

# ADEQ DRAFT OPERATING AIR PERMIT

Pursuant to the Regulations of the Arkansas Operating Air Permit Program, Regulation 26:

Permit No. : 1450-AOP-R6

IS ISSUED TO:

Black Hills Energy Arkansas Inc. - Lone Elm Compressor Station  
4511 Dogwood Lane  
Ozark, AR 72949  
Franklin County  
AFIN: 24-00104

THIS PERMIT AUTHORIZES THE ABOVE REFERENCED PERMITTEE TO INSTALL, OPERATE, AND MAINTAIN THE EQUIPMENT AND EMISSION UNITS DESCRIBED IN THE PERMIT APPLICATION AND ON THE FOLLOWING PAGES. THIS PERMIT IS VALID BETWEEN:

AND

THE PERMITTEE IS SUBJECT TO ALL LIMITS AND CONDITIONS CONTAINED HEREIN.

Signed:

---

Stuart Spencer  
Associate Director, Office of Air Quality

---

Date

Black Hills Energy Arkansas Inc. - Lone Elm Compressor Station

Permit #: 1450-AOP-R6

AFIN: 24-00104

Table of Contents

SECTION I: FACILITY INFORMATION .....	4
SECTION II: INTRODUCTION.....	5
Summary of Permit Activity .....	5
Process Description.....	5
Regulations .....	5
Emission Summary .....	6
SECTION III: PERMIT HISTORY .....	7
SECTION IV: SPECIFIC CONDITIONS.....	8
SN-01 Waukesha 896 Hp Engine .....	8
SECTION V: COMPLIANCE PLAN AND SCHEDULE.....	14
SECTION VI: PLANTWIDE CONDITIONS.....	15
SECTION VII: INSIGNIFICANT ACTIVITIES.....	16
SECTION VIII: GENERAL PROVISIONS .....	17
Appendix A - 40 C.F.R. § 63, Subpart ZZZZ	

List of Acronyms and Abbreviations

Ark. Code Ann.	Arkansas Code Annotated
AFIN	ADEQ Facility Identification Number
C.F.R.	Code of Federal Regulations
CO	Carbon Monoxide
HAP	Hazardous Air Pollutant
lb/hr	Pound Per Hour
MVAC	Motor Vehicle Air Conditioner
No.	Number
NO <sub>x</sub>	Nitrogen Oxide
PM	Particulate Matter
PM <sub>10</sub>	Particulate Matter Smaller Than Ten Microns
SNAP	Significant New Alternatives Program (SNAP)
SO <sub>2</sub>	Sulfur Dioxide
SSM	Startup, Shutdown, and Malfunction Plan
Tpy	Tons Per Year
UTM	Universal Transverse Mercator
VOC	Volatile Organic Compound

Black Hills Energy Arkansas Inc. - Lone Elm Compressor Station  
Permit #: 1450-AOP-R6  
AFIN: 24-00104

## SECTION I: FACILITY INFORMATION

PERMITTEE: Black Hills Energy Arkansas Inc. - Lone Elm Compressor Station

AFIN: 24-00104

PERMIT NUMBER: 1450-AOP-R6

FACILITY ADDRESS: 4511 Dogwood Lane  
Ozark, AR 72949

MAILING ADDRESS: 655 East Millsap Road, Suite 104  
Fayetteville, AR 72703

COUNTY: Franklin County

CONTACT NAME: Amanda Swope

CONTACT POSITION: Environmental Professional

TELEPHONE NUMBER: (479) 582-7804

REVIEWING ENGINEER: Joseph Hurt

UTM North South (Y): Zone 15: 3932926.10 m

UTM East West (X): Zone 15: 414305.38 m

## SECTION II: INTRODUCTION

### Summary of Permit Activity

Black Hills Energy Arkansas Inc. - Lone Elm Compressor Station operates a natural gas compressor station (AFIN: 24-00104) located at 4511 Dogwood Lane, Ozark, Arkansas 72949. This permitting action is necessary to renew the facility's Title V permit. Specific Condition 6 of the previous permit has been removed as this condition is no longer required to ensure compliance with the SO<sub>2</sub> emissions. The general provisions of the permit have also been updated. The permitted emission decreases included 0.6 tpy of PM.

### Process Description

The function of the Lone Elm Compressor station is to provide compression to area natural gas producers. The station processes gas from a range of wellhead pressures to distribution pipeline requirements. In addition, gas from interstate or intrastate pipelines may be brought by pipeline to this station for processing. The entire system is composed of numerous separators, dumps, relief devices, and one natural gas fuel compressor (SN-01).

Other releases associated with the station are involved with start-up, shut-down, safety, and auxiliary systems. From time to time, natural gas may be vented to the atmosphere due to overpressure.

### Regulations

The following table contains the regulations applicable to this permit.

Regulations
Arkansas Air Pollution Control Code, Regulation 18, effective March 14, 2016
Regulations of the Arkansas Plan of Implementation for Air Pollution Control, Regulation 19, effective March 14, 2016
Regulations of the Arkansas Operating Air Permit Program, Regulation 26, effective March 14, 2016
40 C.F.R. § 63, Subpart ZZZZ – <i>National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines</i>

At the time of issuance of Permit 1450-AOP-R6, SN-01 is classified as a remote engine according 40 C.F.R § 63, Subpart ZZZZ. The facility is required to annually verify that the engine is still classified as a remote engine, see Specific Condition 9.

Black Hills Energy Arkansas Inc. - Lone Elm Compressor Station

Permit #: 1450-AOP-R6

AFIN: 24-00104

Emission Summary

The following table is a summary of emissions from the facility. This table, in itself, is not an enforceable condition of the permit.

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
Total Allowable Emissions		PM	0.2	0.6
		PM <sub>10</sub>	0.2	0.6
		PM <sub>2.5</sub>	See Note*	
		SO <sub>2</sub>	0.1	0.1
		VOC	0.5	2.2
		CO	3.0	13.0
		NO <sub>x</sub>	43.5	190.4
HAPs		Total HAPs**	0.18	0.77
		Chargeable HAPs	--	1.16E-03
01	Waukesha L7042 G 896 Hp Engine (Serial No. 385740)	PM	0.2	0.6
		PM <sub>10</sub>	0.2	0.6
		SO <sub>2</sub>	0.1	0.1
		VOC	0.5	2.2
		CO	3.0	13.0
		NO <sub>x</sub>	43.5	190.4
		Total HAPs**	0.18	0.77
		Chargeable HAPs	--	1.16E-03

\*PM<sub>2.5</sub> limits are source specific, if required. Not all sources have PM<sub>2.5</sub> limits.

\*\*HAPs included in the VOC totals. Other HAPs are not included in any other totals unless specifically stated.

### SECTION III: PERMIT HISTORY

The first permit, # 1450-A, was issued under Arkansas Regulation 19 on May 11, 1993.

Permit # 1450-AR-1 was issued on February 1, 1995 for the installation of a natural gas dehydrator reboiler.

Permit # 1450-AR-2 was issued on June 27, 1995. The modification increased the gas usage for the two natural gas dehydrator reboilers (SN-11 and SN-13).

Permit # 1450-AR-3 was issued on January 29, 1996. The modification changed the permitted emissions for two natural gas dehydrator reboilers (SN-13 and SN-15).

Permit # 1450-AOP-R0 was the first operating permit issued to Arkansas Western Gas Company- Lone Elm Compressor Station under Regulation 26. All equipment, fugitive emissions, and hazardous air pollutants were quantified. The increase in potential emissions did not trigger a PSD review, because no physical modifications have been made to the sources since the issuance of Air Permit #1450-AR-3.

Permit # 1450-AOP-R1 was issued on November 7, 2003. This permit was a renewal for a Title V operating air permit. There were no physical changes or changes in method of operation.

Permit # 1450-AOP-R2 was issued on June 13, 2008. This permit was a renewal for the Title V operating air permit # 1450-AOP-R1. There were no physical changes and no new construction or modification. However, PM/PM<sub>10</sub>, SO<sub>2</sub>, and HAP emission limits were added. Permitted PM/PM<sub>10</sub>, SO<sub>2</sub>, and HAP increased by 0.5 tpy, 0.3 tpy and 0.09 tpy, respectively.

Permit 1450-AOP-R3 was issued on November 23, 2010. This permit modification allowed the facility to retire a compressor engine and install an existing engine from the Batson Compressor Station (AFIN: 36-00161). The overall emission changes included increases of 0.7 tpy of PM, 0.1 tpy of PM<sub>10</sub> and 16.5 tpy of NO<sub>x</sub>, and decreases of 0.2 tpy of SO<sub>2</sub>, 17.2 tpy of VOC, and 180.2 tpy of CO.

Permit 1450-AOP-R4 was issued on August 26, 2013. This permitting action was necessary to renew the Title V permit and add the applicable requirements of 40 C.F.R. § 63 Subpart ZZZZ. There were no permitted emission changes associated with this modification.

Permit 1450-AOP-R5 was issued on May 23, 2017. This permitting action was necessary to change the name from SourceGas Arkansas Inc. (Lone Elm Compressor Station) to Black Hills Energy Arkansas, Inc. - Lone Elm Compressor Station. There were no permitted emission changes.

#### SECTION IV: SPECIFIC CONDITIONS

SN-01  
Waukesha 896 Hp Engine

##### Source Description

The compressor engine was built in 1984. The engine is an 896 BHP, Waukesha, Model L7042 G 4-stroke rich burn reciprocating engine.

##### Specific Conditions

1. The permittee shall not exceed the emission rates set forth in the following table. Compliance with this condition will be demonstrated by using pipeline quality natural gas fuel and operating at or less than maximum capacity. [Reg.19.501 *et seq.* and 40 C.F.R. § 52 Subpart E]

SN	Description	Pollutant	lb/hr	tpy
01	Waukesha L7042 G 896 Hp Engine (Serial No. 385740)	PM <sub>10</sub>	0.2	0.6
		SO <sub>2</sub>	0.1	0.1
		VOC	0.5	2.2
		CO	3.0	13.0
		NO <sub>x</sub>	43.5	190.4

2. The permittee shall not exceed the emission rates set forth in the following table. Compliance with this condition will be demonstrated by using pipeline quality natural gas fuel and operating at or less than maximum capacity. [Reg.18.801 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

SN	Description	Pollutant	lb/hr	tpy
01	Waukesha L7042 G 896 Hp Engine (Serial No. 385740)	PM	0.2	0.6
		Total HAPs	0.18	0.77
		Total Chargeable HAPs	--	1.16E-03

3. Visible permittee shall not exceed 5% opacity from SN-01 as measured by EPA Reference Method 9. Compliance with this Specific Condition shall be demonstrated by compliance with Specific Condition 4. [Reg.18.501 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]



Black Hills Energy Arkansas Inc. - Lone Elm Compressor Station

Permit #: 1450-AOP-R6

AFIN: 24-00104

4. Pipeline quality natural gas shall be the only fuel used to fire the compressor engine. [Reg.19.705, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 70.6]
5. The permittee shall simultaneously conduct tests for CO and NO<sub>x</sub> on the Waukesha Model L7042 G compressor engine within 180 days of issuance of permit 1450-AOP-R3, and every 60 months thereafter. The permittee last performed compliance testing on July 5, 2017. EPA Reference Method 7E shall be used to determine NO<sub>x</sub> and EPA Reference Method 10 shall be used to determine CO. Unless otherwise approved by the Department, testing shall be conducted with the source operating at least at 90% of its permitted capacity. Emission testing results shall be extrapolated to correlate with 100% of the permitted capacity to demonstrate compliance. Testing shall be conducted in accordance with Plantwide Condition 3. [Reg.19.702 and 40 C.F.R. § 52 Subpart E]
6. The permittee must install a non-resettable hour meter if one is not already installed. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
7. SN-01 is considered an affected source under 40 C.F.R. § 63, Subpart ZZZZ - *National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*, and is subject, but not limited to, Specific Conditions 8 through 19. [Reg.19.304 and 40 C.F.R. § 63, Subpart ZZZZ]

At the time of issuance of Permit 1450-AOP-R4, SN-01 was classified as a remote engine according 40 C.F.R. § 63, Subpart ZZZZ. The facility is required to annually verify that the engine is still classified as a remote engine, see Specific Condition 9.

8. If you own or operate an existing stationary RICE located at an area source of HAP emissions, you must comply with the requirements in Table 2d to 40 C.F.R. § 63, Subpart ZZZZ and the operating limitations in Table 2b to 40 C.F.R. § 63, Subpart ZZZZ that apply to you. [Reg.19.304 and §63.6603(a)]

Table 2d to 40 C.F.R. § 63, Subpart ZZZZ

For each	The permittee must meet the following requirement, except during periods of startup	During periods of startup the permittee must
SN-01	a. Change oil and filter every 2,160 hours of operation or annually, whichever comes first; <sup>1</sup>	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.
	b. Inspect spark plugs every 2,160 hours of operation or annually, whichever comes first, and replace as necessary; and.	
	c. Inspect all hoses and belts every 2,160 hours of operation or annually, whichever comes first, and replace as necessary.	

1. Sources have the option to utilize an oil analysis program as described in §63.6625(i) or (j) in order to extend the specified oil change requirement in Table 2d of 40 C.F.R. § 63, Subpart ZZZZ.

9. An existing non-emergency SI 4SLB and 4SRB stationary RICE with a site rating of more than 500 HP located at area sources of HAP must meet the definition of remote stationary RICE in § 63.6675 on the initial compliance date for the engine, October 19, 2013, in order to be considered a remote stationary RICE under 40 C.F.R. § 63, Subpart ZZZZ. Owners and operators of existing non-emergency SI 4SLB and 4SRB stationary RICE with a site rating of more than 500 HP located at area sources of HAP that meet the definition of remote stationary RICE in § 63.6675 of 40 C.F.R. § 63, Subpart ZZZZ as of October 19, 2013 must evaluate the status of their stationary RICE every 12 months. Owners and operators must keep records of the initial and annual evaluation of the status of the engine. If the evaluation indicates that the stationary RICE no longer meets the definition of remote stationary RICE in § 63.6675 of 40 C.F.R. § 63, Subpart ZZZZ, the owner or operator must comply with all of the requirements for existing non-emergency SI 4SLB and 4SRB stationary RICE with a site rating of more than 500 HP located at area sources of HAP that are not remote stationary RICE within 1 year of the evaluation. [Reg.19.304 and §63.6603(f)]
10. You must be in compliance with the emission limitations and operating limitations in 40 C.F.R. § 63, Subpart ZZZZ that apply to you at all times. [Reg.19.304 and §63.6605(a)]
11. At all times you must operate and maintain any affected source, including associated air pollution control equipment 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 you 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. [Reg.19.304 and §63.6605(b)]

12. You must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. [Reg.19.304 and §63.6625(e)]
13. If you operate a new, reconstructed, or existing stationary engine, you must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Table 2d to 40 C.F.R. § 63, Subpart ZZZZ apply. [Reg.19.304 and §63.6625(h)]
14. You must demonstrate continuous compliance with each emission limitation and operating limitation in Table 2d to 40 C.F.R. § 63, Subpart ZZZZ that apply to you according to methods specified in Table 6 to 40 C.F.R. § 63, Subpart ZZZZ. [Reg.19.304 and §63.6640(a)]
15. You must report each instance in which you did not meet each emission limitation or operating limitation in Table 2d to 40 C.F.R. § 63, Subpart ZZZZ that apply to you. These instances are deviations from the emission and operating limitations in 40 C.F.R. § 63, Subpart ZZZZ. These deviations must be reported according to the requirements in §63.6650. [Reg.19.304 and §63.6640(b)]
16. You must keep records of the maintenance conducted on the stationary RICE in order to demonstrate that you operated and maintained the stationary RICE and after-treatment control device (if any) according to your own maintenance plan if you own or operate any of the following stationary RICE;
  - a. An existing stationary RICE located at an area source of HAP emissions subject to management practices as shown in Table 2d to 40 C.F.R. § 63, Subpart ZZZZ.[Reg.19.304 and §63.6655(e)(3)]
17. You must submit all of the notifications in §§63.7(b) and (c), 63.8(e), (f)(4) and (f)(6), 63.9(b) through (e), and (g) and (h) that apply to you by the dates specified if you own or operate any of the following;

- a. An existing stationary RICE located at an area source of HAP emissions.

[Reg.19.304 and §63.6645(a)(2)]

18. If you are required to submit an Initial Notification but are otherwise not affected by the requirements of this subpart, in accordance with §63.6590(b), your notification should include the information in §63.9(b)(2)(i) through (v), and a statement that your stationary RICE has no additional requirements and explain the basis of the exclusion (for example, that it operates exclusively as an emergency stationary RICE if it has a site rating of more than 500 brake HP located at a major source of HAP emissions). [Reg.19.304 and §63.6645(f)]
19. If you must comply with the emission and operating limitations, you must keep the records described in paragraphs (a)(1) through (a)(5), (b)(1) through (b)(3) and (c) of §63.6655.
  - a. A copy of each notification and report that you submitted to comply with 40 C.F.R. § 63, Subpart ZZZZ, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirement in §63.10(b)(2)(xiv).
  - b. Records of the occurrence and duration of each malfunction of operation ( *i.e.*, process equipment) or the air pollution control and monitoring equipment.
  - c. Records of performance tests and performance evaluations as required in §63.10(b)(2)(viii).
  - d. Records of all required maintenance performed on the air pollution control and monitoring equipment.
  - e. Records of actions taken during periods of malfunction to minimize emissions in accordance with §63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

[Reg.19.304 and §63.6655(a)]

20. The permittee may replace any existing engines on a temporary or permanent basis with existing engines, defined as engines with the same requirements under 40 C.F.R. § 63, Subpart ZZZZ, which have the same or lower emission rates on a pound per hour basis, and have the same or lower horsepower, and which result in the same or lower actual emissions from the facility on pound per hour basis and which do not exceed permitted emissions on a ton per year basis, and do not violate any regulations promulgated by the EPA. The permittee shall conduct NO<sub>x</sub> and CO emission testing within 90 days of the date of replacement to verify the emissions from the newly installed engine. The testing shall be conducted in accordance with EPA Reference Method 7E for NO<sub>x</sub> and Reference Method 10 for CO. The permittee shall notify ADEQ of the replacement within 30 days of startup. This does not apply to modifications which must go through a PSD review as defined in 40 C.F.R. 52.21. Notwithstanding the above, as provided by Regulation 26, in

Black Hills Energy Arkansas Inc. - Lone Elm Compressor Station

Permit #: 1450-AOP-R6

AFIN: 24-00104

the event an emergency occurs, the permittee shall have an affirmative defense of emergency to an action brought for non-compliance with technology-based emission limitations if the conditions of Regulation 26, Section 7(f) are met. [Reg.19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

Black Hills Energy Arkansas Inc. - Lone Elm Compressor Station

Permit #: 1450-AOP-R6

AFIN: 24-00104

## SECTION V: COMPLIANCE PLAN AND SCHEDULE

Black Hills Energy Arkansas Inc. - Lone Elm Compressor Station will continue to operate in compliance with those identified regulatory provisions. The facility will examine and analyze future regulations that may apply and determine their applicability with any necessary action taken on a timely basis.

## SECTION VI: PLANTWIDE CONDITIONS

1. The permittee shall notify the Director in writing within thirty (30) days after commencing construction, completing construction, first placing the equipment and/or facility in operation, and reaching the equipment and/or facility target production rate. [Reg.19.704, 40 C.F.R. § 52 Subpart E, and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
2. If the permittee fails to start construction within eighteen months or suspends construction for eighteen months or more, the Director may cancel all or part of this permit. [Reg.19.410(B) and 40 C.F.R. § 52 Subpart E]
3. The permittee must test any equipment scheduled for testing, unless otherwise stated in the Specific Conditions of this permit or by any federally regulated requirements, within the following time frames: (1) new equipment or newly modified equipment within sixty (60) days of achieving the maximum production rate, but no later than 180 days after initial start up of the permitted source or (2) operating equipment according to the time frames set forth by the Department or within 180 days of permit issuance if no date is specified. The permittee must notify the Department of the scheduled date of compliance testing at least fifteen (15) business days in advance of such test. The permittee shall submit the compliance test results to the Department within sixty (60) calendar days after completing the testing. [Reg.19.702 and/or Reg.18.1002 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
4. The permittee must provide:
  - a. Sampling ports adequate for applicable test methods;
  - b. Safe sampling platforms;
  - c. Safe access to sampling platforms; and
  - d. Utilities for sampling and testing equipment.

[Reg.19.702 and/or Reg.18.1002 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
5. The permittee must operate the equipment, control apparatus and emission monitoring equipment within the design limitations. The permittee shall maintain the equipment in good condition at all times. [Reg.19.303 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
6. This permit subsumes and incorporates all previously issued air permits for this facility. [Reg. 26 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

## SECTION VII: INSIGNIFICANT ACTIVITIES

The Department deems the following types of activities or emissions as insignificant on the basis of size, emission rate, production rate, or activity in accordance with Group A of the Insignificant Activities list found in Regulation 18 and Regulation 19 Appendix A. Group B insignificant activities may be listed but are not required to be listed in permits. Insignificant activity emission determinations rely upon the information submitted by the permittee in an application dated February 20, 2018. [Reg.26.304 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

Description	Category
Used Oil Drum	A-2
T-2 Lube Oil Storage Tank (550 gallon capacity)	A-3
T-1 Produced Water Storage Tank (8,400 gallon capacity)	A-3
Blowdowns	A-13
Fugitive Emissions	A-13



## SECTION VIII: GENERAL PROVISIONS

1. Any terms or conditions included in this permit which specify and reference Arkansas Pollution Control & Ecology Commission Regulation 18 or the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*) as the sole origin of and authority for the terms or conditions are not required under the Clean Air Act or any of its applicable requirements, and are not federally enforceable under the Clean Air Act. Arkansas Pollution Control & Ecology Commission Regulation 18 was adopted pursuant to the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*). Any terms or conditions included in this permit which specify and reference Arkansas Pollution Control & Ecology Commission Regulation 18 or the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*) as the origin of and authority for the terms or conditions are enforceable under this Arkansas statute. [40 C.F.R. § 70.6(b)(2)]
2. This permit shall be valid for a period of five (5) years beginning on the date this permit becomes effective and ending five (5) years later. [40 C.F.R. § 70.6(a)(2) and Reg.26.701(B)]
3. The permittee must submit a complete application for permit renewal at least six (6) months before permit expiration. Permit expiration terminates the permittee's right to operate unless the permittee submitted a complete renewal application at least six (6) months before permit expiration. If the permittee submits a complete application, the existing permit will remain in effect until the Department takes final action on the renewal application. The Department will not necessarily notify the permittee when the permit renewal application is due. [Reg.26.406]
4. Where an applicable requirement of the Clean Air Act, as amended, 42 U.S.C. 7401, *et seq.* (Act) is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act, the permit incorporates both provisions into the permit, and the Director or the Administrator can enforce both provisions. [40 C.F.R. § 70.6(a)(1)(ii) and Reg.26.701(A)(2)]
5. The permittee must maintain the following records of monitoring information as required by this permit.
  - a. The date, place as defined in this permit, and time of sampling or measurements;
  - b. The date(s) analyses performed;
  - c. The company or entity performing the analyses;
  - d. The analytical techniques or methods used;
  - e. The results of such analyses; and
  - f. The operating conditions existing at the time of sampling or measurement.

[40 C.F.R. § 70.6(a)(3)(ii)(A) and Reg.26.701(C)(2)]

6. The permittee must retain the records of all required monitoring data and support information for at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support 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. [40 C.F.R. § 70.6(a)(3)(ii)(B) and Reg.26.701(C)(2)(b)]
7. The permittee must submit reports of all required monitoring every six (6) months. If the permit establishes no other reporting period, the reporting period shall end on the last day of the month six months after the issuance of the initial Title V permit and every six months thereafter. The report is due on the first day of the second month after the end of the reporting period. The first report due after issuance of the initial Title V permit shall contain six months of data and each report thereafter shall contain 12 months of data. The report shall contain data for all monitoring requirements in effect during the reporting period. If a monitoring requirement is not in effect for the entire reporting period, only those months of data in which the monitoring requirement was in effect are required to be reported. The report must clearly identify all instances of deviations from permit requirements. A responsible official as defined in Reg.26.2 must certify all required reports. The permittee will send the reports to the address below:

Arkansas Department of Environmental Quality  
Office of Air Quality  
ATTN: Compliance Inspector Supervisor  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

[40 C.F.R. § 70.6(a)(3)(iii)(A) and Reg.26.701(C)(3)(a)]

8. The permittee shall report to the Department all deviations from permit requirements, including those attributable to upset conditions as defined in the permit.
  - a. For all upset conditions (as defined in Reg.19.601), the permittee will make an initial report to the Department by the next business day after the discovery of the occurrence. The initial report may be made by telephone and shall include:
    - i. The facility name and location;
    - ii. The process unit or emission source deviating from the permit limit;
    - iii. The permit limit, including the identification of pollutants, from which deviation occurs;
    - iv. The date and time the deviation started;
    - v. The duration of the deviation;
    - vi. The emissions during the deviation;
    - vii. The probable cause of such deviations;
    - viii. Any corrective actions or preventive measures taken or being taken to prevent such deviations in the future; and

ix. The name of the person submitting the report.

The permittee shall make a full report in writing to the Department within five (5) business days of discovery of the occurrence. The report must include, in addition to the information required by the initial report, a schedule of actions taken or planned to eliminate future occurrences and/or to minimize the amount the permit's limits were exceeded and to reduce the length of time the limits were exceeded. The permittee may submit a full report in writing (by facsimile, overnight courier, or other means) by the next business day after discovery of the occurrence, and the report will serve as both the initial report and full report.

- b. For all deviations, the permittee shall report such events in semi-annual reporting and annual certifications required in this permit. This includes all upset conditions reported in 8a above. The semi-annual report must include all the information as required by the initial and full reports required in 8a.

[Reg.19.601, Reg.19.602, Reg.26.701(C)(3)(b), and 40 C.F.R. § 70.6(a)(3)(iii)(B)]

9. If any provision of the permit or the application thereof to any person or circumstance is held invalid, such invalidity will not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end, provisions of this Regulation are declared to be separable and severable. [40 C.F.R. § 70.6(a)(5), Reg.26.701(E), and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
10. The permittee must comply with all conditions of this Part 70 permit. Any permit noncompliance with applicable requirements as defined in Regulation 26 constitutes a violation of the Clean Air Act, as amended, 42 U.S.C. § 7401, *et seq.* and is grounds for enforcement action; for permit termination, revocation and reissuance, for permit modification; or for denial of a permit renewal application. [40 C.F.R. § 70.6(a)(6)(i) and Reg.26.701(F)(1)]
11. 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 to maintain compliance with the conditions of this permit. [40 C.F.R. § 70.6(a)(6)(ii) and Reg.26.701(F)(2)]
12. The Department may modify, revoke, reopen and reissue the permit or terminate the permit for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [40 C.F.R. § 70.6(a)(6)(iii) and Reg.26.701(F)(3)]
13. This permit does not convey any property rights of any sort, or any exclusive privilege. [40 C.F.R. § 70.6(a)(6)(iv) and Reg.26.701(F)(4)]

14. The permittee must furnish to the Director, within the time specified by the Director, any information that the Director 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 must also furnish to the Director copies of records required by the permit. For information the permittee claims confidentiality, the Department may require the permittee to furnish such records directly to the Director along with a claim of confidentiality. [40 C.F.R. § 70.6(a)(6)(v) and Reg.26.701(F)(5)]
15. The permittee must pay all permit fees in accordance with the procedures established in Regulation 9. [40 C.F.R. § 70.6(a)(7) and Reg.26.701(G)]
16. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes provided for elsewhere in this permit. [40 C.F.R. § 70.6(a)(8) and Reg.26.701(H)]
17. If the permit allows different operating scenarios, the permittee shall, contemporaneously with making a change from one operating scenario to another, record in a log at the permitted facility a record of the operational scenario. [40 C.F.R. § 70.6(a)(9)(i) and Reg.26.701(I)(1)]
18. The Administrator and citizens may enforce under the Act all terms and conditions in this permit, including any provisions designed to limit a source's potential to emit, unless the Department specifically designates terms and conditions of the permit as being federally unenforceable under the Act or under any of its applicable requirements. [40 C.F.R. § 70.6(b) and Reg.26.702(A) and (B)]
19. Any document (including reports) required by this permit pursuant to 40 C.F.R. § 70 must contain a certification by a responsible official as defined in Reg.26.2. [40 C.F.R. § 70.6(c)(1) and Reg.26.703(A)]
20. The permittee must allow an authorized representative of the Department, upon presentation of credentials, to perform the following: [40 C.F.R. § 70.6(c)(2) and Reg.26.703(B)]
  - a. Enter upon the permittee's premises where the permitted source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
  - b. Have access to and copy, at reasonable times, any records required under the conditions of this permit;
  - c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
  - d. As authorized by the Act, sample or monitor at reasonable times substances or parameters for assuring compliance with this permit or applicable requirements.

21. The permittee shall submit a compliance certification with the terms and conditions contained in the permit, including emission limitations, standards, or work practices. The permittee must submit the compliance certification annually. If the permit establishes no other reporting period, the reporting period shall end on the last day of the anniversary month of the initial Title V permit. The report is due on the first day of the second month after the end of the reporting period. The permittee must also submit the compliance certification to the Administrator as well as to the Department. All compliance certifications required by this permit must include the following: [40 C.F.R. § 70.6(c)(5) and Reg.26.703(E)(3)]
  - a. The identification of each term or condition of the permit that is the basis of the certification;
  - b. The compliance status;
  - c. Whether compliance was continuous or intermittent;
  - d. The method(s) used for determining the compliance status of the source, currently and over the reporting period established by the monitoring requirements of this permit; and
  - e. Such other facts as the Department may require elsewhere in this permit or by § 114(a)(3) and § 504(b) of the Act.
22. Nothing in this permit will alter or affect the following: [Reg.26.704(C)]
  - a. The provisions of Section 303 of the Act (emergency orders), including the authority of the Administrator under that section;
  - b. The liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance;
  - c. The applicable requirements of the acid rain program, consistent with § 408(a) of the Act; or
  - d. The ability of EPA to obtain information from a source pursuant to § 114 of the Act.
23. This permit authorizes only those pollutant emitting activities addressed in this permit. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

24. The permittee may request in writing and at least 15 days in advance of the deadline, an extension to any testing, compliance or other dates in this permit. No such extensions are authorized until the permittee receives written Department approval. The Department may grant such a request, at its discretion in the following circumstances:
- a. Such an extension does not violate a federal requirement;
  - b. The permittee demonstrates the need for the extension; and
  - c. The permittee documents that all reasonable measures have been taken to meet the current deadline and documents reasons it cannot be met.

[Reg.18.314(A), Reg.19.416(A), Reg.26.1013(A), Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

25. The permittee may request in writing and at least 30 days in advance, temporary emissions and/or testing that would otherwise exceed an emission rate, throughput requirement, or other limit in this permit. No such activities are authorized until the permittee receives written Department approval. Any such emissions shall be included in the facility's total emissions and reported as such. The Department may grant such a request, at its discretion under the following conditions:
- a. Such a request does not violate a federal requirement;
  - b. Such a request is temporary in nature;
  - c. Such a request will not result in a condition of air pollution;
  - d. The request contains such information necessary for the Department to evaluate the request, including but not limited to, quantification of such emissions and the date/time such emission will occur;
  - e. Such a request will result in increased emissions less than five tons of any individual criteria pollutant, one ton of any single HAP and 2.5 tons of total HAPs; and
  - f. The permittee maintains records of the dates and results of such temporary emissions/testing.

[Reg.18.314(B), Reg.19.416(B), Reg.26.1013(B), Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

26. The permittee may request in writing and at least 30 days in advance, an alternative to the specified monitoring in this permit. No such alternatives are authorized until the permittee receives written Department approval. The Department may grant such a request, at its discretion under the following conditions:
- a. The request does not violate a federal requirement;
  - b. The request provides an equivalent or greater degree of actual monitoring to the current requirements; and
  - c. Any such request, if approved, is incorporated in the next permit modification application by the permittee.

[Reg.18.314(C), Reg.19.416(C), Reg.26.1013(C), Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

27. Any credible evidence based on sampling, monitoring, and reporting may be used to determine violations of applicable emission limitations. [Reg.18.1001, Reg.19.701, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]