

FEDERAL OPERATING PERMIT

A FEDERAL OPERATING PERMIT IS HEREBY ISSUED TO
Oklaunion Industrial Park, LLC

AUTHORIZING THE OPERATION OF
Oklaunion Power Station
Fossil Fuel Electric Power Generation

LOCATED AT
Wilbarger County, Texas
Latitude 34° 5' 0" Longitude 99° 10' 37"
Regulated Entity Number: RN101062255

This permit is issued in accordance with and subject to the Texas Clean Air Act (TCAA), Chapter 382 of the Texas Health and Safety Code and Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122), Federal Operating Permits. Under 30 TAC Chapter 122, this permit constitutes the permit holder's authority to operate the site, emission units and affected source listed in this permit. Operations of the site, emission units and affected source listed in this permit are subject to all additional rules or amended rules and orders of the Commission pursuant to the TCAA.

This permit does not relieve the permit holder from the responsibility of obtaining New Source Review authorization for new, modified, or existing facilities in accordance with 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification.

The site, emission units and affected source authorized by this permit shall be operated in accordance with 30 TAC Chapter 122, the general terms and conditions, special terms and conditions, and attachments contained herein.

This permit shall expire five years from the date of issuance. The renewal requirements specified in 30 TAC § 122.241 must be satisfied in order to renew the authorization to operate the site, emission units and affected source.

Permit No: O38 Issuance Date: _____

For the Commission

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General Terms and Conditions

The permit holder shall comply with all terms and conditions contained in 30 TAC § 122.143 (General Terms and Conditions), 30 TAC § 122.144 (Recordkeeping Terms and Conditions), 30 TAC § 122.145 (Reporting Terms and Conditions), and 30 TAC § 122.146 (Compliance Certification Terms and Conditions).

In accordance with 30 TAC § 122.144(1), records of required monitoring data and support information required by this permit, or any applicable requirement codified in this permit, are required to be maintained for a period of five years from the date of the monitoring report, sample, or application unless a longer data retention period is specified in an applicable requirement. The five year record retention period supersedes any less stringent retention requirement that may be specified in a condition of a permit identified in the New Source Review Authorization attachment.

If the permit holder chooses to demonstrate that this permit is no longer required, a written request to void this permit shall be submitted to the Texas Commission on Environmental Quality (TCEQ) by the Responsible Official in accordance with 30 TAC § 122.161(e). The permit holder shall comply with the permit's requirements, including compliance certification and deviation reporting, until notified by the TCEQ that this permit is voided.

The permit holder shall comply with 30 TAC Chapter 116 by obtaining a New Source Review authorization prior to new construction or modification of emission units located in the area covered by this permit.

All reports required by this permit must include in the submittal a cover letter which identifies the following information: company name, TCEQ regulated entity number, air account number (if assigned), site name, area name (if applicable), and Air Permits Division permit number(s).

Special Terms and Conditions:

Emission Limitations and Standards, Monitoring and Testing, and Recordkeeping and Reporting

1. Permit holder shall comply with the following requirements:
 - A. Emission units (including groups and processes) in the Applicable Requirements Summary attachment shall meet the limitations, standards, equipment specifications, monitoring, recordkeeping, reporting, testing, and other requirements listed in the Applicable Requirements Summary attachment to assure compliance with the permit.
 - B. The textual description in the column titled "Textual Description" in the Applicable Requirements Summary attachment is not enforceable and is not deemed as a substitute for the actual regulatory language. The Textual Description is provided for information purposes only.
 - C. A citation listed on the Applicable Requirements Summary attachment, which has a notation [G] listed before it, shall include the referenced section and subsection for all commission rules, or paragraphs for all federal and state regulations and all subordinate paragraphs, subparagraphs and clauses, subclauses, and items contained within the referenced citation as applicable requirements.
 - D. When a grouped citation, notated with a [G] in the Applicable Requirements Summary, contains multiple compliance options, the permit holder must keep records of when each compliance option was used.
 - E. Emission units subject to 40 CFR Part 63, Subparts ZZZZ and DDDDD as identified in the attached Applicable Requirements Summary table are subject to 30 TAC Chapter

113, Subchapter C, §§ 113.1090 and 113.1130, respectively, which incorporate the 40 CFR Part 63 Subparts by reference.

2. The permit holder shall comply with the following sections of 30 TAC Chapter 101 (General Air Quality Rules):
 - A. Title 30 TAC § 101.1 (relating to Definitions), insofar as the terms defined in this section are used to define the terms used in other applicable requirements
 - B. Title 30 TAC § 101.3 (relating to Circumvention)
 - C. Title 30 TAC § 101.8 (relating to Sampling), if such action has been requested by the TCEQ
 - D. Title 30 TAC § 101.9 (relating to Sampling Ports), if such action has been requested by the TCEQ
 - E. Title 30 TAC § 101.10 (relating to Emissions Inventory Requirements)
 - F. Title 30 TAC § 101.201 (relating to Emission Event Reporting and Recordkeeping Requirements)
 - G. Title 30 TAC § 101.211 (relating to Scheduled Maintenance, Start-up, and Shutdown Reporting and Recordkeeping Requirements)
 - H. Title 30 TAC § 101.221 (relating to Operational Requirements)
 - I. Title 30 TAC § 101.222 (relating to Demonstrations)
 - J. Title 30 TAC § 101.223 (relating to Actions to Reduce Excessive Emissions)
3. Permit holder shall comply with the following requirements of 30 TAC Chapter 111:
 - A. Visible emissions from stationary vents with a flow rate of less than 100,000 actual cubic feet per minute and constructed after January 31, 1972 that are not listed in the Applicable Requirements Summary attachment for 30 TAC Chapter 111, Subchapter A, Division 1, shall not exceed 20% opacity averaged over a six-minute period. The permit holder shall comply with the following requirements for stationary vents at the site subject to this standard:
 - (i) Title 30 TAC § 111.111(a)(1)(B) (relating to Requirements for Specified Sources)
 - (ii) Title 30 TAC § 111.111(a)(1)(E)
 - (iii) Title 30 TAC § 111.111(a)(1)(F)(i), (ii), (iii), or (iv)
 - (iv) For emission units with vent emissions subject to 30 TAC § 111.111(a)(1)(B), complying with 30 TAC § 111.111(a)(1)(F)(ii), (iii), or (iv), and capable of producing visible emissions from, but not limited to, particulate matter, acid gases and NO_x, the permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146. These periodic monitoring requirements do not apply to vents that are not capable of producing visible emissions such as vents that emit only colorless VOCs; vents from non-fuming liquids; vents that provide passive ventilation, such as plumbing vents; or vent emissions from any other source that

does not obstruct the transmission of light. Vents, as specified in the “Applicable Requirements Summary” attachment, that are subject to the emission limitation of 30 TAC § 111.111(a)(1)(B) are not subject to the following periodic monitoring requirements:

- (1) An observation of stationary vents from emission units in operation shall be conducted at least once during each calendar quarter unless the emission unit is not operating for the entire quarter.
- (2) For stationary vents from a combustion source, if an alternative to the normally fired fuel is fired for a period greater than or equal to 24 consecutive hours, the permit holder shall conduct an observation of the stationary vent for each such period to determine if visible emissions are present. If such period is greater than 3 months, observations shall be conducted once during each quarter. Supplementing the normally fired fuel with natural gas or fuel gas to increase the net heating value to the minimum required value does not constitute creation of an alternative fuel.
- (3) Records of all observations shall be maintained.
- (4) Visible emissions observations of emission units operated during daylight hours shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Visible emissions observations of emission units operated only at night must be made with additional lighting and the temporary installation of contrasting backgrounds. Visible emissions observations shall be made during times when the activities described in 30 TAC § 111.111(a)(1)(E) are not taking place. Visible emissions shall be determined with each stationary vent in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 mile, away from each stationary vent during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer’s eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor. A certified opacity reader is not required for visible emissions observations.
- (5) Compliance Certification:
 - (a) If visible emissions are not present during the observation, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC § 111.111(a)(1) and (a)(1)(B).
 - (b) However, if visible emissions are present during the observation, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(1)(F) as soon as practicable, but no later than 24 hours after observing visible emissions to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is

determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2). The opacity test must be performed by a certified opacity reader.

- (c) Some vents may be subject to multiple visible emission or monitoring requirements. All credible data must be considered when certifying compliance with this requirement even if the observation or monitoring was performed to demonstrate compliance with a different requirement.

B. For visible emissions from a building, enclosed facility, or other structure; the permit holder shall comply with the following requirements:

- (i) Title 30 TAC § 111.111(a)(7)(A) (relating to Requirements for Specified Sources)
- (ii) Title 30 TAC § 111.111(a)(7)(B)(i) or (ii)
- (iii) For a building containing an air emission source, enclosed facility, or other structure containing or associated with an air emission source subject to 30 TAC § 111.111(a)(7)(A), complying with 30 TAC § 111.111(a)(7)(B)(i) or (ii), and capable of producing visible emissions from, but not limited to, particulate matter, acid gases and NO_x, the permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146:
 - (1) An observation of visible emissions from a building containing an air emission source, enclosed facility, or other structure containing or associated with an air emission source which is required to comply with 30 TAC § 111.111(a)(7)(A) shall be conducted at least once during each calendar quarter unless the air emission source or enclosed facility is not operating for the entire quarter.
 - (2) Records of all observations shall be maintained.
 - (3) Visible emissions observations of air emission sources or enclosed facilities operated during daylight hours shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Visible emissions observations of air emission sources or enclosed facilities operated only at night must be made with additional lighting and the temporary installation of contrasting backgrounds. Visible emissions shall be determined with each emissions outlet in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 mile, away from each emissions outlet during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer's eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor. A certified opacity reader is not required for visible emissions observations.

- (4) Compliance Certification:
- (a) If visible emissions are not present during the observation, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC § 111.111(a)(7) and (a)(7)(A).
 - (b) However, if visible emissions are present during the observation, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(7)(B) as soon as practicable, but no later than 24 hours after observing visible emissions to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2). The opacity test must be performed by a certified opacity reader.

C. For visible emissions from all other sources not specified in 30 TAC § 111.111(a)(1), (4), or (7); the permit holder shall comply with the following requirements:

- (i) Title 30 TAC § 111.111(a)(8)(A) (relating to Requirements for Specified Sources)
- (ii) Title 30 TAC § 111.111(a)(8)(B)(i) or (ii)
- (iii) For a source subject to 30 TAC § 111.111(a)(8)(A), complying with 30 TAC § 111.111(a)(8)(B)(i) or (ii), and capable of producing visible emissions from, but not limited to, particulate matter, acid gases and NO_x, the permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146:
 - (1) An observation of visible emissions from a source which is required to comply with 30 TAC § 111.111(a)(8)(A) shall be conducted at least once during each calendar quarter unless the source is not operating for the entire quarter.
 - (2) Records of all observations shall be maintained.
 - (3) Visible emissions observations of sources operated during daylight hours shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Visible emissions observations of sources operated only at night must be made with additional lighting and the temporary installation of contrasting backgrounds. Visible emissions shall be determined with each source in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 mile, away from each source during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer's eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer

visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor. A certified opacity reader is not required for visible emissions observations.

- (4) Compliance Certification:
- (a) If visible emissions are not present during the observation, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC § 111.111(a)(8) and (a)(8)(A)
 - (b) However, if visible emissions are present during the observation, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(8)(B) as soon as practicable, but no later than 24 hours after observing visible emissions to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2). The opacity test must be performed by a certified opacity reader.

- D. Certification of opacity readers determining opacities under Method 9 (as outlined in 40 CFR Part 60, Appendix A) to comply with opacity monitoring requirements shall be accomplished by completing the Visible Emissions Evaluators Course, or approved agency equivalent, no more than 180 days before the opacity reading.
- E. For emission units with contributions from uncombined water, the permit holder shall comply with the requirements of 30 TAC § 111.111(b).
- F. Emission limits on nonagricultural processes, except for the steam generators specified in 30 TAC § 111.153, shall comply with the following requirements:
 - (i) Emissions of PM from any source may not exceed the allowable rates as required in 30 TAC § 111.151(a) (relating to Allowable Emissions Limits)
 - (ii) Sources with an effective stack height (h_e) less than the standard effective stack height (H_e), must reduce the allowable emission level by multiplying it by $[h_e/H_e]^2$ as required in 30 TAC § 111.151(b)
 - (iii) Effective stack height shall be calculated by the equation specified in 30 TAC § 111.151(c)
- G. Permit holder shall comply with the following requirements for steam generators:
 - (i) Emissions from any oil or gas fuel-fired steam generator with a heat input capacity greater than 2,500 MMBtu per hour may not exceed 0.1 pound of TSP per MMBtu of heat input, averaged over a two-hour period, as required in 30 TAC § 111.153(c) (relating to Emissions Limits for Steam Generators).

4. The permit holder shall comply with the following requirements for units subject to any subpart of 40 CFR Part 60, unless otherwise stated in the applicable subpart:
 - A. Title 40 CFR § 60.7 (relating to Notification and Recordkeeping)
 - B. Title 40 CFR § 60.8 (relating to Performance Tests)
 - C. Title 40 CFR § 60.11 (relating to Compliance with Standards and Maintenance Requirements)
 - D. Title 40 CFR § 60.12 (relating to Circumvention)
 - E. Title 40 CFR § 60.13 (relating to Monitoring Requirements)
 - F. Title 40 CFR § 60.14 (relating to Modification)
 - G. Title 40 CFR § 60.15 (relating to Reconstruction)
 - H. Title 40 CFR § 60.19 (relating to General Notification and Reporting Requirements)
5. The permit holder shall comply with the requirements of 30 TAC Chapter 113, Subchapter C, § 113.100 for units subject to any subpart of 40 CFR Part 63, unless otherwise stated in the applicable subpart.

New Source Review Authorization Requirements

6. Permit holder shall comply with the requirements of New Source Review authorizations issued or claimed by the permit holder for the permitted area, including permits, permits by rule (including the terms, conditions, monitoring, recordkeeping, and reporting identified in registered PBRs and permits by rule identified in the PBR Supplemental Tables dated March 20, 2024 in the application for project 22527), standard permits, flexible permits, special permits, permits for existing facilities including Voluntary Emissions Reduction Permits and Electric Generating Facility Permits issued under 30 TAC Chapter 116, Subchapter I, or special exemptions referenced in the New Source Review Authorization References attachment. These requirements:
 - A. Are incorporated by reference into this permit as applicable requirements
 - B. Shall be located with this operating permit
 - C. Are not eligible for a permit shield
7. The permit holder shall comply with the general requirements of 30 TAC Chapter 106, Subchapter A or the general requirements, if any, in effect at the time of the claim of any PBR.
8. The permit holder shall maintain records to demonstrate compliance with any emission limitation or standard that is specified in a permit by rule (PBR) or Standard Permit listed in the New Source Review Authorizations attachment. The records shall yield reliable data from the relevant time period that are representative of the emission unit's compliance with the PBR or Standard Permit. These records may include, but are not limited to, production capacity and throughput, hours of operation, safety data sheets (SDS), chemical composition of raw materials, speciation of air contaminant data, engineering calculations, maintenance records, fugitive data, performance tests, capture/control device efficiencies, direct pollutant monitoring (CEMS, COMS, or PEMS), or control device parametric monitoring. These records shall be made readily accessible and available as required by 30 TAC § 122.144. Any monitoring or recordkeeping data indicating

noncompliance with the PBR or Standard Permit shall be considered and reported as a deviation according to 30 TAC § 122.145 (Reporting Terms and Conditions).

Compliance Requirements

9. The permit holder shall certify compliance in accordance with 30 TAC § 122.146. The permit holder shall comply with 30 TAC § 122.146 using at a minimum, but not limited to, the continuous or intermittent compliance method data from monitoring, recordkeeping, reporting, or testing required by the permit and any other credible evidence or information. The certification period may not exceed 12 months and the certification must be submitted within 30 days after the end of the period being certified.
10. Use of Discrete Emission Credits to comply with the applicable requirements:
 - A. Unless otherwise prohibited, the permit holder may use discrete emission credits to comply with the following applicable requirements listed elsewhere in this permit:
 - (i) Title 30 TAC Chapter 115
 - (ii) Title 30 TAC Chapter 117
 - (iii) If applicable, offsets for Title 30 TAC Chapter 116
 - (iv) Temporarily exceed state NSR permit allowables
 - B. The permit holder shall comply with the following requirements in order to use the credit to comply with the applicable requirements:
 - (i) The permit holder must notify the TCEQ according to 30 TAC § 101.376(d)
 - (ii) The discrete emission credits to be used must meet all the geographic, timeliness, applicable pollutant type, and availability requirements listed in 30 TAC Chapter 101, Subchapter H, Division 4
 - (iii) The executive director has approved the use of the discrete emission credits according to 30 TAC § 101.376(d)(1)(A)
 - (iv) The permit holder keeps records of the use of credits towards compliance with the applicable requirements in accordance with 30 TAC § 101.372(h) and 30 TAC Chapter 122
 - (v) Title 30 TAC § 101.375 (relating to Emission Reductions Achieved Outside the United States)

Permit Location

11. The permit holder shall maintain a copy of this permit and records related to requirements listed in this permit on site.

Permit Shield (30 TAC § 122.148)

12. A permit shield is granted for the emission units, groups, or processes specified in the attached "Permit Shield." Compliance with the conditions of the permit shall be deemed compliance with the specified potentially applicable requirements or specified potentially applicable state-only requirements listed in the attachment "Permit Shield." Permit shield provisions shall not be

modified by the executive director until notification is provided to the permit holder. No later than 90 days after notification of a change in a determination made by the executive director, the permit holder shall apply for the appropriate permit revision to reflect the new determination. Provisional terms are not eligible for this permit shield. Any term or condition, under a permit shield, shall not be protected by the permit shield if it is replaced by a provisional term or condition or the basis of the term and condition changes.

Acid Rain Permit Requirements

13. For unit OPS1 (identified in the Certificate of Representation as unit 1), located at the affected source identified by ORIS/Facility/Plant code 127, the designated representative and the owner or operator, as applicable, shall comply with the following Acid Rain Permit requirements.

A. General Requirements

- (i) Under 30 TAC § 122.12(1) and 40 CFR Part 72, the Acid Rain Permit requirements contained here are a separable portion of the Federal Operating Permit (FOP) and have an independent public comment process which may be separate from, or combined with the FOP.
- (ii) The owner and operator shall comply with the requirements of 40 CFR Part 72 and 40 CFR Part 76. Any noncompliance with the Acid Rain Permit will be considered noncompliance with the FOP and may be subject to enforcement action.
- (iii) The owners and operators of the affected source shall operate the source and the unit in compliance with the requirements of this Acid Rain Permit and all other applicable State and federal requirements.
- (iv) The owners and operators of the affected source shall comply with the General Terms and Conditions of the FOP that incorporates this Acid Rain Permit.
- (v) The term for the Acid Rain permit shall commence with the issuance of the FOP that incorporates the Acid Rain permit and shall be run concurrent with the remainder of the term of the FOP. Renewal of the Acid Rain permit shall coincide with the renewal of the FOP that incorporates the Acid Rain permit and subsequent terms shall be no more than five years from the date of renewal of the FOP and run concurrent with the permit term of the FOP.

B. Monitoring Requirements

- (i) The owners and operators, and the designated representative, of the affected source and each affected unit at the source shall comply with the monitoring requirements contained in 40 CFR Part 75.
- (ii) The emissions measurements recorded and reported in accordance with 40 CFR Part 75 and any other credible evidence shall be used to determine compliance by the affected source with the acid rain emissions limitations and emissions reduction requirements for SO₂ and NO_x under the ARP.
- (iii) The requirements of 40 CFR Part 75 shall not affect the responsibility of the owners and operators to monitor emission of other pollutants or other emissions characteristics at the unit under other applicable requirements of the FCAA Amendments (42 U.S.C. 7401, as amended November 15, 1990) and other terms and conditions of the operating permit for the source.

C. SO₂ emissions requirements

- (i) The owners and operators of each source and each affected unit at the source shall comply with the applicable acid rain emissions limitations for SO₂.
- (ii) As of the allowance transfer deadline the owners and operators of the affected source and each affected unit at the source shall hold, in the unit's compliance subaccount, allowances in an amount not less than the total annual emissions of SO₂ for the previous calendar year.
- (iii) Each ton of SO₂ emitted in excess of the acid rain emissions limitations for SO₂ shall constitute a separate violation of the FCAA amendments.
- (iv) An affected unit shall be subject to the requirements under (i) and (ii) of the SO₂ emissions requirements as follows:
 - (1) Starting January 1, 2000, an affected unit under 40 CFR § 72.6(a)(2); or
 - (2) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR Part 75, an affected unit under 40 CFR § 72.6(a)(3).
- (v) Allowances shall be held in, deducted from, or transferred into or among Allowance Tracking System accounts in accordance with the requirements of the ARP.
- (vi) An allowance shall not be deducted, for compliance with the requirements of this permit, in a calendar year before the year for which the allowance was allocated.
- (vii) An allowance allocated by the EPA Administrator or under the ARP is a limited authorization to emit SO₂ in accordance with the ARP. No provision of the ARP, Acid Rain permit application, this Acid Rain Permit, or an exemption under 40 CFR §§ 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (viii) An allowance allocated by the EPA Administrator under the ARP does not constitute a property right.

D. NO_x Emission Requirements

- (i) The owners and operators of the source and each affected unit at the source shall comply with the applicable acid rain emissions limitations for NO_x under 40 CFR Part 76.
- (ii) Beginning on the effective date of the termination of the early election plan, but no later than January 1, 2008, the owners and operators shall comply with the Phase II NO_x standard emission limitation compliance plan for unit OPS1, under which each unit's annual average NO_x emission rate for each year, determined using the methods and procedures specified in 40 CFR Part 75, shall not exceed the applicable emission limitation of 0.46 lb/MMBtu for dry bottom wall-fired units under 40 CFR § 76.7(a)(2).

E. Excess emissions requirements for SO₂ and NO_x.

- (i) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR Part 77.
- (ii) If an affected source has excess emissions in any calendar year shall, as required by 40 CFR Part 77:
 - (1) Pay, without demand, the penalty required and pay, upon demand, the interest on that penalty.
 - (2) Comply with the terms of an approved offset plan.

F. Recordkeeping and Reporting Requirements

- (i) Unless otherwise provided, the owners and operators of the affected source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the permitting authority or the EPA Administrator.
 - (1) The certificate of representation for the designated representative for the source and each affected unit and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR § 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative.
 - (2) All emissions monitoring information, in accordance with 40 CFR Part 75, provided that to the extent that 40 CFR Part 75 provides for a 3-year period for recordkeeping (rather than a five-year period cited in 30 TAC § 122.144), the 3-year period shall apply.
 - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under the ARP or relied upon for compliance certification.
 - (4) Copies of all documents used to complete an acid rain permit application and any other submission under the ARP or to demonstrate compliance with the requirements of the ARP.
- (ii) The designated representative of an affected source and each affected unit at the source shall submit the reports required under the ARP including those under 40 CFR Part 72, Subpart I and 40 CFR Part 75.

G. Liability

- (i) Any person who knowingly violates any requirement or prohibition of the ARP, a complete acid rain permit application, an acid rain permit, or a written exemption under 40 CFR §§ 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to FCAA § 113(c).

- (ii) Any person who knowingly makes a false, material statement in any record, submission, or report under the ARP shall be subject to criminal enforcement pursuant to FCAA § 113(c) and 18 U.S.C. 1001.
 - (iii) No permit revision shall excuse any violation of the requirements of the ARP that occurs prior to the date that the revision takes effect.
 - (iv) The affected source and each affected unit shall meet the requirements of the ARP contained in 40 CFR Parts 72 through 78.
 - (v) Any provision of the ARP that applies to an affected source or the designated representative of an affected source shall also apply to the owners and operators of such source and of the affected units at the source.
 - (vi) Any provision of the ARP that applies to an affected unit (including a provision applicable to the DR of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR § 72.44 (Phase II repowering extension plans) and 40 CFR § 76.11 (NO_x averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR Part 75 (including 40 CFR §§ 75.16, 75.17, and 75.18), the owners and operators and the DR of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the DR and that is located at a source of which they are not owners or operators or the DR.
 - (vii) Each violation of a provision of 40 CFR Parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or DR of such source or unit, shall be a separate violation of the FCAA Amendments.
- H. Effect on other authorities. No provision of the ARP, an acid rain permit application, an acid rain permit, or an exemption under 40 CFR §§ 72.7 or 72.8 shall be construed as:
- (i) Except as expressly provided in Title IV of the FCAA Amendments, exempting or excluding the owners and operators and, to the extent applicable, the DR of an affected source or affected unit from compliance with any other provision of the FCAA Amendments, including the provisions of Title I of the FCAA Amendments relating to applicable National Ambient Air Quality Standards or State Implementation Plans.
 - (ii) Limiting the number of allowances a unit can hold; provided, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the FCAA Amendments.
 - (iii) Requiring a change of any kind in any state law regulating electric utility rates and charges, affecting any state law regarding such state regulation, or limiting such state regulation, including any prudence review requirements under such state law.
 - (iv) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
 - (v) Interfering with or impairing any program for competitive bidding for power supply in a state in which such program is established.

- I. The number of SO₂ allowances allocated by the EPA in 40 CFR Part 73 is enforceable only by the EPA Administrator.

Cross-State Air Pollution Rule (CSAPR) Trading Program Requirements

14. For unit OPS1 (identified in the Certificate of Representation as unit 1), located at the site identified by Plant code/ORIS/Facility code 127, the designated representative and the owner or operator, as applicable, shall comply with the following CSAPR requirements.

A. General Requirements

- (i) The owners and operators of the CSAPR NO_x Ozone Season Group 2 source and each CSAPR NO_x Ozone Season Group 2 unit at the source shall operate the source and the unit in compliance with the requirements of the CSAPR NO_x Ozone Season Group 2 Trading Program and all other applicable State and federal requirements.
- (ii) The owners and operators of the CSAPR NO_x Ozone Season Group 2 source and each CSAPR NO_x Ozone Season Group 2 unit at the source shall comply with the requirements of 40 CFR Part 97, Subpart EEEEE for CSAPR NO_x Ozone Season Group 2 Trading Program, and with the General Terms and Conditions of the Federal Operating Permit (FOP) that incorporates the CSAPR requirements.

B. Description of CSAPR Monitoring Provisions

- (i) The CSAPR subject unit(s), and the unit-specific monitoring provisions at this source, are identified in the following paragraph(s). These unit(s) are subject to the requirements for the CSAPR NO_x Ozone Season Group 2 Trading Program.
 - (1) For unit OPS1, the owners and operators shall comply with the continuous emission monitoring system or systems (CEMS) requirements pursuant to 40 CFR Part 75, Subpart H for NO_x and heat input.
- (ii) The above description of the monitoring used by a unit does not change, create an exemption from, or otherwise affect the monitoring, recordkeeping, and reporting requirements applicable to the unit under 40 CFR §§ 97.830 through 97.835 (CSAPR NO_x Ozone Season Group 2 Trading Program). The monitoring, recordkeeping and reporting requirements applicable to each unit are included below in the standard conditions for the applicable CSAPR trading program.
- (iii) Owners and operators must submit to the Administrator a monitoring plan for each unit in accordance with 40 CFR §§ 75.53, 75.62 and 75.73, as applicable. The monitoring plan for each unit is available at the EPA's website at <https://www.epa.gov/airmarkets/monitoring-plans-part-75-sources>.
- (iv) Owners and operators that want to use an alternative monitoring system must submit to the Administrator a petition requesting approval of the alternative monitoring system in accordance with 40 CFR Part 75, Subpart E and 40 CFR § 75.66 and § 97.835 (CSAPR NO_x Ozone Season Group 2 Trading Program). The Administrator's response approving or disapproving any petition for an alternative monitoring system is available on the EPA's website at <https://www.epa.gov/airmarkets/part-75-petition-responses>.

- (v) Owners and operators that want to use an alternative to any monitoring, recordkeeping, or reporting requirement under 40 CFR §§ 97.830 through 97.834 (CSAPR NO_x Ozone Season Group 2 Trading Program) must submit to the Administrator a petition requesting approval of the alternative in accordance with 40 CFR § 75.66 and § 97.835 (CSAPR NO_x Ozone Season Group 2 Trading Program). The Administrator's response approving or disapproving any petition for an alternative to a monitoring, recordkeeping, or reporting requirement is available on the EPA's website at <https://www.epa.gov/airmarkets/part-75-petition-responses>.
- (vi) The descriptions of monitoring applicable to the unit(s) included above meet the requirement of 40 CFR §§ 97.830 through 97.834 (CSAPR NO_x Ozone Season Group 2 Trading Program), and therefore procedures for minor permit revisions, in accordance with 30 TAC § 122.217, may be used to add or change this unit's monitoring system description.

15. CSAPR NO_x Ozone Season Group 2 Trading Program Requirements (40 CFR § 97.806)

A. Designated representative requirements

- (i) The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR §§ 97.813 through 97.818.

B. Emissions monitoring, reporting, and recordkeeping requirements

- (i) The owners and operators, and the designated representative, of each CSAPR NO_x Ozone Season Group 2 source and each CSAPR NO_x Ozone Season Group 2 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR § 97.830 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), § 97.831 (initial monitoring system certification and recertification procedures), § 97.832 (monitoring system out-of-control periods), § 97.833 (notifications concerning monitoring), § 97.834 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and § 97.835 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
- (ii) The emissions data determined in accordance with 40 CFR § 97.830 through § 97.835 and any other credible evidence shall be used to calculate allocations of CSAPR NO_x Ozone Season Group 2 allowances under 40 CFR §§ 97.811(a)(2) and (b) and § 97.812 and to determine compliance with the CSAPR NO_x Ozone Season Group 2 emissions limitation and assurance provisions under paragraph C. below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR §§ 97.830 through 97.835 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

C. NO_x emissions requirements

- (i) CSAPR NO_x Ozone Season Group 2 emissions limitation

- (1) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NO_x Ozone Season Group 2 source and each CSAPR NO_x Ozone Season Group 2 unit at the source shall hold, in the source's compliance account, CSAPR NO_x Ozone Season Group 2 allowances available for deduction for such control period under 40 CFR § 97.824(a) in an amount not less than the tons of total NO_x emissions for such control period from all CSAPR NO_x Ozone Season Group 2 units at the source.
- (2) If total NO_x emissions during a control period in a given year from the CSAPR NO_x Ozone Season Group 2 units at a CSAPR NO_x Ozone Season Group 2 source are in excess of the CSAPR NO_x Ozone Season Group 2 emissions limitation set forth in paragraph C.(i)(1) above, then:
 - (a) The owners and operators of the source and each CSAPR NO_x Ozone Season Group 2 unit at the source shall hold the CSAPR NO_x Ozone Season Group 2 allowances required for deduction under 40 CFR § 97.824(d); and
 - (b) The owners and operators of the source and each CSAPR NO_x Ozone Season Group 2 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart EEEEE and the Clean Air Act.

(ii) CSAPR NO_x Ozone Season Group 2 assurance provisions

- (1) If total NO_x emissions during a control period in a given year from all CSAPR NO_x Ozone Season Group 2 units at CSAPR NO_x Ozone Season Group 2 sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO_x emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR NO_x Ozone Season Group 2 allowances available for deduction for such control period under 40 CFR § 97.825(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR § 97.825(b), of multiplying -
 - (a) The quotient of the amount by which the common designated representative's share of such NO_x emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such NO_x emissions exceeds the respective common designated representative's assurance level; and

- (b) The amount by which total NO_x emissions from all CSAPR NO_x Ozone Season Group 2 units at CSAPR NO_x Ozone Season Group 2 sources in the state for such control period exceed the state assurance level.
 - (2) The owners and operators shall hold the CSAPR NO_x Ozone Season Group 2 allowances required under paragraph C.(ii)(1) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
 - (3) Total NO_x emissions from all CSAPR NO_x Ozone Season Group 2 units at CSAPR NO_x Ozone Season Group 2 sources in the state during a control period in a given year exceed the state assurance level if such total NO_x emissions exceed the sum, for such control period, of the state NO_x Ozone Season Group 2 trading budget under 40 CFR § 97.810(a) and the state's variability limit under 40 CFR § 97.810(b).
 - (4) It shall not be a violation of 40 CFR Part 97, Subpart EEEEE or of the Clean Air Act if total NO_x emissions from all CSAPR NO_x Ozone Season Group 2 units at CSAPR NO_x Ozone Season Group 2 sources in the state during a control period exceed the state assurance level or if a common designated representative's share of total NO_x emissions from the CSAPR NO_x Ozone Season Group 2 units at CSAPR NO_x Ozone Season Group 2 sources in the state during a control period exceeds the common designated representative's assurance level.
 - (5) To the extent the owners and operators fail to hold CSAPR NO_x Ozone Season Group 2 allowances for a control period in a given year in accordance with paragraphs C.(ii)(1) through (3) above,
 - (a) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
 - (b) Each CSAPR NO_x Ozone Season Group 2 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs C.(ii)(1) through (3) above and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart EEEEE and the Clean Air Act.
- (iii) Compliance periods
- (1) A CSAPR NO_x Ozone Season Group 2 unit shall be subject to the requirements under paragraph C.(i) above for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR § 97.830(b) and for each control period thereafter.
 - (2) A CSAPR NO_x Ozone Season Group 2 unit shall be subject to the requirements under paragraph C.(ii) above for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR § 97.830(b) and for each control period thereafter.

- (iv) Vintage of allowances held for compliance
 - (1) A CSAPR NO_x Ozone Season Group 2 allowance held for compliance with the requirements under paragraph C.(i)(1) above for a control period in a given year must be a CSAPR NO_x Ozone Season Group 2 allowance that was allocated for such control period or a control period in a prior year.
 - (2) A CSAPR NO_x Ozone Season Group 2 allowance held for compliance with the requirements under paragraphs C.(i)(2)(a) and (ii)(1) through (3) above for a control period in a given year must be a CSAPR NO_x Ozone Season Group 2 allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
- (v) Allowance Management System requirements. Each CSAPR NO_x Ozone Season Group 2 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR Part 97, Subpart EEEEE.
- (vi) Limited authorization. A CSAPR NO_x Ozone Season Group 2 allowance is a limited authorization to emit one ton of NO_x during the control period in one year. Such authorization is limited in its use and duration as follows:
 - (1) Such authorization shall only be used in accordance with the CSAPR NO_x Ozone Season Group 2 Trading Program; and
 - (2) Notwithstanding any other provision of 40 CFR Part 97, Subpart EEEEE, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- (vii) Property right. A CSAPR NO_x Ozone Season Group 2 allowance does not constitute a property right.

D. FOP revision requirements

- (i) No FOP revision shall be required for any allocation, holding, deduction, or transfer of CSAPR NO_x Ozone Season Group 2 allowances in accordance with 40 CFR Part 97, Subpart EEEEE.
- (ii) This FOP incorporates the CSAPR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR §§ 97.830 through 97.835, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR Part 75, subpart H), an excepted monitoring system (pursuant to 40 CFR Part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR § 75.19), and an alternative monitoring system (pursuant to 40 CFR Part 75, subpart E). Therefore the Description of CSAPR Monitoring Provisions for CSAPR subject unit(s) may be added to, or changed, in this FOP using procedures for minor permit revisions in accordance with 30 TAC § 122.217.

E. Additional recordkeeping and reporting requirements

- (i) Unless otherwise provided, the owners and operators of each CSAPR NO_x Ozone Season Group 2 source and each CSAPR NO_x Ozone Season Group 2 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
 - (1) The certificate of representation under 40 CFR § 97.816 for the designated representative for the source and each CSAPR NO_x Ozone Season Group 2 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR § 97.816 changing the designated representative.
 - (2) All emissions monitoring information, in accordance with 40 CFR Part 97, Subpart EEEEE.
 - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NO_x Ozone Season Group 2 Trading Program.
- (ii) The designated representative of a CSAPR NO_x Ozone Season Group 2 source and each CSAPR NO_x Ozone Season Group 2 unit at the source shall make all submissions required under the CSAPR NO_x Ozone Season Group 2 Trading Program, except as provided in 40 CFR § 97.818. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under 30 TAC § 122.165.

F. Liability

- (i) Any provision of the CSAPR NO_x Ozone Season Group 2 Trading Program that applies to a CSAPR NO_x Ozone Season Group 2 source or the designated representative of a CSAPR NO_x Ozone Season Group 2 source shall also apply to the owners and operators of such source and of the CSAPR NO_x Ozone Season Group 2 units at the source.
- (ii) Any provision of the CSAPR NO_x Ozone Season Group 2 Trading Program that applies to a CSAPR NO_x Ozone Season Group 2 unit or the designated representative of a CSAPR NO_x Ozone Season Group 2 unit shall also apply to the owners and operators of such unit.

G. Effect on other authorities

- (i) No provision of the CSAPR NO_x Ozone Season Group 2 Trading Program or exemption under 40 CFR § 97.805 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NO_x Ozone Season Group 2 source or CSAPR NO_x Ozone Season Group 2 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

Federal Implementation Plan for Regional Haze (Texas SO₂ Trading Program) Requirements

16. For unit OPS1 (identified in the Certificate of Representation as unit 1), located at the site identified by Plant code/ORIS/Facility code 127, the designated representative and the owner or operator, as applicable, shall comply with the following Texas SO₂ Trading Program requirements.
- A. General Requirements
- (i) The owners and operators of the Texas SO₂ Trading Program source and each Texas SO₂ Trading Program unit at the source shall operate the source and the unit in compliance with the requirements of the Texas SO₂ Trading Program and all other applicable State and federal requirements.
 - (ii) The owners and operators of the Texas SO₂ Trading Program source and each Texas SO₂ Trading Program unit at the source shall comply with the requirements of 40 CFR Part 97, Subpart FFFFF for Texas SO₂ Trading Program, and with the General Terms and Conditions of the Federal Operating Permit (FOP) that incorporates the Texas SO₂ Trading Program requirements.
- B. Description of Monitoring Provisions
- (i) The Texas SO₂ Trading Program subject unit(s), and the unit-specific monitoring provisions at this source, are identified in the following paragraph(s).
 - (1) For unit OPS1, the owners and operators shall comply with the continuous emission monitoring system or systems (CEMS) requirements pursuant to 40 CFR Part 75, Subpart B for SO₂ and 40 CFR Part 75, Subpart H for heat input.
 - (ii) The above description of the monitoring used by a unit does not change, create an exemption from, or otherwise affect the monitoring, recordkeeping, and reporting requirements applicable to the unit under 40 CFR §§ 97.930 through 97.935 (Texas SO₂ Trading Program). The monitoring, recordkeeping and reporting requirements applicable to each unit are included below in the standard conditions for the Texas SO₂ Trading Program.
 - (iii) Owners and operators must submit to the Administrator a monitoring plan for each unit in accordance with 40 CFR §§ 75.53, 75.62 and 75.73, as applicable. The monitoring plan for each unit is available at the EPA's website at <https://www.epa.gov/airmarkets/clean-air-markets-monitoring-plans-part-75-sources>.
 - (iv) Owners and operators that want to use an alternative monitoring system must submit to the Administrator a petition requesting approval of the alternative monitoring system in accordance with 40 CFR Part 75, Subpart E and 40 CFR § 75.66 and § 97.935 (Texas SO₂ Trading Program). The Administrator's response approving or disapproving any petition for an alternative monitoring system is available on the EPA's website at <https://www.epa.gov/airmarkets/part-75-petition-responses>.
 - (v) Owners and operators that want to use an alternative to any monitoring, recordkeeping, or reporting requirement under 40 CFR §§ 97.930 through 97.934 (Texas SO₂ Trading Program) must submit to the Administrator a petition requesting approval of the alternative in accordance with 40 CFR § 75.66 and §

97.935 (Texas SO₂ Trading Program). The Administrator's response approving or disapproving any petition for an alternative to a monitoring, recordkeeping, or reporting requirement is available on the EPA's website at <https://www.epa.gov/airmarkets/part-75-petition-responses>.

- (vi) The descriptions of monitoring applicable to the unit(s) included above meet the requirement of 40 CFR §§ 97.930 through 97.934 (Texas SO₂ Trading Program), and therefore procedures for minor permit revisions, in accordance with 30 TAC § 122.217, may be used to add or change this unit's monitoring system description.

17. Texas SO₂ Trading Program Requirements (40 CFR § 97.906)

A. Designated representative requirements

- (i) The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR §§ 97.913 through 97.918.

B. Emissions monitoring, reporting, and recordkeeping requirements

- (i) The owners and operators, and the designated representative, of each Texas SO₂ source and each Texas SO₂ unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR § 97.930 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), § 97.931 (initial monitoring system certification and recertification procedures), § 97.932 (monitoring system out-of-control periods), § 97.933 (notifications concerning monitoring), § 97.934 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and § 97.935 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
- (ii) The emissions data determined in accordance with §§ 97.930 through 97.935 shall be used to calculate allocations of Texas SO₂ Trading Program allowances under § 97.912 and to determine compliance with the Texas SO₂ Trading Program emissions limitation under paragraph (c) of this section, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with §§ 97.930 through 97.935 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero and any fraction of a ton greater than or equal to 0.50 being deemed to be a whole ton.

C. SO₂ emissions requirements

- (i) Texas SO₂ Trading Program emissions limitation
 - (1) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each Texas SO₂ Trading Program source and each Texas SO₂ Trading Program unit at the source shall hold, in the source's compliance account, Texas SO₂ Trading Program allowances available for deduction for such control period under § 97.924(a) in an amount not less than the tons of total SO₂ emissions for

such control period from all Texas SO₂ Trading Program units at the source.

- (2) If total SO₂ emissions during a control period in a given year from the Texas SO₂ Trading Program units at a Texas SO₂ Trading Program source are in excess of the Texas SO₂ Trading Program emissions limitation set forth in paragraph C.(i)(1) of this section, then:
 - (a) The owners and operators of the source and each Texas SO₂ Trading Program unit at the source shall hold the Texas SO₂ Trading Program allowances required for deduction under § 97.924(d); and
 - (b) The owners and operators of the source and each Texas SO₂ Trading Program unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart and the Clean Air Act.
- (ii) Compliance periods. A Texas SO₂ Trading Program unit shall be subject to the requirements under paragraph C.(i) of this section for the control period starting on the later of January 1, 2019 or the deadline for meeting the unit's monitor certification requirements under § 97.930(b) and for each control period thereafter.
- (iii) Vintage of allowances held for compliance
 - (1) A Texas SO₂ Trading Program allowance held for compliance with the requirements under paragraph C.(i)(1) of this section for a control period in a given year must be a Texas SO₂ Trading Program allowance that was allocated for such control period or a control period in a prior year.
 - (2) A Texas SO₂ Trading Program allowance held for compliance with the requirements under paragraph C.(i)(2)(a) of this section for a control period in a given year must be a Texas SO₂ Trading Program allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
- (iv) Allowance Management System requirements. Each Texas SO₂ Trading Program allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR Part 97, Subpart FFFFF.
- (v) Limited authorization. A Texas SO₂ Trading Program allowance is a limited authorization to emit one ton of SO₂ during the control period in one year. Such authorization is limited in its use and duration as follows:
 - (1) Such authorization shall only be used in accordance with the Texas SO₂ Trading Program; and
 - (2) Notwithstanding any other provision of 40 CFR Part 97, Subpart FFFFF, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines

is necessary or appropriate to implement any provision of the Clean Air Act.

- (vi) Property right. A Texas SO₂ Trading Program allowance does not constitute a property right.

D. FOP revision requirements

- (i) No FOP revision shall be required for any allocation, holding, deduction, or transfer of Texas SO₂ Trading Program allowances in accordance with 40 CFR Part 97, Subpart FFFFF.
- (ii) This FOP incorporates the Texas SO₂ Trading Program emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR §§ 97.930 through 97.935, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR Part 75, subpart B), an excepted monitoring system (pursuant to 40 CFR Part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR § 75.19), and an alternative monitoring system (pursuant to 40 CFR Part 75, subpart E). Therefore the Description of Monitoring Provisions for Texas SO₂ Trading Program subject unit(s) may be added to, or changed, in this FOP using procedures for minor permit revisions in accordance with 30 TAC § 122.217.

E. Additional recordkeeping and reporting requirements

- (i) Unless otherwise provided, the owners and operators of each Texas SO₂ Trading Program source and each Texas SO₂ Trading Program unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
 - (1) The certificate of representation under § 97.916 for the designated representative for the source and each Texas SO₂ Trading Program unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under § 97.916 changing the designated representative.
 - (2) All emissions monitoring information, in accordance with 40 CFR Part 97, Subpart FFFFF.
 - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the Texas SO₂ Trading Program.
- (ii) The designated representative of a Texas SO₂ Trading Program source and each Texas SO₂ Trading Program unit at the source shall make all submissions required under the Texas SO₂ Trading Program, except as provided in § 97.918. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under 30 TAC § 122.165.

F. Liability

- (i) Any provision of the Texas SO₂ Trading Program that applies to a Texas SO₂ Trading Program source or the designated representative of a Texas SO₂ Trading Program source shall also apply to the owners and operators of such source and of the Texas SO₂ Trading Program units at the source.
- (ii) Any provision of the Texas SO₂ Trading Program that applies to a Texas SO₂ Trading Program unit or the designated representative of a Texas SO₂ Trading Program unit shall also apply to the owners and operators of such unit.

G. Effect on other authorities

- (i) No provision of the Texas SO₂ Trading Program or exemption under § 97.905 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a Texas SO₂ Trading Program source or Texas SO₂ Trading Program unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

Attachments

Applicable Requirements Summary

Permit Shield

New Source Review Authorization References

Applicable Requirements Summary

Unit Summary 26

Applicable Requirements Summary 27

Note: A “none” entry may be noted for some emission sources in this permit’s “Applicable Requirements Summary” under the heading of “Monitoring and Testing Requirements” and/or “Recordkeeping Requirements” and/or “Reporting Requirements.” Such a notation indicates that there are no requirements for the indicated emission source as identified under the respective column heading(s) for the stated portion of the regulation when the emission source is operating under the conditions of the specified SOP Index Number. However, other relevant requirements pursuant to 30 TAC Chapter 122 including Recordkeeping Terms and Conditions (30 TAC § 122.144), Reporting Terms and Conditions (30 TAC § 122.145), and Compliance Certification Terms and Conditions (30 TAC § 122.146) continue to apply.

Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
1	EMISSION POINTS/STATIONARY VENTS/PROCESS VENTS	N/A	R1111	30 TAC Chapter 111, Visible Emissions	No changing attributes.
EFP	SRIC ENGINES	N/A	60III-4219	40 CFR Part 60, Subpart IIII	No changing attributes.
EFP	SRIC ENGINES	N/A	63ZZZZ-6640	40 CFR Part 63, Subpart ZZZZ	No changing attributes.
OPS1	BOILERS/STEAM GENERATORS/STEAM GENERATING UNITS	N/A	60Da	40 CFR Part 60, Subpart Da	No changing attributes.
OPS1	BOILERS/STEAM GENERATORS/STEAM GENERATING UNITS	N/A	63DDDDD	40 CFR Part 63, Subpart DDDDD	No changing attributes.

Applicable Requirements Summary

Unit Group Process ID No.	Unit Group Process Type	SOP Index No.	Pollutant	State Rule or Federal Regulation Name	Emission Limitation, Standard or Equipment Specification Citation	Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
1	EP	R1111	Opacity	30 TAC Chapter 111, Visible Emissions	§ 111.111(a)(1)(B) § 111.111(a)(1)(C) § 111.111(a)(1)(E)	Visible emissions from any stationary vent shall not exceed an opacity of 20% averaged over a six minute period for any source on which construction was begun after January 31, 1972.	§ 111.111(a)(1)(D) [G]§ 111.111(a)(1)(F)	§ 111.111(a)(1)(C) § 111.111(a)(1)(D)	None
EFP	EU	60III-4219	NMHC and NO _x	40 CFR Part 60, Subpart IIII	§ 60.4205(c)-Table 4 § 60.4206 § 60.4207(b) [G]§ 60.4211(a) § 60.4211(c) [G]§ 60.4211(f) § 60.4218	Owners and operators of emergency stationary fire pump CI ICE with a maximum engine power greater than or equal to 130 KW and less than or equal to 560 KW and a displacement of less than 30 liters per cylinder and is a 2009 model year and later must comply with an NMHC+NO _x emission limit of 4.0 g/KW-hr, as listed in Table 4 to this subpart.	None	None	[G]§ 60.4214(d)
EFP	EU	60III-4219	PM	40 CFR Part 60, Subpart IIII	§ 60.4205(c)-Table 4 § 60.4206 § 60.4207(b) [G]§ 60.4211(a) § 60.4211(c) [G]§ 60.4211(f) § 60.4218	Owners and operators of emergency stationary fire pump CI ICE with a maximum engine power greater than or equal to 130 KW and less than or equal to 560 KW and a displacement of less than 30 liters per cylinder and is a 2009 model year and later must comply with a PM emission limit of 0.20 g/KW-hr, as listed in Table 4 to this subpart.	None	None	[G]§ 60.4214(d)
EFP	EU	63ZZZZ-6640	112(B) HAPS	40 CFR Part 63, Subpart ZZZZ	§ 63.6590(c)	Stationary RICE subject to Regulations under 40 CFR	None	None	None

Applicable Requirements Summary

Unit Group Process ID No.	Unit Group Process Type	SOP Index No.	Pollutant	State Rule or Federal Regulation Name	Emission Limitation, Standard or Equipment Specification Citation	Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
						Part 60. An affected source that meets any of the criteria in paragraphs (c)(1) through (7) of this section must meet the requirements of this part by meeting the requirements of 40 CFR part 60 subpart IIII, for compression ignition engines or 40 CFR part 60 subpart JJJJ, for spark ignition engines as applicable. No further requirements apply for such engines under this part.			
OPS1	EU	60Da	NO _x	40 CFR Part 60, Subpart Da	§ 60.44Da(g)(1)(i) § 60.44Da(e) § 60.48Da(a)	The owner or operator an affected facility which commenced construction or reconstruction after May 3, 2011, shall not discharge any gases that contain NO _x (expressed as NO ₂) in excess of 88 ng/J (0.70 lb/MWh) gross energy output	§ 60.48Da(b) § 60.48Da(c) § 60.48Da(d) § 60.48Da(h) § 60.48Da(i) § 60.49Da(c)(1) § 60.49Da(e) § 60.49Da(f)(2) § 60.49Da(g) § 60.49Da(h) § 60.49Da(h)(4) § 60.49Da(i) § 60.49Da(i)(1) § 60.49Da(i)(2) § 60.49Da(i)(3) § 60.49Da(i)(3)(i) § 60.49Da(i)(3)(ii) § 60.49Da(i)(4) § 60.49Da(j)(2) § 60.49Da(j)(3) § 60.49Da(j)(4) [G]§ 60.49Da(k) § 60.49Da(l) [G]§ 60.49Da(s)	§ 60.49Da(c)(1) § 60.49Da(e) [G]§ 60.49Da(k) § 60.49Da(l) [G]§ 60.49Da(s) [G]§ 60.49Da(w)	§ 60.48Da(c) [G]§ 60.49Da(s) [G]§ 60.49Da(w) § 60.51Da(a) § 60.51Da(b) § 60.51Da(b)(1) § 60.51Da(b)(2) § 60.51Da(b)(4) § 60.51Da(b)(5) § 60.51Da(b)(6) § 60.51Da(b)(7) § 60.51Da(b)(8) § 60.51Da(b)(9) [G]§ 60.51Da(c) § 60.51Da(f) [G]§ 60.51Da(h) § 60.51Da(j) § 60.51Da(k)

Applicable Requirements Summary

Unit Group Process ID No.	Unit Group Process Type	SOP Index No.	Pollutant	State Rule or Federal Regulation Name	Emission Limitation, Standard or Equipment Specification Citation	Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
							[G]§ 60.49Da(w) § 60.50Da(a) [G]§ 60.50Da(d) [G]§ 60.50Da(e) § 60.50Da(f)		
OPS1	EU	60Da	PM	40 CFR Part 60, Subpart Da	§ 60.42Da(e)(1)(i)(A) § 60.42Da(e)(2) § 60.48Da(a) § 63.7500(a)(1)-Table 3	No owner or operator of an affected facility that commenced construction, reconstruction, or modification after May 3, 2011, shall discharge any gases that contain PM in excess of 11 ng/J (0.090 lb/MWh) gross energy output.	§ 60.48Da(f) § 60.48Da(n) [G]§ 60.49Da(k) § 60.49Da(l) § 60.49Da(t) § 60.50Da(a) [G]§ 60.50Da(b) [G]§ 60.50Da(e) § 60.50Da(f)	[G]§ 60.49Da(k) § 60.49Da(l)	§ 60.51Da(a) § 60.51Da(b) § 60.51Da(b)(1) § 60.51Da(b)(2) § 60.51Da(b)(4) § 60.51Da(b)(5) § 60.51Da(b)(6) § 60.51Da(b)(7) § 60.51Da(b)(8) § 60.51Da(b)(9) [G]§ 60.51Da(c) § 60.51Da(f) [G]§ 60.51Da(h) § 60.51Da(j) § 60.51Da(k)
OPS1	EU	60Da	SO ₂	40 CFR Part 60, Subpart Da	§ 60.43Da(l)(1)(i) § 60.43Da(g) § 60.48Da(a)	No owner or operator an affected facility which commenced construction or reconstruction after May 3, 2011, shall discharge any gases that contain sulfur dioxide in excess of 130 ng/J (1.0 lb/MWh) gross energy output.	§ 60.48Da(b) § 60.48Da(c) § 60.48Da(d) § 60.48Da(m) § 60.49Da(j)(1) § 60.49Da(j)(3) § 60.49Da(j)(4) [G]§ 60.49Da(k) § 60.49Da(l) § 60.50Da(a) [G]§ 60.50Da(c) [G]§ 60.50Da(e) § 60.50Da(f)	[G]§ 60.49Da(k) § 60.49Da(l)	§ 60.48Da(c) § 60.51Da(a) § 60.51Da(b) § 60.51Da(b)(1) § 60.51Da(b)(2) § 60.51Da(b)(4) § 60.51Da(b)(5) § 60.51Da(b)(6) § 60.51Da(b)(7) § 60.51Da(b)(8) § 60.51Da(b)(9) [G]§ 60.51Da(c) [G]§ 60.51Da(e) § 60.51Da(f) [G]§ 60.51Da(h) § 60.51Da(j) § 60.51Da(k)
OPS1	EU	63DDDDD	112(B)	40 CFR Part 63,	§ 63.7500(a)(1)-	A new or existing boiler or	§ 63.7510(g)	§ 63.7555(a)	[G]§ 63.7521(g)

Applicable Requirements Summary

Unit Group Process ID No.	Unit Group Process Type	SOP Index No.	Pollutant	State Rule or Federal Regulation Name	Emission Limitation, Standard or Equipment Specification Citation	Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
			HAPS	Subpart DDDDD	Table 3.3 § 63.7500(a)(1) § 63.7500(a)(3) § 63.7505(a) § 63.7540(a) [G]§ 63.7540(a)(10) § 63.7540(a)(13)	process heater without a continuous oxygen trim system and with heat input capacity of 10 million Btu per hour or greater must conduct a tune-up of the boiler or process heater annually as specified in § 63.7540. Units in either the Gas 1 or Metal Process Furnace subcategories will conduct this tune-up as a work practice for all regulated emissions.	§ 63.7515(d) [G]§ 63.7521(f) [G]§ 63.7521(g) § 63.7521(h) § 63.7521(i) § 63.7530(g) § 63.7540(a) [G]§ 63.7540(a)(10) [G]§ 63.7540(c)	§ 63.7555(a)(1) § 63.7555(a)(2) § 63.7555(g) § 63.7555(h) § 63.7560(a) § 63.7560(b) § 63.7560(c)	§ 63.7530(e) § 63.7530(f) § 63.7545(a) § 63.7545(b) § 63.7545(c) [G]§ 63.7545(e) [G]§ 63.7545(f) § 63.7550(a) [G]§ 63.7550(b) [G]§ 63.7550(c) [G]§ 63.7550(h)

Permit Shield

Permit Shield 32

Permit Shield

The Executive Director of the TCEQ has determined that the permit holder is not required to comply with the specific regulation(s) identified for each emission unit, group, or process in this table.

Unit / Group / Process ID No.	Group / Inclusive Units	Regulation	Basis of Determination
EDG	N/A	40 CFR Part 63, Subpart ZZZZ	Existing emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions that does not operate or is not contractually obligated to be available for more than 15 hours per calendar year.

New Source Review Authorization References

New Source Review Authorization References 34

New Source Review Authorization References by Emission Unit 35

New Source Review Authorization References

The New Source Review authorizations listed in the table below are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit.

Prevention of Significant Deterioration (PSD) Permits	
PSD Permit No.: PSDTX325M3	Issuance Date: 01/17/2023
Title 30 TAC Chapter 116 Permits, Special Permits, and Other Authorizations (Other Than Permits By Rule, PSD Permits, or NA Permits) for the Application Area.	
Authorization No.: 9015	Issuance Date: 01/17/2023
Permits By Rule (30 TAC Chapter 106) for the Application Area	
Number: 75	Version No./Date: 11/25/1985
Number: 106.263	Version No./Date: 11/01/2001
Number: 106.371	Version No./Date: 09/04/2000
Number: 106.454	Version No./Date: 11/01/2001
Number: 106.472	Version No./Date: 09/04/2000
Number: 106.473	Version No./Date: 09/04/2000
Number: 106.511	Version No./Date: 09/04/2000
Number: 106.532	Version No./Date: 09/04/2000

New Source Review Authorization References by Emissions Unit

The following is a list of New Source Review (NSR) authorizations for emission units listed elsewhere in this operating permit. The NSR authorizations are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit.

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization**
1	BOILER #1 STACK	9015, PSDTX325M3
EDG	EMERGENCY GENERATOR	106.511/09/04/2000
EFP	EMERGENCY FIRE PUMP	106.511/09/04/2000
OPS1	BOILER #1	9015, PSDTX325M3

**This column may include Permit by Rule (PBR) numbers and version dates, PBR Registration numbers in brackets, Standard Permit Registration numbers, Minor NSR permit numbers, and Major NSR permit numbers.

Appendix A

Acronym List 37

Acronym List

The following abbreviations or acronyms may be used in this permit:

ACFM	.....	actual cubic feet per minute
AMOC	.....	alternate means of control
ARP	.....	Acid Rain Program
ASTM	.....	American Society of Testing and Materials
B/PA	.....	Beaumont/Port Arthur (nonattainment area)
CAM	.....	Compliance Assurance Monitoring
CD	.....	control device
CEMS	.....	continuous emissions monitoring system
CFR	.....	Code of Federal Regulations
COMS	.....	continuous opacity monitoring system
CVS	.....	closed vent system
D/FW	.....	Dallas/Fort Worth (nonattainment area)
EP	.....	emission point
EPA	.....	U.S. Environmental Protection Agency
EU	.....	emission unit
FCAA Amendments	.....	Federal Clean Air Act Amendments
FOP	.....	federal operating permit
gr/100 scf	.....	grains per 100 standard cubic feet
HAP	.....	hazardous air pollutant
H/G/B	.....	Houston/Galveston/Brazoria (nonattainment area)
H ₂ S	.....	hydrogen sulfide
ID No.	.....	identification number
lb/hr	.....	pound(s) per hour
MACT	.....	Maximum Achievable Control Technology (40 CFR Part 63)
MMBtu/hr	.....	Million British thermal units per hour
NA	.....	nonattainment
N/A	.....	not applicable
NADB	.....	National Allowance Data Base
NESHAP	.....	National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61)
NO _x	.....	nitrogen oxides
NSPS	.....	New Source Performance Standard (40 CFR Part 60)
NSR	.....	New Source Review
ORIS	.....	Office of Regulatory Information Systems
Pb	.....	lead
PBR	.....	Permit By Rule
PEMS	.....	predictive emissions monitoring system
PM	.....	particulate matter
ppmv	.....	parts per million by volume
PRO	.....	process unit
PSD	.....	prevention of significant deterioration
psia	.....	pounds per square inch absolute
SIP	.....	state implementation plan
SO ₂	.....	sulfur dioxide
TCEQ	.....	Texas Commission on Environmental Quality
TSP	.....	total suspended particulate
TVP	.....	true vapor pressure
U.S.C.	.....	United States Code
VOC	.....	volatile organic compound

Appendix B

Major NSR Summary Table 39

Major NSR Summary Table

Permit Numbers: 9015 and PSDTX325M3					Issuance Date: January 17, 2023		
Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates		Monitoring and Testing Requirements	Recordkeeping Requirements	Reporting Requirements
			lbs/hour	TPY (4)	Special Condition/Application Information	Special Condition/Application Information	Special Condition/Application Information
1	Steam Generator 6800 MMBtu/hr	NO _x	952.00	4169.76	2, 4, 7, 8, 9, 10, 20, 21, 23	9, 10, 12, 13, 21, 22, 23	9, 10, 14
		SO ₂	4.00	17.52			
		PM	34.00	148.92			
		PM ₁₀	3.47	15.18			
		PM _{2.5}	2.87	12.56			
		CO	251.47	1101.44			
		VOC	27.20	119.14			
		HAPs	12.59	55.14			
		Pb	<0.01	0.01			

- (1) Emission point identification - either specific equipment designation or emission point number from plot plan.
- (2) Specific point source name. For fugitive sources, use area name or fugitive source name.
- (3) VOC - volatile organic compounds as defined in Title 30 Texas Administrative Code § 101.1
- NO_x - total oxides of nitrogen
- SO₂ - sulfur dioxide
- PM - total particulate matter, suspended in the atmosphere, including PM₁₀ and PM_{2.5}, as represented
- PM₁₀ - total particulate matter equal to or less than 10 microns in diameter, including PM_{2.5}, as represented
- PM_{2.5} - particulate matter equal to or less than 2.5 microns in diameter
- CO - carbon monoxide
- HAP - hazardous air pollutant as listed in § 112(b) of the Federal Clean Air Act or Title 40 Code of Federal Regulations Part 63, Subpart C

- Pb - lead
- (4) Compliance with annual emission limits (tons per year) is based on a 12 month rolling period.



Texas Commission on Environmental Quality Air Quality Permit

A Permit Is Hereby Issued To
Oklaunion Industrial Park, LLC
Authorizing the Construction and Operation of
Oklaunion Industrial Park
Located at Vernon, Wilbarger County, Texas
Latitude 34.0825 Longitude -99.175555

Permits: 9015 and PSDTX325M3

Amendment Date: January 17, 2023

Expiration Date: August 29, 2027

A handwritten signature in black ink that reads "Erin E. Chamalor".

For the Commission

1. **Facilities** covered by this permit shall be constructed and operated as specified in the application for the permit. All representations regarding construction plans and operation procedures contained in the permit application shall be conditions upon which the permit is issued. Variations from these representations shall be unlawful unless the permit holder first makes application to the Texas Commission on Environmental Quality (commission) Executive Director to amend this permit in that regard and such amendment is approved. [Title 30 Texas Administrative Code (TAC) Section 116.116 (30 TAC § 116.116)]¹
2. **Voiding of Permit.** A permit or permit amendment is automatically void if the holder fails to begin construction within 18 months of the date of issuance, discontinues construction for more than 18 months prior to completion, or fails to complete construction within a reasonable time. Upon request, the executive director may grant an 18-month extension. Before the extension is granted the permit may be subject to revision based on best available control technology, lowest achievable emission rate, and netting or offsets as applicable. One additional extension of up to 18 months may be granted if the permit holder demonstrates that emissions from the facility will comply with all rules and regulations of the commission, the intent of the Texas Clean Air Act (TCAA), including protection of the public's health and physical property; and (b)(1) the permit holder is a party to litigation not of the permit holder's initiation regarding the issuance of the permit; or (b)(2) the permit holder has spent, or committed to spend, at least 10 percent of the estimated total cost of the project up to a maximum of \$5 million. A permit holder granted an extension under subsection (b)(1) of this section may receive one subsequent extension if the permit holder meets the conditions of subsection (b)(2) of this section. [30 TAC § 116.120]
3. **Construction Progress.** Start of construction, construction interruptions exceeding 45 days, and completion of construction shall be reported to the appropriate regional office of the commission not later than 15 working days after occurrence of the event. [30 TAC § 116.115(b)(2)(A)]
4. **Start-up Notification.** The appropriate air program regional office shall be notified prior to the commencement of operations of the facilities authorized by the permit in such a manner that a representative of the commission may be present. The permit holder shall provide a separate notification for the commencement of operations for each unit of phased construction, which may involve a series of units commencing operations at different times. Prior to operation of the facilities authorized by the permit, the permit holder shall identify the source or sources of allowances to be utilized for compliance with Chapter 101, Subchapter H, Division 3 of this title (relating to Mass Emissions Cap and Trade Program). [30 TAC § 116.115(b)(2)(B)]
5. **Sampling Requirements.** If sampling is required, the permit holder shall contact the commission's Office of Compliance and Enforcement prior to sampling to obtain the proper data forms and procedures. All sampling and testing procedures must be approved by the executive director and coordinated with the regional representatives of the commission. The permit holder is also responsible for providing sampling facilities and conducting the sampling operations or contracting with an independent sampling consultant. [30 TAC § 116.115(b)(2)(C)]
6. **Equivalency of Methods.** The permit holder must demonstrate or otherwise justify the equivalency of emission control methods, sampling or other emission testing methods, and monitoring methods proposed as alternatives to methods indicated in the conditions of the permit. Alternative methods shall be applied for in writing and must be reviewed and approved by the executive director prior to their use in fulfilling any requirements of the permit. [30 TAC § 116.115(b)(2)(D)]
7. **Recordkeeping.** The permit holder shall maintain a copy of the permit along with records containing the information and data sufficient to demonstrate compliance with the permit, including production records and

operating hours; keep all required records in a file at the plant site. If, however, the facility normally operates unattended, records shall be maintained at the nearest staffed location within Texas specified in the application; make the records available at the request of personnel from the commission or any air pollution control program having jurisdiction in a timely manner; comply with any additional recordkeeping requirements specified in special conditions in the permit; and retain information in the file for at least two years following the date that the information or data is obtained. [30 TAC § 116.115(b)(2)(E)]

8. **Maximum Allowable Emission Rates.** The total emissions of air contaminants from any of the sources of emissions must not exceed the values stated on the table attached to the permit entitled "Emission Sources-- Maximum Allowable Emission Rates." [30 TAC § 116.115(b)(2)(F)]¹
9. **Maintenance of Emission Control.** The permitted facilities shall not be operated unless all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal facility operations. The permit holder shall provide notification in accordance with 30 TAC §101.201, 101.211, and 101.221 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements; Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements; and Operational Requirements). [30 TAC§ 116.115(b)(2)(G)]
10. **Compliance with Rules.** Acceptance of a permit by an applicant constitutes an acknowledgment and agreement that the permit holder will comply with all rules and orders of the commission issued in conformity with the TCAA and the conditions precedent to the granting of the permit. If more than one state or federal rule or regulation or permit condition is applicable, the most stringent limit or condition shall govern and be the standard by which compliance shall be demonstrated. Acceptance includes consent to the entrance of commission employees and agents into the permitted premises at reasonable times to investigate conditions relating to the emission or concentration of air contaminants, including compliance with the permit. [30 TAC § 116.115(b)(2)(H)]
11. **This** permit may not be transferred, assigned, or conveyed by the holder except as provided by rule. [30 TAC § 116.110(e)]
12. **There** may be additional special conditions attached to a permit upon issuance or modification of the permit. Such conditions in a permit may be more restrictive than the requirements of Title 30 of the Texas Administrative Code. [30 TAC § 116.115(c)]
13. **Emissions** from this facility must not cause or contribute to "air pollution" as defined in Texas Health and Safety Code (THSC) §382.003(3) or violate THSC § 382.085. If the executive director determines that such a condition or violation occurs, the holder shall implement additional abatement measures as necessary to control or prevent the condition or violation.
14. **The** permit holder shall comply with all the requirements of this permit. Emissions that exceed the limits of this permit are not authorized and are violations of this permit.¹

¹ Please be advised that the requirements of this provision of the general conditions may not be applicable to greenhouse gas emissions.

Common Acronyms in Air Permits

°C = Temperature in degrees Celsius	GLC _{max} = maximum (predicted) ground-level concentration
°F = Temperature in degrees Fahrenheit	gpm = gallon per minute
°K = Temperature in degrees Kelvin	gr/1000scf = grain per 1000 standard cubic feet
µg = microgram	gr/dscf = grain per dry standard cubic feet
µg/m ³ = microgram per cubic meter	H ₂ CO = formaldehyde
acfm = actual cubic feet per minute	H ₂ S = hydrogen sulfide
AMOC = alternate means of control	H ₂ SO ₄ = sulfuric acid
AOS = alternative operating scenario	HAP = hazardous air pollutant as listed in § 112(b) of the Federal Clean Air Act or Title 40 Code of Federal Regulations Part 63, Subpart C
AP-42 = Air Pollutant Emission Factors, 5th edition	HC = hydrocarbons
APD = Air Permits Division	HCl = hydrochloric acid, hydrogen chloride
API = American Petroleum Institute	Hg = mercury
APWL = air pollutant watch list	HGB = Houston/Galveston/Brazoria
BPA = Beaumont/ Port Arthur	hp = horsepower
BACT = best available control technology	hr = hour
BAE = baseline actual emissions	IFR = internal floating roof tank
bbl = barrel	in H ₂ O = inches of water
bbl/day = barrel per day	in Hg = inches of mercury
bhp = brake horsepower	IR = infrared
BMP = best management practices	ISC3 = Industrial Source Complex, a dispersion model
Btu = British thermal unit	ISCST3 = Industrial Source Complex Short-Term, a dispersion model
Btu/scf = British thermal unit per standard cubic foot or feet	K = Kelvin; extension of the degree Celsius scaled-down to absolute zero
CAA = Clean Air Act	LACT = lease automatic custody transfer
CAM = compliance-assurance monitoring	LAER = lowest achievable emission rate
CEMS = continuous emissions monitoring systems	lb = pound
cfm = cubic feet (per) minute	lb/day = pound per day
CFR = Code of Federal Regulations	lb/hr = pound per hour
CN = customer ID number	lb/MMBtu = pound per million British thermal units
CNG = compressed natural gas	LDAR = Leak Detection and Repair (Requirements)
CO = carbon monoxide	LNG = liquefied natural gas
COMS = continuous opacity monitoring system	LPG = liquefied petroleum gas
CPMS = continuous parametric monitoring system	LT/D = long ton per day
DFW = Dallas/ Fort Worth (Metroplex)	m = meter
DE = destruction efficiency	m ³ = cubic meter
DRE = destruction and removal efficiency	m/sec = meters per second
dscf = dry standard cubic foot or feet	MACT = maximum achievable control technology
dscfm = dry standard cubic foot or feet per minute	MAERT = Maximum Allowable Emission Rate Table
ED = (TCEQ) Executive Director	MERA = Modeling and Effects Review Applicability
EF = emissions factor	mg = milligram
EFR = external floating roof tank	mg/g = milligram per gram
EGU = electric generating unit	mL = milliliter
EI = Emissions Inventory	MMBtu = million British thermal units
ELP = El Paso	MMBtu/hr = million British thermal units per hour
EPA = (United States) Environmental Protection Agency	MSDS = material safety data sheet
EPN = emission point number	MSS = maintenance, startup, and shutdown
ESL = effects screening level	MW = megawatt
ESP = electrostatic precipitator	NAAQS = National Ambient Air Quality Standards
FCAA = Federal Clean Air Act	NESHAP = National Emission Standards for Hazardous Air Pollutants
FCCU = fluid catalytic cracking unit	NGL = natural gas liquids
FID = flame ionization detector	NNSR = nonattainment new source review
FIN = facility identification number	NO _x = total oxides of nitrogen
ft = foot or feet	NSPS = New Source Performance Standards
ft/sec = foot or feet per second	
g = gram	
gal/wk = gallon per week	
gal/yr = gallon per year	
GLC = ground level concentration	

PAL = plant-wide applicability limit
PBR = Permit(s) by Rule
PCP = pollution control project
PEMS = predictive emission monitoring system
PID = photo ionization detector
PM = periodic monitoring
PM = total particulate matter, suspended in the atmosphere, including PM₁₀ and PM_{2.5}, as represented
PM_{2.5} = particulate matter equal to or less than 2.5 microns in diameter
PM₁₀ = total particulate matter equal to or less than 10 microns in diameter, including PM_{2.5}, as represented
POC = products of combustion
ppb = parts per billion
ppm = parts per million
ppmv = parts per million (by) volume
psia = pounds (per) square inch, absolute
psig = pounds (per) square inch, gage
PTE = potential to emit
RA = relative accuracy
RATA = relative accuracy test audit
RM = reference method
RVP = Reid vapor pressure
scf = standard cubic foot or feet
scfm = standard cubic foot or feet (per) minute
SCR = selective catalytic reduction
SIL = significant impact levels
SNCR = selective non-catalytic reduction
SO₂ = sulfur dioxide
SOCMI = synthetic organic chemical manufacturing industry
SRU = sulfur recovery unit
TAC = Texas Administrative Code
TCAA = Texas Clean Air Act
TCEQ = Texas Commission on Environmental Quality
TD = Toxicology Division
TLV = threshold limit value
TMDL = total maximum daily load
tpd = tons per day
tpy = tons per year
TVP = true vapor pressure
VOC = volatile organic compounds as defined in Title 30 Texas Administrative Code § 101.1
VRU = vapor recovery unit or system

Special Conditions

Permit Numbers 9015 and PSDTX325M3

Emission Standards, Fuel Specifications, and Operating Requirements

1. This permit covers only those sources of emissions listed in the attached table entitled "Emission Sources - Maximum Allowable Emission Rates," (MAERT) and those sources are limited to the emission limits and other conditions specified in that attached table. The annual rates are based on a rolling 12-month period.

If one emission rate limitation should be more stringent than another emission rate limitation, the more stringent limitation shall govern and be the standard by which compliance will be demonstrated.

2. Compliance with the emission limitations for emission points in Special Condition No. 1 shall be determined by the test methods and procedures as set out in Title 40 Code of Federal Regulations Part 60 (40 CFR Part 60), Appendix A, Method 5, Determination of Particulate Matter (PM) Emissions from Stationary Sources; Method 6, Determination of Sulfur Dioxide (SO₂) Emissions from Stationary Sources; Method 7, Determination of Nitrogen Oxides (NO_x) Emissions from Stationary Sources; Method 9, Visual Determination of the Opacity of Emissions from Stationary Sources; and Method 10, Determination of Carbon Monoxide (CO) Emissions from Stationary Sources and procedures as set forth in 40 CFR § 60.48Da and 40 CFR § 60.50Da.
3. A copy of this permit shall be kept at the plant site and made available at the request of personnel from the Texas Commission on Environmental Quality (TCEQ) or any air pollution control agency with jurisdiction. In addition, the holder of this permit shall physically identify and permanently mark in a conspicuous location all equipment that has the potential of emitting air contaminants as follows:
 - A. The facility identification numbers as submitted to the Emissions Inventory Section of the TCEQ.
 - B. The emission point numbers (EPNs) as listed on the maximum allowable emission rates table.
4. This facility shall comply with all requirements of the U.S. Environmental Protection Agency (EPA) regulations in 40 CFR Part 60, Subparts A, Da, on Standards of Performance for New Stationary Sources promulgated for Electric Utility Steam Generating Units. This facility shall also comply with all requirements of the U.S. Environmental Protection Agency (EPA) regulations in 40 CFR Part 63 Subpart DDDDD on National Emission Standards for Hazardous Air Pollutants for Industrial for Institutional, Commercial, and Industrial Boilers and Process Heaters.
5. Fuel fired in the Steam Generator designated as EPN 1 is limited to pipeline quality natural gas.
6. Boiler EPN 1 shall be fired with natural gas containing no more than 0.2 grains of total sulfur per 100 dry standard cubic feet (dscf).
7. The natural gas shall be sampled every 6 months to determine total sulfur and net heating value. Test results from the fuel supplier may be used to satisfy this requirement.
8. Emission concentrations of NO_x, CO, and opacity from the stack gases of the Steam Generator designated as EPN 1 are based upon the design capacity maximum heat input of 6800 million British thermal units (MMBtu) per hour and shall not exceed the following limits:

Pollutant	Emission Rate
NO _x	0.14 lb/MMBtu on an hourly average
CO	50 ppmvd corrected to 3 percent oxygen on an hourly average

Opacity of emissions from EPN 1 shall not exceed 5 percent with one six-minute average opacity per hour.

Initial Determination of Compliance

9. The permit holder shall perform stack sampling and other testing as required to establish the actual pattern and quantities of air contaminants being emitted into the atmosphere from EPN 1 to demonstrate compliance with the MAERT. The permit holder is responsible for providing sampling and testing facilities and conducting the sampling and testing operations at his expense. Sampling shall be conducted in accordance with the appropriate procedures of the Texas Commission on Environmental Quality (TCEQ) Sampling Procedures Manual and the U.S. Environmental Protection Agency (EPA) Reference Methods.

Requests to waive testing for any pollutant specified in this condition shall be submitted to the TCEQ Office of Air, Air Permits Division. Test waivers and alternate/equivalent procedure proposals for Title 40 Code of Federal Regulation Part 60 (40 CFR Part 60) testing which must have EPA approval shall be submitted to the TCEQ Regional Director.

- A. The appropriate TCEQ Regional Office shall be notified not less than 45 days prior to sampling. The notice shall include:
 - (1) Proposed date for pretest meeting.
 - (2) Date sampling will occur.
 - (3) Name of firm conducting sampling.
 - (4) Type of sampling equipment to be used.
 - (5) Method or procedure to be used in sampling.
 - (6) Description of any proposed deviation from the sampling procedures specified in this permit or TCEQ/EPA sampling procedures.
 - (7) Procedure/parameters to be used to determine worst case emissions

The purpose of the pretest meeting is to review the necessary sampling and testing procedures, to provide the proper data forms for recording pertinent data, and to review the format procedures for the test reports. The TCEQ Regional Director must approve any deviation from specified sampling procedures.

- B. Air contaminants emitted from EPN 1 to be tested for include PM, PM₁₀, and PM_{2.5}.
- C. Sampling shall occur within 60 days after achieving the maximum operating rate, but no later than 180 days after initial start-up of the facilities (or increase in production, as appropriate) and at such other times (identify the need for any periodic sampling here) as may be required by the TCEQ Executive Director. Requests for additional time to perform sampling shall be submitted to the appropriate regional office.

- D. The facility being sampled shall operate at maximum production rate during stack emission testing. These conditions/parameters and any other primary operating parameters that affect the emission rate shall be monitored and recorded during the stack test. Any additional parameters shall be determined at the pretest meeting and shall be stated in the sampling report. Permit conditions and parameter limits may be waived during stack testing performed under this condition if the proposed condition/parameter range is identified in the test notice specified in paragraph A and accepted by the TCEQ Regional Office. Permit allowable emissions and emission control requirements are not waived and still apply during stack testing periods.

During subsequent operations, if the maximum production rate is greater than that recorded during the test period, stack sampling shall be performed at the new operating conditions within 120 days. This sampling may be waived by the TCEQ Air Section Manager for the region.

- E. Copies of the final sampling report shall be forwarded to the offices below within 60 days after sampling is completed. Sampling reports shall comply with the attached provisions entitled "Chapter 14, Contents of Sampling Reports" of the TCEQ Sampling Procedures Manual. The reports shall be distributed as follows:
- One copy to the appropriate TCEQ Regional Office.
 - One copy to each local air pollution control program.
- F. Sampling ports and platform(s) shall be incorporated into the design of EPN 1 according to the specifications set forth in the attachment entitled "Chapter 2, Guidelines For Stack Sampling Facilities" of the Texas Commission on Environmental Quality (TCEQ) Sampling Procedures Manual. Alternate sampling facility designs must be submitted for approval to the TCEQ Regional Director.

Continuous Determination of Compliance

10. The permit holder shall install, calibrate, and maintain a continuous emission monitoring system (CEMS) to measure and record the in-stack concentration of NO_x, CO, VOC, and O₂ from EPN-1
- A. The CEMS shall meet the design and performance specifications, pass the field tests, and meet the installation requirements and the data analysis and reporting requirements specified in the applicable Performance Specification Nos. 1 through 9, Title 40 Code of Federal Regulation Part 60 (40 CFR Part 60), Appendix B. If there are no applicable performance specifications in 40 CFR Part 60, Appendix B, contact the TCEQ Office of Air, Air Permits Division for requirements to be met.
- B. Section 1 below applies to sources subject to the quality-assurance requirements of 40 CFR Part 60, Appendix F; section 2 applies to all other sources:
- (1) The permit holder shall assure that the CEMS meets the applicable quality-assurance requirements specified in 40 CFR Part 60, Appendix F, Procedure 1. Relative accuracy exceedances, as specified in 40 CFR Part 60, Appendix F, Section 5.2.3 and any CEMS downtime shall be reported to the appropriate TCEQ Regional Manager, and necessary corrective action shall be taken. Supplemental stack concentration measurements may be required at the discretion of the appropriate TCEQ Regional Manager.

- (2) The system shall be zeroed and spanned daily, and corrective action taken when the 24-hour span drift exceeds two times the amounts specified in the applicable Performance Specification Nos. 1 through 9, 40 CFR Part 60, Appendix B, or as specified by the TCEQ if not specified in Appendix B. Zero and span is not required on weekends and plant holidays if instrument technicians are not normally scheduled on those days.

Each monitor shall be quality-assured at least quarterly using Cylinder Gas Audits (CGA) in accordance with 40 CFR Part 60, Appendix F, Procedure 1, Section 5.1.2, with the following exception: a relative accuracy test audit (RATA) is not required once every four quarters (i.e., four successive quarterly CGA may be conducted). An equivalent quality-assurance method approved by the TCEQ may also be used. Successive quarterly audits shall occur no closer than two months.

All CGA exceedances of +15 percent accuracy indicate that the CEMS is out of control.

- C. The permit holder shall install and operate a fuel flow meter to measure the gas fuel usage for EPN-1. The monitored data shall be reduced to an hourly average flow rate at least once every day, using a minimum of four equally-spaced data points from each one-hour period. Each monitoring device shall be calibrated at a frequency in accordance with the manufacturer's specifications or at least annually, whichever is more frequent, and shall be accurate to within 5 percent. In lieu of monitoring fuel flow, the permit holder may monitor stack exhaust flow using the flow monitoring specifications of 40 Code of Federal Regulations (CFR) Part 60, Appendix B, Performance Specification 6 or 40 CFR Part 75, Appendix A. All monitoring data and quality-assurance data shall be maintained by the source. The data from the CEMS may, at the discretion of the TCEQ, be used to determine compliance with the conditions of this permit.
 - D. The appropriate TCEQ Regional Office shall be notified at least 30 days prior to any required RATA in order to provide them the opportunity to observe the testing.
 - E. Quality-assured (or valid) data must be generated when EPN-1 is operating except during the performance of a daily zero and span check. Loss of valid data due to periods of monitor break down, out-of-control operation (producing inaccurate data), repair, maintenance, or calibration may be exempted provided it does not exceed 5 percent of the time (in minutes) that EPN-1 operated over the previous rolling 12-month period. The measurements missed shall be estimated using engineering judgment and the methods used recorded. Options to increase system reliability to an acceptable value, including a redundant CEMS, may be required by the TCEQ Regional Manager.
11. The permittee shall allow representatives of the state environmental control agency or representatives of the EPA upon the presentation of credentials:
 - A. To enter upon the permittee's premises or other premises under the control of the permittee where an air pollutant source is located or in which any records are required to be kept under the terms and conditions of the permit;
 - B. To have access to and be able to copy at reasonable times any records required to be kept under the terms and conditions of this permit or the Clean Air Act;
 - C. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;
 - D. To sample at reasonable times any emission of pollutants; and

- E. To perform at reasonable times an operation and maintenance inspection of the permitted source.

Recordkeeping

- 12. Records of the continuous monitoring data pursuant to Special Condition No. 10 shall be kept and made available for inspection for a minimum of five years after each readout.
- 13. Records of projected actual emissions, as specified in Special Condition No. 23

Reporting

- 14. All continuous monitoring readings in excess of the emission limitations in Special Condition No. 1 shall be reported in accordance with 40 CFR § 60.51Da.

Maintenance, Startup, and Shutdown (MSS)

- 15. This permit authorizes the emissions from the planned MSS activities listed in Attachment A, Attachment B, or the MAERT attached to this permit. Attachment A identifies the inherently low emitting (ILE) planned maintenance activities that this permit authorizes to be performed. Attachment B identifies the planned maintenance activities that are non-ILE planned maintenance activities that this permit authorizes to be performed.
- 16. When a planned maintenance activity identified in Attachment B is associated with a volatile organic compound (VOC) liquid storage facility and may result in VOC emissions from that facility, the permit holder shall not open that facility to the atmosphere in connection with the planned maintenance activity until the VOC liquids are removed from that facility to the maximum extent practicable.
- 17. The emissions limits that are identified in Special Condition No. 8 do not apply during planned MSS activities.
- 18. The holder of this permit shall minimize emissions during planned MSS activities by operating the facility and associated air pollution control equipment in accordance with good air pollution control practices, safe operating practices, and protection of the facility and associated air pollution control equipment.
- 19. Emissions during planned startup and shutdown activities will be minimized by limiting the duration of operation in planned startup and shutdown modes as follows:
 - A. A planned startup of one of the boilers begins when fans are placed in service for the initiating of combustion and is complete when the boiler has achieved the lowest sustainable load for at least 60 consecutive minutes while pipeline quality natural gas is being fired. Normal startup shall not exceed 2880 minutes. An extended startup is allowed for greater than 2880 minutes after a major outage, but the cumulative annual minutes of extended startups shall not exceed 18,000 minutes.
 - B. A planned shutdown of one of the boilers begins when the boiler has dropped below the lowest sustainable load for at least 30 consecutive minutes and is complete 24 hours after combustion has ceased. Each shutdown shall not exceed 2880 minutes.

20. Compliance with the emissions limits for planned MSS activities identified in the MAERT attached to this permit may be demonstrated as follows.
 - A. For each pollutant emitted during ILE planned maintenance activities, the permit holder shall annually confirm the continued validity of the estimated potential to emit represented in the permit application for all ILE planned maintenance activities. The total emissions from all ILE planned maintenance activities (See Attachment A) shall be considered to be no more than the estimated potential to emit for those activities that are represented in the permit application.
 - B. For each pollutant emitted during non-ILE planned maintenance activities (See Attachment B) whose emissions are measured using a continuous emission monitoring system (CEMS), as per Special Condition No. 21A, the permit holder shall do the following for each calendar month.
 - i. Compare the pollutant's short-term (hourly) emissions during planned maintenance activities as measured by the CEMS to the applicable short-term planned MSS emissions limit in the MAERT.
 - C. For each pollutant emitted during non-ILE planned maintenance activities (See Attachment B) whose emissions occur through a stack, but are not measured using CEMS as per Special Condition No. 21A, the permit holder shall do the following for each calendar month.
 - i. Determine the total emissions of the pollutant through the stack that result from such non-ILE planned maintenance activities in accordance with Special Condition No. 21B.
 - D. For each pollutant emitted during non-ILE planned maintenance activities (See Attachment B) whose emissions do not occur through a stack, the permit holder shall do the following for each calendar month.
 - i. Determine the total emissions of the pollutant from such non-ILE planned maintenance activities in accordance with Special Condition No. 21B.
 - ii. Once monthly emissions have been determined in accordance with Special Condition No. 21D(i) for 12 months after the MSS permit amendment has been issued, the permit holder shall compare the sum of the rolling 12-month emissions for the pollutant for all non-ILE planned maintenance activities to the annual EPN MSS-FUG emissions limit for the pollutant in the MAERT.
21. The permit holder shall determine the emissions during planned MSS activities for use in Special Condition No. 20 as follows.
 - A. For each pollutant whose emissions during normal facility operations are measured with a CEMS that has been certified to measure the pollutant's emissions over the entire range of a planned MSS activity, the permit holder shall measure the emissions of the pollutant during the planned MSS activity using the CEMS.
 - B. For each pollutant not described in Special Condition No. 21A, the permit holder shall calculate the pollutant's emissions during all occurrences of each type of planned MSS activity for each calendar month using the frequency of the planned MSS activity identified in work orders or equivalent records and the emissions of the pollutant during the planned MSS activity as represented in the planned MSS permit application. In lieu of using the emissions

of the pollutant during the planned MSS activity as represented in the planned MSS permit application to calculate such emissions, the permit holder may determine the emissions of the pollutant during the planned MSS activity using an appropriate method, including but not limited to, any of the methods described in paragraphs i through iv below, provided that the permit holder maintains appropriate records supporting such determination:

- i. Use of emission factor(s), facility-specific parameter(s), and/or engineering knowledge of the facility's operations.
 - ii. Use of emissions data measured (by a CEMS or during emissions testing) during the same type of planned MSS activity occurring at or on a similar facility, and correlation of that data with the facility's relevant operating parameters, including, but not limited to, electric load, temperature, fuel input, and fuel sulfur content.
 - iii. Use of emissions testing data collected during a planned MSS activity occurring at or on the facility, and correlation of that data with the facility's relevant operating parameters, including, but not limited to, electric load, temperature, fuel input, and fuel sulfur content.
 - iv. Use of parametric monitoring system data applicable to the facility.
22. Opacity greater than 5 percent from the boiler is authorized when the permit holder complies with the planned MSS duration limitations in Special Condition No. 19 and the applicable work practices identified below.
- A. Emissions during planned startup and shutdown activities shall be minimized by employing the following work practices: During planned startup and shutdown activities, the permit holder shall comply with the parts of the boiler manufacturers' operating procedures or the procedures in the permittee's written Standard Operating Procedures manual that impact opacity, and shall operate the boiler in a manner consistent with those procedures to minimize opacity. The boiler manufacturers' operating procedures or written Standard Operating Procedure manual shall be located on-site and available to the TCEQ regional investigator.
 - B. Periods of opacity greater than 5 percent from planned online and offline maintenance activities identified in Attachment A or B are authorized for no more than 600 minutes in a calendar year.
 - C. The permit holder shall keep records to identify periods of planned MSS, the opacity measured by the continuous opacity monitoring system for the duration of the planned startup and shutdown and the maintenance activities identified in Attachment A or B and the work practices in Special Condition No. 22A that are followed during the planned MSS activities for the purpose of demonstrating compliance with this permit special condition.
 - D. For periods of planned MSS other than those that are subject to Paragraph A of this condition, 30 TAC §§ 111.111 and 111.153, and Chapter 101, Subchapter F apply.

Use of Projected Actuals in September 2021 Amendment

23. It was determined in the Boiler Retrofit Project, per the September 2021 amendment applications to NSR Permit No. 9015, that not all of the pollutants being affected by this project were subject to major new source review by identifying projected actual emission rates for the pollutants affected

by this project. Projected actual emission rates for the affected pollutants are summarized as follows:

Project	Source Group	Permit No.	EPNs	Projected Actual Emissions (tons/year)					
				NO _x	SO ₂	PM	PM ₁₀	PM _{2.5}	Lead
Boiler Retrofit TCEQ Project 333525	Boiler	9015	1	3998	17	143	15	12	0.014

Actual emissions from this facility shall be monitored, recorded, and reports made in accordance 30 TAC §116.127 for the time period specified in 30 TAC §116.127(b)(1).

Date: January 17, 2023

Attachment A

Permit Nos. 9015 and PSDTX325M2

Inherently Low Emitting (ILE) Planned Maintenance Activities

Planned Maintenance Activity	VOC	NO_x	CO	PM	SO₂
Water-based washing	x				
Degassing for maintenance of storage vessels storing material with vapor pressure <0.5 psia, or material with vapor pressure >0.5 psia that does not require clearing of the vessels to allow for entry of personnel	x				
Boiler general maintenance (1)				x	
Management of sludge from pits, ponds, sumps, and water conveyances (2)	x				
Organic chemical usage	x				
Inspection, repair, replacement, adjusting, testing, and calibration of analytical equipment, process instruments including sight glasses, meters, gauges, and CEMS.	x	x	x		x
Deslagging of boiler (3)	x	x	x	x	
Small equipment and fugitive component repair/replacement in VOC service (4)	x				
Storage tank/vessel maintenance [<0.5 psia vapor pressure (vp) and not requiring clearing for personnel entry]	x				

Notes:

1. Includes pre-heater basket handling and maintenance, refractory change-out, fan maintenance and balancing, damper, air heater, and soot blower maintenance, and any other general boiler maintenance that does not exceed the worst-case emissions representation in the application.
2. Includes, but is not limited to, management by vacuum truck/dewatering of materials in open pits and ponds, and sumps, tanks and other closed or open vessels. Materials managed include water and sludge mixtures containing miscellaneous VOCs such as diesel, lube oil, and other waste oils.
3. Includes, but is not limited to, explosive blasting, clinker shooting, and other boiler deslagging activities; does not include dry abrasive blasting that may occur in boilers.
4. Includes, but is not limited to, (i) repair/replacement of pumps, compressors, valves, pipes, flanges, transport lines, filters and screens in natural gas, fuel oil, diesel oil, ammonia, lube oil, and gasoline service, and (ii) vehicle and mobile equipment maintenance that may involve small VOC emissions, such as oil changes, transmission service, and hydraulic system service

Date: January 17, 2023

Attachment B

Permit Nos. 9015 and PSDTX325M2

Non-ILE Planned Maintenance Activities

Planned Maintenance Activity	VOC	NO _x	CO	PM	SO ₂
Combustion optimization	x	x	x	x	x
Use of fans during maintenance - unit offline				x	
Smoke test boiler				x	

Notes:

Includes, but is not limited to (i) leak and operability checks, (ii) balancing, and (iii) tuning activities that occur during seasonal tuning or after the completion of initial construction, a burner change-out, a major repair, maintenance to a burner, or other similar circumstances.

Date: January 17, 2023

Emission Sources - Maximum Allowable Emission Rates

Permit Number 9015 and PSDTX325M3

This table lists the maximum allowable emission rates and all sources of air contaminants on the applicant's property covered by this permit. The emission rates shown are those derived from information submitted as part of the application for permit and are the maximum rates allowed for these facilities, sources, and related activities. Any proposed increase in emission rates may require an application for a modification of the facilities covered by this permit.

Air Contaminants Data

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates	
			lbs/hour	TPY (4)
1	Steam Generator 6800 MMBtu/hr	NO _x	952.00	4169.76
		SO ₂	4.00	17.52
		PM	34.00	148.92
		PM ₁₀	3.47	15.18
		PM _{2.5}	2.87	12.56
		CO	251.47	1101.44
		VOC	27.20	119.14
		HAPs	12.59	55.14
	Pb	<0.01	0.01	

- (1) Emission point identification - either specific equipment designation or emission point number from plot plan.
- (2) Specific point source name. For fugitive sources, use area name or fugitive source name.
- (3) VOC - volatile organic compounds as defined in Title 30 Texas Administrative Code § 101.1
- NO_x - total oxides of nitrogen
- SO₂ - sulfur dioxide
- PM - total particulate matter, suspended in the atmosphere, including PM₁₀ and PM_{2.5}, as represented
- PM₁₀ - total particulate matter equal to or less than 10 microns in diameter, including PM_{2.5}, as represented
- PM_{2.5} - particulate matter equal to or less than 2.5 microns in diameter
- CO - carbon monoxide
- HAP - hazardous air pollutant as listed in § 112(b) of the Federal Clean Air Act or Title 40 Code of Federal Regulations Part 63, Subpart C
- Pb - lead
- (4) Compliance with annual emission limits (tons per year) is based on a 12 month rolling period.

Date: January 17, 2023