



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 N Hilton Street, Boise, ID 83706
(208) 373-0502

Brad Little, Governor
Jess Byrne, Director

May 7, 2021

Jeff Lippert, Operations
New Energy One, LLC
2175 E 3500 N
Filer, Idaho 83328

RE: Facility ID No. 083-00127, New Energy One, LLC, Rock Creek Biogas Project, Filer
Final Permit Letter

Dear Mr. Lippert:

The Department of Environmental Quality (DEQ) is issuing Permit to Construct (PTC) No. P-2010.0076 Project 62533 to New Energy One, LLC Rock Creek Biogas Project in Filer for modification of boiler, engine, flare, and treatment system equipment. 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 November 6, 2020.

This permit is effective immediately and replaces PTC No. P-2010.0076 issued on April 3, 2012. This permit does not release New Energy One, 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 Twin Falls Regional Office at 650 Addison Avenue West, Suite 110, Twin Falls, Idaho 83301, Fax (208) 736-2194.

In order to fully understand the compliance requirements of this permit, as requested, Bobby Dye, Regional 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

Mr. Jeff Lippert
5/11/2021
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for a contested case, I encourage you to contact Morrie Lewis at (208) 373-0502 or Morrie.Lewis@deq.idaho.gov to address any questions or concerns you may have with the enclosed permit.

Sincerely,



Mike Simon
Stationary Source Bureau Chief
Air Quality Division

MS\ml

Permit No. P-2010.0076 PROJ 62533

Enclosures (2)

Air Quality

PERMIT TO CONSTRUCT

Permittee New Energy One, LLC - Rock Creek Project
Permit Number P-2010.0076
Project ID 62533
Facility ID 083-00127
Facility Location 2175 E 3500 N
Filer, Idaho 83328

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 May 7, 2021



Morrie Lewis, Permit Writer



Mike Simon, Stationary Source Bureau Chief

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1 Permit Scope

Purpose

- 1.1 This is a modified permit to construct (PTC) to remove, replace, and add equipment to produce biogas for sale to the natural gas distribution system. One generator engine will be removed, the remaining generator engine and two existing boilers will be converted to natural gas, a natural gas-fired boiler will be added, the flare will be replaced, and additional process equipment will be added to produce pipeline-quality natural gas for the distribution system.
- 1.2 Those permit conditions that have been modified or revised by this permitting action are identified by the permit issue date citation located directly under the permit condition and on the right-hand margin.
- 1.3 This PTC replaces Permit to Construct No. P-2010.0076 issued on April 3, 2012.

Regulated Sources

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

Table 1.1 Regulated Sources

Source Descriptions	Control Equipment
<u>Generator Engine</u> Manufacturer: Caterpillar Model: G3520C spark ignition Manufacture Date: 2011 Rated Power: 2,248 bhp Displacement: 4.3 L/cyl Fuel: natural gas Maximum operation: 6,745 hr/yr	None
<u>Boiler 1</u> Manufacturer: KN Series Model: KN-20 Manufacture Date: 2018 Rated Input: 2.0 MMBtu/hr Fuel: natural gas and renewable natural gas (RNG)	None
<u>Boiler 2</u> Manufacturer: KN Series Model: KN-20 Manufacture Date: 2018 Rated Input: 2.0 MMBtu/hr Fuel: natural gas and RNG	None
<u>Boiler 3</u> Manufacturer: KN Series Model: KN-40 Manufacture Date: 2021 Rated Input: 4.0 MMBtu/hr Fuel: natural gas and RNG	None
<u>Flare</u> Manufacturer: Perennial Energy Model: 97300 Rating: 1,360 scfm Fuel: natural gas and RNG; natural gas – pilot only	None

<u>Anaerobic Digesters (6)</u> Manufacturer: Northern Biogas Capacity: ~ 1,000,000 gallons Gas is treated with H ₂ S removal and BUS process equipment prior to combustion or pipeline transmission.	None (H ₂ S removal and BUS or equivalent equipment ^(a) are process equipment)
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- a) “or equivalent” equipment is equipment which has equivalent or less maximum capacity and equivalent or lower pollutant emission rates, whether calculated based on maximum design capacity or based on established permit limits. Use of replacement equipment shall not result in the emission of any regulated air pollutant not previously emitted and shall not result in an emission increase as defined in IDAPA 58.01.01.007.

[5/07/2021]

2 Digesters, Generator Engine, Boiler, and Flare

2.1 Process Description

Six anaerobic digesters produce biogas that is treated to pipeline-quality saleable renewable natural gas (RNG) prior to transport offsite via pipeline and combustion onsite in a generator engine, three boilers, and a flare.

Biogas treatment includes H₂S removal and Biogas Upgrading System (BUS) process equipment. H₂S removal steps include either a media-based (iron sponge) or Paques Unit, bioreactor, and sulfur separation. Tailgas from the BUS containing approximately 99% CO₂ and 1% methane by volume is vented to atmosphere.

The flare is used during emergency events and during maintenance of the BUS. Flaring during maintenance will account for less than 10% of maximum annual biogas production (i.e., less than 48,355,200 scf/yr).

[5/07/2021]

2.2 Control Device Descriptions

There are no add-on control devices. H₂S removal and BUS are process equipment required to produce pipeline-quality saleable RNG, and are not considered control devices.

[5/07/2021]

Emission Limits

2.3 Emission Limits

The emissions from the generator engine, boilers, and flare stacks shall not exceed any emissions rate limit in the following table.

Table 2.1 Generator Engine, Boiler, and Flare Emissions Limits ^(a)

Source	PM ₁₀ /PM _{2.5} ^(b)		SO ₂		NO _x		CO		VOC	
	lb/hr ^(c)	T/yr ^(d)	lb/hr ^(c)	T/yr ^(d)	lb/hr ^(c)	T/yr ^(d)	lb/hr ^(c)	T/yr ^(d)	lb/hr ^(c)	T/yr ^(d)
Boiler 1 stack	0.02	0.066	0.0012	0.01	0.07	0.28	0.17	0.73	0.02	0.05
Boiler 2 stack	0.02	0.066	0.0012	0.01	0.07	0.28	0.17	0.73	0.02	0.05
Boiler 3 stack	0.03	0.131	0.0024	0.01	0.13	0.55	0.33	1.45	0.03	0.10
Generator Engine stack	0.16	0.522	0.0091	0.03	4.96	16.72	9.92	33.43	3.47	11.71
Flare stack	0.42	0.184	8.24	3.61	2.12	0.93	11.54	5.06	4.37	1.92

- 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.

[5/07/2021]

2.4 Opacity Limit

Emissions from each boiler stack, generator engine stack, and flare stack, and any other stack, vent, or functionally equivalent opening associated with the boiler, generator engine, or flare 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.

[5/07/2021]

2.5 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 58.01.01.776.

Operating Requirements

2.6 Shutdown of Second Generator Engine

After successful commissioning of the BUS, but no later than 3 months after startup of Boiler 3, the permittee shall permanently shut down one of the two generator engines.

[5/07/2021]

2.7 Annual Gas Combustion

Biogas produced from the anaerobic digesters shall be transported offsite via pipeline or combusted in the boiler or flare and not vented directly to atmosphere. The flare shall combust less than 48,355,200 standard cubic feet per 12-calendar-month period (hr/yr).

[5/07/2021]

2.8 Annual Generator Engine Operation

Upon startup of Boiler 3, the generator engine shall be operated less than 6,745 hours per 12-calendar-month period (hr/yr).

[5/07/2021]

2.9 Flare Pilot Flame

A flame shall be present at all times when combustible gases are vented through the flare, and the flare shall be equipped with an automatic ignition system.

[5/07/2021]

2.10 O&M Manual

The permittee shall have developed and submitted to DEQ an Operations and Maintenance (O&M) manual for the flow rate monitor and the flare which describes the procedures that will be followed to comply with General Provision 3.2 of this permit and the manufacturer's specifications for each piece of equipment. At a minimum, the following shall be included in the O&M manual:

- Biogas Flow Rate Meter
 - 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
- 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. The manual shall be a permittee developed document independent of the manufacturer supplied operating manuals but may include summaries of procedures included in the manufacturer supplied operating manual. 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.

- 2.11** The O&M manual shall be submitted to DEQ within 60 days of startup and shall contain a certification by a responsible official. Any changes to the O&M Manual shall be submitted within 15 days of the change.

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

Monitoring and Recordkeeping Requirements

2.12 Engine Shutdown Notification

Within 30 days after completing permanent shutdown of the second generator engine (as required by the Shutdown of Second Generator Engine permit condition), the permittee shall provide written notification to DEQ of the decision to permanently shut down the generator engine. The notification shall include a description of the method used to ensure permanent shut down of the generator engine.

[5/07/2021]

2.13 Gas Combustion Monitoring

Each month, the permittee shall monitor and record the gas combusted in the flare in standard cubic feet per month (scf/mo) and per 12-month period to demonstrate compliance with the annual gas combustion limit. Annual gas combustion shall be determined by summing the respective monthly amounts over the previous consecutive 12-month period.

[5/07/2021]

2.14 Generator Engine Operation Monitoring

Each month, the permittee shall monitor and record the hours of operation of the generator engine in hours per month (hr/mo) and in hours per 12-month period to demonstrate compliance with the annual generator engine operation limit. Annual operation shall be determined by summing the respective monthly amounts over the previous consecutive 12-month period.

[5/07/2021]

2.15 Biogas Flow Rate Monitoring

Unless an alternative monitoring and recordkeeping method is approved by DEQ, the permittee shall comply with the following requirements to determine the quantity of biogas produced by the anaerobic digesters:

- The permittee shall calibrate, maintain, and operate a biogas flow meter that shall be placed at the outlet of the covered anaerobic digesters, in order to determine the total quantity of biogas produced by the digesters. The biogas flow meter shall be installed, operated, and maintained in accordance with the O&M manual and the manufacturer specifications.
- Calibration of the biogas flow meter shall be performed and recorded in accordance with the O&M manual.

[5/07/2021]

2.16 SO₂ Monitoring

Sulfur dioxide (SO₂) emissions in pounds per hour from the flare shall be monitored and recorded once every 3 hours. Daily monitoring may be conducted in lieu of 3-hour monitoring, provided that 12 consecutive weeks of monitoring every 3 hours show that the measured SO₂ emission rate does not equal or exceed 90% of the combined pound-per-hour limit. If any measured SO₂ emission rate during daily monitoring equals or exceeds 90% of the SO₂ pound per hour emission limit, then the monitoring frequency shall revert to once every 3 hours until 12 consecutive weeks of monitoring do not equal or exceed 90% of the limit. Records of this information shall be maintained onsite and be made available to DEQ representatives upon request and in accordance with the Recordkeeping General Provision. Monitoring shall occur in accordance with a written and DEQ approved monitoring protocol within 60 days of startup.

[5/07/2021]

2.17 SO₂ CEMS Compliance Option

The permittee may use a hydrogen sulfide (H₂S) CEM, SO₂ CEM(s), or a handheld H₂S monitor to determine SO₂ emission rates. The permittee shall presume all H₂S is oxidized to SO₂.

If the permittee elects to use an H₂S CEM or SO₂ CEM monitoring shall occur in accordance with a written and DEQ approved monitoring protocol. The monitoring protocol shall address:

- Installation specifications
- Calibration requirements (i.e. zero and span checks)
- Details of how the combined SO₂ pound per hour emissions will be calculated from the CEM data and biogas flow data.

2.18 Handheld H₂S monitor

If the permittee elects to use a handheld H₂S monitor the device shall have a certified accuracy of plus or minus 3% and the handheld monitor shall be calibrated, maintained, and replaced in accordance with manufacturer specifications. The permittee shall maintain documentation on-site of the manufacturer's specifications for the handheld monitor including documentation of the accuracy of the device, calibration and replacement requirements. SO₂ emission rate monitoring shall occur in accordance with a written and DEQ approved monitoring protocol. The monitoring protocol shall address:

- Monitoring procedures including details regarding monitoring ports and sampling procedures
- Calibration requirements
- Details of how the combined SO₂ pound per hour emissions will be calculated from the handheld H₂S monitoring data and biogas flow data.

2.19 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.

Performance Testing Requirements

2.20 Carbon Monoxide Performance Test

Each time an emission test is conducted in accordance with 40 CFR 60 Subpart JJJJ the permittee shall determine the carbon monoxide emission rate in pounds per hour in order to determine compliance with emission limits included in Table 2.1. Source testing shall be conducted in accordance with the Performance Testing requirements included in the General Provisions of this permit.

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

2.21 Emission Standards

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:

Table 1 to 40 CFR 60, SUBPART JJJJ Summary

Engine Type and Fuel	Maximum Engine Power	Manufactur e Date	Emission Standard ^(a)					
			g/HP-hr			ppmvd at 15% O ₂		
			NO _x	CO	VOC ^(b)	NO _x	CO	VOC ^(b)
Non-Emergency SI Natural Gas and Non-Emergency SI Lean Burn LPG (except lean burn 500≤HP<1,350)	HP≥500	7/1/2010	1.0	2.0	0.7	82	270	60

- a) Owners and operators of stationary non-certified spark ignited IC engines may choose to comply with the emission standards in units of either g/bhp-hr or ppmvd at 15% O₂.
- b) When calculating emissions of volatile organic compounds (VOC), emission of formaldehyde should not be included.

[5/07/2021]

2.22 The permittee shall operate and maintain the engines that achieve these standards over the entire life of the engine in accordance with 40 CFR 60.4234.

2.23 The permittee shall demonstrate compliance according to one of the methods specified in 40 CFR 60.4243(b).

- Keep a maintenance plan and records of conducted maintenance and, to the extent practicable, maintain and operate the engines in a manner consistent with good air pollution practices for minimizing emissions.
- Conduct performance testing every 8,760 hours or 3 years, whichever comes first.

2.24 The permittee may operate the engine using propane for a maximum of 100 hours per year as an alternative fuel solely during emergency operations, but must keep records of such use. If propane is used for more than 100 hours per year in an engine that is not certified to the emission standards when using propane, the permittee is required to conduct a performance test to demonstrate compliance with the emission standards of 40 CFR 60.4233.

[5/07/2021]

2.25 The permittee shall keep records of the information in 40 CFR 60.4245(a)(1) through (4).

- All notifications submitted to comply with this subpart and all documentation supporting any notification.
- Maintenance conducted on the engine.

- If the engine is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards and information as required in 40 CFR parts 90, 1048, 1054, and 1060, as applicable.
- If the engine is not a certified engine or is a certified engine operating in a non-certified manner and subject to 40 CFR 60.4243(a)(2), documentation that the engine meets the emission standards.

[5/07/2021]

2.26 For engines that have not been certified by an engine manufacturer to meet the emission standards in 40 CFR 60.4231, the permittee shall submit an initial notification as required in 40 CFR 60.7(a)(1). The notification must include the following information.

- Name and address of the owner or operator;
- The 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.

2.27 For engines subject to performance testing, performance tests shall follow the procedures in 40 CFR 60.4244 and Table 2 to 40 CFR 60, Subpart JJJJ. The permittee shall submit a copy of each performance test as conducted in 40 CFR 60.4244 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 11.1.1.4; 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.

- Results shall be sent to the addressees provided in the Summary Table of NSPS Subpart A.

[5/07/2021]

2.28 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 A - General Provisions.
- Standards of Performance for New Stationary Sources (NSPS), 40 CFR Part 60 Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines

[5/07/2021]

2.29 For permit conditions referencing or cited in accordance with any document incorporated by reference (including permit conditions identified as NSPS), 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.

2.30 The permittee shall comply with the applicable requirements of 40 CFR 60, Subpart A “General Provisions” in accordance with 40 CFR 60.1. A summary of requirements for affected facilities is provided in the following table.

SUMMARY OF NSPS 40 CFR 60, SUBPART A – GENERAL PROVISIONS FOR AFFECTED FACILITIES

Section	Subject	Summary of Section Requirements
60.4	Address	<ul style="list-style-type: none"> • All requests, reports, applications, submittals, and other communications associated with 40 CFR 60, Subpart(s) shall be submitted to: 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"> • Notification shall be furnished of commencement of construction postmarked no later than 30 days of such date. • Notification shall be furnished of initial startup postmarked within 15 days of such date. • Notification shall be furnished of any physical or operational change that may increase emissions postmarked 60 days before the change is made. • Records shall be maintained of the occurrence and duration of any startup, shutdown or malfunction; any malfunction of the air pollution control equipment; or any periods during which a CMS or monitoring device is inoperative. • 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.
60.8	Performance Tests	<ul style="list-style-type: none"> • At least 30 days prior notice of any performance test shall be provided to afford the opportunity to have an observer to be present. • Within 60 days of achieving the maximum production rate, but not later 180 days after initial startup, performance test(s) shall be conducted and a written report of the results of such test(s) furnished. • Performance testing facilities shall be provided as follows: <ul style="list-style-type: none"> ○ Sampling ports adequate for test methods applicable to such facility. ○ Safe sampling platform(s). ○ Safe access to sampling platform(s). ○ Utilities for sampling and testing equipment. • Performance tests shall be conducted and data reduced in accordance with 40 CFR 60.8(b), (c), and (f)
60.11(a), (d), (f), and (g)	Compliance with Standards and Maintenance Requirements	<ul style="list-style-type: none"> • When performance tests are required, compliance with standards is determined by methods and procedures established by 40 CFR 60.8. • At all times, including periods of startup, shutdown, and malfunction, the 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. • 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 or compliance test or procedure had been performed.

SUMMARY OF NSPS 40 CFR 60, SUBPART A – GENERAL PROVISIONS FOR AFFECTED FACILITIES

Section	Subject	Summary of Section Requirements
60.11(b), (c), and (e)	Compliance with Standards and Maintenance Requirements (Opacity)	<ul style="list-style-type: none"> • Compliance with opacity standards shall be determined by Method 9 in Appendix A of 40 CFR 60. The permittee may elect to use COM measurements in lieu of Method 9, provided notification is made at least 30 days before the performance test. • The opacity standards shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided. • Opacity observations shall be conducted concurrently with any required performance test in accordance with the requirements and exceptions in 40 CFR 60.11(e).
60.12	Circumvention	<ul style="list-style-type: none"> • 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.
60.14	Modification	<ul style="list-style-type: none"> • A physical or operational change which results in an increase in the emission rate to the atmosphere or 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. • Within 180 days of the completion of any physical or operational change, compliance with all applicable standards must be achieved.
60.15	Reconstruction	<ul style="list-style-type: none"> • An existing facility, upon reconstruction, becomes an affected facility, irrespective of any change in emission rate in accordance with the requirements of 40 CFR 60.15.

[5/07/2021]

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]