



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, ID 83706 • (208) 373-0502  
www.deq.idaho.gov

Brad Little, Governor  
Jess Byrne, Director

December 9, 2020

Dylan Seff, Vice President  
West Point RNG, LLC  
c/o Camco  
333 Perry Street, Ste. 301  
Castle Rock, CO 80104

RE: Facility ID No. 047-00040, West Point RNG, LLC, Wendell  
Final Permit Letter

Dear Dylan Seff:

The Department of Environmental Quality (DEQ) is issuing Permit to Construct (PTC) No. P-2020.0021 Project 62460 to West Point RNG, LLC located at Wendell for dairy digester, biogas engines, and flare. This PTC is issued in accordance with IDAPA 58.01.01.200 through 228 (Rules for the Control of Air Pollution in Idaho) and is based on the certified information provided in your PTC application received May 26, 2020.

This permit is effective immediately. This permit does not release West Point RNG, LLC from compliance with all other applicable federal, state, or local laws, regulations, permits, or ordinances. Pursuant to the Construction and Operation Notification General Provision of your permit, it is required that construction and operation notification be provided. Please provide this information as listed to DEQ's Twin Falls Regional Office, 650 Addison Avenue West, Suite 110, Twin Falls ID, 83301, Fax (208) 736-2194.

In order to fully understand the compliance requirements of this permit, as requested, Bobby Dye, Air Quality and Remediation Manager, at (208) 736-2190, will schedule a permit handoff meeting to review and discuss the terms and conditions of this permit. Please note that this meeting should be scheduled once the permitted emissions units are operating and some representative records required by the permit have been generated by the facility. DEQ recommends that the following representatives attend the meeting: your facility's plant manager, responsible official, environmental contact, and any other staff responsible for day-to-day compliance with permit conditions.

Pursuant to IDAPA 58.01.23, you, as well as any other entity, may have the right to appeal this final agency action within 35 days of the date of this decision. However, prior to filing a petition for a contested case, I encourage you to contact Chris Duerschner at (208) 373-0502 or Chris.Duerschner@deq.idaho.gov to address any questions or concerns you may have with the enclosed permit.

Sincerely,

A handwritten signature in black ink that reads "Mike Simon".

Mike Simon  
Stationary Source Bureau Chief  
Air Quality Division

MS\cd

Permit No. P-2020.0021 PROJ 62460  
Enclosures

# Air Quality

## PERMIT TO CONSTRUCT

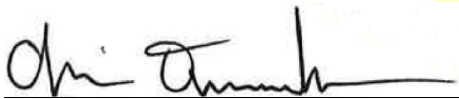
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**Permittee** West Point RNG, LLC  
**Permit Number** P-2020.0021  
**Project ID** 62460  
**Facility ID** 047-00040  
**Facility Location** 1449 East 3100 South  
Wendell, Idaho 83355

### Permit Authority

This permit (a) is issued according to the “Rules for the Control of Air Pollution in Idaho” (Rules), IDAPA 58.01.01.200–228; (b) pertains only to emissions of air contaminants regulated by the State of Idaho and to the sources specifically allowed to be constructed or modified by this permit; (c) has been granted on the basis of design information presented with the application; (d) does not affect the title of the premises upon which the equipment is to be located; (e) does not release the permittee from any liability for any loss due to damage to person or property caused by, resulting from, or arising out of the design, installation, maintenance, or operation of the proposed equipment; (f) does not release the permittee from compliance with other applicable federal, state, tribal, or local laws, regulations, or ordinances; and (g) in no manner implies or suggests that the Idaho Department of Environmental Quality (DEQ) or its officers, agents, or employees assume any liability, directly or indirectly, for any loss due to damage to person or property caused by, resulting from, or arising out of design, installation, maintenance, or operation of the proposed equipment. Changes in design, equipment, or operations may be considered a modification subject to DEQ review in accordance with IDAPA 58.01.01.200–228.

**Date Issued** December 9, 2020



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Chris Duerschner, Permit Writer



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Mike Simon, Stationary Source Bureau Chief

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# 1 Permit Scope

## Purpose

- 1.1 This is an initial permit to construct (PTC) for a dairy digester and generating station burning the digester produced biogas. The permitted equipment includes two IC engines, a flare, and an H<sub>2</sub>S scrubber.

## Regulated Sources

Table 1.1 lists all sources of regulated emissions in this permit.

**Table 1.1 Regulated Sources**

Permit Section	Source	Control Equipment
2	<u>Anaerobic Digester:</u> Maximum Biogas Produced: 936,000 scf/day	<u>H<sub>2</sub>S Scrubber:</u> Manufacturer: Biogasclean or equivalent Type: TBD
2	<u>IC Engine 1:</u> Manufacturer: Caterpillar Model: G3520C Manufacture Date: 2011 Maximum rated horsepower: 2110 bhp Fuel: Digester biogas	None
2	<u>IC Engine 2:</u> Manufacturer: Caterpillar Model: G3520C Manufacture Date: 2011 Maximum rated horsepower: 2110 bhp Fuel: Digester biogas	None
2	<u>Flare 1:</u> Manufacturer: Regenix/Andgar Manufacture Date: 2020 Maximum Capacity: 42,000 SCF/hr 23.4 MMBTU/hr	None

## 2 Anaerobic Digester, IC Engines, Flare, H<sub>2</sub>S Scrubber

### 2.1 Process Description

West Point RNG, LLC operates an anaerobic digester and biogas system at the West Point Farms in Wendell, Idaho. Manure from the dairy will be pumped into the anaerobic digester where the naturally occurring digestion process will result in the production of biogas. Biogas will be collected from the anaerobic digester, treated for hydrogen sulfide (H<sub>2</sub>S), and used as fuel in reciprocating internal combustion (IC) engines used to power electrical generators. Excess gas or gas produced during periods of maintenance will be sent to a flare for oxidation release to the air.

### 2.2 Control Device Descriptions

**Table 2.1 Anaerobic Digester, IC Engines, and Flare Description**

Emissions Units / Processes	Control Devices	Emission Points
Anaerobic Digester	H <sub>2</sub> S Scrubber, Two IC Engines, and a Flare	N/A
IC Engines (ICE-1 and ICE-2)	None	IC Engine exhaust stacks
Flare 1	None	Flare Exhaust

## Emission Limits

### 2.3 Emission Limits

The emissions from the IC Engine 1 or IC Engine 2 stacks shall not exceed any corresponding emissions rate limits listed in Table 2.2.

**Table 2.2 IC Engines Emission Limits<sup>(a)</sup>**

Source Description	NO <sub>x</sub>		CO	
	lb/hr <sup>(c)</sup>	T/yr <sup>(d)</sup>	lb/hr <sup>(c)</sup>	T/yr <sup>(d)</sup>
IC Engine 1	4.65	40.74	4.30	37.6
IC Engine 2	4.65		4.30	

- In absence of any other credible evidence, compliance is ensured by complying with permit operating, monitoring, and record keeping requirements.
- Particulate matter with an aerodynamic diameter less than or equal to a nominal two point five (2.5) and ten (10) micrometers, including condensable particulate as defined in IDAPA 58.01.01.006.
- Pounds per hour, as determined by a test method prescribed by IDAPA 58.01.01.157, EPA reference test method, continuous emission monitoring system (CEMS) data, or DEQ-approved alternative.
- Tons per any consecutive 12-calendar month period.

### 2.4 H<sub>2</sub>S Concentration Limit

The concentration of hydrogen sulfide (H<sub>2</sub>S) in the biogas entering the IC Engines or the flare shall not exceed 800 ppmv.

### 2.5 40 CFR 60, Subpart JJJJ – Emission Standards for Owners and Operators of Stationary Spark Ignition Internal Combustion Engines

In accordance with 40 CFR 60.4233(e) and Table 1 of 40 CFR 60, Subpart JJJJ, the permittee shall comply with the following emission standards for IC engines firing on digester gas:

**Table 2.3 40 CFR 60, Subpart JJJJ Emission Standards**

Source Description	Maximum Engine Horsepower (bhp)	Manufacture Date	Emission Standard <sup>(a)</sup>					
			g/bhp-hr			ppmvd at 15% O <sub>2</sub>		
			NO <sub>x</sub>	CO	VOC <sup>(b)</sup>	NO <sub>x</sub>	CO	VOC <sup>(b)</sup>
Landfill/Digester Gas (except lean burn 500 ≤ HP < 1,350)	HP ≥ 500	7/1/2008	2.0	5.0	1.0	150	610	80

- a) Owners and operators of stationary non-certified spark ignition IC engines may choose to comply with the emission standards in units of either g/bhp-hr or ppmvd at 15% O<sub>2</sub>.
- b) When calculating emissions of volatile organic compounds, emission of formaldehyde should not be included.

**2.6 Opacity Limit**

Emissions from the IC Engine 1 or IC engine 2 stack, or any other stack, vent, or functionally equivalent opening associated with either IC Engine, shall not exceed 20% opacity for a period or periods aggregating more than three minutes in any 60-minute period as required by IDAPA 58.01.01.625. Opacity shall be determined by the procedures contained in IDAPA 58.01.01.625.

**2.7 Odors**

The permittee shall not allow, suffer, cause, or permit the emission of odorous gasses, liquids, or solids to the atmosphere in such quantities as to cause air pollution in accordance with IDAPA 58.01.01.775.

**2.8 Standards for New Sources**

The permittee shall not discharge into the atmosphere particulate matter in excess of 0.015 gr/dscf corrected to 3% oxygen by volume from either IC Engine stack or from the biogas flare in accordance with IDAPA 58.01.01.676.

**2.9 Biogas Production**

The amount of biogas produced by the anaerobic digester shall not exceed 936,000 standard cubic feet per day.

**Operating Requirements**

**2.10 40 CFR 60, Subpart JJJJ – Compliance Requirements for Owners and Operators of Stationary Spark Ignition Internal Combustion Engines**

In accordance with 40 CFR 60.4234, the permittee must operate and maintain the engines that achieve these emission standards in the 40 CFR 60, Subpart JJJJ – Emission Standards for Owners and Operators of Stationary Spark Ignition Internal Combustion Engines permit condition over the entire life of the engine.

**2.11 Flare Automatic Ignition**

The permittee shall install, maintain, and operate a flare that shall be operated with an automatic spark ignition system. The permittee shall install a thermocouple or similar device that detects the presence of a flame in the biogas flare when combustible gasses are vented through the flare. In the event of a failure of the automatic ignition system, the permittee shall follow a standard operating procedure to reignite the pilot flame as quickly as possible.

**2.12 H<sub>2</sub>S Scrubber Maintenance Requirements**

The permittee shall maintain the H<sub>2</sub>S scrubber in accordance with the manufacturer’s written instructions.

### **2.13 Biogas Combustion**

All facility generated biogas shall be either

- Directed to the IC Engine 1, IC Engine 2, or Flare 1 for combustion, or
- Transported off site.

### **2.14 Fuel Usage Restriction**

The IC Engines and flare shall be fired exclusively using biogas produced on-site by the anaerobic digester.

### **2.15 Biogas Flowmeters**

The permittee shall install, calibrate, maintain, and operate biogas flow meters that shall be placed before each combustion source. The biogas flow meters shall be installed, operated, and maintained in accordance with the O&M manual and the manufacturer specifications. Calibration of the biogas flow meters shall be performed and recorded in accordance with the O&M manual.

## **Monitoring and Recordkeeping Requirements**

### **2.16 Biogas H<sub>2</sub>S Concentration Monitoring and Recordkeeping Requirement**

Unless an alternative monitoring and recordkeeping requirement is approved by DEQ, the permittee shall comply with the following requirements to determine the concentration of H<sub>2</sub>S in the gas stream produced by the anaerobic digester:

- The permittee shall install, calibrate, maintain, and operate an H<sub>2</sub>S gas concentration monitor that shall be placed downstream of the H<sub>2</sub>S scrubber, and upstream of the IC engines, and the flare, to measure the H<sub>2</sub>S concentration of the biogas. The monitor shall be installed in accordance with the O&M manual and the manufacturer specifications.
- Calibration of the H<sub>2</sub>S concentration monitor shall be performed no less frequently than semi-annually and recorded in accordance with the O&M manual.
- The H<sub>2</sub>S concentrations from the monitor shall be recorded once per week.
- Monitoring and recordkeeping of H<sub>2</sub>S concentration shall occur weekly during operation of the digester. Monthly monitoring may be conducted in lieu of weekly monitoring, provided that 24 consecutive weeks of monitoring show that the measured H<sub>2</sub>S concentration does not equal or exceed 90% of the limit provided in the H<sub>2</sub>S Concentration Limit permit condition. If any measured H<sub>2</sub>S concentration during monthly monitoring equals or exceeds 90% of the limit provided in the H<sub>2</sub>S Concentration Limit permit condition, then the monitoring frequency shall revert to weekly until 24 consecutive weeks of monitoring do not equal or exceed 90% of the limit provided in the H<sub>2</sub>S Concentration Limit permit condition. Records of this information shall be maintained on site and shall be made available to DEQ representatives upon request and in accordance with the General Provisions.

### **2.17 Biogas Production Recordkeeping**

Each day, the permittee shall monitor and record the amount of biogas, in standard cubic feet per day that passes through each flow meter required by the Biogas Flowmeters permit condition. Total biogas production shall be determined by summing the flow through each required flowmeter to demonstrate compliance with the Biogas Production permit condition. Records of this information shall be maintained in accordance with the General Provisions.

## **2.18 IC Engine Power Output Monitoring and Recordkeeping Requirement**

The permittee shall maintain records for each IC Engine of the total kilowatt-hour output each calendar month.

## **2.19 Operations and Maintenance Manual Requirement**

The permittee shall operate the anaerobic digester, the H<sub>2</sub>S scrubber, the two IC engines, and the flare according to the O&M manual specifications and recommendations for each piece of equipment. At a minimum, the following shall be included in the O&M manual:

- Biogas Flow Meters
  - Standard operational procedure for flow-rate sampling
  - Frequency and method of calibration
  - Operational maintenance plan
  - Procedures for upset/breakdown conditions and for correcting equipment malfunctions, and
  - Maximum flow rate
- H<sub>2</sub>S Concentration Monitor
  - Standard operating procedures for H<sub>2</sub>S concentration sampling,
  - Frequency and method of calibration,
  - Operational maintenance plan,
  - Procedures for upset/breakdown conditions and for correcting equipment malfunctions, and
  - Maximum H<sub>2</sub>S concentration.
- H<sub>2</sub>S Scrubber
  - Operate according to manufacturer recommendations,
  - Frequency and method of calibration,
  - Operational maintenance plan, and
  - Procedures for upset/breakdown conditions and for correcting equipment malfunctions.
- Flare Ignition System
  - Method of ensuring continuous operation,
  - Operational maintenance,
  - Procedures for upset/breakdown conditions and for correcting equipment malfunctions.

The contents of the O&M manual shall be based on manufacturer's specifications for each piece of equipment. A copy of the manufacturer's recommendations shall be included with the O&M manual, and both shall be made available to DEQ representatives upon request.

The operation and monitoring requirements specified in the O&M manual are incorporated by reference to this permit and are enforceable permit conditions.

## **2.20 Visible Emissions Monitoring**

The permittee shall conduct monthly facility-wide inspections of potential sources of visible emissions, during daylight hours and under normal operating conditions. The visible emissions inspection shall consist of a see/no see evaluation for each potential source. If any visible emissions are present from any point of emission, the permittee shall either take appropriate corrective action as expeditiously as practicable, or perform a Method 9 opacity test in accordance with the procedures outlined in IDAPA 58.01.01.625. A minimum of 30 observations



shall be recorded when conducting the opacity test. If opacity is greater than 20% for a period or periods aggregating more than three minutes in any 60-minute period, the permittee shall take all necessary corrective action and report the exceedance in accordance with IDAPA 58.01.01.130-136. The permittee shall maintain records of the results of each visible emissions inspection and each opacity test when conducted. The records shall include, at a minimum, the date and results of each inspection and test and a description of the following: the permittee's assessment of the conditions existing at the time visible emissions are present (if observed), any corrective action taken in response to the visible emissions, and the date corrective action was taken.

## **2.21 Odor Complaints**

The permittee shall maintain records of all odor complaints received to demonstrate compliance with the Odors Permit Condition. The permittee shall take appropriate corrective action as expeditiously as practicable. The records shall include, at a minimum, the date each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.

## **2.22 40 CFR 60, Subpart JJJJ – Compliance Requirements for Owners and Operators of Stationary Spark Ignition Internal Combustion Engines**

In accordance with 40 CFR 60.4243(b)(2)(ii), the permittee shall comply with the following requirements:

- Keep a maintenance plan and records of conducted maintenance, and to the extent practicable, maintain and operate IC Engine 1 and 2 in a manner consistent with good air pollution control practice for minimizing emissions
- Conduct an initial performance test within 60 days after achieving the maximum production rate at which the IC Engine 1 and 2 will be operated, but not later than 180 days after initial startup and conduct subsequent performance testing every 8,760 hours of each IC Engine's operation or 3 years, whichever comes first.

## **Performance Testing Requirements**

### **2.23 40 CFR 60, Subpart JJJJ – Test Methods and Procedures for Owners and Operators of Stationary Spark Ignition Internal Combustion Engines**

The permittee shall conduct performance testing in accordance with the requirements of 40 CFR 60.4244, summarized below:

- Each performance test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and according to the requirements of §60.8 and under the specific conditions that are specified by Table 2 of 40 CFR 60, Subpart JJJJ.
- A valid performance test cannot be conducted during periods of startup, shutdown, or malfunction.
- The permittee shall conduct three separate test runs for each performance test required in §60.4244, as specified in 40 CFR.8(f). Each test run must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and last at least one hour.
- To determine compliance with the mass per unit output emissions limitations, the permittee shall use the equations provided in 40 CFR 60.4244(d) through (g).

### **2.24 NO<sub>x</sub> and CO Performance Testing**

Each time an emission test is conducted in accordance with 40 CFR 60 Subpart JJJJ the permittee shall calculate the emission rates of NO<sub>x</sub> and CO in pounds per hour to demonstrate compliance with the pound per hour emission limits provided in Table 2.2.

Compliance with the CO and NO<sub>x</sub> 12-calendar month limits in Table 2.2 shall be determined each month by means of engine-specific emission factors based on the most recent DEQ approved emission test. The emission factor calculation and 12-month emission value shall be calculated using the following three equations:

- Equation 1: Determine Engine Specific Pollutant Emissions Factors

$$EF_n = \frac{P_{lb/hr}}{L}$$

n = engine unit number (1 or 2)

P<sub>lb/hr</sub> = Pollutant (NO<sub>x</sub> or CO) emission rate in pounds per hour measured during the most recent test.

L = Engine load in kW measured during the most recent test.

- Equation 2: Determine Total Pounds of Pollutant Emitted each Month

$$P_{lb/mo,m} = \sum_{n=1}^2 [EF_n * kWh_n]$$

kWh<sub>n</sub> = The total monthly kilowatt-hours for engine 'n'.

- Equation 3: Determine Emissions during the Previous Consecutive 12-month Period

$$\text{Emission per consecutive 12 month period} = 0.0005 * \sum_{m=1}^{12} P_{lb/mo,m}$$

## Reporting Requirements

### 2.25 40 CFR 60, Subpart JJJJ – Notification, Reporting, and Recordkeeping Requirements for Owners and Operators of Stationary Spark Ignition Internal Combustion Engines

In accordance with 40 CFR 60.4245(a), the permittee shall keep records of the following information:

- All notifications submitted to demonstrate compliance with a requirement in 40 CFR, Subpart JJJJ.
- Records of maintenance conducted on IC Engine 1 or 2.
- Documentation that each IC Engine meets the emission standards of 40 CFR, Subpart JJJJ.

In accordance with 40 CFR 60.4245(c), the permittee shall submit an initial notification of the date construction is commenced postmarked no later than 30 days after such date. The notification shall include the following information:

- Name and address of the owner and operator;
- Address of the affected source;
- Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;
- Emission control equipment; and
- Fuel used.

In accordance with 40 CFR 60.4245(d), the permittee shall submit a copy of each performance test report within 60 days after the test has been completed. Performance test reports using EPA method 18, EPA method 320, or ASTM D6348-03 to measure VOC require reporting of all QA/QC data. For method 18, report results from sections 8.4 and 11.11.1.4; for method 320,

report results from sections 8.6.2, 9.0, and 13.0; and for ASTM D6348-03 report results of all QA/QC procedures in Annexes 1-7.

**2.26 NSPS 40 CFR 60, Subpart A – General Provisions**

The permittee shall comply with the requirements of 40 CFR 60, Subpart A – General Provisions. These requirements are summarized in the following table. These summaries are provided to aid the permittee in understanding the general requirements and to highlight the notification and recordkeeping requirements of 4 CFR 60 for affected facilities. These summaries do not relieve the permittee from the responsibility to comply with all applicable requirements of the CFR, and they are not intended to be a comprehensive listing of all requirements that may apply.

**Table 2.4 40 CFR 60, Subpart A – Summary of General Provisions for Owners and Operators of Affected Facilities**

Section	Subject	Summary of Section Requirements			
60.4	Address	<p>All requests, reports, applications, submittals, and other communications associated with 40 CFR 60, Subpart JJJJ shall be submitted to:</p> <p>Department of Environmental Quality Twin Falls Regional Office 650 Addison Avenue West, Suite 110 Twin Falls, ID 83301</p> <p>All requests, reports, applications, submittals, and other communications associated with 40 CFR, Subpart A shall be submitted to:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     Director Air and Waste Management Division EPA Region X 1200 Sixth Avenue OAQ-107 Seattle, WA 98101                 </td> <td style="width: 10%; border: none; text-align: center;">and</td> <td style="width: 40%; border: none;">                     Department of Environmental Quality Twin Falls Regional Office 650 Addison Avenue West, Suite 110 Twin Falls, ID 83301                 </td> </tr> </table>	Director Air and Waste Management Division EPA Region X 1200 Sixth Avenue OAQ-107 Seattle, WA 98101	and	Department of Environmental Quality Twin Falls Regional Office 650 Addison Avenue West, Suite 110 Twin Falls, ID 83301
Director Air and Waste Management Division EPA Region X 1200 Sixth Avenue OAQ-107 Seattle, WA 98101	and	Department of Environmental Quality Twin Falls Regional Office 650 Addison Avenue West, Suite 110 Twin Falls, ID 83301			
60.7(a), (b), and (f)	Notification and Recordkeeping	<ul style="list-style-type: none"> <li>• Notification shall be furnished of commencement of construction postmarked no later than 30 days after such date.</li> <li>• Notification shall be furnished of initial startup postmarked within 15 days of such date.</li> <li>• Notification shall be furnished of any physical or operational change that may increase emissions postmarked 60 days before the change is made.</li> <li>• Records shall be maintained of the occurrence and duration of any startup, shutdown, or malfunction.</li> <li>• Records shall be maintained, in a permanent form suitable for inspection, of all measurements, performance testing measurements, calibration checks, adjustments and maintenance performed, and other required information. Records shall be maintained for a period of two years following the date of such measurements, maintenance, reports, and records.</li> </ul>			
60.8	Performance Tests	<ul style="list-style-type: none"> <li>• Within 60 days after achieving maximum production, but not later than 180 days after initial startup, performance test(s) shall be conducted and a written report of the results of such test(s) furnished.</li> <li>• Performance tests shall be conducted and data reduced in accordance 40 CFR 60.8(b), (c), and (d).</li> <li>• Performance tests shall be conducted under such representative operating conditions, as specified by the administrator. Records shall be made available as necessary to determine the conditions of the performance tests.</li> <li>• At least 30 days prior notice of any performance test shall be provided to afford the opportunity to have an observer to be present.</li> <li>• Performance testing facilities shall be provided as follows:                         <ul style="list-style-type: none"> <li>○ Sampling ports adequate for the test methods applicable to such facility</li> <li>○ Safe sampling platform(s)</li> <li>○ Safe access to sampling platform(s)</li> <li>○ Utilities for sampling and testing equipment</li> </ul> </li> </ul>			
60.11(a), (d),	Compliance with Standards and Maintenance Requirements	<ul style="list-style-type: none"> <li>• When performance tests are required, compliance with standards is determined by the methods and procedures established by 40 CFR 60.8, unless otherwise specified in the applicable subpart.</li> <li>• At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.</li> <li>• For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard, 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 of compliance test or procedure had been performed.</li> </ul>			
60.12	Circumvention	<ul style="list-style-type: none"> <li>• No permittee shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard.</li> </ul>			
60.14	Modification	<ul style="list-style-type: none"> <li>• A physical or operational change which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification, and upon modification an existing facility shall become an affected facility in accordance with the requirements and exemptions in 40 CFR 60.14.</li> <li>• Within 180 days of the completion of any physical or operational change, compliance with all applicable standards must be achieved.</li> </ul>			
60.15	Reconstruction	<ul style="list-style-type: none"> <li>• An existing facility, upon reconstruction, becomes an affected facility, irrespective of any change in emission rate.</li> </ul>			

## **2.27 Incorporation of Federal Requirements by Reference**

Unless expressly provided otherwise, any reference in this permit to any document identified in IDAPA 58.01.01.107.03 shall constitute the full incorporation into this permit of that document for the purposes of the reference, including any notes and appendices therein. Documents include, but are not limited to:

- Standards of Performance for New Stationary Sources (NSPS), 40 CFR 60, Subpart JJJJ.

For permit conditions referencing or cited in accordance with any document incorporated by reference (including permit conditions identified as NESHAP), should there be any conflict between the requirements of the permit condition and the requirements of the document, the requirements of the document shall govern, including any amendments to that regulation.

### 3 General Provisions

#### General Compliance

3.1 The permittee has a continuing duty to comply with all terms and conditions of this permit. All emissions authorized herein shall be consistent with the terms and conditions of this permit and the “Rules for the Control of Air Pollution in Idaho.” The emissions of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit, the “Rules for the Control of Air Pollution in Idaho,” and the Environmental Protection and Health Act (Idaho Code §39-101, et seq).

[Idaho Code §39-101, et seq.]

3.2 The permittee shall at all times (except as provided in the “Rules for the Control of Air Pollution in Idaho”) maintain in good working order and operate as efficiently as practicable all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable Idaho laws for the control of air pollution.

[IDAPA 58.01.01.211, 5/1/1994]

3.3 Nothing in this permit is intended to relieve or exempt the permittee from the responsibility to comply with all applicable local, state, or federal statutes, rules, and regulations.

[IDAPA 58.01.01.212.01, 5/1/1994]

#### Inspection and Entry

3.4 Upon presentation of credentials, the permittee shall allow DEQ or an authorized representative of DEQ to do the following:

- Enter upon the permittee’s premises where an emissions source is located, emissions-related activity is conducted, or where records are kept under conditions of this permit;
- Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit;
- Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
- As authorized by the Idaho Environmental Protection and Health Act, sample or monitor, at reasonable times, substances or parameters for the purpose of determining or ensuring compliance with this permit or applicable requirements.

[Idaho Code §39-108]

#### Construction and Operation Notification

3.5 This permit shall expire if construction has not begun within two years of its issue date, or if construction is suspended for one year.

[IDAPA 58.01.01.211.02, 5/1/1994]

3.6 The permittee shall furnish DEQ written notifications as follows:

- A notification of the date of initiation of construction, within five working days after occurrence; except in the case where pre-permit construction approval has been granted then notification shall be made within five working days after occurrence or within five working days after permit issuance whichever is later;
- A notification of the date of any suspension of construction, if such suspension lasts for one year or more; and

- A notification of the initial date of achieving the maximum production rate, within five working days after occurrence - production rate and date.

[IDAPA 58.01.01.211.01, 5/1/1994]

- A notification of the anticipated date of initial start-up of the stationary source or facility not more than sixty days or less than thirty days prior to such date; and
- A notification of the actual date of initial start-up of the stationary source or facility within fifteen days after such date.

[IDAPA 58.01.01.211.03, 5/1/1994]

## Performance Testing

**3.7** If performance testing (air emissions source test) is required by this permit, the permittee shall provide notice of intent to test to DEQ at least 15 days prior to the scheduled test date or shorter time period as approved by DEQ. DEQ may, at its option, have an observer present at any emissions tests conducted on a source. DEQ requests that such testing not be performed on weekends or state holidays.

**3.8** All performance testing shall be conducted in accordance with the procedures in IDAPA 58.01.01.157. Without prior DEQ approval, any alternative testing is conducted solely at the permittee's risk. If the permittee fails to obtain prior written approval by DEQ for any testing deviations, DEQ may determine that the testing does not satisfy the testing requirements. Therefore, at least 30 days prior to conducting any performance test, the permittee is encouraged to submit a performance test protocol to DEQ for approval. The written protocol shall include a description of the test method(s) to be used, an explanation of any or unusual circumstances regarding the proposed test, and the proposed test schedule for conducting and reporting the test.

**3.9** Within 60 days following the date in which a performance test required by this permit is concluded, the permittee shall submit to DEQ a performance test report. The report shall include a description of the process, identification of the test method(s) used, equipment used, all process operating data collected during the test period, and test results, as well as raw test data and associated documentation, including any approved test protocol.

[IDAPA 58.01.01.157, 4/5/2000 and 4/11/2015]

## Monitoring and Recordkeeping

**3.10** The permittee shall maintain sufficient records to ensure compliance with all of the terms and conditions of this permit. Monitoring records shall include, but not be limited to, the following: (a) the date, place, and times of sampling or measurements; (b) the date analyses were performed; (c) the company or entity that performed 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. All monitoring records and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes, but is not limited to, all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. All records required to be maintained by this permit shall be made available in either hard copy or electronic format to DEQ representatives upon request.

[IDAPA 58.01.01.211, 5/1/1994]

## **Excess Emissions**

- 3.11** The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130–136 for excess emissions due to start-up, shut-down, scheduled maintenance, safety measures, upsets, and breakdowns.

[IDAPA 58.01.01.130–136, 4/5/2000]

## **Certification**

- 3.12** All documents submitted to DEQ—including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certification—shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete.

[IDAPA 58.01.01.123, 5/1/1994]

## **False Statements**

- 3.13** No person shall knowingly make any false statement, representation, or certification in any form, notice, or report required under this permit or any applicable rule or order in force pursuant thereto.

[IDAPA 58.01.01.125, 3/23/1998]

## **Tampering**

- 3.14** No person shall knowingly render inaccurate any monitoring device or method required under this permit or any applicable rule or order in force pursuant thereto.

[IDAPA 58.01.01.126, 3/23/1998]

## **Transferability**

- 3.15** This permit is transferable in accordance with procedures listed in IDAPA 58.01.01.209.06.

[IDAPA 58.01.01.209.06, 4/11/2006]

## **Severability**

- 3.16** The provisions of this permit are severable, and if 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.

[IDAPA 58.01.01.211, 5/1/1994]