



AIR QUALITY CLASS I OPERATING PERMIT

PERMIT NUMBER: OP24R1-043

DWEE ID: 70919

Program ID: AIR 025 00054

Permit Issued To: Omaha Public Power District (OPPD)

Name of Source in Application: OPPD - Cass County Station

Mailing Address: Sustainability and Environmental Affairs,
1919 Aksarben Drive, Omaha, Nebraska 68106

Source Location: 3520 Mill Road, Plattsmouth, Cass County, Nebraska

Project Description: This operating permit approves the operation of an electrical generation facility

Standard Industrial Classification (SIC) Code(s): 4911, Electric Services

North American Industry Classification System (NAICS) Code: 221112

Superseded Operating Permit(s): Operating permit, OP19R1-027, issued July 21, 2020

Pursuant to Title 129, Chapter 10, of the Nebraska Air Quality Regulations amended September 28, 2022, the public has been notified by prominent advertisement of the proposed operation of an air contaminant source and the thirty (30) day period allowed for comments has elapsed. This Operating Permit approves the operation of a natural gas simple cycle combustion turbine electric generating facility. This Operating Permit approves the operation of this source as identified in the Air Quality Operating Permit Application 24R1-043 received December 4, 2024, including any supporting information received prior to issuance of this permit. Additional details on the source, including estimated pollutant emissions, can be found in the accompanying Fact Sheet.

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 source shall assure compliance with all of the terms and conditions in this permit and the Attachments.

The undersigned issues this document on behalf of the DWEE Director in accordance with Title 129 – Nebraska Air Quality Regulations amended September 28, 2022.

D R A F T

Date

Reuel S. Anderson, Administrator
Permitting & Engineering Division

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ABBREVIATIONS, SYMBOLS, and UNITS OF MEASURE

			Standards
AP-42	Compilation of Air Pollutant Emission Factors, Volume I, Stationary Point and Area Sources	NESHAP	National Emission Standards for Hazardous Air Pollutants
BACT	Best Available Control Technology	NO ₂	Nitrogen Dioxide
Btu	British Thermal Unit	NO _x	Nitrogen Oxides
bu	Bushel	N ₂ O	Nitrous Oxide
CAA	Clean Air Act	NSPS	New Source Performance Standard
CE	Control Equipment	NSR	New Source Review
cf	Cubic Feet	OP	Operating Permit
CFC	Chlorofluorocarbons	PAL	Plant-wide Applicability Limit
CEMS	Continuous Emissions Monitoring System	Pb	Lead
CFR	Code of Federal Regulations	PEMS	Predictive Emissions Monitoring System
CO	Carbon Monoxide	PM	Particulate Matter
CO ₂	Carbon Dioxide	PM _{2.5}	Particulate Matter with an aerodynamic diameter equal to or less than 2.5 microns
CO _{2e}	Carbon Dioxide Equivalent	PM ₁₀	Particulate Matter with an aerodynamic diameter equal to or less than 10 microns
COMS	Continuous Opacity Monitoring System	PM ₁₀ (total)	Filterable and condensable particulate matter
CP	Construction Permit	ppb	Parts per Billion
Director	Director of DWEE	ppm	Parts per Million
dscf	Dry Standard Cubic Feet	ppmv	Parts per Million by Volume
dscfm	Dry Standard Cubic Feet per Minute	ppmvd	Parts per Million by Volume, dry basis
DWEE	Nebraska Department of Water, Energy, and Environment	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	Title 129	Title 129, Nebraska Air Quality Regulations
FTIR	Fourier Transform Infrared	TDS	Total Dissolved Solids
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		

I. STANDARD CONDITIONS

The following Standard Conditions apply to this permit unless otherwise provided for in the Specific Conditions of this permit.

(A) Regulatory authority:

- (1) Title 40 Protection of Environment, Code of Federal Regulations that apply to the source including those not currently delegated to Nebraska or not yet included in Title 129; and
- (2) Title 129 as approved by EPA under 40 CFR Part 52, Subpart CC or 40 CFR Part 70, Appendix A as of the date of issuance of this permit (federally enforceable requirements); and Title 129 as amended September 28, 2022 (state only enforceable requirements).

(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) 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.

(D) The following methods may be used to determine compliance with the term and conditions in this permit (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;
- (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).

(F) If and when the Director declares an air pollution episode as defined in 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, respectively, until the Director declares the air pollution episode terminated (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; 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).
 - (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):
 - (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).
 - (5) All records of opacity readings, instrument readings, visual equipment inspections, logbook/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; 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).
 - (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, Section 001.04).
- (K) Open fires are prohibited except as allowed by Title 129, Chapter 15, Section 002.
- (L) Particulate Matter – General Requirements (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).
 - (b) The notification required by Condition I.(M)(1)(a) shall include the following (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, or other DWEE approved methodologies (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).

- (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):
 - (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 device.

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, Section 003.

(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 belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete (Title 129, Chapter 1, Section 002.89; Chapter 6, Sections 002.06 and 003.11).

The source shall submit reports to the DWEE as follows:

- (1) The source shall submit a report of all instances of deviations from permit requirements including monitoring requirements stated in the permit every six (6) calendar months to the DWEE. The report for the first six (6) months (January through June) shall be submitted by September 30 of each year. The report for the second six (6) months (July through December) shall be submitted by March 31 of the following year (Title 129, Chapter 6, Section 003.03B).
- (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. The probable cause, corrective actions, or preventive measures do not have to be provided if that information has already been submitted in other reports to the DWEE, such as for 40 CFR 60.7; however reported deviations must reference these other reports. 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 and 003.03B4; 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)(2) 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 the State and Local Emissions Inventory System (SLEIS) for the preceding calendar year to the DWEE by March 31 of each year (Title 129, Chapter 11).
- (4) The source shall submit fees, due July 1 of each year, based on the actual emission tonnage, up to and including 4,000 tons per year for each regulated pollutant for fee purposes, as established in the emission inventory for the previous calendar year (Title 129, Chapter 1, Section 002.88; Chapter 6, Sections 003.07 and 009).
- (5) 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

- DWEE and to U.S. EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>) or by mail to Nebraska Air Compliance Coordinator, U.S. EPA, Region 7, ECAD/AB, 11201 Renner Boulevard, Lenexa, KS 66219 by March 31 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, Section 003.11).
- (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.
- (6) 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) The source shall comply with 40 CFR Part 82, Protection of the Stratospheric Ozone. Affected controlled substances include, but are not limited to: chlorofluorocarbon (CFC) and hydrochlorofluorocarbon (HCFC) refrigerants, solvents and propellants, halons, carbon tetrachloride, and methyl chloroform (specific affected controlled substances are listed in 40 CFR Part 82, Subpart A, Appendices A, (Class I) and B (Class II)).
- The following subparts and Sections of 40 CFR Part 82 are conditions of this permit:
- Subpart A - Production and Consumption Controls
 - Subpart B - Servicing of Motor Vehicle Air Conditioners
 - Subpart E - Labeling of Products Using Ozone-Depleting Substances: Sections 82.106 Warning statement requirements, 82.108 Placement of warning statement, 82.110 Form of label bearing warning statement, and 82.112 Removal of label bearing warning statement.
 - Subpart F - Recycling and Emissions Reduction: Sections 82.156 Required practices, 82.158 Standards for recycling and recovery equipment, 82.161 Technician certification, and 82.166 Reporting and recordkeeping requirements
 - Subpart G - Significant New Alternatives Policy Program
- (C) This permit is issued for a fixed term of five (5) years. A timely renewal application is one that is submitted to the DWEE a minimum of six (6) months and a maximum of eighteen (18) months before permit expiration. Provided a timely and complete renewal application has been submitted, the conditions of this permit shall continue until the effective date of a new permit. (Title 129, Chapter 6, Sections 002.01C and 003.02).
- (D) 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, Section 003.06A).
- (E) It shall not be a defense for the 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, Section 003.06B).

- (F) 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, Section 003.06C).
- (G) 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 6, Section 003.09; Title 129, Chapter 9, Section 006):
- (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 Chapter 5.
- (H) This permit does not convey any property rights of any sort, or any exclusive privilege (Title 129, Chapter 6, Section 003.06D).
- (I) 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, Section 003.06E).
- (J) 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 (40 CFR 70.2 – Applicable Requirements (2)).
- (K) 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).
- (L) Changes allowed without an operating permit revision (Title 129, Chapter 9, Section 007).
- (1) The source may make the changes identified in Condition II.(L)(1)(a) within a permitted facility without a permit revision if the change is not a modification under Title 129, Chapter 12; Chapter 13, Sections 001, 002, 003 and 004; the change does not require a construction permit under 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. The permit shield in Condition II.(M) shall not apply to any change made under this condition (Title 129, Chapter 9, Section 007.01).
 - (a) Changes in the configuration of the facility's equipment, as defined in Section 502(b)(10) of the Act (Title 129, Chapter 9, Section 007.01). Written notification of these changes shall be sent to the DWEE and the administrator of EPA as follows:
 - (i) Non-Emergencies (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):
 - 1. Initial notification shall be made within two (2) 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):
 - 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.
- (iv) A copy of the notification shall be attached to the source's copy of the operating permit (40 CFR Part 70.4(b)(12)).
- (2) The source may make changes that are not defined as Section 502(b)(10) changes under the Act within a permitted facility without a permit revision if the change is not a modification under Title 129, Chapters 12 or 13, Sections 001, 002, 003, and 004; and the change is not a change which would require a construction permit under Chapters 3 or 4 (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).
 - (b) The source shall provide contemporaneous written notice to the Director and the Administrator of EPA, except for changes that qualify as insignificant activities under the provisions of Title 129, Chapter 6, Sections 002.05C and 002.05D. Such written notice shall include (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.(L)(2)(b) shall be attached to the source's copy of the operating permit.
 - (d) Any change under Condition II.(L)(2) shall not qualify for a permit shield under Title 129, Chapter 6, Section 003.12 (Title 129, Chapter 9, Section 007.02).
 - (e) 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).
 - (f) Upon review of a notice submitted in accordance with Condition II.(L)(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.(L)(2) (Title 129, Chapter 9, Section 007.02).

- (3) Testing requirements:
- (a) Testing may be required if a change reported under Condition II.(L)(1) or II.(L)(2) involves an emissions unit that was previously tested (Title 129, Chapter 6, Section 003.03; Title Chapter 15, Section 005).
- (M) A permit shield is granted (Title 129, Chapter 6, Section 003.12).
- (1) During the term of this permit compliance with Conditions I.(G), (H), (J), (L), and (M); Conditions II.(A), (B), (D) and (N); and Condition III constitutes compliance with all applicable requirements. The origin and/or authority for each applicable requirement are identified in the condition.
 - (2) The permit shield does not affect:
 - (a) The emergency provisions of Neb. Rev. Stat. §81-1507 of the Nebraska Environmental Protection Act;
 - (b) The USEPA's authority under the provisions of Section 303, Emergency Powers, of the Clean Air Act;
 - (c) Liability for any violation of applicable requirements or applicable requirements under the Federal Clean Air Act prior to or at the time of permit issuance;
 - (d) The applicable requirements of Chapter 5.
 - (e) The authority of the DWEE or USEPA to obtain information; or
 - (f) Any other permit provisions, terms, or conditions, including, but not limited to, construction permits issued pursuant to Chapter 3 or permits issued pursuant to other State authorities and Titles.
 - (3) The source did not request to be shielded from requirements that appear to apply to an emissions unit, but do not, in their application.
- (N) 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)(5). 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).

III. SPECIFIC CONDITIONS FOR AFFECTED EMISSION POINTS:

(A) Specific Conditions for Stationary Combustion Turbines

(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 application, #24R1-043, received December 4, 2024, construction permit, CP26-005, issued July 2, 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	Other Applicable Requirements
Emission Point ID#: EP 1-1				
Low NO _x Burner	CT-1, Siemens Westinghouse Model W501F DLN; 2,065 MMBtu/hr; natural gas combustion turbine; installed 2003	40 CFR Part 60, Subpart A; Title 129, Chapter 12, Section <u>001.01</u>	None	CSAPR: 40 CFR Part 97, Subpart AAAAA
		40 CFR Part 60, Subpart GG; Title 129, Chapter 12, Section <u>001.38</u>		CSAPR: 40 CFR Part 97, Subpart DDDDD 40 CFR Parts 72, 73, 75, 76, 77; Title 129, Chapter 5
Emission Point ID#: EP 2-1				
Low NO _x Burner	CT-2, Siemens Westinghouse Model W501F DLN; 2,065 MMBtu/hr; natural gas combustion turbine; installed 2003	40 CFR Part 60, Subpart A; Title 129, Chapter 12, Section <u>001.01</u>	None	CSAPR: 40 CFR Part 97, Subpart AAAAA
		40 CFR Part 60, Subpart GG; Title 129, Chapter 12, Section <u>001.38</u>		CSAPR: 40 CFR Part 97, Subpart DDDDD 40 CFR Parts 72, 73, 75, 76, 77; Title 129, Chapter 5

- (b) The source shall comply with all applicable NSPS Subpart A and GG requirements [Title 129, Chapter 12, Sections 001.01 and 001.38 for emission units CT-1 and CT-2 [Construction Permit, Condition III.(A)(4), CP26-005, issued July 2, 2026].
- (c) Emission units CT-1 and CT-2 are subject to all applicable provisions of the Acid Rain program. The Acid Rain permit is incorporated by reference into this Class I operating permit, and a copy of the Acid Rain permit is included as Attachment A. The source shall comply with all applicable requirements of the Acid Rain program, as specified in the Acid Rain permit incorporated into this operating permit [40 CFR 72, 73, 75, 76 and Title 129,

Chapter 5].

(d) Emission units, CT-1 and CT-2, shall comply with all applicable requirements of the Cross State Air Pollution Rule (CSAPR) Transport Rule (TR) 40 CFR Part 97, Subpart AAAAA TR NO_x Annual Trading Program (TR NO_x) and 40 CFR Part 97, Subpart DDDDD TR SO₂ Group 2 Trading Program (TR SO₂), as specified in Attachment B of this operating permit [40 CFR 97.404 and 97.704; Title 129, Chapter 6, Section 003.11].

(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 during steady-state operations. Ongoing 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 1-1, EP 2-1				
PM ₁₀ ^[1] (Filterable)	15.3 lb/hr (each EP)	Three 1- hour test runs or test method average	Construction Permit, Condition III.(A)(2)(a), CP26- 005 [Best Available Control Technology (BACT)], issued July 2, 2026	Yes ^[4]
NO _x	110 ppmvd ^{[2],[3]} (each EP)		Construction Permit, Condition III.(A)(2)(a), CP26- 005 (BACT), issued July 2, 2026	No
	20 ppmvd ^[2] and 136.0 lb/hr (each EP)			Yes ^[5]
CO	15 ppmvd ^[2] and 63.0 lb/hr (each EP)		Construction Permit, Condition III.(A)(2)(a), CP26- 005 (BACT), issued July 2, 2026	Yes ^[4]
Opacity	< 20 Percent (each EP)	6 Minutes	Construction Permit, Condition III.(A)(2)(a), CP26- 005, issued July 2, 2026	No ^[6]

^[1] Includes filterable particulates.

^[2] Adjusted on the basis of 15% O₂.

^[3] Compliance with this NO_x limitation is demonstrated via compliance with the 20 ppmvd NO_x BACT limitation in this table.

^[4] Compliance with these limits is demonstrated by compliance with III.(A)(2)(b).

^[5] Compliance with these limits is demonstrated by compliance with III.(A)(3)(e) and III.(A)(3)(g).

^[6] Initial performance test completed on May 7-16, 2003

- (b) In order to demonstrate compliance with Condition III.(A)(2)(a), the source shall conduct ongoing performance testing for filterable PM₁₀, NO_x, and CO on the combustion turbines (EU-CT-1 and EU-CT-2) while all associated controlled units are operating for natural gas during operations. Ongoing performance testing shall be conducted as follows: [Title 129, Chapter 6, Section 003.03; Chapter 15, Section 005.01]
- (i) The frequency of the testing shall be as follows:
1. Ongoing performance tests shall be conducted within five (5) years of the most recent valid performance test.
- (c) The source shall perform additional emissions testing of any regulated pollutant upon receipt of a written notice from the Department or the USEPA. [Construction Permit, Condition III.(A)(2)(e), CP26-005, issued July 2, 2026]
- (d) The source shall comply with all applicable emission limitations and testing requirements in NSPS Subparts A and GG for EU-CT-1 and EU-CT-2 [40 CFR 60; Subparts A and GG; Construction Permit, Conditions III.(A)(2)(f) and III.(A)(4), CP26-005, issued July 2, 2026].
- (i) The source is subject to the applicable emission limitations and testing requirements of 40 CFR §60.332, §60.333, §60.335
- (3) Operational and Monitoring Requirements:
- (a) Combustion turbines EU-CT-1 and EU-CT-2 shall only combust pipeline-quality natural gas. [Construction Permit, Condition III.(A)(3)(a) and III.(A) (3)(a)(i), CP26-005, issued July 2, 2026]
- (i) The sulfur content of the natural gas shall not exceed 0.8% by weight.
- (b) The total combined maximum heat input rate of combustion turbines CT-1 and CT-2 shall not exceed 8.95E06 million British thermal units (MMBtu), based on the higher heating value (HHV) of the fuel, per any period of 365 consecutive days based on a rolling daily sum. At no time during the first 364 days after permit issuance shall the total combined maximum heat input rate of combustion turbines CT-1 and CT-2 exceed 8.95E06 MMBtu. [Construction Permit, Condition III.(A)(3)(b), CP26-005, issued July 2, 2026]
- (c) Operation of combustion turbines CT-1 and CT-2 shall be limited by fuel consumption to a maximum of 2,065 million British thermal units per hour (MMBtu/hr) per turbine, based on the HHV of the fuel. [Construction Permit, Condition III.(A)(3)(c), CP26-005, issued July 2, 2026]
- (d) Combustion turbines CT-1 and CT-2 shall be properly installed, inspected, operated, and maintained. The manufacturer's operations and maintenance manual, or its equivalent, detailing proper operation, inspection, and maintenance of the emission units identified in Condition III.(A)(1) shall be kept on site and be readily available to Department representatives. [Construction Permit, Condition III.(A)(3)(d), CP26-005, issued July 2, 2026]
- (e) Parametric Monitoring Requirements: As long as the source uses an alternative or parametric NO_x monitoring approach (per 40 CFR 75 Appendix E), rather than a NO_x continuous emissions monitor, the source shall adhere to each of the following monitoring requirements in accordance with 40 CFR 60 and 40 CFR 75 Appendix E. [Construction Permit, Condition III.(A)(3)(e), CP26-005, issued July 2, 2026]
- (i) Continuous Monitoring System: The source shall operate a combination of hardware and software systems, referred to as a Continuous Monitoring System (CMS), to monitor

(sample) and record the load, fuel flow rate, percent pilot fuel, percent C-stage fuel, and exhaust gas temperature for each turbine (CT-1 and CT-2) on a continuous basis. As specified in 40 CFR 60.13(e)(2), data shall be sampled and recorded simultaneously at a minimum frequency of once for each successive 15-minute period. The system shall be operated in accordance with 40 CFR 75 Appendix E. The CMS shall also estimate and record the emission rate of NO_x from each combustion turbine (CT-1 and CT-2), based on NO_x prediction curves established through the variable load testing required by 40 CFR 75 Appendix E. If any of the four NO_x-related operating parameters (fuel flow rate, percent pilot fuel, percent C-stage fuel, exhaust gas temperature) exceed their recommended ranges as specified in the QA/QC Plan required under 40 CFR 75 Appendix B, for 16 or more unit operating hours in a row, then the source shall re-test for NO_x to reestablish the NO_x emission rate-heat input correlation curve. [Construction Permit, Condition III.(A)(3)(e)(i), CP26-005, issued July 2, 2026]

- (f) Parameter Recording During Testing: During NO_x testing, the CMS per Condition III.(A)(3)(e) shall be used to determine the load, heat input rate, average fuel flow rate, average exhaust gas temperature, average percent pilot fuel, and average percent C-stage fuel of each emission unit (EU-CT-1 and EU-CT-2). The latter four parameters are indicative of the turbines' NO_x formation characteristics, as specified by the manufacturer, and shall be recorded during the test to ensure they are within recommended operating ranges as specified in the QA/QC Plan in accordance with Acid Rain rules (40 CFR 75 Appendix E Section 2.3.1). [Construction Permit, Condition III.(A)(2)(b)(ii), CP26-005, issued July 2, 2026]
- (g) NO_x Prediction Curves: NO_x emissions shall be determined from each combustion turbine (EU-CT-1 and EU-CT-2), separately. Test data shall be recorded to establish NO_x prediction curves for each turbine in terms of heat input rate (MMBtu/hr) vs. NO_x emission rate (lb/MMBtu). These NO_x prediction curves shall be used in accordance with the Optional NO_x Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units (40 CFR 75 Appendix E) until such time as the source may install a NO_x continuous emissions monitor. [Construction Permit, Condition III.(A)(2)(b)(iii), CP26-005, issued July 2, 2026]
- (h) Monitoring of the sulfur and nitrogen contents of the fuel(s) being fired shall be conducted once per unit operating day in accordance with 40 CFR 60.334(i)(2) using the test methods and procedures in 40 CFR 60.335 or in accordance with a custom fuel monitoring schedule approved by the EPA Region 7. [Construction Permit, Condition III.(A)(3)(f), CP26-005, issued July 2, 2026]
- (i) The owner or operator may elect not to monitor the total sulfur content of the gaseous fuel combusted in the turbine, if the gaseous fuel is demonstrated to meet the definition of natural gas in 40 CFR Part 60.331(u), regardless of whether an existing custom schedule approved by the administrator for NSPS Subpart GG requires such monitoring. The owner or operator shall use one of the following sources of information to make the required demonstration: [Construction Permit, Condition III.(A)(3)(f)(i), CP26-005, issued July 2, 2026]
 - 1. The gas quality characteristics in a current, valid purchase contract, tariff sheet, or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20.0 grains/100 scf or less; or [Construction Permit, Condition III.(A)(3)(f)(i)1., CP26-005, issued July 2, 2026]

2. Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 20.0 grains/100 scf. At a minimum, the amount of fuel sampling data specified in Section 2.3.1.4 or 2.3.2.4 of Appendix D to 40 CFR Part 75 is required. [Construction Permit, Condition III.(A)(3)(f)(i)2., CP26-005, issued July 2, 2026]
 - (ii) The owner or operator may elect not to monitor the nitrogen content of the gaseous fuel combusted in the turbines if the owner or operator does not claim an allowance for fuel-bound nitrogen. [Construction Permit, Condition III.(A)(3)(f)(ii), CP26-005, issued July 2, 2026]
- (i) Notwithstanding the provisions of Condition III.(A)(3)(h), the source shall comply with the applicable fuel sulfur monitoring requirements of 40 CFR Part 75. [Construction Permit, Condition III.(A)(3)(g), CP26-005, issued July 2, 2026]
- (j) The source shall comply with all applicable operating and monitoring requirements in NSPS Subparts A and GG for EU-CT-1 and EU-CT-2, in accordance with a custom fuel monitoring schedule approved by EPA Region VII [40 CFR 60; Subparts A and GG; Construction Permit, Condition III.(A)(3)(h) and III.(A)(4), CP26-005, issued July 2, 2026].
 - (i) The source is subject to the operational and monitoring requirements of 40 CFR 60.332, §60.333, §60.334

(4) Recordkeeping and Reporting Requirements:

The owner or operator shall maintain the following records:

- (a) The source shall submit and maintain records of quarterly reports to the Department containing a minimum of the items below. All such reports shall be postmarked by the 30th day following the end of each calendar quarter. [Construction Permit, Condition III.(A)(5)(a), CP26-005, issued July 2, 2026]
 - (i) Any daily period during which the sulfur content of the fuel being fired exceeds 0.8 percent shall be recorded and reported in accordance with 40 CFR 60.7 and 60.334(j)(2) unless an alternative is approved by EPA Region 7 in a custom fuel monitoring schedule. [Construction Permit, Condition III.(A)(5)(a)(i), CP26-005, issued July 2, 2026]
 - (ii) The source shall prepare and submit reports as required under the Acid Rain rules, 40 CFR 75 Subpart G. [Construction Permit, Condition III.(A)(5)(a)(ii), CP26-005, issued July 2, 2026]
- (b) The source shall maintain written records or computer data of the following items to demonstrate compliance with the terms and conditions of this permit: [Construction Permit, Condition III.(A)(5)(b), CP26-005, issued July 2, 2026]
 - (i) Energy consumption: From the following information, the annual (based on a rolling 365 consecutive day totals) and hourly energy consumption shall be calculated in accordance with the following equation to demonstrate compliance with the heat input limitations prescribed in Conditions III.(A)(3)(b) and (c). [Construction Permit, Condition III.(A)(5)(b)(i), CP26-005, issued July 2, 2026]
 1. The hourly quantity of fuel consumed in each turbine (CT-1 and CT-2), in standard cubic feet per hour (scf/hr) as indicated from the monitoring system as required to be installed by Condition III.(A)(3)(e). [Construction Permit, Condition III.(A)(5)(b)(i)1., CP26-005, issued July 2, 2026]

2. The HHV, as provided by the fuel supplier, for fuel consumed in units of British thermal units per standard cubic feet of gas (Btu/scf). The HHV shall be determined as proposed in the most recent emissions testing protocol required to be submitted prior to testing in accordance with Conditions I.(M)(1)(a) and (b).
[Construction Permit, Condition III.(A)(5)(b)(i)2., CP26-005, issued July 2, 2026]
 - (ii) Capacity Factor: The source shall calculate and keep records of the annual capacity factor as defined under 40 CFR 72.2. If the annual capacity factor exceeds 0.2 for any year, or if the past 3-year average capacity factor exceeds 0.1, for either CT-1 or CT-2, the source shall install a NO_x continuous emission monitor for the combustion turbine exhaust by December 31 of the calendar year following the exceedance of the capacity factor threshold, in accordance with 40 CFR Part 75. [Construction Permit, Condition III.(A)(5)(b)(ii), CP26-005, issued July 2, 2026]
 - (iii) Operating Parameters: Hourly values of the measured load (MW), fuel flow rate, percent pilot fuel, percent C-stage fuel, and temperature of the turbine exhaust gas stream as specified by the monitoring requirements of Condition III.(A)(3)(h).
[Construction Permit, Condition III.(A)(5)(b)(iii), CP26-005, issued July 2, 2026]
- (c) Total combined maximum heat input rate of combustion turbines CT-1 and CT-2 for each day and for each period of 365 consecutive calendar days. [Construction Permit, Condition III.(A)(5)(c), CP26-005, issued July 2, 2026]
- (d) Hourly heat input rate for each combustion turbine CT-1 and CT-2 to demonstrate compliance with Condition III.(A)(3)(c). [Construction Permit, Condition III.(A)(5)(d), CP26-005, issued July 2, 2026]
- (e) Records documenting when routine maintenance and preventive actions were performed for each combustion turbine identified in Condition III.(A)(1) with a description of the maintenance and/or preventative action performed. [Construction Permit, Condition III.(A)(5)(e), CP26-005, issued July 2, 2026]
- (f) The source shall comply with all applicable recordkeeping and reporting requirements in NSPS Subparts A and GG for EU-CT-1 and EU-CT-2 in accordance with a custom fuel monitoring schedule approved by EPA Region VII [40 CFR 60; Subparts A and GG; Construction Permit, Condition III.(A)(5)(f) and III.(A)(4), CP26-005, issued July 2, 2026].
 - (i) The source is subject to the recordkeeping and reporting requirements of 40 CFR 60.334

III. SPECIFIC CONDITIONS FOR AFFECTED EMISSION POINTS:

(B) Specific Conditions for Stationary Reciprocating Internal Combustion Engine

(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 application, #24R1-043, received December 4, 2024, construction permit, CP24-038, issued July 23, 2025, 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	Other Applicable Requirements
Emission Point ID#: EP 3-1				
N/a	EU-3: Model 6BT5.9-G6, No. 2 diesel fuel reciprocating internal combustion engine (RICE), 134-hp, displacement of 0.98-liters/cylinder, emergency, non-black start, compression ignition, existing RICE installed in 2002	None	40 CFR Part 63, NESHAP Subpart A; Title 129, Chapter 13, Section <u>002.01</u> 40 CFR Part 63, NESHAP Subpart ZZZZ; Title 129, Chapter 13, Section <u>002.78</u>	None

- (b) The source shall comply with all applicable NESHAP Subpart A and ZZZZ requirements for EU-3[40 CFR 63; Subparts A and ZZZZ; Construction Permit, Condition III.(C)(4), CP24-038, issued July 23, 2025; Title 129, Chapter 13, Sections 002.01 and 002.78].

- (i) If, EU-3 is not operated in accordance with the emergency engine requirements found in NESHAP Subpart ZZZZ, the emission unit shall not be considered an emergency engine and shall comply with all applicable requirements under NESHAP Subpart ZZZZ for non-emergency engines [Title 129, Chapter 13, Section 002.78].

(2) Emission Limitations and Testing Requirements:

- (a) The emission limitations of Chapter 15, Sections 001.02 and 001.04 shall apply to the emission unit, EU-3, identified in Condition III.(B)(1). [Construction Permit, Condition III.(C)(2)(b), CP24-038, issued July 23, 2025]
- (b) The source shall comply with all applicable emission limitations and testing requirements in NESHAP Subpart ZZZZ for EU-3 [40 CFR 63; Subparts A and ZZZZ; Construction Permit, Conditions III.(C)(2)(c) and III.(C)(4)(b), CP24-038, issued July 23, 2025].
- (i) The source is subject to the emission limitations and testing requirements of 40 CFR §63.6603

(3) Operational and Monitoring Requirements:

- (a) Emergency engine, EU-3, identified in Condition III.(B)(1) shall only combust ultra-low sulfur diesel. [Construction Permit, Condition III.(C)(3)(a), CP24-038, issued July 23, 2025]

- (ii) The sulfur content of the ultra-low sulfur diesel shall not exceed 0.0015% by weight. [Construction Permit, Condition III.(C)(3)(a)(i), CP24-038, issued July 23, 2025]
 - (b) EU-3 identified in Condition III.(B)(1) shall be properly installed, inspected, operated, and maintained. The manufacturer's operations and maintenance manual, or its equivalent, detailing proper operation, inspection, and maintenance of EU-3 identified in Condition III.(B)(1) shall be kept on site and be readily available to Department representatives. [Construction Permit, Condition III.(C)(3)(b), CP24-038, issued July 23, 2025]
 - (c) EU-3 identified in Condition III.(B)(1) shall be limited to 500 operating hours per any period of twelve (12) consecutive calendar months. [Construction Permit, Condition III.(C)(3)(c), CP24-038, issued July 23, 2025]
 - (i) EU-3 identified in Condition III.(B)(1) shall be equipped with a non-resettable hour meter to record the operating hours. [Construction Permit, Condition III.(C)(3)(c)(i), CP24-038, issued July 23, 2025]
 - (d) Non-emergency operation of EU-3 identified in Condition III.(B)(1) shall not exceed 100 hours per any period of twelve (12) consecutive calendar months. [Construction Permit, Condition III.(C)(3)(d), CP24-038, issued July 23, 2025]
 - (i) Non-emergency operation of EU-3 identified in Condition III.(B)(1) shall be limited to between the hours of 11:00 AM and 4:00 PM CDT/CST. [Construction Permit, Condition III.(C)(3)(d)(i), CP24-038, issued July 23, 2025]
 - (e) The source shall comply with all applicable operational and monitoring requirements of NESHAP Subparts A and ZZZZ for emission unit EU-3 [40 CFR 63; Subparts A and ZZZZ; Construction Permit, Conditions III.(C)(3)(e) and III.(C)(4)(b), CP24-038, issued July 23, 2025].
 - (i) The source is subject to the operational and monitoring requirements of 40 CFR §63.6605, §63.6625, §63.6640
 - (f) On days when the emission unit is operating during daylight hours, a source representative shall conduct daily visible emissions surveys for emission point (EP) 3-1 when the 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 [Construction Permit, Condition III.(C)(2)(b), CP24-038, issued July 23, 2025; Title 129, Chapter 6, Section 003.03].
 - (i) For deviation reporting purposes, visible emissions (excluding water vapor) from EP 3-1 shall be considered a deviation and shall be reported in accordance with Condition II.(A)(1).
- (4) Recordkeeping and Reporting Requirements:
- The owner or operator shall maintain the following records:
- (a) Fuel receipts, for EU-3, documenting the purchase of ultra-low sulfur diesel to demonstrate compliance with Condition III.(B)(3)(a). [Construction Permit, Condition III.(C)(5)(a), CP24-038, issued July 23, 2025]
 - (b) Records documenting when routine maintenance and preventive actions were performed on EU-3 identified in Condition III.(B)(1) with a description of the maintenance and/or preventative action performed. [Construction Permit, Condition III.(C)(5)(b), CP24-038, issued July 23, 2025]

- (c) Records documenting hours of operation, including the date, time, duration, and purpose of operation (i.e., emergency or non-emergency), for EU-3 identified in Condition III.(B)(1) for each calendar month and for each period of twelve (12) consecutive calendar months. [Construction Permit, Condition III.(C)(5)(c), CP24-038, issued July 23, 2025]
- (d) The source shall comply with all applicable recordkeeping and reporting requirements of NESHAP Subparts A and ZZZZ for EU-3 [40 CFR 63; Subparts A and ZZZZ; Construction Permit, Conditions III.(C)(4)(b) and III.(C)(5)(d), CP24-038, issued July 23, 2025].
 - 1. The source is subject to the recordkeeping and reporting requirements of 40 CFR §63.6650, §63.6655
- (e) The results of each visible emissions survey for EU-3 shall be recorded in a log, which shall include, at a minimum, the following items: [Title 129, Chapter 6, Section 003.03; Chapter 15, Section 001.04]:
 - (i) The emission point included in the survey.
 - (ii) Whether visible emissions occurred (except for water vapor).
 - (iii) Each entry shall be dated and initialed by the person conducting the visible emissions survey.

Attachment A
Acid Rain Permit

AIR QUALITY CLASS I ACID RAIN OPERATING PERMIT

PERMIT NUMBER: OP24AR-044

DWEE ID: 70919
Program ID: AIR 025-00054

Permit Issued To: Omaha Public Power District
Name of Source in Application: OPPD - Cass County Station

Mailing Address: Sustainability and Environmental Affairs,
1919 Aksarben Drive, Omaha, Nebraska 68106
Source Location: 3520 Mill Road, Plattsmouth, Cass County, Nebraska

Project Description: This acid rain permit approves the operation of two natural gas combustion turbines.

Pursuant to 40 CFR Part 72.72 and Title 129, Chapter 10, of the Nebraska Air Quality Regulations, the public has been notified by prominent advertisement of the continued operation of an air contaminant source and the thirty (30) day period allowed for comments has elapsed. This Permit approves the continued operation of the source. The operations covered by this permit consist of two natural gas fired combustion turbines for electrical generation – emission units CT-1 and CT-2 – in accordance with the sulfur dioxide emission requirements found in 40 CFR Part 72 incorporated by reference in Title 129, Chapter 5, Section 001.

- I. Terms and conditions of this permit are in accordance with the requirements of Nebraska Title 129, Chapter 5, Sections 001.01 and 001.02. The specific conditions of this permit are:
- (A) The source shall operate the natural gas fired combustion turbine emission units CT-1 and CT-2 in accordance with Attachment A - "Acid Rain Permit Application".
 - (B) This permit is effective for a period of five (5) years from the date of issuance.

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

Date

Reuel S. Anderson, Administrator
Permitting & Engineering Division

Acid Rain Permit Attachment A: Acid Rain Permit Application

OPPD Cass County Station
Facility (Source) Name (from STEP 1)

Acid Rain - Page 2

STEP 3

Read the standard requirements.

Permit Requirements

- (1) The designated representative of each affected source and each affected unit at the source shall:
 - (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
 - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
- (2) The owners and operators of each affected source and each affected unit at the source shall:
 - (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
 - (ii) Have an Acid Rain Permit.

Monitoring Requirements

- (1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the source or unit, as appropriate, with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements

- (1) The owners and operators of each source and each affected unit at the source shall:
 - (i) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and
 - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
 - (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
 - (ii) 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).
- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the 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.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements

The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

OPPD Cass County Station
Facility (Source) Name (from STEP 1)

Acid Rain - Page 3

STEP 3, Cont'd.

Excess Emissions Requirements

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

Recordkeeping and Reporting Requirements

- (1) Unless otherwise provided, the owners and operators of the 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 prior to the end of 5 years, in writing by the Administrator or permitting authority:
 - (i) The certificate of representation for the designated representative for the source and each affected unit at the source 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;
 - (ii) 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, the 3-year period shall apply.
 - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
 - (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an 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 section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
- (5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to 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.
- (6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit.
- (7) 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 designated representative of such source or unit, shall be a separate violation of the Act.

OPPD Cass County Station
Facility (Source) Name (from STEP 1)

Acid Rain - Page 4

STEP 3, Cont'd.

Effect on Other Authorities

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

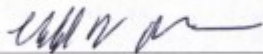
- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (2) Limiting the number of allowances a source can hold; provided, that the number of allowances held by the source shall not affect the source's obligation to comply with any other provisions of the Act;
- (3) 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;
- (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
- (5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

STEP 4

Certification

Read the certification statement, sign, and date.

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name Clifford V. Fleener	
Signature 	Date 12/04/2025

Attachment B
CROSS STATE AIR POLLUTION RULE (CSAPR)

(A) Applicable Requirements of the Cross-State Air Pollution Rule (CSAPR) [also referred to as the ‘Transport Rule’ (TR)].

(1) Description of TR Monitoring Provisions:

The TR subject unit(s), and the unit-specific monitoring provisions at OPPD Cass County Station [ORIS ID: 55972], are identified in the following table(s). The unit(s) included in these tables are subject to the applicable requirements set forth in the following Subparts of 40 CFR Part 97:

- 40 CFR Part 97, Subpart AAAAA – TR NO_x Annual Trading Program
- 40 CFR Part 97, Subpart DDDDD – TR SO₂ Group 2 Trading Program

Unit ID:[Combustion Turbine 1: EU CT-1]					
Parameter	Continuous emission monitoring system or systems (CEMS) requirements pursuant to 40 CFR Part 75, Subpart B (for SO ₂ monitoring) and 40 CFR Part 75, Subpart H (for NO _x monitoring)	Excepted monitoring system requirements for gas- and oil-fired units pursuant to 40 CFR Part 75, appendix D	Excepted monitoring system requirements for gas- and oil-fired peaking units pursuant to 40 CFR Part 75, appendix E	Low Mass Emissions excepted monitoring (LME) requirements for gas- and oil-fired units pursuant to 40 CFR 75.19	EPA-approved alternative monitoring system requirements pursuant to 40 CFR Part 75, Subpart E
SO ₂		X	-----		
NO _x		-----	X		
Heat input		X	-----		

Unit ID:[Combustion Turbine 2: EU CT-2]					
Parameter	Continuous emission monitoring system or systems (CEMS) requirements pursuant to 40 CFR Part 75, Subpart B (for SO ₂ monitoring) and 40 CFR Part 75, Subpart H (for NO _x monitoring)	Excepted monitoring system requirements for gas- and oil-fired units pursuant to 40 CFR Part 75, appendix D	Excepted monitoring system requirements for gas- and oil-fired peaking units pursuant to 40 CFR Part 75, appendix E	Low Mass Emissions excepted monitoring (LME) requirements for gas- and oil-fired units pursuant to 40 CFR 75.19	EPA-approved alternative monitoring system requirements pursuant to 40 CFR Part 75, Subpart E
SO ₂		X	-----		
NO _x		-----	X		
Heat input		X	-----		

(a) 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 the following:

- 40 CFR Part 97, Subpart AAAAA §97.430 through §97.435 (TR NO_x Annual Trading Program) and;
- 40 CFR Part 97, Subpart DDDDD §97.730 through §97.735 (TR SO₂ Group 2 Trading Program)

The monitoring, recordkeeping and reporting requirements applicable to each unit are included below in the standard conditions for the applicable TR trading programs.

(b) 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/power-sector/monitoring-plan-part-75-sources>.

(c) 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 the following, as applicable:

- 40 CFR Part 75, Subpart E;
- 40 CFR Part 75, Subpart G §75.66;
- 40 CFR Part 97, Subpart AAAAA §97.435 (TR NO_x Annual Trading Program); and/or

- 40 CFR Part 97, Subpart DDDDD §97.735 (TR SO₂ 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/power-sector/part-75-petition-responses>
 - (d) Owners and operators that want to use an alternative to any monitoring, recordkeeping, or reporting requirement under 40 CFR Part 97, Subpart AAAAA §97.430 through §97.434 (TR NO_x Annual Trading Program) and 40 CFR Part 97, Subpart DDDDD §97.730 through §97.734 (TR SO₂ Group 2 Trading Program) must submit to the Administrator a petition requesting approval of the alternative in accordance with 40 CFR Part 75, Subpart G §75.66 and the following, as applicable:
 - 40 CFR Part 97, Subpart AAAAA §97.435 (TR NO_x Annual Trading Program); and/or
 - 40 CFR Part 97, Subpart DDDDD §97.735 (TR SO₂ 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 EPA's website at <https://www.epa.gov/power-sector/part-75-petition-responses>.
 - (e) The descriptions of monitoring applicable to the unit(s) included in (A)(1) above meet the requirement(s) of 40 CFR Part 97, Subpart AAAAA §97.430 through §97.434 (TR NO_x Annual Trading Program) and 40 CFR Part 97, Subpart DDDDD §97.730 through §97.734 (TR SO₂ Group 2 Trading Program), and therefore minor permit modification procedures, in accordance with 40 CFR Part 70 §70.7(e)(2)(i)(B) or 40 CFR Part 71 §71.7(e)(1)(i)(B), may be used to add to or change this unit's monitoring system description.
- (2) Applicable Requirements of 40 CFR Part 97, Subpart §97.406 TR –TR NO_x Annual Trading Program:
- (a) Designated representative requirements
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 Part 97, Subpart AAAAA, §97.413 through §97.418.
 - (b) Emissions monitoring, reporting, and recordkeeping requirements
 - (i) The owners and operators, and the designated representative, of each TR NO_x Annual source and each TR NO_x Annual unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements as follows:
 1. 40 CFR Part 97, Subpart AAAAA §97.430 (general monitoring, recordkeeping, and reporting requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage);
 2. 40 CFR Part 97, Subpart AAAAA §97.431 (initial monitoring system certification and recertification procedures),
 3. 40 CFR Part 97, Subpart AAAAA, §97.432 (monitoring system out-of-control periods);
 4. 40 CFR Part 97, Subpart AAAAA §97.433 (notifications concerning monitoring);
 5. 40 CFR Part 97, Subpart AAAAA §97.434 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification); and
 6. 40 CFR Part 97, Subpart AAAAA §97.435 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).

- (ii) The emissions data determined in accordance with 40 CFR Part 97, Subpart AAAAA §97.430 through §97.435 shall be used to calculate allocations of TR NO_x Annual allowances under 40 CFR §97.411(a)(2) and (b) and §97.412 and to determine compliance with the TR NO_x Annual 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 Part 97, Subpart AAAAA §97.430 through §97.435 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) TR NO_x Annual emissions limitation
1. As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR NO_x Annual source and each TR NO_x Annual unit at the source shall hold, in the source's compliance account, TR NO_x Annual allowances available for deduction for such control period under 40 CFR 97.424(a) in an amount not less than the tons of total NO_x emissions for such control period from all TR NO_x Annual units at the source.
 2. If total NO_x emissions during a control period in a given year from the TR NO_x Annual units at a TR NO_x Annual source are in excess of the TR NO_x Annual emissions limitation set forth in paragraph (c)(i)(1.) above, then:
 - A. The owners and operators of the source and each TR NO_x Annual unit at the source shall hold the TR NO_x Annual allowances required for deduction under 40 CFR 97.424(d); and
 - B. The owners and operators of the source and each TR NO_x Annual 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 AAAAA and the Clean Air Act.
- (ii) TR NO_x Annual assurance provisions
1. If total NO_x emissions during a control period in a given year from all TR NO_x Annual units at TR NO_x Annual sources in the state and Indian country within the borders of such 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) TR NO_x Annual allowances available for deduction for such control period under 40 CFR 97.425(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 97.425(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 and Indian

country within the borders of such 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 TR NO_x Annual units at TR NO_x Annual sources in the state and Indian country within the borders of such state for such control period exceed the state assurance level.
2. The owners and operators shall hold the TR NO_x Annual 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 TR NO_x Annual units at TR NO_x Annual sources in the State and Indian country within the borders of such 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 Annual trading budget under 40 CFR 97.410(a) and the state's variability limit under 40 CFR 97.410(b).
 4. It shall not be a violation of 40 CFR Part 97, Subpart AAAAA or of the Clean Air Act if total NO_x emissions from all TR NO_x Annual units at TR NO_x Annual sources in the State and Indian country within the borders of such 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 TR NO_x Annual units at TR NO_x Annual sources in the state and Indian country within the borders of such state during a control period exceeds the common designated representative's assurance level.
 5. To the extent the owners and operators fail to hold TR NO_x Annual 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 TR NO_x Annual 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 AAAAA and the Clean Air Act.
- (iii) Compliance periods
1. A TR NO_x Annual unit shall be subject to the requirements under paragraph (c)(i) above for the control period starting on the later of January 1, 2015, or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.
 2. A TR NO_x Annual unit shall be subject to the requirements under paragraph (c)(ii) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.
- (iv) Vintage of allowances held for compliance
1. A TR NO_x Annual allowance held for compliance with the requirements under paragraph (c)(i)(1) above for a control period in a given year must be a TR NO_x

- Annual allowance that was allocated for such control period or a control period in a prior year.
2. A TR NO_x Annual 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 TR NO_x Annual 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 TR NO_x Annual 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 AAAAA.
- (vi) Limited authorization
A TR NO_x Annual 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 TR NO_x Annual Trading Program; and
 2. Notwithstanding any other provision of 40 CFR Part 97, Subpart AAAAA, 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 TR NO_x Annual allowance does not constitute a property right.
- (d) Title V permit revision requirements
- (i) No title V permit revision shall be required for any allocation, holding, deduction, or transfer of TR NO_x Annual allowances in accordance with 40 CFR Part 97, subpart AAAAA.
 - (ii) This permit incorporates the TR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.430 through 97.435, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR Part 75, Subparts B and 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 TR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this title V permit using minor permit modification procedures in accordance with 40 CFR 97.406(d)(2) and 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).
- (e) Additional recordkeeping and reporting requirements
- (i) Unless otherwise provided, the owners and operators of each TR NO_x Annual source and each TR NO_x Annual 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 97.416 for the designated representative for the source and each TR NO_x Annual 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 97.416 changing the designated representative.
2. All emissions monitoring information, in accordance with 40 CFR Part 97, Subpart AAAAA.
 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 TR NO_x Annual Trading Program.
- (ii) The designated representative of a TR NO_x Annual source and each TR NO_x Annual unit at the source shall make all submissions required under the TR NO_x Annual Trading Program, except as provided in 40 CFR 97.418. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR Parts 70 and 71.
- (f) Liability
- (i) Any provision of the TR NO_x Annual Trading Program that applies to a TR NO_x Annual source or the designated representative of a TR NO_x Annual source shall also apply to the owners and operators of such source and of the TR NO_x Annual units at the source.
 - (ii) Any provision of the TR NO_x Annual Trading Program that applies to a TR NO_x Annual unit or the designated representative of a TR NO_x Annual unit shall also apply to the owners and operators of such unit.
- (g) Effect on other authorities
- No provision of the TR NO_x Annual Trading Program or exemption under 40 CFR 97.405 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR NO_x Annual source or TR NO_x Annual unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.
- (h) Effect on units in Indian country
- Notwithstanding the provisions of paragraphs (a) through (g) above, paragraphs (a) through (g) shall be deemed not to impose any requirements on any source or unit, or any owner, operator, or designated representative with regard to any source or unit, in Indian country within the borders of the state.
- (3) Applicable Requirements of 40 CFR Part 97, Subpart §97.706 TR- TR SO₂ Group 2 Trading Program:
- (a) Designated representative requirements.
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 97.713 through 97.718.
 - (b) Emissions monitoring, reporting, and recordkeeping requirements.
 - (i) The owners and operators, and the designated representative, of each TR SO₂ Group 2 source and each TR SO₂ Group 2 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements as follows:
 1. 40 CFR Part 97, Subpart DDDDD §40 CFR 97.730 (general monitoring, recordkeeping and reporting requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage);

2. 40 CFR Part 97, Subpart DDDDD §97.731 (initial monitoring system certification and recertification procedures);
 3. 97.732 (monitoring system out-of-control periods);
 4. 40 CFR Part 97, Subpart DDDDD §97.733 (notifications concerning monitoring);
 5. 40 CFR Part 97, Subpart DDDDD §97.734 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification); and
 6. 40 CFR Part 97, Subpart DDDDD §97.735 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
- (ii) The emissions data determined in accordance with 40 CFR 97.730 through 97.735 shall be used to calculate allocations of TR SO₂ Group 2 allowances under 40 CFR 97.711(a)(2) and (b) and 97.712 and to determine compliance with the TR SO₂ 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 97.730 through 97.735 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.
- (c) SO₂ emissions requirements.
- (i) TR SO₂ 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 TR SO₂ Group 2 source and each TR SO₂ Group 2 unit at the source shall hold, in the source's compliance account, TR SO₂ Group 2 allowances available for deduction for such control period under 40 CFR 97.724(a) in an amount not less than the tons of total SO₂ emissions for such control period from all TR SO₂ Group 2 units at the source.
 2. If total SO₂ emissions during a control period in a given year from the TR SO₂ Group 2 units at a TR SO₂ Group 2 source are in excess of the TR SO₂ Group 2 emissions limitation set forth in paragraph (c)(i)(1) above, then:
 - A. The owners and operators of the source and each TR SO₂ Group 2 unit at the source shall hold the TR SO₂ Group 2 allowances required for deduction under 40 CFR 97.724(d); and
 - B. The owners and operators of the source and each TR SO₂ 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 DDDDD and the Clean Air Act.
 - (ii) TR SO₂ Group 2 assurance provisions
 1. If total SO₂ emissions during a control period in a given year from all TR SO₂ Group 2 units at TR SO₂ Group 2 sources in the state and Indian country within the borders of such 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 SO₂ 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) TR SO₂ Group 2 allowances available for deduction for such control

period under 40 CFR 97.725(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 97.725(b), of multiplying—

- A. The quotient of the amount by which the common designated representative's share of such SO₂ 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 and Indian country within the borders of such state for such control period, by which each common designated representative's share of such SO₂ emissions exceeds the respective common designated representative's assurance level; and
- B. The amount by which total SO₂ emissions from all TR SO₂ Group 2 units at TR SO₂ Group 2 sources in the state and Indian country within the borders of such state for such control period exceed the state assurance level.

2. The owners and operators shall hold the TR SO₂ 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 SO₂ emissions from all TR SO₂ Group 2 units at TR SO₂ Group 2 sources in the state and Indian country within the borders of such state during a control period in a given year exceed the state assurance level if such total SO₂ emissions exceed the sum, for such control period, of the state SO₂ Group 2 trading budget under 40 CFR 97.710(a) and the state's variability limit under 40 CFR 97.710(b).
4. It shall not be a violation of 40 CFR Part 97, Subpart DDDDD or of the Clean Air Act if total SO₂ emissions from all TR SO₂ Group 2 units at TR SO₂ Group 2 sources in the state and Indian country within the borders of such state during a control period exceed the state assurance level or if a common designated representative's share of total SO₂ emissions from the TR SO₂ Group 2 units at TR SO₂ Group 2 sources in the state and Indian country within the borders of such state during a control period exceeds the common designated representative's assurance level.
5. To the extent the owners and operators fail to hold TR SO₂ 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 TR SO₂ 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 DDDDD and the Clean Air Act.

(iii) Compliance periods

1. A TR SO₂ Group 2 unit shall be subject to the requirements under paragraph (c)(i) above for the control period starting on the later of January 1, 2015 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.730(b) and for each control period thereafter.
2. A TR SO₂ Group 2 unit shall be subject to the requirements under paragraph (c)(ii)

above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.730(b) and for each control period thereafter.

(iv) Vintage of allowances held for compliance

1. A TR SO₂ 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 TR SO₂ Group 2 allowance that was allocated for such control period or a control period in a prior year.
2. A TR SO₂ 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 TR SO₂ 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 TR SO₂ 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 DDDDD.

(vi) Limited authorization.

A TR SO₂ Group 2 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 TR SO₂ Group 2 Trading Program; and
2. Notwithstanding any other provision of 40 CFR Part 97, Subpart DDDDD, 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 TR SO₂ Group 2 allowance does not constitute a property right.

(d) Title V permit revision requirements

- (i) No title V permit revision shall be required for any allocation, holding, deduction, or transfer of TR SO₂ Group 2 allowances in accordance with 40 CFR Part 97, Subpart DDDDD.
- (ii) This permit incorporates the TR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.730 through 97.735, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR Part 75, Subparts B and 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 TR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this title V permit using minor permit modification procedures in accordance with 40 CFR 97.706(d)(2) and 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).

(e) Additional recordkeeping and reporting requirements

- (i) Unless otherwise provided, the owners and operators of each TR SO₂ Group 2 source and

each TR SO₂ 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 97.716 for the designated representative for the source and each TR SO₂ 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 97.716 changing the designated representative.
 2. All emissions monitoring information, in accordance with 40 CFR Part 97, Subpart DDDDD.
 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 TR SO₂ Group 2 Trading Program.
- (ii) The designated representative of a TR SO₂ Group 2 source and each TR SO₂ Group 2 unit at the source shall make all submissions required under the TR SO₂ Group 2 Trading Program, except as provided in 40 CFR 97.718. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in Parts 70 and 71.
- (f) Liability
- (i) Any provision of the TR SO₂ Group 2 Trading Program that applies to a TR SO₂ Group 2 source or the designated representative of a TR SO₂ Group 2 source shall also apply to the owners and operators of such source and of the TR SO₂ Group 2 units at the source.
 - (ii) Any provision of the TR SO₂ Group 2 Trading Program that applies to a TR SO₂ Group 2 unit or the designated representative of a TR SO₂ Group 2 unit shall also apply to the owners and operators of such unit.
- (g) Effect on other authorities
- No provision of the TR SO₂ Group 2 Trading Program or exemption under 40 CFR 97.705 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR SO₂ Group 2 source or TR SO₂ 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.
- (h) Effect on units in Indian country
- Notwithstanding the provisions of paragraphs (A)(3)(a) through (A)(3)(g) above, paragraphs (a) through (g) shall be deemed not to impose any requirements on any source or unit, or any owner, operator, or designated representative with regard to any source or unit, in Indian country within the borders of the state.

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