



AIR QUALITY CLASS II OPERATING PERMIT SIGNIFICANT REVISION

PERMIT NUMBER: OP26M2-017

PERMIT EXPIRES: Lifetime permit

DWEE ID: 26807

Program ID: AIR 089 00023

Permit Issued To: Stuart Municipal Power Plant

Name of Source in Application: Stuart Municipal Power Plant

Mailing Address: 111 W. 2nd Street Stuart, Nebraska 68780

Source Location: 111 W. 2nd Street Stuart, Holt County, Nebraska

Revised Operating Permit: Operating permit OP23R2-030 issued January 31, 2024.

The above Operating Permit is hereby revised as follows: OP23R2-030 was updated in its entirety to include updating Title 129 references and agency name change to the Nebraska Department of Water, Energy, and Environment (DWEE). Condition III. (A) Specific Conditions for Reciprocating Internal Combustion Engines (RICE) was amended to include adding a new reciprocating internal combustion engines (RICE) emission point (EP-5) and making changes related to CP23-024.

Pursuant to Title 129, Chapter 10, of the Nebraska Air Quality Regulations amended September 22, 2022, the public has been notified by prominent advertisement of this significant revision and the thirty (30) day period allowed for comments has elapsed. No other terms or conditions of the operating permits described above are being revised or otherwise modified by this document. This revision does not trigger any additional requirements under Nebraska Title 129.

Compliance with this permit shall not be a defense to any enforcement action for violation of an ambient air quality standard. Unless otherwise noted the conditions of this permit are enforceable by the United States Environmental Protection Agency (USEPA) and the Nebraska Department of Water, Energy, and Environment (DWEE). The permit holder, owner, and operator of the facility shall assure that the operation and maintenance of all equipment is in compliance with all of the conditions of this permit.

The undersigned issues this document on behalf of the Director in accordance with Title 129 – Nebraska Air Quality Regulations.

DRAFT

Date

Reuel S. Anderson, Administrator
Permitting & Engineering Division

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Condition III.(A) Updated to include EP-5, a third diesel fueled reciprocating internal combustion engine (RICE), including operating, emission and fuel documentation requirements, which had been permitted in CP23-024. Language for fuel documentation requirements were updated. Add the asterisk to Title 129 September 28, 2022, references and add the unmarked Title 129 June 28, 2026, references. Department name changed to current Nebraska Department of Water, Energy and Environment (DWEE)	11

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ABBREVIATIONS, SYMBOLS, and UNITS OF MEASURE

AP-42	Compilation of Air Pollutant Emission Factors, Volume I, Stationary Point and Area Sources	NO ₂	Nitrogen Dioxide
BACT	Best Available Control Technology	NO _x	Nitrogen Oxides
Btu	British Thermal Unit	N ₂ O	Nitrous Oxides
bu	Bushel	NSPS	New Source Performance Standard
CAA	Clean Air Act	NSR	New Source Review
CE	Control Equipment	OP	Operating Permit
cf	Cubic feet	PAL	Plant-wide Applicability Limit
CEMS	Continuous Emissions Monitoring System	PEMS	Predictive Emissions Monitoring System
CFC	Chlorofluorocarbons	Pb	Lead (chemical abbreviation)
CFR	Code of Federal Regulations	PM	Particulate Matter
CO	Carbon Monoxide	PM _{2.5}	Particulate Matter with an aerodynamic diameter equal to or less than 2.5 microns
CO ₂	Carbon Dioxide	PM ₁₀	Particulate Matter with an aerodynamic diameter equal to or less than 10 microns
CO ₂ e	Carbon Dioxide Equivalent	PM ₁₀ (total)	Filterable and condensable particulate matter
COMS	Continuous Opacity Monitoring System	ppb	Parts per Billion
CP	Construction Permit	ppm	Parts per Million
Director	Director of the NDEE	ppmv	Parts per Million by Volume
dscf	Dry Standard Cubic Feet	ppmvd	Parts per Million by Volume, Dry Basis
dscfm	Dry Standard Cubic Feet per Minute	PSD	Prevention of Significant Deterioration
EMIS	Emergency Management Information System	PTE	Potential to Emit
EQC	Environmental Quality Council	scf	Standard Cubic Feet
EP	Emission Point	SIC	Standard Industrial Classification
EU	Emission Unit	SIP	State Implementation Plan
FIP	Federal Implementation Plan	SO ₂	Sulfur Dioxide
FR	Federal Register	SO _x	Sulfur Oxides
ft	Feet	TDS	Total Dissolved Solids
FTIR	Fourier Transform Infrared	Title 129	Title 129, Nebraska Air Quality Regulations
GHGs	Greenhouse Gases	tpy	Tons per year
HAP	Hazardous Air Pollutant(s)	TRS	Total Reduced Sulfur
hp	Horsepower	TSP	Total Suspended Particulate Matter
hr	Hour	USEPA	United States Environmental Protection Agency
lb	Pound	UTM	Universal Transverse Mercator
LDAR	Leak Detection and Repair	VHAP	Volatile Hazardous Air Pollutant
LNB	Low NO _x Burner	VMT	Vehicle Miles Traveled
MACT	Maximum Achievable Control Technology	VOC	Volatile Organic Compound
Mgal	One Thousand Gallons	yr	Year
MMBtu	One Million British Thermal Units		
MMgal	One Million Gallons		
MMscf	One Million Standard Cubic Feet		
MSDS	Material Safety Data Sheet		
n/a	Not Applicable		
NAAQS	National Ambient Air Quality Standards		
NDEE	Nebraska Department of Environment and Energy		
NESHAP	National Emission Standards for Hazardous Air Pollutants		

I. STANDARD CONDITIONS

(A) Regulatory authority:

- (1) Title 40 Protection of Environment, Code of Federal Regulations that apply to the source including those found at 40 CFR Part 52, Subpart CC or 40 CFR Part 70, Appendix A (federally enforceable requirements); and
 - (a) The State Implementation Plan (SIP) approved Title 129 as amended September 28, 2022 cited in this permit and denoted by an asterisk (*) are federally enforceable. When Title 129 as amended June 28, 2026 cited in this permit becomes SIP approved and federally enforceable it will supersede Title 129 as amended September 28, 2022.
- (2) The Environmental Protection Act, Neb. Rev. Stat. §§ 81-1501 to 81-1532, and Nebraska Administrative Code Title 129 as amended June 28, 2026 (Title 129).

(B) The source shall allow the DWEE, USEPA or an authorized representative, upon presentation of credentials (Neb. Rev. Statute §81-1504; ((Title 129, Chapter 6, Section 003.11)*; Title 129, Chapter 6, Section 003.11) to:

- (1) Enter upon the source's premises during reasonable hours where a source subject to this permit is located, emissions-related activity is conducted, or where records must be kept under the conditions of this permit, for the purpose of ensuring compliance with this permit or applicable requirements;
- (2) Have access to and copy, during reasonable hours, any records that must be kept under the conditions of this permit, for the purpose of ensuring compliance with this permit or applicable requirements;
- (3) Inspect during reasonable hours any facilities, pollution control equipment, including monitoring and air pollution control equipment, practices, or operations regulated or required under this permit, for the purpose of ensuring compliance with this permit or applicable requirements;
- (4) Sample or monitor, during reasonable hours, substances or parameters for the purpose of ensuring compliance with the permit or applicable requirements.

(C) All requested permit amendments and revisions must adhere to the requirements of Title 129, Chapter 9*; Title 129, Chapter 9.

(D) The following methods may be used to determine compliance with the terms and conditions in this permit ((Title 129, Chapter 15, Section 005.08)*; Title 129, Chapter 15, Section 005.08):

- (1) Any compliance test method specified in the State Implementation Plan;
- (2) Any test or monitoring method approved for the source in a permit issued pursuant to Title 129, Chapters 3*, 4*, or Chapter 13*, Section 004*; Title 129, Chapters 3, 4, or Chapter 13, Section 004;
- (3) Any test or monitoring method provided for in Title 129; or
- (4) Any other test, monitoring, or information-gathering method that produces information comparable to that produced by any method described in Condition I.(D)(1) through (3).

(E) Application for review of plans or advice furnished by the Director will not relieve the source of legal compliance with any provision of these regulations, or prevent the Director from enforcing or implementing any provision of these regulations ((Title 129, Chapter 1, Section 001.06)*; Title 129, Chapter 1, Section 001.06).

- (F) If and when the Director declares an air pollution episode as defined in Title 129, Chapter 2, Section 006.01*; Title 129, Chapter 2, Section 006.01, the source shall immediately take all required actions listed in Title 129, Appendix II, Paragraph 1.1*, 1.2*, and 1.3*; Title 129, Appendix II, Paragraph 1.1, 1.2, and 1.3, respectively, until the Director declares the air pollution episode terminated ((Title 129, Chapter 2, Section 006.03)*; Title 129, Chapter 2, Section 006.03).
- (G) Recordkeeping: To ensure compliance with this permit, records shall be maintained as outlined below. Records include: electronic and/or paper copies of all application materials, notifications, reports, test protocols, test results, and plans; and, electronic and/or original paper copies of all required monitoring results, measurements, inspections, and observations (Title 129, Chapter 15, Section 005.06*; Title 129, Chapter 15, Section 005.06; Neb. Rev. Stat. §81-1504):
- (1) All records required by this permit shall be kept for a minimum of five (5) years and shall be clear and readily accessible to DWEE representatives during an inspection, unless otherwise specified in this permit.
 - (2) Monthly calculations and records required throughout this permit shall be compiled no later than the fifteenth (15th) day of each calendar month and shall include all records and calculations generated through the previous calendar month, unless otherwise specified in this permit. ((Title 129, Chapter 6, Section 003.03)*; Title 129, Chapter 6, Section 003.03).
 - (3) The source shall keep the following records for each malfunction, start-up and shutdown where emissions were, or may have been, in excess of an emission limitation or standard ((Title 129, Chapter 11, Sections 002 and 005, Chapter 15, Sections 006.02, 006.04, and 006.05)*; Title 129, Chapter 11, Sections 002 and 005, Chapter 15, Sections 006.02, 006.04, and 006.05):
 - (a) The identity of the equipment.
 - (b) Reason for, or cause of, the malfunction, shutdown, or start-up.
 - (c) Duration of period of excess emissions.
 - (d) Date and time of the malfunction, shutdown, or start-up.
 - (e) Physical and chemical composition of pollutants whose emissions are affected by the action.
 - (f) Methods, operating data, and/or calculations used to determine these emissions.
 - (g) Quantification of emissions in the units of the applicable emission control regulation.
 - (h) All measures utilized to minimize the extent and duration of excess emissions during the malfunction, shutdown, and start-up.
 - (4) The source shall keep records of maintenance performed on components of permitted emission units that would affect or potentially affect the emission rate of that unit and on control and monitoring equipment associated with the permitted emission unit ((Title 129, Chapter 15, Sections 005.06, 006.06B and 006.06E)*; Title 129, Chapter 15, Sections 005.06, 006.06B and 006.06E).
 - (5) All records of opacity readings, instrument readings, visual equipment inspections, log book/sheet entries, and any other record of equipment performance shall identify the individual who entered the record, except for continuously generated electronic records.

- (6) Operation and maintenance manuals, or equivalent documentation, detailing proper operation and maintenance of all permitted emission units, required control equipment and required monitoring equipment shall be kept for the life of the equipment.
- (H) All permitted emission units, associated emissions conveyances, required control equipment, and required monitoring equipment shall be properly installed, operated, and maintained (Title 129 Chapter 6, Sections 003.01* and 003.13*; Title 129 Chapter 6, Sections 003.01 and 003.13; Chapter 15, Section 005.06*; Chapter 15, Section 005.06; Neb. Rev. Stat. §81-1504 and §81-1506).
 - (1) All emissions from emission units using required controls shall be captured and routed through associated emission conveyances to the required control equipment, except for uncaptured emissions described in the permit application and any additional information submitted prior to permit issuance.
 - (2) All equipment must be maintained to minimize the amount of uncontrolled pollutants that are released to the atmosphere. Proper equipment maintenance activities may include repair or replacement, and include, but are not limited to activities in response to the following:
 - (a) cracks, holes or gaps,
 - (b) broken, cracked, or otherwise damaged seals or gaskets, and
 - (c) broken, missing or open hatches, access covers, caps, or other closure devices.
- (I) When the source makes physical or operational changes to an emissions unit or associated control equipment that may cause an increase in emissions that makes the original testing not representative of current operating conditions or emissions, the source shall submit a notification of the change. Such notification shall be received by DWEE within fifteen (15) days after such change. The DWEE may require performance testing based on review of the specific changes identified in the notification and the resulting potential impact on emissions from the unit(s) and/or performance of the control equipment ((Title 129, Chapter 15, Section 005.01)*; Title 129, Chapter 15, Section 005.01).
 - (1) This notification requirement applies to emissions units and/or control equipment that meet the following requirements, except as provided in Condition I.(I)(5):
 - (a) Emissions from the emissions unit and/or control equipment is subject to an emissions limit;
 - (b) A valid performance test has been conducted for the pollutant to which the emissions limit applies;
 - (c) Changes that may cause emissions to increase or invalidate prior testing include, but are not limited to, increasing the capacity of an emissions unit, changing the operational parameters of any control equipment outside of the range allowed for under this permit that makes the control equipment less efficient, changing the type of scrubber packing, or increasing the inlet pollutant loading of any control equipment.
 - (2) For emission units that have had a performance test conducted after January 1, 2012, the source shall make a one-time notification to the DWEE within fifteen (15) days of when there is a 10% increase in daily production/throughput rate, over the tested rate recorded during the most recent valid performance test unless otherwise specified in this permit. If there are subsequent 10% increases over the rate most recently notified to the DWEE, the source shall make a one-time notification to the DWEE of each such subsequent increase. This will not

- apply to emissions that already have emission rates that are normalized to production and/or throughput rates.
- (3) The notification shall include the date of the changes, a description of the changes made, and an evaluation of the expected impact on emissions from the emissions units and/or control equipment.
- (4) The following definitions apply for purposes of Condition I.(I)(2) above:
- (a) “rate” shall mean the production or throughput of an emissions unit in the same units of production or throughput as the “tested rate” as defined below; and,
- (b) “tested rate” shall mean the production or throughput rate of an emissions unit as recorded in the most recent valid performance test and reported to the DWEE in the source’s written copy of the test results, or test report, documenting the maximum capacity of the unit(s). The tested rate shall be extrapolated to daily. Examples include, but are not limited to, tons per hour to tons per day or gallons per hour to gallons per day.
- (5) The above notification requirements do not apply when compliance with the emission limitation is demonstrated through the use of a CEMS, PEMS or COMS.
- (J) No person shall cause or allow emissions, from any source, which are of an opacity equal to or greater than twenty percent (20%), as evaluated by an EPA approved method, or recorded by a continuous opacity monitoring system operated and maintained pursuant to 40 CFR Part 60 Appendix B except as provided for in Title 129, Chapter 15, Sections 001.05* or 001.06*; Title 129, Chapter 15, Sections 001.05 or 001.06 ((Title 129, Chapter 15, Section 001.04)*; Title 129, Chapter 15, Section 001.04).
- (K) Open fires are prohibited except as allowed by Title 129, Chapter 15, Section 002*; Title 129, Chapter 15, Section 002.
- (L) Particulate Matter – General Requirements ((Title 129, Chapter 15, Section 003)*; Title 129, Chapter 15, Section 003):
- (1) The source shall not cause or permit the handling, transporting or storage of any material in a manner which allows particulate matter to become airborne in such quantities and concentrations that it remains visible in the ambient air beyond the property line.
- (2) The source shall not cause or permit the construction, use, repair or demolition of a building, its appurtenances, a road, a driveway, or an open area without applying all reasonable measures to prevent particulate matter from becoming airborne and remaining visible beyond the property line. Such measures include, but are not limited to, paving or frequent cleaning of roads, driveways and parking lots; application of dust-free surfaces; application of water; and planting and maintenance of vegetative ground cover.
- (M) Testing:
- (1) Performance testing if required by this permit or required by the DWEE shall be completed as follows:
- (a) The source shall provide the DWEE a written notice at least thirty (30) days prior to testing to afford the DWEE an opportunity to have an observer present. The DWEE may, in writing, approve a notice of less than 30 days. If the testing is pursuant to an underlying requirement contained in a federal rule, the notice provisions of the

underlying requirement apply ((Title 129, Chapter 15, Section 005.03)*; Title 129, Chapter 15, Section 005.03).

- (b) The notification required by Condition I.(M)(1)(a) shall include the following ((Title 129, Chapter 15, Section 005.03)*; Title 129, Chapter 15, Section 005.03):
 - (i) Facility Name, Address and FID number.
 - (ii) Company Name, Address and Contact Person's name.
 - (iii) Test schedule including date and estimated start time of testing.
 - (iv) List all applicable regulatory requirements that testing is being conducted for (permit condition, MACT, NSPS, etc.).
 - (v) Types of pollutants to be sampled including applicable emission limits and demonstration requirements.
 - (vi) Test methods and documentation of any proposed variations from the specified procedures and reason for variance.
- (c) Testing shall be conducted according to the methodologies found in Title 129, Chapter 15, Section 005.02*; Title 129, Chapter 15, Section 005.02, or other DWEE approved methodologies ((Title 129, Chapter 15, Section 005.02)*; Title 129, Chapter 15, Section 005.02).
- (d) Performance tests shall be performed under those representative (normal) conditions that: represent the range of combined process and control measure conditions under which the facility expects to operate (regardless of the frequency of the conditions); and are likely to most challenge the emissions control measures of the facility with regard to meeting the applicable emission standards, but without creating an unsafe condition. (Title 129, Chapter 15, Section 005)*; (Title 129, Chapter 15, Section 005).
- (e) Performance tests shall be conducted for a minimum of three (3) one-hour runs unless another run-time is specified by the applicable Subpart or as deemed appropriate by the DWEE.
- (f) The source shall monitor and record the operating parameters for process and control equipment during the performance testing required in the permit.
- (g) A certified written copy of the test results, signed by the person conducting the test, shall be provided to the DWEE within sixty (60) days of completion of the test, unless a different time period is specified in the underlying requirements of an applicable federal rule, and will, at a minimum, contain the following items ((Title 129, Chapter 15, Section 005.02G)*; Title 129, Chapter 15, Section 005.02G):
 - (i) A description of:
 - 1. The operating parameters for the emissions unit during testing. Examples include, but are not limited to, production rates, process throughputs, firing rates of combustion equipment, or fuel usage; and,
 - 2. The operating parameters for the control equipment during testing. Examples include, but are not limited to, baghouse fan speeds, scrubber liquid flow rates, or pressure drop across the control device.
 - (ii) Copies of all data sheets from the test run(s).
 - (iii) A description and explanation of any erroneous data or unusual circumstance(s) and the cause for such situation.

(iv) A final conclusion section describing the outcome of the testing.

II. GENERAL OPERATING PERMIT CONDITIONS

The following General Conditions apply to this permit unless otherwise provided for in the Specific Conditions of this permit. Terms and conditions of this permit are in accordance with the requirements of Title 129, Chapter 6*; Title 129, Chapter 6.

(A) Submittals/Reporting:

All submittals, including reports, required by Condition II.(A) and Condition I.(M)(1)(g) shall contain a certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and the belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete ((Title 129, Chapter 1, Section 002.89; Title 129, Chapter 6, Sections 002.06, 003.11 and 003.13)*; Title 129, Chapter 1, Section 002.92; Title 129, Chapter 6, Sections 002.06, 003.11 and 003.13).

The source shall submit reports to the DWEE as follows:

- (1) The source shall submit a report of applicable monitoring and all instances of deviations from permit requirements every twelve (12) calendar months to the DWEE. The report shall be submitted by March 31 of the following year ((Title 129, Chapter 6, Sections 003.03B and 003.13)*; Title 129, Chapter 6, Sections 003.03B and 003.13).
- (2) The source shall report all deviations from permit requirements, including those attributable to start-ups, shutdowns or malfunctions, the probable cause of such deviations, and any corrective actions or preventive measures taken. All reports of deviations must be submitted within the time frame as per Conditions II.(A)(2)(a), (b), and (c) below ((Title 129, Chapter 6, Sections 003.03B, 003.03B4, and 003.13, and Chapter 15, Sections 006.04 and 006.05)*; Title 129, Chapter 6, Sections 003.03B, 003.03B4, and 003.13, and Chapter 15, Sections 006.04 and 006.05).
- (a) Any deviation resulting from emergency or upset conditions shall be reported within two (2) working days of the date on which the source first becomes aware of the deviation. The initial report may be submitted without a certification by the responsible official, as required by Condition II.(A) above, if an appropriate certification is provided within ten (10) days thereafter, together with the information required under Condition II.(A)(3) and any corrected or supplemental information required concerning the deviation.
 - (b) Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported as soon as is practicable. The report may be submitted initially without a certification by a responsible official in accordance with Condition II.(A) above, if an appropriate certification is provided within ten (10) days thereafter, together with any corrected or supplemental information required concerning the deviation.
 - (c) All other deviations shall be reported as per Condition II.(A)(1).
- (3) The source shall submit completed emission inventories electronically utilizing SLEIS for the preceding calendar year to the DWEE by March 31 of each year ((Title 129, Chapter 11)*; Title 129, Chapter 11).
- (4) Certification of compliance with the terms and conditions of this permit, including emission

- limitations, standards, or work practices, for the preceding calendar year, shall be submitted to the DWEE by March 31 of each year. The report shall be certified by a responsible official in accordance with Condition II.(A) and shall include the following ((Title 129, Chapter 6, Sections 003.11 and 003.13C)*; Title 129, Chapter 6, Sections 003.11 and 003.13C).
- (a) The identification of each term or condition of the permit that is the basis of the certification;
 - (b) The compliance status;
 - (c) A determination of whether compliance was continuous or intermittent; and
 - (d) The methods used for determining the compliance status of the source, currently and over the reporting period.
- (5) Any emissions due to malfunctions, unplanned shutdowns, and ensuing start-ups that are, or may be in excess of applicable emission limitations shall be reported to the DWEE in accordance with Condition II.(A)(2)(a).
- (B) This permit is issued for the life of the source. If a cause exists for modifying, revoking and reissuing, or terminating the permit, Standard Condition I.(C) and General Conditions II. (E), (F), and (H) shall apply. ((Title 129, Chapter 6, Section 003.02)*; Title 129, Chapter 6, Section 003.02).
- (C) The source shall comply with all conditions of this permit. Any permit noncompliance shall constitute a violation of the Nebraska Environmental Protection Act and/or the Federal Clean Air Act, and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application ((Title 129, Chapter 6, Sections 003.06A and 003.13)*; Title 129, Chapter 6, Sections 003.06A and 003.13).
- (D) It shall not be a defense for a source in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit ((Title 129, Chapter 6, Sections 003.06B and 003.13)*; Title 129, Chapter 6, Sections 003.06B and 003.13).
- (E) This permit may be modified; revoked, reopened, and reissued; or terminated for cause in accordance with Title 129 and Title 115, Rules of Practice and Procedure. The filing of a request by the source for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not supersede any permit condition ((Title 129, Chapter 6, Sections 003.06C and 003.13)*; Title 129, Chapter 6, Sections 003.06C and 003.13).
- (F) Conditions under which this permit will be reopened, revoked and reissued or terminated during its term for cause, include but are not limited to ((Title 129, Chapter 9, Section 006; Title 129, Chapter 6, Sections 003.09 and 003.13)*; Title 129, Chapter 9, Section 006; Title 129, Chapter 6, Sections 003.09 and 003.13):
- (1) Additional applicable requirements under the Nebraska Environmental Protection Act or the Federal Clean Air Act, which become applicable to this source with a remaining permit term of three (3) or more years. No such reopening will occur if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended;
 - (2) Additional requirements, including excess emissions requirements, that become applicable to an affected source under the acid rain program under (Title 129, Chapter 5)*;

Title 129, Chapter 5).

- (G) This permit does not convey any property rights of any sort, or any exclusive privilege ((Title 129, Chapter 6, Sections 003.06D and 003.13)*; Title 129, Chapter 6, Sections 003.06D and 003.13).
- (H) The source shall furnish to the DWEE, within the time specified by the DWEE, any information requested by the DWEE in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the source shall also furnish to the DWEE copies of records required to be kept in accordance with the permit or, for information claimed to be confidential, the source may furnish such records along with a claim of confidentiality pursuant to Title 115 - Rules of Practice and Procedure ((Title 129, Chapter 6, Sections 003.06E and 003.13)*; Title 129, Chapter 6, Sections 003.06E and 003.13).
- (I) The provisions of this operating permit incorporate all applicable requirements contained in all previously issued active construction permits. Although the previously issued construction permits are still active, this operating permit will be the compliance and enforcement instrument for all applicable requirements incorporated into the operating permit (Title 129, Chapter 6, Sections 003.13*; Title 129, Chapter 6, Sections 003.13; 40 CFR 70.2 – Applicable Requirements (2)).
- (J) In the event of a challenge to any portions of this permit, the unchallenged permit requirements shall remain valid ((Title 129, Chapter 6, Section 003.05)*; Title 129, Chapter 6, Section 003.05).
- (K) Changes allowed without an operating permit revision ((Title 129, Chapter 9, Section 007)*; Title 129, Chapter 9, Section 007):
- (1) The source may make the changes identified in Condition II.(K)(1)(a) within a permitted facility without a permit revision if the change is not a modification under Title 129, Chapters 12, 13, Sections 001*, 002*, 003*, and 004*; Title 129, Chapters 12, 13, Sections 001, 002, 003, and 004, the change does not require a construction permit under Chapters 3* or 4*; Chapters 3 or 4; and the change does not result in the emissions allowable under the permit (whether expressed therein as a rate of emissions or in the terms of total emissions) being exceeded ((Title 129, Chapter 9, Section 007.01)*; Title 129, Chapter 9, Section 007.01).
- (a) Changes in the configuration of the facility's equipment, as defined in Section 502(b)(10) changes of the Act ((Title 129, Chapter 9, Section 007.01)*; Title 129, Chapter 9, Section 007.01). Written notification of these changes shall be sent to the DWEE as follows:
- (i) Non-Emergencies ((Title 129, Chapter 9, Section 007.01)*; Title 129, Chapter 9, Section 007.01):
1. Written notification shall be received by the DWEE a minimum of seven (7) days in advance of the proposed changes;
- (ii) Emergencies ((Title 129, Chapter 9, Section 007.01)*; Title 129, Chapter 9, Section 007.01):

1. Initial notification shall be made within two working days of the date on which the source first becomes aware of the need for the change;
 2. A follow-up written notification shall be submitted as soon as practicable; and
 3. The notifications shall include an explanation of the nature of the emergency.
- (iii) Required information ((Title 129, Chapter 9, Section 007.01)*; Title 129, Chapter 9, Section 007.01):
1. A brief description of the change within the permitted source;
 2. The date on which the change will occur;
 3. Any change in emissions; and,
 4. Any permit term or condition that is no longer applicable as a result of the change.
- (2) The source may make changes that are not defined as Section 502(b)(10) changes of the Act within a permitted facility without a permit revision if the change is not a modification under Title 129, Chapters 12*, 13*, Sections 001*, 002*, 003*, or 004*; Title 129, Chapters 12, 13, Sections 001, 002, 003, or 004; and the change is not a change which would require a construction permit under Chapters 3* or 4*; Chapters 3 or 4 ((Title 129, Chapter 9, Section 007.02)*; Title 129, Chapter 9, Section 007.02).
- (a) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition ((Title 129, Chapter 9, Section 007.02)*; Title 129, Chapter 9, Section 007.02).
- (b) The source shall provide contemporaneous written notice to the Director, except for changes that qualify as insignificant activities under the provisions of Title 129, Chapter 6, Sections 002.05C*; Title 129, Chapter 6, Sections 002.05C. Such written notice shall include ((Title 129, Chapter 9, Section 007.02)*; Title 129, Chapter 9, Section 007.02):
- (i) A description of each change;
 - (ii) The date the change will be made;
 - (iii) A description of any change in emissions;
 - (iv) A list of the pollutants emitted; and,
 - (v) A list of any applicable requirements that would apply as a result of the change, including terms and conditions established in in the relevant operating permit for synthetic minor purposes.
- (c) A copy of the notification in Condition II.(K)(2)(b) shall be attached to the source's copy of the operating permit.
- (d) The source shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and emissions resulting from those changes ((Title 129, Chapter 9, Section 007.02)*; Title 129, Chapter 9, Section 007.02).

- (e) Upon review of a notice submitted in accordance with Condition II.(K)(2)(b), the DWEE may require a source to apply for an operating permit if the change does not meet the requirements of Condition II.(K)(2) ((Title 129, Chapter 9, Section 007.02A)*; Title 129, Chapter 9, Section 007.02A).

(3) Testing requirements:

- (a) Testing may be required if a change reported under Condition II.(K)(1) or II.(K)(2) involves an emissions unit that was previously tested ((Title 129, Chapter 6, Sections 003.03 and 003.13; Title 129, Chapter 15, Section 005)*; Title 129, Chapter 6, Sections 003.03 and 003.13; Title 129, Chapter 15, Section 005).
- (L) When applicable, the source shall comply with the requirements of 40 CFR Part 68, Chemical Accident Prevention Provisions, Risk Management Plan (RMP), as part of the compliance certification submitted under Condition II.(A)(4). The source shall submit a certification statement that the source is in compliance with all requirements of Part 68, including the registration and submission of the RMP (40 CFR 68.215(a); Title 129, Chapter 6, Section 003.10*; Title 129, Chapter 6, Section 003.10).

The source is subject to and will comply with all applicable requirements found in Title 40 Protection of Environment, Code of Federal Regulations that apply to the source including those found at 40 CFR Part 52, Subpart CC or 40 CFR Part 70, Appendix A (federally enforceable requirements); the State Implementation Plan (SIP) approved Title 129 as amended September 28, 2022 cited in this permit and denoted by an asterisk () are federally enforceable; and the Environmental Protection Act, Neb. Rev. Stat. §§ 81-1501 to 81-1532, and Nebraska Administrative Code Title 129 as amended June 28, 2026. When Title 129 as amended June 28, 2026, cited in this permit becomes SIP approved and federally enforceable it will supersede Title 129 as amended September 28, 2022.*

III. SPECIFIC CONDITIONS FOR AFFECTED EMISSION POINTS:

(A) Specific Conditions for Reciprocating Internal Combustion Engines

(1) Permitted Emission Points:

- (a) The following table identifies emission points, emission units, permitted capacities, permitted fuel types, required control equipment the source must operate, and applicable standards at the source at the time of permit issuance, in accordance with operating permit OP23R2-030, issued January 31, 2024; Construction Permit CP23-024, issued November 15, 2023; and significant operating permit application OP26M2-017, received May 5, 2026, including any supporting information received prior to issuance of this permit:

Control Equipment ID# and Description	Emission Unit Description	Applicable NSPS Requirements	Applicable NESHAP Requirements
Emission Point ID#: EP-1			
C5500; Oxidation Catalyst, installed 2012	EU-1: Reciprocating Internal Combustion Engine (RICE); Dual Fueled; 675 kW; 17.0 L/Cylinder displacement; Installed in 1968	None	40 CFR Part 63, NESHAP Subpart A; Title 129, Chapter 13, Section <u>002.01</u> *; Title 129, Chapter 13, Section <u>002.01</u>
		None	40 CFR Part 63, NESHAP Subpart ZZZZ; Title 129, Chapter 13, Section <u>002.78</u> *; Title 129, Chapter 13, Section <u>002.79</u>
Emission Point ID#: EP-4			
C5400; Oxidation Catalyst, installed 2012	EU-4: RICE; Diesel Fueled; 784 kW; 17 L/Cylinder displacement; installed 1996	None	40 CFR Part 63, NESHAP Subpart A; Title 129, Chapter 13, Section <u>002.01</u> *; Title 129, Chapter 13, Section <u>002.01</u>

		None	40 CFR Part 63, NESHAP Subpart ZZZZ; Title 129, Chapter 13, Section <u>002.78*</u> ; Title 129, Chapter 13, Section <u>002.79</u>
Emission Point ID#: EP-5			
CE-5: Oxidation Catalyst, installed 2024	EU-5; RICE: Diesel Fueled: 1,880 kW; 6.899 L/Cylinder displacement; installed 2024 (Model year is 1998)	None	40 CFR Part 63, NESHAP Subpart A; Title 129 Chapter 13, Section <u>002.01*</u> ; Title 129, Chapter 13, Section <u>002.01</u>
		None	40 CFR Part 63, NESHAP Subpart ZZZZ; Title 129 Chapter 13, Section <u>002.78*</u> ; Title 129 Chapter 13, Section <u>002.79</u>

(b) For emission units EU-4 and EU-5, the source shall comply with the requirements of the New Units Exemption for Acid Rain Affected Units in 40 CFR 72.7.

(2) Emission Limitations and Testing Requirements:

(a) Pollutant emission rates from each emission point identified in the table below shall not exceed the permitted limits. Performance testing, if required, shall be conducted in accordance with Standard Condition I.(M).

Pollutant	Permitted Limit	Averaging Period	Basis for Permit Limit	Performance Testing Required
Emission Point ID#: EP-1				
PM (Filterable)	4.20 lbs/hr ^[2]	Three (3) 1-hour test runs	Title 129, Chapter 15, Section <u>001.02*</u> ; Title 129, Chapter 15, Section <u>001.02</u>	No
SO _x	2.5 lb/MMBtu ^[4]	Three (3) 1-hour test runs	Title 129, Chapter 16, Section <u>001*</u> ; Title 129, Chapter 16, Section <u>001</u>	No

NO _x	98 tpy for all units combined ^[1]	12 consecutive rolling calendar months	Title 129, Chapter 6, Section <u>001.02</u> *; Title 129, Chapter 6, Section <u>001.02</u>	No
CO	23 ppmvd at 15% O ₂ ; or reduce CO emissions by 70% or more	Three (3) 1-hour test runs	40 CFR Part 63 Subpart <u>ZZZZ</u>	Yes
Opacity	< 20 Percent ^[3]	6 Minutes	Title 129, Chapter 15, Section <u>001.04</u> *; Title 129, Chapter 15, Section <u>001.04</u>	No
Emission Point ID#: EP4				
PM (Filterable)	4.91 lbs/hr ^[2]	Three (3) 1-hour test runs	Title 129, Chapter 15, Section <u>001.02</u> *; Title 129, Chapter 15, Section <u>001.02</u>	No
NO _x	98 tpy for all units combined ^[1]	12 consecutive rolling calendar months	Title 129, Chapter 6, Section <u>001.02</u> *; Title 129, Chapter 6, Section <u>001.02</u>	No
CO	23 ppmvd at 15% O ₂ ; or reduce CO emissions by 70% or more	Three (3) 1-hour test runs	40 CFR Part 63 Subpart <u>ZZZZ</u>	Yes
Opacity	< 20 Percent ^[3]	6 Minutes	Title 129, Chapter 15, Section <u>001.04</u> *; Title 129, Chapter 15, Section <u>001.04</u>	No
Emission Point ID#: EP-5				
PM (Filterable)	0.52lbs/MMBtu ^[2]	Three (3) 1-hour test runs	Title 129, Chapter 15, Section <u>001.02</u> *; Title 129, Chapter 15, Section <u>001.02</u>	No
NO _x	98 tpy for all units combined ^[1]	12 consecutive rolling calendar months	Title 129, Chapter 6, Section <u>001.02</u> *; Title 129, Chapter 6, Section <u>001.02</u>	No
CO	23 ppmvd at 15% O ₂ ; or reduce CO emissions by 70% or more	Three (3) 1-hour test runs	40 CFR Part 63 Subpart <u>ZZZZ</u>	Yes
Opacity	< 20 Percent ^[3]	6 Minutes	Title 129, Chapter 15, Section <u>001.04</u> *; Title 129, Chapter 15, Section <u>001.04</u>	No

- [1] Compliance with Condition III.(A)(3)(d) demonstrates compliance with NO_x emission limitations.
- [2] Compliance with this limit is demonstrated by potential emission rates, which are less than the permitted limits. See the fact sheet attachment for further details.
- [3] Compliance with this limit is demonstrated by complying with Conditions III.(A)(3)(b) and (f).
- [4] Compliance with Condition III.(A)(3)(c) demonstrates compliance with SO_x limitations.

(b) The source shall comply with all applicable emission limitations and testing requirements in NESHAP Subpart ZZZZ for emission units EU-1, EU-4, and EU-5 [Construction Permit CP23-024, Condition III.(A)(2)(a), issued November 15, 2023; 40 CFR 63 Subparts A and ZZZZ; Title 129 Chapter 13 Sections 002.01* and 002.78*; Title 129 Chapter 13 Sections 002.01 and 002.79].

(i) The source is subject to the applicable emission limitations requirements of 40 CFR §63.6600 through §63.6603.

(ii) The source is subject to the applicable testing requirements of 40 CFR §63.6610 through §63.6630.

(3) Operational and Monitoring Requirements:

(a) The source shall comply with all applicable operational and monitoring requirements in NESHAP Subpart ZZZZ for emission units EU-1, EU-4, and EU-5 [Construction Permit CP23-024, Condition III.(A)(3)(c), issued November 15, 2023; 40 CFR 63, Subparts A and ZZZZ; Title 129 Chapter 13 Sections 002.01* and 002.78*; Title 129 Chapter 13 Sections 002.01 and 002.79].

(i) The source is subject to the operational and monitoring requirements of 40 CFR §63.6625, §63.6635, and §63.6440.

(b) Emission unit EU-1 shall exclusively combust natural gas and ultra low sulfur diesel, and emission unit EU-4 and emission unit EU-5 shall combust ultra low sulfur diesel fuel only [Construction Permit CP23-024, Condition III.(A)(3)(b), issued November 15, 2023].

(c) The sulfur content of diesel fuel burned shall not exceed 15 ppm for emission units EU-1, EU-4, and EU-5 [40 CFR Part 63 Subpart ZZZZ; 40 CFR 63.6604(a)→§1090.305(b); Title 129, Chapter 16, Section 001*; Title 129, Chapter 16, Section 001].

(d) The total kilowatt hours (kW) generated by EU-1, EU-4, and EU-5, combined, shall not exceed 6,143,760 kW per any period of 12 consecutive rolling calendar months [Construction Permit CP23-024, Condition III.(A)(3)(a), issued November 15, 2023].

(i) Each engine shall be equipped with a kW-hour meter capable of recording kilowatts and operating hours [Construction Permit CP23-024, Condition III.(A)(3)(a)(i), issued November 15, 2023].

(e) A source representative shall conduct daily visible emissions surveys for each emission point EP-1, EP-4, and EP-5 when each emission unit is operating under normal conditions. These surveys shall be conducted after the normal start-up period or 30 minutes after initial start-up, whichever is sooner, and shall be conducted during daylight hours [Title 129, Chapter 6, Sections 003.03* and 003.13*; Title 129, Chapter 6, Sections 003.03 and 003.13].

(i) For deviation reporting purposes, visible emissions (excluding water vapor) from any emission point shall be considered a deviation and shall be reported in accordance with Condition II.(A).

(4) Recordkeeping and Reporting Requirements:

- (a) The source shall comply with all applicable recordkeeping and reporting requirements in NESHAP Subpart ZZZZ [Construction Permit CP23-024, Condition III.(A)(5)(c), issued November 15, 2023; 40 CFR 63 Subparts A and ZZZZ].
 - (i) The source is subject to the applicable recordkeeping and reporting requirements of 40 CFR §63.6645 through §63.6660.
- (b) The source shall notify the DWEE, in writing, if the 12 consecutive rolling calendar month period of total kWh generated by emission units EU-1, EU-4, and EU-5 combined exceeds 4,607,820 kWh. Notification shall be sent within fifteen (15) days of such knowledge by the permittee. Upon such notification, the DWEE may require performance testing to ensure that the source is in compliance with the NO_x emission limit in Condition III.(A)(2)(a) [Title 129, Chapter 6, Section 003.13* and Title 129, Chapter 15, Section 005.01*; Title 129, Chapter 6, 003.13 and Title 129, Chapter 15, Section 005.01].
- (c) The source shall maintain the following records in accordance with Title 129, Chapter 6, Section 003.03* and 003.13B*; Title 129, Chapter 6, Section 003.03 and 003.13B and the applicable requirements specified in Condition II.(A):
 - (i) Total kWh generated by engines identified in Condition III.(A)(1)(a), for each calendar month and each period of twelve (12) consecutive rolling calendar months to demonstrate compliance with Condition III.(A)(3)(d) [Construction Permit CP23-024, Condition III.(A)(5)(a), issued November 15, 2023].
 - (ii) The sulfur content, and date of delivery for diesel fuel delivered to demonstrate compliance with Condition III.(A)(3)(c).
 - (iii) Records to verify diesel was used by EU-4 and EU-5. Fuel receipts can be used to demonstrate compliance [Construction Permit CP23-024, Condition III.(A)(5)(b), issued November 15, 2023].
- (d) The results of each visible emissions survey shall be recorded in a log, which shall include, at a minimum, the following items [Title 129, Chapter 6, Sections 003.03* and 003.13*; Title 129, Chapter 6, Sections 003.03 and 003.13].
 - (i) The emission points included in the survey.
 - (ii) All emission points from which visible emissions occurred (except for water vapor).
 - (iii) Emission points for which the emission units were not in operation during the survey.
 - (iv) Each entry shall be dated and initialed by the person conducting the visible emissions survey.

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