


# PERMIT TO CONSTRUCT / RECONSTRUCT / MODIFY AN AIR CONTAMINANT SOURCE

	<b>Lincoln-Lancaster County Health Department</b> Environmental Public Health Division Air Quality Program 3131 O Street Lincoln, Nebraska 68510 Phone: (402) 441-8040      Fax: (402) 441-3890	<b>Patricia D. Lopez, RN, MSN</b> Health Director <b>Brock Hanisch, MS, MPH, REHS</b> Environmental Public Health Division Manager  <b>Gary R. Bergstrom, Jr.</b> Air Quality Program Supervisor
LLCHD Air Quality Program Source Number:		<b>00235</b>
LLCHD Air Quality Program Construction Permit Number:		<b>233</b>
Effective Date of Permit:		<b>XX-XX-2024</b> <small>MM-DD-YYYY</small>

**A Permit to Construct / Reconstruct / Modify an Air Contaminant Source is Hereby Issued to:**

Permit Holder Name:	<b>City of Lincoln – Transportation and Utilities Department</b>
Address:	<b>5101 North 48<sup>th</sup> Street</b>
City, County, State, ZIP:	<b>Lincoln, Nebraska 68504</b>

**This Construction / Reconstruction / Modification Permit is Issued to the Following Source:**

Facility Site Name:	<b>North 48<sup>th</sup> Street Solid Waste Management Facility</b>
Facility Address:	<b>5101 North 48<sup>th</sup> Street</b>
City, County, State, ZIP:	<b>Lincoln, Nebraska 68504</b>
Facility NAICS:	<b>562212: Solid Waste Landfill</b>

**Environmental Public Health Division / Air Quality Program Recommendation:**

Permit Writer:	<input type="checkbox"/> Approve Issuance <input type="checkbox"/> Deny Issuance	PERMIT WRITER APPROVAL
Air Quality Program Supervisor:	<input type="checkbox"/> Approve Issuance <input type="checkbox"/> Deny Issuance	SUPERVISOR APPROVAL
Environmental Public Health Division Manager:	<input type="checkbox"/> Approve Issuance <input type="checkbox"/> Deny Issuance	MANAGER APPROVAL

**Health Director / Air Pollution Control Officer Authorization:**

<p><b><u>ACTION TAKEN:</u></b></p> <p><input type="checkbox"/> Approve Issuance</p> <p><input type="checkbox"/> Deny Issuance</p>	<p><u>XXXXXXXXXXXXXXXXXX</u></p> <p>Date</p>	<p><u>XX</u></p> <p>Patricia D. Lopez, RN, MSN Health Director</p>
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**Abbreviations, Symbols, and Units of Measure**

Abbreviations, symbols, and units of measure used in this permit shall be as follows:

AP-42	Compilation of Air Pollutant Emission Factors, Vol. I, Stationary Point & Area Sources	MW	Megawatt
BACT	Best Available Control Technology	NAAQS	National Ambient Air Quality Standards
bhp	Brake horsepower	NESHAP	National Emission Standards for Hazardous Air Pollutants
BMP	Best Management Practice	NO <sub>2</sub>	Nitrogen dioxide
Btu	British thermal unit	NO <sub>x</sub>	Nitrogen oxides
bu	Bushel	NSPS	New Source Performance Standard
CAA	Clean Air Act	NSR	New Source Review
CDT/CST	Central Daylight Time/Central Standard Time	PAL	Plant-wide applicability limit
CE	Control equipment	Pb	Lead (chemical abbreviation)
CEM	Continuous emissions monitor	PEMS	Predictive Emissions Monitoring System
CEMS	Continuous emissions monitoring system	PM	Particulate matter
cf or ft <sup>3</sup>	Cubic feet	PM <sub>10</sub>	Particulate matter with and aerodynamic diameter equal to or less than 10 microns
CFR	Code of Federal Regulations	PM <sub>2.5</sub>	Particulate matter with and aerodynamic diameter equal to or less than 2.5 microns
CO	Carbon monoxide	ppb	Parts per billion
CO <sub>2</sub>	Carbon dioxide	ppm	Parts per million
CO <sub>2</sub> e	CO <sub>2</sub> equivalent	ppmv	Parts per million by volume
C.P.	Construction permit	ppmvd	Parts per million by volume, dry basis
CPMS	Continuous Parametric Monitoring System	PSD	Prevention of Significant Deterioration of Air Quality
dscf	Dry standard cubic feet	PTE	Potential to emit
dscfm	Dry standard cubic feet per minute	RVP	Reid vapor pressure
EMIS	Emergency Management Information System	RATA	Relative Accuracy Test Audit
EP	Emission point	RMP	Risk Management Plan
ESP	Electrostatic precipitator	RTO	Regenerative thermal oxidizer
EU	Emission unit	§	Section
FID#	Facility Identification Number	scf	Standard cubic feet
FDCP	Fugitive dust control plan	SDS	Safety Data Sheet
FGR	Flue gas recirculation	SIC	Standard Industrial Classification
FIP	Federal Implementation Plan	SIP	State Implementation Plan
FR	Federal Register	SO <sub>2</sub>	Sulfur dioxide
ft	Feet	SO <sub>x</sub>	Sulfur oxides
FTIR	Fourier Transform Infrared	TDS	Total dissolved solids
GHGs	Greenhouse gases	TO	Thermal oxidizer
gpm	gallons per minute	TO/HRSG	Thermal oxidizer with heat recovery steam generator
H <sub>2</sub> S	Hydrogen sulfide	tpy	Tons per year
HAP	Hazardous air pollutant	TRS	Total reduced sulfur
hp	Horsepower	TSP	Total suspended particulate matter
hr	Hour	ULNB	Ultra low-NO <sub>x</sub> burner
kW	Kilowatt	ULSD	Ultra low-sulfur diesel (maximum sulfur content of 15 ppm)
kWh	Kilowatt-hour	UST	Underground storage tank
lb	Pound	US EPA	United States Environmental Protection Agency
LDAR	Leak detection and repair	UTM	Universal Transverse Mercator
LLCAPCRS	Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards	VHAP	Volatile hazardous air pollutant
LLCHD	Lincoln-Lancaster County Health Department	VMT	Vehicle miles traveled
LNB	Low-NO <sub>x</sub> burner	VOC	Volatile organic compound
MACT	Maximum Achievable Control Technology		
Mgal	One thousand gallons		
MMBtu	One million British thermal units		
MMscf	One million standard cubic feet		

**Description of Permitting Action**

The City of Lincoln, Nebraska Transportation and Utilities Department (LTU) has submitted an application to install and operate a new wood pyrolysis unit to convert clean wood and brush material to biochar for beneficial use. This unit will be installed at the ‘North 48<sup>th</sup> Street Solid Waste Management Facility’ (North 48<sup>th</sup> Street SWMF).

This permit will be a ‘minor New Source Review’ (minor NSR) permit, as this permitting action does not trigger any ‘Prevention of Significant Deterioration of Air Quality’ (PSD) applicability thresholds. The facility’s potential to emit will be lower than construction permit thresholds set forth in Article 2, Section 17, paragraph (A)(1) of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCPRS). However, the source shall be responsible for identifying and maintaining compliance with all applicable provisions, if any, established in 40 CFR Part 60 and as may be identified in the owner’s/operator’s operating permit. The “Statement of Basis” for this permit provides additional information on this permitting action.

**Permitted Emission Unit(s)**

This construction permit allows for installation and operation of the following emission unit(s):

Emission Unit (EU) #	Source Classification Code (SCC)	Emission Point Description	Emission Segment Description
006-01	5-04-105-38	Pyrolysis Rotary Drum Biomass Carbonization Unit w/ Afterburner	Propane Combustion
006-02	5-04-105-38	Pyrolysis Rotary Drum Biomass Carbonization Unit w/ Afterburner	Clean Wood Pyrolysis

**Permitting Action Regulatory Provisions**

This Construction Permit is being issued in accordance with the applicable provisions of Article 2, Sections 14 and 17 of the LLCAPCPRS, as well as all other applicable provisions of the LLCAPCPRS. Issuance of this permit allows for installation of the Permitted Emission Unit(s) provided above. Compliance with this permit shall not be a defense to any enforcement action for violation(s) of an ambient air quality standard.

**Source Description**

The City of Lincoln, Nebraska Transportation and Utilities Department (LTU) owns and operates a Solid Waste Management Facility located at 5101 North 48<sup>th</sup> Street in Lincoln, Nebraska. This facility is currently operating as an active construction and demolition (C&D) waste landfill. The City of Lincoln operated this site as a municipal solid waste (MSW) landfill for the purposes of receiving materials consisting primarily of household waste beginning in 1956 and ending in 1990. The design capacity of the landfill has a permitted capacity of approximately 2,259,900 cubic yards on top of a portion of area where MSW was previously placed.

A transfer station exists at this location to accept household garbage and trash, and there are areas provided for drop-off and temporary storage of household appliances, batteries, and yard wastes. The household garbage and trash are eventually transported to the City of Lincoln’s Bluff Road Landfill for final disposal. Landfill employees remove refrigerant from appliances, then transport the appliances and batteries to a local recycling company. The yard waste is transported to the Bluff Road Landfill for composting.

**Facility Regulatory Classification**

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- The facility is not a major stationary source for the purposes of the Prevention of Significant Deterioration (PSD) of Air Quality Program.
- This permit allows for the operation of the units that are subject to requirements established in the New Source Performance Standards (NSPS) in Title 40, Part 60 of the Code of Federal Regulations (40 CFR 60):
  - Subpart A: NSPS General Provisions
- None of the units for which this permit is issued are subject to any National Emissions Standards for Hazardous Air Pollutants Maximum Achievable Control Technology (NESHAP MACT) in Title 40, Part 63 of the Code of Federal Regulations (40 CFR 63).

**Public Participation**

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Pursuant to Article 2, Section 14 of the LLCAPCPRS, the public has been notified by prominent advertisement of this permit for operation of an air contaminant source, and the thirty (30) day period allowed for comments has elapsed, and any/all comments received have been addressed.

**Permitting Authority**

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The permitting authority for this project is the Air Quality Program in the Environmental Public Health Division of the Lincoln-Lancaster County Health Department (LLCHD). All documents related to applications for permits to construct/reconstruct/modify or operate any emissions unit or source shall be submitted to the LLCHD at the following address.

Lincoln-Lancaster County Health Department  
% Air Quality Program  
3131 'O' Street  
Lincoln, NE 68510

**Compliance Authorities**

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| <ul style="list-style-type: none"> <li>• All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the following:</li> </ul> <p>Lincoln-Lancaster County Health Department<br/>% Air Quality Program<br/>3131 'O' Street<br/>Lincoln, NE 68510</p> | <ul style="list-style-type: none"> <li>• If required or requested by the EPA, the owner/operator shall submit reports, tests, and/or notifications to the following:</li> </ul> <p>US EPA Region 7<br/>ECAD/AB–Nebraska Air Compliance Coordinator<br/>11201 Renner Blvd.<br/>Lenexa, KS 66219</p> |
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**Definitions**

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Unless otherwise defined, or a different meaning is clearly required by context, the words and phrases, as used in this operating permit, the LLCAPCPRS, and the related appendices shall have the meanings set forth in LLCAPCPRS Article 2, Section 1 (Definitions).

**PERMIT CONDITIONS BEGIN ON FOLLOWING PAGE**

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**Regulations**

- I. Applicable and Non-Applicable Regulations & Requirements.  
 (A) The following sections (§) of the LLCAPCPRS are applicable requirements of this permit:

**Table 1-A: Applicable Regulations of the LLCAPCPRS**

<b>Article 1: Administration and Enforcement</b>	
§1	Intent
§2	Unlawful Acts – Permits Required
§3	Violations – Hearings – Orders
§4	Appeal Procedure
§5	Variance
§6	Fees
§7	Compliance – Actions to Enforce – Penalties for Non-Compliance
§8	Procedure for Abatement
§9	Severability
<b>Article 2: Regulations and Standards</b>	
§1	Definitions
§4	Ambient Air Quality Standards
§6	Emissions Reporting – When Required
§14	Permits – Public Participation
§16	Stack Heights – Good Engineering Practice (GEP)
§17	Construction Permits – When Required
§18	New Source Performance Standards (NSPS)
§20	Particulate Limitations and Standards
§22	Incinerator Emission Standards
§29	Operating and Construction Permit Emission Fees
§33	Time Schedule for Compliance
§34	Emission Source Testing and Monitoring
§35	Compliance – Exceptions Due to Startup Shutdown or Malfunction
§36	Control Regulation Circumvention – When Excepted
§37	Compliance – Responsibility of Owner/Operator Pending Review by Director
§38	Emergency Episodes – Occurrence, Control and Contingency Plans
<b>Appendices</b>	
I	Emergency Emission Reduction Regulations
II	Hazardous Air Pollutants Sorted by Pollutant Name
III	Hazardous Air Pollutants Sorted by CAS Number

- (B) The following Federal Regulations, including those not currently delegated to the LLCHD or not yet included in the LLCAPCPRS, are requirements of this permit:

**Table 1-B: Applicable Federal Regulations**

<b>40 CFR Part 60: New Source Performance Standards</b>	
<i>Subpart</i>	<i>Subpart Subject</i>
A	NSPS General Provisions

(C) The following sections of the LLCAPCPRS are not applicable requirements of this permit:

**Table 1-C: Non-Applicable Regulations of the LLCAPCPRS**

Article 2: Regulations and Standards	
§2	Major Sources – Defined
§5	Operating Permits – When Required
§7	Operating Permits – Application
§8	Operating Permits – Content
§9	General Permits
§10	Operating Permits for Temporary Sources
§11	Emergency Operating Permits – Defense
§12	Operating Permit Renewal and Expiration
§13	Class I Operating Permit – EPA Review – Affected States Review
§15	Permit Modifications – Reopening for Cause
§19	Prevention of Significant Deterioration (PSD) of Air Quality
§21	Compliance Assurance Monitoring (CAM)
§23	National Emission Standards for Hazardous Air Pollutants (NESHAPs)
§24	Sulfur Compound Emissions Standards for Existing Sources
§25	Nitrogen Oxides Emissions Standards for Existing Sources
§26	Acid Rain
§27	Hazardous Air Pollutants – Maximum Achievable Control Technology (MACT)
§28	Hazardous Air Pollutants – Source Category Emissions Standards
§32	Duty to Prevent Escape of Visible Airborne Dust
§3, §30, §31	Reserved

(D) The following regulation(s) set forth under Title 129 of the Nebraska Administrative Code (Nebraska Air Quality Regulations) are not requirements of this permit:

**Table 1-D: Non-Applicable State Air Quality Regulations**

Regulation	Regulation Title
Chapter 4	Prevention of Significant Deterioration of Air Quality

(E) The following chapter(s) of the Lincoln Municipal Code (LMC) are requirements of this permit:

**Table 1-E: Applicable Lincoln Municipal Code (LMC) Chapter(s)**

Chapter	Chapter Title
8.06	Air Pollution

**General Conditions**

- II. In accordance with paragraph I of LLCAPCPRS Article 1, Section 2 (Unlawful Acts – Permits Required), it is unlawful to:
  - (A) Construct or operate an air pollution source without first obtaining a permit required under the LLCAPCPRS;
  - (B) Violate any term or condition of this permit or any emission limit set in this permit; or
  - (C) Violate any emission limit or standard established in the LLCAPCPRS.
- III. Violations, hearings, and orders shall be conducted in accordance with LLCAPCPRS Article 1, Section 3 (Violations – Hearings – Orders).
- IV. Appeals shall be conducted in accordance with LLCAPCPRS Article 1, Section 4 (Appeal Procedure).

- V. In accordance with LLCAPCPRS Article 1, Section 5 (Variance), any person who owns or is in control of any plant, building, structure, process, or equipment may apply to the Director for a variance from rules or regulations. Any person who is applying for or has obtained a variance must comply with all requirements of Article 1, Section 5 of the LLCAPCPRS, as applicable.
- VI. The following provisions of LLCAPCPRS Article 1, Section 6 (Fees) are requirements of this permit:
- (A) Paragraph (A) – Annual Emission Fees: In accordance with paragraph (A)(1) of LLCAPCPRS Article 1, Section 6 (Fees), any person who owns or operates a source as defined in Article 2, Section 1 of the LLCAPCPRS and is required to obtain a Class I or Class II operating permit in accordance with Article 2, Section 5 of the LLCAPCPRS, or is required to obtain a construction permit in accordance with Article 2, Section 17 of the LLCAPCPRS, must pay annual emission fees in accordance with all applicable provisions set forth under Article 1, Section 6, paragraph (A) of the LLCAPCPRS.
  - (B) Paragraph (D) – In accordance with paragraph (D)(2) of Section 6, Any person or source required to obtain an operating permit under Article 2, Section 5 shall pay a permit fee for activities included under paragraphs (D)(2)(a-e) of Section 6. The permit fee shall be charged at the rate specified in paragraph (D)(2) of Section 6. Any person required to submit fees pursuant to Section 6 shall submit the fees to the Director by check or other authorized transfer payable to the Lincoln-Lancaster County Health Department. The fees shall be due and payable within thirty (30) days after issuance of the permit.
  - (C) Paragraph (H) – All fees provided for herein must be payable to the Lincoln-Lancaster County Health Department. All money collected shall be deposited with the City Treasurer’s Office and credited to Fund 145 Title V Clean Air Fund.
- VII. The following provisions of LLCAPCPRS Article 1, Section 7 (Compliance – Actions to Enforce – Penalties for Non-Compliance) are requirements of this permit:
- (A) Paragraph (A) – The County Attorney or Attorney General may institute enforcement proceedings pursuant to Neb. Rev. Stat., §81-1504(23) Neb. Rev. Stat. §81-1508(4), or Nebr. Rev. Stat. §81-1528(2) against any person who fails to comply with the requirements of the LLCAPCPRS. Nothing in the LLCAPCPRS shall preclude the control of air pollution by resolution, ordinance, or rule, regulation, or standard not in actual conflict with the state air pollution control regulations. (Ref: Neb. Rev. Stat. §71-1631(15)).
  - (B) Paragraph (B) – Any person who fails to comply with the requirements of the LLCAPCPRS or who fails to perform any duty imposed by the LLCAPCPRS shall be subject to a civil penalty of not more than ten thousand dollars (\$10,000) per day per violation pursuant to Neb. Rev. Stat. §81-1508.02.
  - (C) Paragraph (I) – Any person who knowingly and willfully fails to comply with the requirements of the LLCAPCPRS or who knowingly and willfully fails to perform any duty imposed by the LLCAPCPRS shall be subject to criminal prosecution under Neb. Rev. Stat. §81-1508.01.
  - (D) Paragraph (D) – Enforcement proceedings may include injunctive relief in court to restrain any violation that creates an imminent and substantial endangerment to the public health or to the environment pursuant to Neb. Rev. Stat. §81-1508.
- VIII. In accordance with LLCAPCPRS Article 1, Section 8 (Procedure for Abatement), if the Director has determined a violation of the Air Pollution Control Program after any hearing required hereunder or if the Director has probable cause to believe a violation has occurred, the Director shall refer the matter to the County Attorney.

- IX. In accordance with LLCAPCPRS Article 1, Section 9 (Severability), if any clause, paragraph, or section of the LLCAPCPRS shall be held invalid, it shall be conclusively presumed that the City and County would have enacted the remainder of the LLCAPCPRS not directly related to such clause, paragraph, or section.
- X. The owner/operator shall maintain compliance with the requirements set forth in LLCAPCPRS Article 2, Section 4 (Ambient Air Quality Standards).
- XI. The following provisions of LLCAPCPRS Article 2, Section 6 (Emissions Reporting – When Required) are requirements of this permit:
- (A) Paragraph (A) – The owner/operator must complete and submit to the Department an annual emissions inventory on forms furnished by or acceptable to the Department by March 31 of each year. The inventory must include all emissions associated with the ‘Permitted Emission Unit’. The inventory form must be certified in accordance with LLCAPCPRS Article 2, Section 7, paragraph (H).
  - (B) Paragraph (B) – The annual emissions inventory must include the information set forth under paragraphs (B)(1-3) of Section 6.
  - (C) Paragraph (C) – Actual emissions shall be calculated using the methods and procedures set forth under paragraphs (C)(1-9) of Section 6.
  - (D) Paragraph (D) – Except as otherwise provided in (C) above, any other test methods and procedures for use in determining actual emissions must be approved by the Director.
  - (E) The LLCHD may require the submittal of supplemental information to verify or otherwise assure the quality of emissions reported.
- XII. The following provisions of LLCAPCPRS Article 2, Section 15 (Permit Modifications – Reopening for Cause) are requirements of this permit:
- (A) Paragraph (A) – The owner/operator may request the LLCHD to make an administrative permit amendment in writing by specifying the section of the permit that is to be changed and the reason for the change. The source may implement the changes addressed in the request immediately upon submittal of the request, subject to the Department’s final action on the request. Administrative permit amendments include any permit revision that meet the criteria established in paragraphs (A)(1)(a-d) of Section 15.
  - (B) Paragraph (C)(2) – The owner/operator may request a minor permit modification consistent with the procedures set forth under paragraph (C)(2) of Section 15, provided that the modification meets the criteria established in paragraphs (C)(2)(a-e) of Section 15.
  - (C) Paragraph (E) – Any modification not meeting the administrative permit amendment criteria in paragraph (A) of Section 15, and/or the minor permit modification criteria in paragraph (C)(2) of Section 15 shall be processed in accordance with the provisions for a significant permit modification established in paragraphs (E)(1-3) and (E)(5) of Section 15.
  - (D) Paragraph (F)(2) – A permit may be revoked during its term for cause, including, but not limited to:
    - (1) The existence at the facility of unresolved noncompliance with applicable requirements or a term or condition of the permit, and refusal of the owner/operator to agree to an enforceable schedule of compliance to resolve the noncompliance;
    - (2) The owner/operator has falsely certified or submitted false, incomplete, or misleading information to the Department or EPA;



- (3) The LLCHD determines that the permitted facility or activity endangers human health or the environment and that the danger cannot be removed by a modification of the permit;  
or
  - (4) The owner/operator has failed to pay a penalty owed pursuant to court order, stipulation and agreement, or order issued by the Administrator.
  - (E) Paragraph (G) – The owner/operator may make changes to a permitted facility without a permit revision if the change is not a modification under LLCAPCPRS Article 2, Sections 18, 23, 27, or 28, the change does not require a construction permit under LLCAPCPRS Article 2, Sections 17 or 19, the change is allowed under the applicable provisions of paragraphs (G)(1) or (G)(2) of Section 15, and provided that such changes are in accordance with paragraphs (G)(2)(a-b) of Section 15.
- XIII. Paragraph (H) – No permit revisions shall be required under any State-approved programs providing for economic incentives, marketable permits, emissions trading or other similar programs or processed for changes that are provided for in the permit.
- XIV. In accordance with paragraph (A) of LLCAPCPRS Article 2, Section 16 (Stack Heights – Good Engineering Practice), the degree of emissions limitation required of any source for control of any air pollutant shall not be affected by so much of any source’s stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in paragraph (B) of Section 16.
- XV. The following provisions of LLCAPCPRS Article 2, Section 17 (Construction Permits – When Required) are requirements of this permit:
- (A) Paragraph (A) – No person shall cause the construction, reconstruction, or modification of any of the items specified in Article 2, Section 17 of the LLCAPCPRS without first having obtained a construction permit from the Department in the manner prescribed by the LLCAPCPRS.
  - (B) Paragraph (K) – Approval, by issuance of a permit for any construction, reconstruction, or modification, does not relieve the owner/operator from his or her responsibility to comply with the applicable portions of the Implementation Plan control strategy. The permittee must comply with all conditions of the construction permit. Any permit noncompliance shall constitute a violation of the LLCAPCPRS and the Act and is grounds for enforcement action or permit revocation.
  - (C) If construction, reconstruction, or modification of the source is not commenced within eighteen (18) months, the construction permit shall lapse except upon showing by the permittee that the complexity of the construction, reconstruction, or modification requires additional time.
  - (D) Paragraph (N) – The owner/operator may request modification of a construction permit pursuant to the applicable provisions set forth in paragraph (N) of Section 17.
  - (E) Paragraph (R) – For each permit issued pursuant to the provisions of Section 17, the owner/operator must place a copy of the permit and of the letter of transmittal on file at the location of the source no later than fourteen (14) calendar days after the date of the letter of transmittal or upon the actual start-up of the constructed/reconstructed/modified source, whichever occurs first. A copy of the permit must also be placed on file at the owner’s or operator’s main or corporate office no later than thirty (30) calendar days after the date of the letter of transmittal.
- XVI. The following provisions of LLCAPCPRS Article 2, Section 20 (Particulate Limitations and Standards) are requirements of this permit:

- (A) Paragraph (A) – The owner/operator must limit the emissions of particulates from any processing machine, equipment, device or other articles, or any combination thereof to no greater than the amounts set forth in Table 20-2 of Section 20 during any one (1) hour.
  - (B) Paragraph (B) – The owner/operator must limit the emissions of particulate matter caused by the combustion of fuel in accordance with the limits set forth in Table 20-1 of Section 20, as they apply based on heat input rating.
  - (C) Paragraph (E) – The owner/operator must not cause or allow emissions from any emission point that are of opacity equal to or greater than twenty percent (20%), as evaluated by Method 9 in Appendix A of 40 CFR 60, or recorded by a continuous opacity monitoring system operated and maintained pursuant to 40 CFR Part 60 Appendix B, except as provided for in paragraph (D) of this condition.
  - (D) Paragraph (F) – Emission sources subject to monitoring requirements of Article 2, Section 34, paragraph (E) of LLCAPCPRS are allowed to have one six-minute period per hour of not more than twenty-seven percent (27%) opacity. For the purpose of this permit, this exception applies to any unit equipped with a continuous opacity monitoring system (COMS) installed, calibrated, and operated in accordance with the procedures specified in 40 CFR Part 60 Appendix B.
- XVII. The following provisions of LLCAPCPRS Article 2, Section 33 (Time Schedule for Compliance) are requirements of this permit:
- (A) Paragraph (A) – Except as otherwise noted in specific emission control regulations, compliance with the LLCAPCPRS shall be according to the schedule provided under paragraphs (A)(1)-(3) of Section 33.
  - (B) Paragraph (B) – Compliance schedules requiring more than twelve (12) months to conform with applicable rules and regulations to meet National Primary and Secondary Ambient Air Quality Standards will be accomplished in progressive steps. A report will be made in writing to the Director within five (5) days after each step is completed.
  - (C) Paragraph (C) – Failure to meet time schedules approved in accordance with paragraphs (A)(1)-(2) of Section 33 shall constitute a violation of the LLCAPCPRS unless a request to amend the time schedule is received at least thirty (30) days before the end of any specified period approved for a particular activity. Such a request to amend the schedule shall contain the same type of information as required for the initial request for variance as described in paragraph (A)(3) of Section 33.
- XVIII. The following provisions of LLCAPCPRS Article 2, Section 34 (Emission Source Testing and Monitoring) are requirements of this permit:
- (A) Paragraph (A) – The Department may require any person responsible for the operation of an emission source to make or have tests made to determine the rate of contaminant emissions from the source whenever it has reason to believe, on the basis of estimates of potential contaminant emissions rates from the source and due consideration of probable efficiency of any existing control device, or visible emission determinations made by an official observer, that existing emissions exceed the limitations required in the LLCAPCPRS. Such tests may also be required pursuant to verifying that any newly installed control device meets performance specifications. Should the Department determine that the test did not represent normal operating conditions or emissions, additional tests may be required. Such a requirement shall be considered as an order and subject to all administrative and legal requirements specified.

- (B) Paragraph (B) – Required tests must be conducted in accordance the test methods and procedures established in paragraphs (B)(1)-(6) of Section 34. A written copy of the test results, certified for completeness and accuracy and signed by the person conducting the test, shall be provided to the Department within sixty (60) days of completion of the test unless a different period is specified in the underlying requirements of an applicable federal rule.
- (C) Paragraph I – The owner or operator of a source must provide notice to the Department at least thirty (30) days prior to testing to afford the Department an opportunity to have an observer present. The Department may, in writing, approve a notice of less than thirty (30) days. If the testing is pursuant to an underlying requirement contained in a federal rule, the notice provisions of the underlying requirement shall apply.
- (D) Paragraph (D) – The Department may conduct tests of emissions of contaminants from any stationary source.
  - (1) Upon written request from the Department, the person responsible for the source to be tested shall cooperate with the Department in providing all necessary test ports in stacks or ducts and such other safe and proper facilities, exclusive of instruments and sensing devices, as may be reasonably required to conduct the test with due regard being given to expenditures and possible disruption of normal operations of the source.
  - (2) A report concerning the findings of such tests shall be furnished to the person responsible for the source upon request.
- (E) Paragraph (F) – The LLCHD may require the owner or operator of any other emission source which is subject to the provisions of these regulations to install, use and maintain such stationary monitoring equipment as is required to demonstrate continuing compliance with any applicable emissions limitations, and to maintain records and make reports regarding such measured emissions to the Department in a manner and on a schedule to be determined by the LLCHD.
- (F) Paragraph (G) – When a new or modified stationary source becomes operational, the owner or operator will submit a written report of performance tests (if required) to the LLCHD within sixty (60) days after reaching maximum capacity but not later than one hundred eighty (180) days after the startup of operations. Failure to meet established performance standards will result in withdrawal of the provisional approval granted to operate the new or modified stationary source. Final approval and issuance of an operating permit will be withheld for operation of the affected facility until such time as the owner or operator has corrected the deficiencies determined by the performance tests. Upon satisfactory accomplishment of a valid series of performance tests, approval for operation of the new or modified stationary source will be granted through issuance of an operating permit in accordance with Article 2, Section 5.
- (G) Paragraph (H) – Notwithstanding any other provisions of LLCAPCRS, the following methods may be used to determine compliance with applicable requirements:
  - (1) A monitoring method approved for the source and incorporated in an operating permit pursuant to LLCAPCRS Article 2, Section 8;
  - (2) Any compliance test method specified in the State Implementation Plan (SIP);
  - (3) Any test or monitoring method approved for the source in a permit issued pursuant to LLCAPCRS Article 2, Sections 17, 19, or 27;
  - (4) Any test or monitoring method provided for in the LLCAPCRS; or
  - (5) Any other test, monitoring, or information gathering method that produces information comparable to that produced by any method described in paragraphs (1) through (4) of this condition.

- (H) Paragraph (I) – Where allowed by the Department, the owner or operator of any PEMS used to meet a pollutant monitoring requirement must comply with all applicable provisions set forth in paragraphs (I)(1-6) of Section 34. Owners/operators of PEMS must apply for approval of a PEMS system in accordance with paragraph (J) of Section 34 and must also comply with all applicable provisions set forth in paragraphs (K)-(O) of Section 34.
- XIX. The following provisions of LLCAPCPRS Article 2, Section 35 (Compliance – Exceptions Due to Startup, Shutdown, or Malfunction) are requirements of this permit:
- (A) Paragraph (A) – Upon receipt of a notice of excess emissions issued by the Department, the owner/operator may provide information showing that the excess emissions were the result of a malfunction, start-up, or shutdown.
- (B) Paragraph (B) – The information provided by the source operator under paragraph (A) of this condition must include, at a minimum, the information specified in paragraphs (B)(1)-(9) of Section 35.
- (C) Paragraph (C) – The owner/operator must submit the information specified in paragraph (B) of this condition no later than fifteen (15) days after receipt of the notice of excess emissions.
- (D) Paragraph (D) – The owner/operator must notify the LLCHD, in writing, whenever a planned start-up or shut down may result in excess emissions. This notice must be mailed, no later than ten (10) days prior to such action and must include, but not be limited to, the information specified in paragraphs (D)(1)-(10) of Section 35.
- (E) Paragraph (E) – The owner/operator must notify the LLCHD, in writing, whenever emissions due to malfunctions, unplanned shutdowns or ensuing start-ups are, or may be, in excess of applicable emission control regulations for one hour or more. Such notification must be mailed within forty-eight (48) hours of the beginning of each period of excess emissions and must include, but not be limited to, the information required in paragraph (D) of Section 35.
- (F) Paragraph (F) – Nothing in Section 35 shall be construed to limit the authority of the Director to take appropriate action to enforce the provisions of the LLCAPCPRS.
- XX. The following provisions of LLCAPCPRS Article 2, Section 36 (Control Regulations – Circumvention – When Excepted) are requirements of this permit:
- (A) Paragraph (A) – No person shall cause or permit the installation or use of any machine, equipment, device, or other article, or alter any process in any manner which conceals or dilutes the emissions of contaminants without resulting in a reduction of the total amounts of contaminants emitted.
- (B) Paragraph (B) – Exception to paragraph (A) above may be granted by the LLCHD, upon request, provided that such action is intended to convert the physical or chemical nature of the contaminant emission and that failure to reduce total contaminant emissions results solely from the introduction of contaminants which are not deemed to be detrimental to the public interest.
- XXI. In accordance with LLCAPCPRS Article 2, Section 37 (Compliance – Responsibility of Owner/Operator Pending Review by Director), application for review of plans or advice furnished by the LLCHD will not relieve the owner or operator of a new or modified stationary source of legal compliance with any provision of the LLCAPCPRS, or prevent the Director from enforcing or implementing any provision of the LLCAPCPRS.

- XXII. In accordance with LLCAPCPRS Article 2, Section 38 (Emergency Episodes – Occurrence and Control: Contingency Plans), if and when the Director declares an air pollution emergency episode as defined in Section 38, the source must perform all applicable Air Pollution Emergency Actions as required by LLCAPCPRS Appendix I, paragraphs 1.3 (a)(1) and 1.3 (b)(1)-(2) until the Director declares the air pollution episode terminated.
- XXIII. The owner/operator must comply with all applicable provisions of 40 CFR Part 82 – Protection of the Stratospheric Ozone. Affected controlled substances can be found in 40 CFR Part 82, Subpart A – Appendix A (Class I Controlled Substances) and Appendix B (Class II Controlled Substances). The following conditions are requirements of this permit:
- (A) The owner/operator must comply with the standards for labeling of products containing ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
- (1) The following must bear the required warning statement if introduced into interstate commerce pursuant to §82.106:
    - (a) All containers in which a Class I or Class II substance is stored or transported;
    - (b) All products containing a Class I substance; and
    - (c) All products directly manufactured with a Class I substance.
  - (2) The placement of the required warning statement must comply with the requirements pursuant to §82.108.
  - (3) The form of the label bearing the required warning statement must comply with the requirements pursuant to §82.110.
  - (4) No person may modify, remove, or interfere with the required warning statement except as described in §82.112.
- (B) The owner/operator must comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVAC) in 40 CFR Part 82, Subpart B:
- (1) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to §82.156.
  - (2) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.
  - (3) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to §82.161.
  - (4) Persons disposing of small appliances, MVAC, and MVAC-like appliances must comply with reporting and recordkeeping requirements pursuant to §82.166. ("MVAC-like appliance" as defined at §82.152)
  - (5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156.
  - (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to §82.166.
- (C) If any person manufactures, transforms, imports, or exports a Class I or Class II substance at this source, the owner/operator must ensure compliance with all requirements as specified in 40 CFR Part 82, Subpart A (Production and Consumption Controls).

- (D) If any person performs service on motor (fleet) vehicles at this source when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the MVAC, the owner/operator must ensure compliance with all applicable requirements as specified in 40 CFR Part 82, Subpart B (Servicing of MVAC). The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.
- (E) The owner/operator shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G (Significant New Alternatives Policy Program).

XXIV. Requirements Established Pursuant to Department Authority. Pursuant to the authorities granted in Section 8.06.030 of the Lincoln Municipal Code (LMC 8.06.030 – Air Pollution, Director Powers and Duties), Section 4 of the Lancaster County Air Pollution Control Resolution (R-13-0073), and Neb. Rev. Stat. §81-1504, the following conditions are requirements of this permit:

- (A) Permits. This permit is not transferable to another location, unless otherwise specified in this permit. The LLCHD shall have the authority to issue, continue in effect, revoke, modify, or deny permits, under such conditions as the LLCHD may prescribe and consistent with the Clean Air Act and the LLCAPCRS.
- (B) Testing and Sampling. The owner/operator shall allow the LLCHD, US EPA, or an authorized representative to conduct tests and take samples of air contaminants, fuel, process materials, or any other substance which affects or may affect discharges or emissions of air contaminants from any source. The owner/operator shall submit air contaminant emission information in connection with such inspections, tests, and studies.
- (C) Orders, Abatement, and Pollution Control. The LLCHD, US EPA, or an authorized representative shall have the authority to issue, modify, or revoke orders prohibiting or abating discharges of air pollutants, or requiring the construction of control systems or any parts thereof or the modification, extension, or adoption of other remedial measures to prevent, control, or abate air pollution.
- (D) Inspection. The owner/operator shall allow the LLCHD, US EPA, or an authorized representative to enter and inspect or cause to be inspected, during reasonable hours, any building, facility, or place (except a building designed for and used exclusively for a private residence) as the LLCHD deems necessary to determine compliance with the provisions of the LLCAPCRS.
- (E) Record Keeping and Retention. The owner/operator shall allow the LLCHD, US EPA, or an authorized representative access to existing and available records relating to emissions or discharges, which cause or contribute to air pollution or the monitoring of such emissions or discharges. These records shall be readily accessible and made available for inspection upon request by the LLCHD, US EPA, or an authorized representative. For the purposes of this permit, the owner/operator shall retain records of all required monitoring data, reports, and support information required by this permit for a period of at least sixty (60) months from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. All records of required monitoring information shall include the following:
  - (1) The date and place as defined in the permit, and time of sampling or measurements;
  - (2) The date(s) analyses were performed;
  - (3) The company or entity that performed the analyses;

- (4) The analytical techniques or methods used;
- (5) The results of such analyses; and
- (6) The operating conditions existing at the time of sampling or measurement.

### **Specific Conditions**

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XXV. This permit authorizes the owner/operator to install and operate emission units at the source in accordance with the following provisions:

(A) Throughput Limits & Operating Requirements.

- (1) The owner/operator shall process only reclaimed (i.e., chipped, shredded, or ground) clean woody materials that meet the definition of 'clean cellulosic biomass' as defined in 40 CFR Part 241, Subpart A §241.2.
- (2) In accordance with Article 2, Section 22 of the LLCAPCPRS, the owner/operator shall comply with the following requirements:
  - (a) Paragraph (C): The burning capacity of the Permitted Emission Unit(s) shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Director in accordance with good engineering practice.
  - (b) Paragraph (E): Instructions for proper operation of each incinerator shall be posted on-site.
- (3) The owner/operator shall operate the Permitted Emission Unit(s) in accordance with the manufacturer's specifications. At all times, including periods of startup, shutdown, and malfunction, the owner/operator shall, to the extent practicable, maintain and operate the Permitted Emission Unit(s) in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Department which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
- (4) The owner/operator is subject to all elections specified in the approved application, and any emissions controls used shall be at a minimum those elected in Section 6 of the approved application. The owner/operator may contact the Department to request or submit modifications to the approved application.

(B) Emission Limits & Emission Control Requirements.

- (1) In accordance with Article 2, Section 22, of the LLCAPCPRS, the owner/operator shall comply with the following requirements:
  - (a) Paragraph (B): Emissions of particulate matter (PM) from the Permitted Emission Unit(s) shall not exceed one-tenth of a grain per dry standard cubic foot (0.10 gr/dscf) of exhaust gas corrected to seven percent (7%) oxygen (O<sub>2</sub>). The exhaust gases contributed by the burning of liquid or gaseous fuel shall be excluded.
  - (b) Paragraph (F): Each of the Permitted Emission Unit(s) shall meet the design criteria as set forth in the definition of incinerator at Article 2, Section 1 of the LLCAPCPRS and shall meet the additional design requirement that the products of combustion must be vented through an adequate stack, duct, or chimney.
  - (c) Paragraph (I): The Permitted Emission Unit(s) shall each be equipped with a secondary combustion chamber and auxiliary burner(s) that shall be operated at all times the primary combustion chamber associated with the Permitted Emission Unit(s) is in operation, or as specified by the manufacturer's operating instructions.

The secondary combustion chamber shall be capable of achieving and maintaining a minimum operating temperature to be established by one of the methods listed as follows in order of descending preference:

- (i) The average temperature recorded during a performance test conducted on the incinerator by the owner/operator;
  - (ii) The average temperature recorded during a performance test conducted on an incinerator of the same make and model by the manufacturer; or
  - (iii) The minimum temperature recommended by the manufacturer.
- (2) In accordance with Article 2, Section 20, paragraph (B) of the LLCAPCPRS, particulate matter emissions from the Permitted Emission Unit(s) shall not exceed six-tenths of a pound per million British thermal units (0.60 lb/MMBtu).
  - (3) In accordance with Article 2, Section 20, paragraph (E) of the LLCAPCPRS, particulate matter emissions from the Permitted Emission Unit(s) shall not equal or exceed twenty percent (20%) opacity, as evaluated by EPA Test Method 9.

(C) Monitoring Requirements.

- (1) The owner/operator shall perform visible emissions observations according to Attachment A of this permit, or as required pursuant to an operating permit issued to the owner/operator. If an operating permit issued to the owner/operator establishes visible emissions observation requirements for the Permitted Emission Unit(s) that differ from those established in Attachment A of this permit, the owner/operator shall only comply with the requirements established in the operating permit.

(D) Record Keeping Requirements.

- (1) In accordance with Article 2, Section 22, paragraph (E) of the LLCAPCPRS, the owner/operator shall keep records of written certification that each operator has read manufacturer instructions, understands them, and intends to comply.
- (2) Prior to startup of operation of the Permitted Emission Unit(s), the owner/operator shall:
  - (a) Prepare a waste management plan that identifies both the feasibility and the methods used to separate and eliminate materials from the throughput stream that do not meet the requirement established in Condition XXV(A)(1) of this permit. The waste management plan must include consideration of the separation and elimination of process-stream elements that do not meet the requirement established in Condition XXV(A)(1) of this permit, and must identify any additional waste management measures and implement those measures the source considers practical and feasible, considering the effectiveness of waste management measures already in place, the costs of additional measures, the emissions reductions expected to be achieved, and any other environmental or energy impacts they might have.
  - (b) Prepare records of written certification that each operator has read the waste management plan, understands it, and intends to comply. For the purposes of this requirement, this certification may be combined with the certification required pursuant to Condition XXV(D)(1) of this permit.
- (3) The owner/operator shall maintain records of operation and maintenance for each of the Permitted Emission Unit(s), to include the following:
  - (a) The quantity of reclaimed clean woody material loaded for pyrolysis;
  - (b) The duration of each operating cycle (in hours);



- (c) Records documenting when routine maintenance and preventive actions were performed, with a description of the maintenance and/or preventive action performed.
  - (d) Records documenting equipment failures, malfunctions, or excess visible emissions. Records shall include the time of each occurrence, corrective action(s) taken, and when corrections were made.
- (E) Reporting Requirements.
- (1) In accordance with the requirements set forth under Condition XI of this permit, the owner/operator shall report all emissions associated with the Permitted Emission Unit(s) on an annual basis. This report shall be submitted no later than March 31<sup>st</sup> of each year.
  - (2) The owner/operator shall report the occurrence of any visible emissions observed leaving the premises, and/or any EPA Test Method 9 observations resulting in greater than twenty percent (20%) opacity, as prescribed under paragraph (C)(1) of this condition. These reports shall be submitted to the Department, in writing, no more than two (2) days after the date of occurrence.
- (F) Other Requirements.
- (1) The owner/operator shall not make any modifications to any of the Permitted Emission Unit(s) and/or associated equipment that may increase emissions or change dispersion characteristics without receiving written approval from the Department.
  - (2) Any control or monitoring equipment that may be necessary for compliance with the LLCAPCPRS or any similar requirements of the Federal EPA shall be installed within the time period or by the date specified in the applicable rule or regulation.
- (G) Requirements of the New Source Performance Standards set forth in Title 40, Part 60 of the Code of Federal Regulations (40 CFR Part 60).
- (1) The owner/operator shall operate the emission units identified as Permitted Emission Unit(s) in accordance with the applicable requirements set forth in 40 CFR Part 60. The owner/operator shall be responsible for identifying and maintaining compliance with all applicable provisions of in 40 CFR Part 60 and as identified in the owner's/operator's operating permit.

**END OF PERMIT CONDITIONS**

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## Attachment A

### Visible Emissions Monitoring Procedure

#### Visible Emissions Monitoring Requirements:

- (A) Once during each 6-month period per calendar year, the owner/operator shall perform a six-minute visible emissions survey (VES) of all emission release points associated with emission units identified in the Permitted Emission Unit(s) of this permit.
- (B) The person(s) conducting the VES (i.e. the observer) must be familiar with EPA Test Method 22 in Appendix A-7 to 40 CFR Part 60, which means:
- (1) The individual has read and understands the procedures used to conduct EPA Test Method 22 observations as specified in Section 2.3 of Method 22;
  - (2) The individual possesses, or can obtain, any equipment necessary to conduct Method 22 observations; and
  - (3) The individual understands the Method 22 documentation protocols, as well as the applicable record keeping requirements of this permit.
- (C) If visible emissions are detected for less than 5% of the survey time (less than 18 total seconds), the person(s) conducting the visible emissions survey shall record the observation and no further action shall be taken.
- (D) If visible emissions from any emission unit or release point are detected for 5% or more of the survey time (18 seconds or more), the person(s) conducting the survey shall either:
- (1) Complete the necessary initial corrective action to eliminate or reduce the visible emissions no later than one (1) hour after visible emissions exceeding 5% or more of the survey time are detected, and proceed with the actions specified under paragraph (E) of this condition; OR
  - (2) An observer who has fulfilled the certification requirements set forth under EPA Test Method 9 in Appendix A-4 of 40 CFR Part 60 (i.e. a qualified observer), must perform an EPA Test Method 9 visible emission observation (VEO) at least six (6) minutes in duration. This VEO must be performed no later than two (2) hours after visible emissions exceeding 5% or more of the survey time are first detected. If the owner/operator elects to perform an EPA Test Method 9 VEO, the owner/operator shall proceed with the actions specified under paragraph (F) of this condition.
- (E) If corrective action(s) is performed, the observer shall record the corrective action taken and perform a 6-minute follow-up visible emissions survey using EPA Test Method 22 to ensure that the corrective action addressed the visible emissions. The follow-up survey must be initiated no more than one (1) hour after completion of the initial visible emission survey. Once the follow-up visible emissions survey is complete, the person(s) conducting the survey shall proceed as follows:
- (1) If visible emissions are detected for less than five percent (5%) of the survey time (e.g. less than 18 total seconds during a 6-minute survey), the observer shall record the observation and no further action is required; OR
  - (2) If visible emissions are detected for five percent (5%) or more of the survey time (e.g. 18 total seconds or more during a 6-minute survey), a qualified observer must perform a six (6) minute EPA Test Method 9 observation and proceed as specified in paragraph (F) of this condition.
- (F) Upon completion of an EPA Test Method 9 VEO, the following action(s) shall be taken:
- (1) If the result of the Method 9 VEO is less than twenty percent (< 20%) opacity, the qualified observer shall record the observation pursuant to paragraph (D)(2) of this condition and no further action shall be required.
  - (2) If the result of the Method 9 VEO is equal to or greater than twenty percent ( $\geq$  20%) opacity, the owner/operator shall:

- (a) Submit a report of excess emissions to the LLCHD within forty-eight (48) hours in accordance with the requirements of Article 2, Section 35 of the LLCAPCPRS; AND
- (b) No later than one (1) hour after the initial Method 9 VEO detected opacity equal to or greater than twenty percent ( $\geq 20\%$ ), perform the necessary corrective action to reduce opacity to less than twenty percent ( $< 20\%$ ). No later than one (1) hour after completing corrective action(s), a qualified observer shall perform a follow-up Method 9 VEO at least six (6) minutes in duration. The owner/operator shall perform the following based on the results of the follow-up Method 9 VEO:
  - (i) If the result of the follow-up Method 9 VEO is less than twenty percent ( $< 20\%$ ) opacity, the qualified observer shall record the corrective action(s) taken and the results of the follow-up Method 9 observation pursuant to paragraph (D)(2) of this condition. No further action shall be required; OR
  - (ii) If the result of the follow-up Method 9 VEO is equal to or greater than twenty percent ( $\geq 20\%$ ), the owner/operator shall immediately cease operation of the emission unit and not resume until corrective action(s) is taken to reduce opacity to less than twenty percent ( $< 20\%$ ). The owner/operator shall record corrective action(s) taken during shutdown. A qualified observer shall perform a Method 9 VEO at least six (6) minutes in duration within thirty (30) minutes of completion of the next startup. The owner/operator shall repeat the actions specified in paragraph (F) of this condition until occurrences of excess opacity have been eliminated.
- (G) If an observer or a qualified observer is unable to perform a VES or a Method 9 observation due to visual interferences caused by other visible emission sources (e.g. fugitive emissions during high wind conditions), extreme weather conditions (e.g. fog, heavy rain, or snow which impair visibility), or operations that occur after dark, the observer shall note such conditions on the data observation sheet, and conduct a VES or Method 9 observation as soon as conditions allow.
- (H) Visible emission monitoring is not required during startups, shutdowns, malfunctions, or during load/performance testing.

**Record Keeping Requirements:**

- (I) The owner/operator must maintain records of all required visible emission surveys (VES) and visible emission observations (VEO) performed pursuant to paragraphs (A)-(H) of this attachment and other Specific Conditions of this permit in order to demonstrate ongoing compliance with the visible emission opacity requirements in Condition XXV(B)(3) of this permit. These records must include the following:
  - (1) The name of the person(s) conducting the VES or VEO;
  - (2) The date and the starting time of the VES or VEO;
  - (3) The emission unit(s) for which the VES or VEO was performed;
  - (4) Visible emissions observed, as follows:
    - (a) For each Method 22 VES, record the duration the survey time and the cumulative duration of visible emissions observed during the VES; and
    - (b) For each Method 9 VEO, record the highest average opacity of visible emissions recorded during a period of six (6) consecutive minutes, calculated pursuant to EPA Test Method 9 procedures, as well as any information required in Sections 2.2, 2.4, and 2.5 of EPA Test Method 9.
  - (5) Any corrective action(s) taken (if applicable);
  - (6) The results of any follow-up VES or VEO (if applicable); and
  - (7) Record all instances in which a VES or VEO is not performed either due to lack of operation of the respective emission unit(s) during the monitoring period, or due to visual interferences as provided for in paragraph (G) of this attachment.