Standard Conditions.

A handwritten signature in black ink, appearing to read "Eddie Terrill", is written over a horizontal line.

Eddie Terrill, Director

5-13-14

Date

**PERMIT TO CONSTRUCT
AIR POLLUTION CONTROL FACILITY
SPECIFIC CONDITIONS**

**Myall LLC
PRY Facility, Mid America Industrial Park**

Permit No. 2014-0047-C

The permittee is authorized to construct in conformity with the specifications submitted to Air Quality on January 16, 2014. The Evaluation Memorandum dated May 12, 2014, explains the derivation of applicable permit requirements and estimates of emissions; however it does not contain operating limitations or permit requirements. Commencing construction or continuing operations under this permit constitutes acceptance of, and consent to, the conditions contained herein.

1. Points of emissions and emission limitations.

CONFIDENTIAL INFORMATION REMOVED

Facility-wide emissions of criteria pollutants, including emissions from emergency generators, fire pump, wastewater treatment booster pump engine, HVAC units, and storage tanks, shall not exceed 198 TPY of NO_x, 24 TPY of CO, 3.3 TPY of VOC, 3.5 TPY of PM = PM₁₀ = PM_{2.5}, or 3.7 TPY of SO₂. Emissions from any engine of each Group shall not exceed the following limits, all in pounds per hour.

Group	I	II	III	IV	V	VI	VII	VIII
NO _x	55.2	32.9	34.1	32.7	44.8	27.7	12.9	49.0
CO	5.95	1.35	1.16	0.90	2.89	2.77	2.16	6.02

2. a) Compliance with the emergency generator hourly limits of Specific Condition (SC) #1 shall be demonstrated by testing in accordance with SC #8. Compliance with the annual limits of SC #1 shall be demonstrated by a monthly calculation of actual emissions per SC #2.b. Annual emissions shall be determined on a 12-month rolling basis from the preceding 12 months of emission calculations.

b) Calculation of actual emissions shall be performed using best available data and methods described in OAC 252:100-5-2.1(d). Two methods using emission factors listed in (d)(1) have been listed in prior permitting. These calculation methods either use the g/hp-hr emission factor times hour of operation, assuming rated HP, or use the lbs/1,000 gallon factor times the fuel consumption for each engine type. The facility may use any other method listed in (d), including method (d)(9), upon approval by the Air Quality Division.

CONFIDENTIAL INFORMATION REMOVED

3. Liquid fuel for the engines shall have sulfur content satisfying the requirements of NSPS Subpart IIII. Compliance can be shown by supplier's latest delivery ticket(s), and shall be demonstrated at least once each calendar year.

4. Upon issuance of an operating permit, the permittee will be authorized to operate this facility continuously (24 hours per day, every day of the year).

5. The permittee shall comply with all applicable requirements of 40 CFR 60 (NSPS) Subpart III, Stationary Compression Ignition Internal Combustion Engines (CI ICE) concerning generator engines, the wastewater booster pump engine, and the fire pump engine, including but not limited to the following.

- a) §60.4205 What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine?
- b) §60.4206 How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine?
- c) §60.4207 What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart?
- d) §60.4209 What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine?
- e) §60.4211 What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine?
- f) §60.4214 What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?

6. The permittee shall comply with all applicable requirements of 40 CFR 63 (NESHAP) Subpart ZZZZ, Reciprocating Internal Combustion Engines (RICE), including but not limited to the following.

- | | |
|-----------------------------|--|
| a) §63.6580, 85, 90 | Applicability criteria. |
| b) §63.6595 | Compliance date. |
| c) §63.6601, 02, 03 | Emission and operating limitations. |
| d) §63.6604 | Fuel requirements. |
| e) §63.6605 | General requirements. |
| f) §63.6610, 11, 12, 15, 20 | Testing requirements. |
| g) §63.6625 | Monitoring requirements. |
| h) §63.6630, 35, 40 | Compliance demonstrations. |
| i) §63.6645, 50, 55, 60 | Notification, reporting, and recordkeeping requirements. |
| j) §63.6665 | General Provisions. |
| k) §63.6670 | Who implements and enforces this subpart? |
| l) §63.6675 | Definitions. |
| m) Appendices | Tables 1 – 8. |

7. Each engine at the facility shall have a readily accessible, permanent identification plate attached, that shows the make, model number, and serial number.

8. At least once per calendar year, the permittee shall conduct tests of NO_x and CO emissions in exhaust gases from at least one engine of each type listed in Specific Condition No.1, when operating under representative conditions for that period. After the first year of testing, engine tests will be performed on a previously untested engine in each group, until all engines have been tested, at which point the sequence will start over. Testing shall be conducted using a portable engine analyzer in accordance with a protocol meeting the requirements of the "AQD Portable Analyzer Guidance" document or an equivalent method approved by Air Quality. Upon any

showing of non-compliance with emissions limitations, the permittee will report an exceedance under the terms of OAC 252:100-9. An exceedance report may require that the permit be reopened.

9. The permittee shall maintain records of operations as listed below. These records shall be retained on-site for a period of at least five years following dates of recording, and shall be made available to regulatory personnel upon request.

- a. Hours of operation of each engine, monthly and rolling 12 months.
- b. Diesel fuel consumed by engines of each type, monthly and rolling 12 months.
- c. Records of fuel sulfur content, as required by SC #3.
- d. Records demonstrating compliance with NSPS Subpart IIII and NESHAP (MACT) Subpart ZZZZ, as required by SC #5 and SC #6.
- e. Records of engine testing required by SC #8.

10. Within 180 days of operational start-up of the new equipment, the permittee shall submit an application for an operating permit.

11. Construction Permit No. 2007-021-C (M-4) remains in effect.

**MAJOR SOURCE AIR QUALITY PERMIT
STANDARD CONDITIONS
(July 21, 2009)**

SECTION I. DUTY TO COMPLY

A. This is a permit to operate / construct this specific facility in accordance with the federal Clean Air Act (42 U.S.C. 7401, et al.) and under the authority of the Oklahoma Clean Air Act and the rules promulgated there under. [Oklahoma Clean Air Act, 27A O.S. § 2-5-112]

B. The issuing Authority for the permit is the Air Quality Division (AQD) of the Oklahoma Department of Environmental Quality (DEQ). The permit does not relieve the holder of the obligation to comply with other applicable federal, state, or local statutes, regulations, rules, or ordinances. [Oklahoma Clean Air Act, 27A O.S. § 2-5-112]

C. The permittee shall comply with all conditions of this permit. Any permit noncompliance shall constitute a violation of the Oklahoma Clean Air Act and shall be grounds for enforcement action, permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application. All terms and conditions are enforceable by the DEQ, by the Environmental Protection Agency (EPA), and by citizens under section 304 of the Federal Clean Air Act (excluding state-only requirements). This permit is valid for operations only at the specific location listed.

[40 C.F.R. §70.6(b), OAC 252:100-8-1.3 and OAC 252:100-8-6(a)(7)(A) and (b)(1)]

D. 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 the permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in assessing penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continuing operations. [OAC 252:100-8-6(a)(7)(B)]

SECTION II. REPORTING OF DEVIATIONS FROM PERMIT TERMS

A. Any exceedance resulting from an emergency and/or posing an imminent and substantial danger to public health, safety, or the environment shall be reported in accordance with Section XIV (Emergencies). [OAC 252:100-8-6(a)(3)(C)(iii)(I) & (II)]

B. Deviations that result in emissions exceeding those allowed in this permit shall be reported consistent with the requirements of OAC 252:100-9, Excess Emission Reporting Requirements. [OAC 252:100-8-6(a)(3)(C)(iv)]

C. Every written report submitted under this section shall be certified as required by Section III (Monitoring, Testing, Recordkeeping & Reporting), Paragraph F.

[OAC 252:100-8-6(a)(3)(C)(iv)]

SECTION III. MONITORING, TESTING, RECORDKEEPING & REPORTING

A. The permittee shall keep records as specified in this permit. These records, including monitoring data and necessary support information, shall be retained on-site or at a nearby field office for a period of at least five years from the date of the monitoring sample, measurement, report, or application, and shall be made available for inspection by regulatory personnel upon request. Support information includes all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. Where appropriate, the permit may specify that records may be maintained in computerized form.

[OAC 252:100-8-6 (a)(3)(B)(ii), OAC 252:100-8-6(c)(1), and OAC 252:100-8-6(c)(2)(B)]

B. Records of required monitoring shall include:

- (1) the date, place and time of sampling or measurement;
- (2) the date or dates analyses were performed;
- (3) the company or entity which performed the analyses;
- (4) the analytical techniques or methods used;
- (5) the results of such analyses; and
- (6) the operating conditions existing at the time of sampling or measurement.

[OAC 252:100-8-6(a)(3)(B)(i)]

C. No later than 30 days after each six (6) month period, after the date of the issuance of the original Part 70 operating permit or alternative date as specifically identified in a subsequent Part 70 operating permit, the permittee shall submit to AQD a report of the results of any required monitoring. All instances of deviations from permit requirements since the previous report shall be clearly identified in the report. Submission of these periodic reports will satisfy any reporting requirement of Paragraph E below that is duplicative of the periodic reports, if so noted on the submitted report.

[OAC 252:100-8-6(a)(3)(C)(i) and (ii)]

D. If any testing shows emissions in excess of limitations specified in this permit, the owner or operator shall comply with the provisions of Section II (Reporting Of Deviations From Permit Terms) of these standard conditions.

[OAC 252:100-8-6(a)(3)(C)(iii)]

E. In addition to any monitoring, recordkeeping or reporting requirement specified in this permit, monitoring and reporting may be required under the provisions of OAC 252:100-43, Testing, Monitoring, and Recordkeeping, or as required by any provision of the Federal Clean Air Act or Oklahoma Clean Air Act.

[OAC 252:100-43]

F. Any Annual Certification of Compliance, Semi Annual Monitoring and Deviation Report, Excess Emission Report, and Annual Emission Inventory submitted in accordance with this permit shall be certified by a responsible official. This certification shall be signed by a responsible official, and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

[OAC 252:100-8-5(f), OAC 252:100-8-6(a)(3)(C)(iv), OAC 252:100-8-6(c)(1), OAC 252:100-9-7(e), and OAC 252:100-5-2.1(f)]

G. Any owner or operator subject to the provisions of New Source Performance Standards ("NSPS") under 40 CFR Part 60 or National Emission Standards for Hazardous Air Pollutants ("NESHAPs") under 40 CFR Parts 61 and 63 shall maintain a file of all measurements and other information required by the applicable general provisions and subpart(s). These records shall be maintained in a permanent file suitable for inspection, shall be retained for a period of at least five years as required by Paragraph A of this Section, and shall include records of the occurrence and duration of any start-up, shutdown, or malfunction in the operation of an affected facility, any malfunction of the air pollution control equipment; and any periods during which a continuous monitoring system or monitoring device is inoperative.

[40 C.F.R. §§60.7 and 63.10, 40 CFR Parts 61, Subpart A, and OAC 252:100, Appendix Q]

H. The permittee of a facility that is operating subject to a schedule of compliance shall submit to the DEQ a progress report at least semi-annually. The progress reports shall contain dates for achieving the activities, milestones or compliance required in the schedule of compliance and the dates when such activities, milestones or compliance was achieved. The progress reports shall also contain an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted. [OAC 252:100-8-6(c)(4)]

I. All testing must be conducted under the direction of qualified personnel by methods approved by the Division Director. All tests shall be made and the results calculated in accordance with standard test procedures. The use of alternative test procedures must be approved by EPA. When a portable analyzer is used to measure emissions it shall be setup, calibrated, and operated in accordance with the manufacturer's instructions and in accordance with a protocol meeting the requirements of the "AQD Portable Analyzer Guidance" document or an equivalent method approved by Air Quality.

[OAC 252:100-8-6(a)(3)(A)(iv), and OAC 252:100-43]

J. The reporting of total particulate matter emissions as required in Part 7 of OAC 252:100-8 (Permits for Part 70 Sources), OAC 252:100-19 (Control of Emission of Particulate Matter), and OAC 252:100-5 (Emission Inventory), shall be conducted in accordance with applicable testing or calculation procedures, modified to include back-half condensables, for the concentration of particulate matter less than 10 microns in diameter (PM₁₀). NSPS may allow reporting of only particulate matter emissions caught in the filter (obtained using Reference Method 5).

K. The permittee shall submit to the AQD a copy of all reports submitted to the EPA as required by 40 C.F.R. Part 60, 61, and 63, for all equipment constructed or operated under this permit subject to such standards. [OAC 252:100-8-6(c)(1) and OAC 252:100, Appendix Q]

SECTION IV. COMPLIANCE CERTIFICATIONS

A. No later than 30 days after each anniversary date of the issuance of the original Part 70 operating permit or alternative date as specifically identified in a subsequent Part 70 operating permit, the permittee shall submit to the AQD, with a copy to the US EPA, Region 6, a certification of compliance with the terms and conditions of this permit and of any other applicable requirements which have become effective since the issuance of this permit.

[OAC 252:100-8-6(c)(5)(A), and (D)]

B. The compliance certification shall describe the operating permit term or condition that is the basis of the certification; the current compliance status; whether compliance was continuous or intermittent; the methods used for determining compliance, currently and over the reporting period. The compliance certification shall also include such other facts as the permitting authority may require to determine the compliance status of the source.

[OAC 252:100-8-6(c)(5)(C)(i)-(v)]

C. The compliance certification shall contain a certification by a responsible official as to the results of the required monitoring. This certification shall be signed by a responsible official, and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

[OAC 252:100-8-5(f) and OAC 252:100-8-6(c)(1)]

D. Any facility reporting noncompliance shall submit a schedule of compliance for emissions units or stationary sources that are not in compliance with all applicable requirements. This schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the emissions unit or stationary source is in noncompliance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the emissions unit or stationary source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based, except that a compliance plan shall not be required for any noncompliance condition which is corrected within 24 hours of discovery.

[OAC 252:100-8-5(e)(8)(B) and OAC 252:100-8-6(c)(3)]

SECTION V. REQUIREMENTS THAT BECOME APPLICABLE DURING THE PERMIT TERM

The permittee shall comply with any additional requirements that become effective during the permit term and that are applicable to the facility. Compliance with all new requirements shall be certified in the next annual certification.

[OAC 252:100-8-6(c)(6)]

SECTION VI. PERMIT SHIELD

A. Compliance with the terms and conditions of this permit (including terms and conditions established for alternate operating scenarios, emissions trading, and emissions averaging, but excluding terms and conditions for which the permit shield is expressly prohibited under OAC 252:100-8) shall be deemed compliance with the applicable requirements identified and included in this permit.

[OAC 252:100-8-6(d)(1)]

B. Those requirements that are applicable are listed in the Standard Conditions and the Specific Conditions of this permit. Those requirements that the applicant requested be determined as not applicable are summarized in the Specific Conditions of this permit.

[OAC 252:100-8-6(d)(2)]

SECTION VII. ANNUAL EMISSIONS INVENTORY & FEE PAYMENT

The permittee shall file with the AQD an annual emission inventory and shall pay annual fees based on emissions inventories. The methods used to calculate emissions for inventory purposes shall be based on the best available information accepted by AQD.

[OAC 252:100-5-2.1, OAC 252:100-5-2.2, and OAC 252:100-8-6(a)(8)]

SECTION VIII. TERM OF PERMIT

A. Unless specified otherwise, the term of an operating permit shall be five years from the date of issuance. [OAC 252:100-8-6(a)(2)(A)]

B. A source's right to operate shall terminate upon the expiration of its permit unless a timely and complete renewal application has been submitted at least 180 days before the date of expiration. [OAC 252:100-8-7.1(d)(1)]

C. A duly issued construction permit or authorization to construct or modify will terminate and become null and void (unless extended as provided in OAC 252:100-8-1.4(b)) if the construction is not commenced within 18 months after the date the permit or authorization was issued, or if work is suspended for more than 18 months after it is commenced. [OAC 252:100-8-1.4(a)]

D. The recipient of a construction permit shall apply for a permit to operate (or modified operating permit) within 180 days following the first day of operation. [OAC 252:100-8-4(b)(5)]

SECTION IX. SEVERABILITY

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.

[OAC 252:100-8-6 (a)(6)]

SECTION X. PROPERTY RIGHTS

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

[OAC 252:100-8-6(a)(7)(D)]

B. This permit shall not be considered in any manner affecting the title of the premises upon which the equipment is located and does not release the permittee from any liability for damage to persons or property caused by or resulting from the maintenance or operation of the equipment for which the permit is issued. [OAC 252:100-8-6(c)(6)]

SECTION XI. DUTY TO PROVIDE INFORMATION

A. The permittee shall furnish to the DEQ, upon receipt of a written request and within sixty (60) days of the request unless the DEQ specifies another time period, any information that the DEQ may request to determine whether cause exists for modifying, reopening, revoking,

reissuing, terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the DEQ copies of records required to be kept by the permit.

[OAC 252:100-8-6(a)(7)(E)]

B. The permittee may make a claim of confidentiality for any information or records submitted pursuant to 27A O.S. § 2-5-105(18). Confidential information shall be clearly labeled as such and shall be separable from the main body of the document such as in an attachment.

[OAC 252:100-8-6(a)(7)(E)]

C. Notification to the AQD of the sale or transfer of ownership of this facility is required and shall be made in writing within thirty (30) days after such sale or transfer.

[Oklahoma Clean Air Act, 27A O.S. § 2-5-112(G)]

SECTION XII. REOPENING, MODIFICATION & REVOCATION

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

[OAC 252:100-8-6(a)(7)(C) and OAC 252:100-8-7.2(b)]

B. The DEQ will reopen and revise or revoke this permit prior to the expiration date in the following circumstances:

[OAC 252:100-8-7.3 and OAC 252:100-8-7.4(a)(2)]

- (1) Additional requirements under the Clean Air Act become applicable to a major source category three or more years prior to the expiration date of this permit. No such reopening is required if the effective date of the requirement is later than the expiration date of this permit.
- (2) The DEQ or the EPA determines that this permit contains a material mistake or that the permit must be revised or revoked to assure compliance with the applicable requirements.
- (3) The DEQ or the EPA determines that inaccurate information was used in establishing the emission standards, limitations, or other conditions of this permit. The DEQ may revoke and not reissue this permit if it determines that the permittee has submitted false or misleading information to the DEQ.
- (4) DEQ determines that the permit should be amended under the discretionary reopening provisions of OAC 252:100-8-7.3(b).

C. The permit may be reopened for cause by EPA, pursuant to the provisions of OAC 100-8-7.3(d).

[OAC 100-8-7.3(d)]

D. The permittee shall notify AQD before making changes other than those described in Section XVIII (Operational Flexibility), those qualifying for administrative permit amendments, or those defined as an Insignificant Activity (Section XVI) or Trivial Activity (Section XVII). The notification should include any changes which may alter the status of a "grandfathered source," as defined under AQD rules. Such changes may require a permit modification.

[OAC 252:100-8-7.2(b) and OAC 252:100-5-1.1]

E. Activities that will result in air emissions that exceed the trivial/insignificant levels and that are not specifically approved by this permit are prohibited. [OAC 252:100-8-6(c)(6)]

SECTION XIII. INSPECTION & ENTRY

A. Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized regulatory officials to perform the following (subject to the permittee's right to seek confidential treatment pursuant to 27A O.S. Supp. 1998, § 2-5-105(18) for confidential information submitted to or obtained by the DEQ under this section):

- (1) enter upon the permittee's premises during reasonable/normal working hours where a source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- (2) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- (3) inspect, at reasonable times and using reasonable safety practices, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- (4) as authorized by the Oklahoma Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit.

[OAC 252:100-8-6(c)(2)]

SECTION XIV. EMERGENCIES

A. Any exceedance resulting from an emergency shall be reported to AQD promptly but no later than 4:30 p.m. on the next working day after the permittee first becomes aware of the exceedance. This notice shall contain a description of the emergency, the probable cause of the exceedance, any steps taken to mitigate emissions, and corrective actions taken.

[OAC 252:100-8-6 (a)(3)(C)(iii)(I) and (IV)]

B. Any exceedance that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to AQD as soon as is practicable; but under no circumstance shall notification be more than 24 hours after the exceedance. [OAC 252:100-8-6(a)(3)(C)(iii)(II)]

C. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under this permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error. [OAC 252:100-8-2]

D. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that: [OAC 252:100-8-6 (e)(2)]

- (1) an emergency occurred and the permittee can identify the cause or causes of the emergency;
- (2) the permitted facility was at the time being properly operated;
- (3) during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit.

E. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [OAC 252:100-8-6(e)(3)]

F. Every written report or document submitted under this section shall be certified as required by Section III (Monitoring, Testing, Recordkeeping & Reporting), Paragraph F. [OAC 252:100-8-6(a)(3)(C)(iv)]

SECTION XV. RISK MANAGEMENT PLAN

The permittee, if subject to the provision of Section 112(r) of the Clean Air Act, shall develop and register with the appropriate agency a risk management plan by June 20, 1999, or the applicable effective date. [OAC 252:100-8-6(a)(4)]

SECTION XVI. INSIGNIFICANT ACTIVITIES

Except as otherwise prohibited or limited by this permit, the permittee is hereby authorized to operate individual emissions units that are either on the list in Appendix I to OAC Title 252, Chapter 100, or whose actual calendar year emissions do not exceed any of the limits below. Any activity to which a State or Federal applicable requirement applies is not insignificant even if it meets the criteria below or is included on the insignificant activities list.

- (1) 5 tons per year of any one criteria pollutant.
- (2) 2 tons per year for any one hazardous air pollutant (HAP) or 5 tons per year for an aggregate of two or more HAP's, or 20 percent of any threshold less than 10 tons per year for single HAP that the EPA may establish by rule.

[OAC 252:100-8-2 and OAC 252:100, Appendix I]

SECTION XVII. TRIVIAL ACTIVITIES

Except as otherwise prohibited or limited by this permit, the permittee is hereby authorized to operate any individual or combination of air emissions units that are considered inconsequential and are on the list in Appendix J. Any activity to which a State or Federal applicable requirement applies is not trivial even if included on the trivial activities list.

[OAC 252:100-8-2 and OAC 252:100, Appendix J]

SECTION XVIII. OPERATIONAL FLEXIBILITY

A. A facility may implement any operating scenario allowed for in its Part 70 permit without the need for any permit revision or any notification to the DEQ (unless specified otherwise in the

permit). When an operating scenario is changed, the permittee shall record in a log at the facility the scenario under which it is operating. [OAC 252:100-8-6(a)(10) and (f)(1)]

B. The permittee may make changes within the facility that:

- (1) result in no net emissions increases,
- (2) are not modifications under any provision of Title I of the federal Clean Air Act, and
- (3) do not cause any hourly or annual permitted emission rate of any existing emissions unit to be exceeded;

provided that the facility provides the EPA and the DEQ with written notification as required below in advance of the proposed changes, which shall be a minimum of seven (7) days, or twenty four (24) hours for emergencies as defined in OAC 252:100-8-6 (e). The permittee, the DEQ, and the EPA shall attach each such notice to their copy of the permit. For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change. The permit shield provided by this permit does not apply to any change made pursuant to this paragraph. [OAC 252:100-8-6(f)(2)]

SECTION XIX. OTHER APPLICABLE & STATE-ONLY REQUIREMENTS

A. The following applicable requirements and state-only requirements apply to the facility unless elsewhere covered by a more restrictive requirement:

- (1) Open burning of refuse and other combustible material is prohibited except as authorized in the specific examples and under the conditions listed in the Open Burning Subchapter. [OAC 252:100-13]
- (2) No particulate emissions from any fuel-burning equipment with a rated heat input of 10 MMBTUH or less shall exceed 0.6 lb/MMBTU. [OAC 252:100-19]
- (3) For all emissions units not subject to an opacity limit promulgated under 40 C.F.R., Part 60; NSPS, no discharge of greater than 20% opacity is allowed except for: [OAC 252:100-25]
 - (a) Short-term occurrences which consist of not more than one six-minute period in any consecutive 60 minutes, not to exceed three such periods in any consecutive 24 hours. In no case shall the average of any six-minute period exceed 60% opacity;
 - (b) Smoke resulting from fires covered by the exceptions outlined in OAC 252:100-13-7;
 - (c) An emission, where the presence of uncombined water is the only reason for failure to meet the requirements of OAC 252:100-25-3(a); or
 - (d) Smoke generated due to a malfunction in a facility, when the source of the fuel producing the smoke is not under the direct and immediate control of the facility and the immediate constriction of the fuel flow at the facility would produce a hazard to life and/or property.

- (4) No visible fugitive dust emissions shall be discharged beyond the property line on which the emissions originate in such a manner as to damage or to interfere with the use of adjacent properties, or cause air quality standards to be exceeded, or interfere with the maintenance of air quality standards. [OAC 252:100-29]
- (5) No sulfur oxide emissions from new gas-fired fuel-burning equipment shall exceed 0.2 lb/MMBTU. No existing source shall exceed the listed ambient air standards for sulfur dioxide. [OAC 252:100-31]
- (6) Volatile Organic Compound (VOC) storage tanks built after December 28, 1974, and with a capacity of 400 gallons or more storing a liquid with a vapor pressure of 1.5 psia or greater under actual conditions shall be equipped with a permanent submerged fill pipe or with a vapor-recovery system. [OAC 252:100-37-15(b)]
- (7) All fuel-burning equipment shall at all times be properly operated and maintained in a manner that will minimize emissions of VOCs. [OAC 252:100-37-36]

SECTION XX. STRATOSPHERIC OZONE PROTECTION

A. The permittee shall comply with the following standards for production and consumption of ozone-depleting substances: [40 CFR 82, Subpart A]

- (1) Persons producing, importing, or placing an order for production or importation of certain class I and class II substances, HCFC-22, or HCFC-141b shall be subject to the requirements of §82.4;
- (2) Producers, importers, exporters, purchasers, and persons who transform or destroy certain class I and class II substances, HCFC-22, or HCFC-141b are subject to the recordkeeping requirements at §82.13; and
- (3) Class I substances (listed at Appendix A to Subpart A) include certain CFCs, Halons, HBFCs, carbon tetrachloride, trichloroethane (methyl chloroform), and bromomethane (Methyl Bromide). Class II substances (listed at Appendix B to Subpart A) include HCFCs.

B. If the permittee performs a service on motor (fleet) vehicles when this service involves an ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all applicable requirements. Note: The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or the system used on passenger buses using HCFC-22 refrigerant. [40 CFR 82, Subpart B]

C. The permittee shall comply with the following standards for recycling and emissions reduction except as provided for MVACs in Subpart B: [40 CFR 82, Subpart F]

- (1) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to § 82.156;
- (2) Equipment used during the maintenance, service, repair, or disposal of appliances must

- comply with the standards for recycling and recovery equipment pursuant to § 82.158;
- (3) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to § 82.161;
 - (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with record-keeping requirements pursuant to § 82.166;
 - (5) Persons owning commercial or industrial process refrigeration equipment must comply with leak repair requirements pursuant to § 82.158; and
 - (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to § 82.166.

SECTION XXI. TITLE V APPROVAL LANGUAGE

A. DEQ wishes to reduce the time and work associated with permit review and, wherever it is not inconsistent with Federal requirements, to provide for incorporation of requirements established through construction permitting into the Source's Title V permit without causing redundant review. Requirements from construction permits may be incorporated into the Title V permit through the administrative amendment process set forth in OAC 252:100-8-7.2(a) only if the following procedures are followed:

- (1) The construction permit goes out for a 30-day public notice and comment using the procedures set forth in 40 C.F.R. § 70.7(h)(1). This public notice shall include notice to the public that this permit is subject to EPA review, EPA objection, and petition to EPA, as provided by 40 C.F.R. § 70.8; that the requirements of the construction permit will be incorporated into the Title V permit through the administrative amendment process; that the public will not receive another opportunity to provide comments when the requirements are incorporated into the Title V permit; and that EPA review, EPA objection, and petitions to EPA will not be available to the public when requirements from the construction permit are incorporated into the Title V permit.
- (2) A copy of the construction permit application is sent to EPA, as provided by 40 CFR § 70.8(a)(1).
- (3) A copy of the draft construction permit is sent to any affected State, as provided by 40 C.F.R. § 70.8(b).
- (4) A copy of the proposed construction permit is sent to EPA for a 45-day review period as provided by 40 C.F.R. § 70.8(a) and (c).
- (5) The DEQ complies with 40 C.F.R. § 70.8(c) upon the written receipt within the 45-day comment period of any EPA objection to the construction permit. The DEQ shall not issue the permit until EPA's objections are resolved to the satisfaction of EPA.
- (6) The DEQ complies with 40 C.F.R. § 70.8(d).
- (7) A copy of the final construction permit is sent to EPA as provided by 40 CFR § 70.8(a).
- (8) The DEQ shall not issue the proposed construction permit until any affected State and EPA have had an opportunity to review the proposed permit, as provided by these permit conditions.
- (9) Any requirements of the construction permit may be reopened for cause after incorporation into the Title V permit by the administrative amendment process, by DEQ

as provided in OAC 252:100-8-7.3(a), (b), and (c), and by EPA as provided in 40 C.F.R. § 70.7(f) and (g).

- (10) The DEQ shall not issue the administrative permit amendment if performance tests fail to demonstrate that the source is operating in substantial compliance with all permit requirements.

B. To the extent that these conditions are not followed, the Title V permit must go through the Title V review process.

SECTION XXII. CREDIBLE EVIDENCE

For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any provision of the Oklahoma implementation plan, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[OAC 252:100-43-6]