DIVISION OF ENVIRONMENTAL QUALITY

DRAFT GENERAL AIR PERMIT FOR MINOR SOURCE GASOLINE BULK PLANTS

PERMIT NUMBER: 2243-AGP-000

IS ISSUED TO:
All Qualifying Minor Source Gasoline Bulk Plants within the State of Arkansas

THIS PERMIT AUTHORIZES THE ABOVE REFERENCED PERMITTEE TO INSTALL, OPERATE, AND MAINTAIN THE EQUIPMENT AND EMISSION UNITS DESCRIBED IN THE NOTICE OF INTENT AND ON THE FOLLOWING PAGES. THIS PERMIT IS VALID BETWEEN:

November 10, 2025 AND November 9, 2030

THE PERMITTEE IS SUBJECT TO ALL LIMITS AND CONDITIONS CONTAINED HEREIN.

Signed:

Demetria Kimbrough
Associate Director, Office of Air Quality
Division of Environmental Quality

April 7, 2025
Date

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List of Acronyms and Abbreviations

Ark. Code Ann.	Arkansas Code Annotated
AFIN	Arkansas DEQ Facility Identification Number
C.F.R.	Code of Federal Regulations
CO	Carbon Monoxide
COMS	Continuous Opacity Monitoring System
HAP	Hazardous Air Pollutant
Hp	Horsepower
lb/hr	Pound Per Hour
NESHAP	National Emission Standards (for) Hazardous Air Pollutants
No.	Number
NOI	Notice of Intent
NO_x	Nitrogen Oxide
NSPS	New Source Performance Standards
PM	Particulate Matter
PM_{10}	Particulate Matter Equal To Or Smaller Than Ten Microns
$PM_{2.5}$	Particulate Matter Equal To Or Smaller Than 2.5 Microns
SO_2	Sulfur Dioxide
Tpy	Tons Per Year
UTM	Universal Transverse Mercator
VOC	Volatile Organic Compound

Section I: INTRODUCTION

The following definitions shall serve for the purposes of this permit.

Administrator - means the Administrator of the United States Environmental Protection Agency or his or her authorized representative (e.g., a State that has been delegated the authority to implement the provisions of a subpart).

Air Contaminant - any solid, liquid, gas, or vapor, or any combination thereof. The following shall not be considered air contaminants: water vapor, oxygen, carbon dioxide, nitrogen, hydrogen, and inert gases. This definition can be found in Regulation 18 and is regulated by the Arkansas Code Annotated § 8-4-303.

Air Pollution - the presence in the outdoor atmosphere of one (1) or more air contaminants in quantities, or characteristics, and or a duration which are materially injurious, or can be reasonably expected to become materially injurious, to human, plant, animal life or property, or which unreasonably interfere with enjoyment of life or use of property throughout the state or throughout the area of the state as shall be affected thereby. This definition can be found in Regulation 18 and is regulated by the Arkansas Code Annotated § 8-4-303.

Bulk gasoline plant - means any gasoline storage and distribution facility that receives gasoline by pipeline, ship or barge, or cargo tank and has a gasoline throughput of less than 20,000 gallons per day. Gasoline throughput shall be the maximum calculated design throughput as may be limited by compliance with an enforceable condition under Federal, State, or local law and discoverable by the Administrator and any other person.

CO – Carbon Monoxide as measured by EPA Reference Method 10.

Equipment - means each valve, pump, pressure relief device, sampling connection system, open-ended valve or line, and flange or other connector in the gasoline liquid transfer and vapor collection systems. This definition also includes the entire vapor processing system except the exhaust port(s) or stack(s).

Facility - for the purposes of this permit, a "facility" is defined as all bulk gasoline plants storage tanks and loading racks located on the same or adjoining properties which share a common owner or operator.

Gasoline cargo tank - means a delivery tank truck or railcar which is loading gasoline or which has loaded gasoline on the immediately previous load.

Hazardous Air Pollutants (HAPs) - are any compounds listed in 112(b) of the Clean Air Act.

In gasoline service - means that a piece of equipment is used in a system that transfers gasoline or gasoline vapors.

Insignificant Activity - activities which are deemed by the Division of Environmental Quality to be insignificant based on size, emission rate, production rate, or activity. Any activity for which a state or federal applicable requirement applies (such as NSPS, NESHAP, or MACT) is not insignificant, even if this activity meets the criteria in Regulation 19, Appendix A or B. A list of activities considered by the Division of Environmental Quality to be insignificant can be found in Appendices A and B of the *Arkansas Plan of Implementation for Air Pollution Control*.

NESHAPs – means any Federal standard contained in 40 C.F.R. § 61 National Emission Standards for Hazardous Air Pollutants or 40 C.F.R. § 63, National Emission Standards for Hazardous Air Pollutants for Source Categories

Notice of Intent (or NOI) – a notice submitted to the Division of Environmental Quality by (1) a new facility, in order to obtain initial coverage under this General Permit; or (2) an existing facility under this General Permit, in order to begin startup of a new or replacement unit.

NO_X – all oxides of nitrogen, except nitrous oxide, as measured by EPA Reference Method 7E (i.e. NO, NO_2, NO_3, etc.)

NSPS – means any Federal standard contained in 40 C.F.R. § 60 Standards of Performance for New Stationary Sources

PM – particulate matter, any airborne finely divided solid or liquid material with an aerodynamic diameter equal to or less than 100 micrometers.

PM_{10} – particulate matter smaller than 10 micrometers in diameter.

SO_2 – Sulfur Dioxide, for the purposes of this permit, emissions of sulfur dioxide shall be determined by a mass balance calculation based on the sulfur content of the natural gas used at the facility.

Stationary RICE – Any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile. Stationary RICE (Reciprocating Internal Combustion Engine) differ from mobile RICE in that a stationary RICE is not a non-road engine as defined at 40 C.F.R. § 1068.30, and is not used to propel a motor vehicle or a vehicle used solely for competition.

Vapor collection-equipped gasoline cargo tank - means a gasoline cargo tank that is outfitted with the equipment necessary to transfer vapors, displaced during the loading of gasoline into the cargo tank, to a vapor processor system.

Vapor-tight gasoline cargo tank - means the same as the definition of the term "vapor-tight gasoline tank truck" in § 60.501, except that for Subpart BBBBBB the term "gasoline tank truck" means "gasoline cargo tank," as defined § 63.11100.

VOC – Volatile Organic Compounds as measured by EPA Reference Method 25A.

Summary of Permit Activity

This permit is a renewal of Air Permit #2243-AGP-000 for certain minor source Gasoline Bulk Plants in Arkansas (referred to as either the "General Permit" or "GP"). This renewal adds Appendix E – example form for monthly gasoline leak inspection. Also, General Condition #23 was added to Section V: General Conditions.

This permit includes the requirements for 40 C.F.R. § 63 Subpart BBBBBB – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities. The general permit makes all minor source bulk gasoline plants eligible for the general permit. Generally, these facilities are below the permitting thresholds contained in Arkansas Regulations 18 and 19. The intent of this permit is to provide an enforceable limit on the daily throughput from these facilities and thus some of the requirements of § 63. This permit is not a requirement for these facilities, but without this permit the facilities would not be restricted to 20,000 gallons per day and this would be subject to additional requirements of 40 C.F.R. § 63 Subpart BBBBBB.

This permit renewal contains applicable requirements for 40 C.F.R. § 63 Subpart ZZZZ - *National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines,* 40 C.F.R. § 60 Subpart IIII - *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines,* and 40 C.F.R. § 60 Subpart JJJJ - *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines* to the general permit to allow for the use of emergency engines. The permit also allows for distributing jet fuel.

Process Description

A bulk gasoline plant is defined as any gasoline storage and distribution facility that receives gasoline by pipeline, ship or barge, or cargo tank and has a gasoline throughput of less than 20,000 gallons per day. Bulk gasoline plants are comprised of loading rack(s) and storage tank(s). The storage tanks may store either gasoline or diesel fuel. These facilities are operated for the purpose of merchant wholesale distribution of petroleum products.

Facilities wishing to operate under this permit must comply with all conditions and requirements set forth herein.

Rules and Regulations

The following table contains the rules and regulations applicable to this permit. The listed federal regulations that are in effect as of the effective date of the General Permit renewal shall be applicable, as well as any subsequent amendments to such regulations, during the pendency of each General Permit renewal.

Regulations
Arkansas Air Pollution Control Code, Regulation 18, effective March 14, 2016
Regulations of the Arkansas Plan of Implementation for Air Pollution Control, Regulation 19, effective May 6, 2022
40 C.F.R. § 63 Subpart BBBBBB – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities
40 C.F.R. § 63 Subpart ZZZZ - National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines
40 C.F.R. § 60 Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
40 C.F.R. § 60 Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines

Total Allowable Emissions

The following table is a summary of emissions from the facility. This table, in itself, is not an enforceable condition of the permit.

TOTAL ALLOWABLE EMISSIONS		
Pollutant	Emission Rates	
	lb/hr	tpy
PM	11.3	2.9
PM_{10}	11.3	2.9
SO_2	10.6	2.7
VOC	151.9	85.7
CO	34.5	8.7
NO_x	160.0	40.0
Single HAP	9.5	7.8
Total HAPs	18.2	12.3

Section II: PERMIT HISTORY

The initial general permit for Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities was issued on November 10, 2010.

A de minimis modification was made to the general permit in January 2011. The modification removed the restriction on single tank capacity as the requirement was attempting to avoid applicability of 40 C.F.R. § 60 Subpart Kb; however, these facilities are specifically exempt from that regulation and so the restriction on tank capacity is unnecessary. Specific Conditions 5-7 in the initial permit were eliminated and the remaining conditions renumbered.

The first renewal was on November 10, 2015. This permit renewal added the applicable requirements for 40 C.F.R. § 63 Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 C.F.R. § 60 Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, and 40 C.F.R. § 60 Subpart JJJJ – Standards of Performance for Stationary Compression Ignition Internal Combustion engines to the general permit to allow for the use of emergency engines. All emissions were increased due to the assumed presence of an emergency engine.

The second renewal was on November 10, 2020. This renewal permit allowed distribution of jet fuel. This permit increased annual VOC permitted emissions by 2.7 tons per year.

Section III: EMISSION UNIT INFORMATION

Specific Conditions

1. The permittee will not exceed the emission rates set forth in the following table. Compliance with this condition will be demonstrated by Specific Conditions # 5, # 7, and # 9. The sources covered under this condition include storage tanks and loading racks. [Rule.19.501 *et seq.* and 40 C.F.R. § 52, Subpart E]

SN	Description	Pollutant	lb/hr	tpy
N/A	Facility Wide Storage Tanks Loading Arms	VOC	139.0	82.4
N/A	Emergency Engines	PM_{10}	11.3	2.9
		SO_2	10.6	2.7
		VOC	12.9	3.3
		CO	34.5	8.7
		NO_x	160.0	40.0

2. The permittee will not exceed the emission rates set forth in the following table. Compliance with the HAP emissions is shown by compliance with Specific Conditions # 5, # 7, #9, and 40 C.F.R. § 63, Subpart BBBBBB, as attached in Appendix A of this permit, and outlined in Specific Conditions # 13 - # 17. The sources covered under this condition include storage tanks and loading racks. [Rule.18.801, and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

SN	Description	Pollutant	lb/hr	tpy
N/A	Facility Wide Storage Tanks Loading Arms and Emergency Engines	PM_{10}	11.3	2.9
		Single HAP	9.5	7.8
		Total HAPs	18.2	12.3

3. The permittee will not cause or permit the emission of air contaminants, including odors or water vapor and including an air contaminant whose emission is not otherwise prohibited by Regulation #18, if the emission of the air contaminant constitutes air pollution within the meaning of A.C.A. § 8-4-303. [Rule.18.801, and Ark. Code Ann. §8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

4. The permittee will not conduct operations in such a manner as to unnecessarily cause air contaminants and other pollutants to become airborne. [Rule.18.901, and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

5. The permittee shall have a gasoline throughput of less than 20,000 gallons per day. The permittee shall not exceed a gasoline throughput of 7,200,000 gallons during any consecutive 12-month period. Throughput may be calculated as either the sum of all gasoline loaded at the facility, or the sum of all gasoline dispensed from the facility. Compliance with this condition shall be demonstrated by compliance with Specific Condition # 6. [Rule.19.705, and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

6. The permittee shall maintain daily and monthly records which demonstrate compliance with Specific Condition # 5. The permittee shall maintain a twelve-month rolling total and each individual day's data on site, and made available to Division of Environmental Quality personnel upon request. [Rule.19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

7. The permittee shall not exceed a diesel throughput of 7,200,000 gallons during any consecutive 12-month period. Compliance with this condition shall be demonstrated by compliance with Specific Condition # 8. [Rule.19.705, and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

8. The permittee shall maintain monthly records which demonstrate compliance with Specific Condition # 7. The permittee shall maintain these records on site and be made available to Division of Environmental Quality personnel upon request. [Rule.19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

9. The permittee shall not exceed a jet fuel throughput of 7,200,000 gallons during any consecutive 12-month period. Compliance with this condition with this condition shall be demonstrated by compliance with Specific Condition #10. [Rule.19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

10. The permittee shall maintain monthly records which demonstrate compliance with Specific Condition #9. The permittee shall maintain these records on site and be made available to Division of Environmental Quality personnel upon request. [Rule.19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

11. The permittee shall not operate any emergency generator in excess of 500 total hours (emergency and non-emergency events) per calendar year in order to demonstrate compliance with the annual emission rate limits. Emergency operation in excess of these hours may be allowable but shall be reported and will be evaluated in accordance with Reg.19.602 and other applicable regulations. [Rule.19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

12. The permittee shall maintain monthly records to demonstrate compliance with Specific Condition #11. The permittee shall update these records by the fifteenth day of the month following the month to which the records pertain. The calendar year totals, and each individual month's data shall be maintained on-site and made available to Division

of Environmental Quality personnel upon request. [Rule.19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

40 C.F.R. § 63 Subpart BBBBBB – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities

13. The permittee shall comply with the Emission Limitation and Management practices outlined in 40 C.F.R. § 63.11086, which is attached in Appendix A of this permit. These requirements include, but are not limited to, the following:

    1. Except as specified in paragraph (b) below, the permittee must only load gasoline into storage tanks and cargo tanks at the facility by utilizing submerged filling, as defined in § 63.11100, and, as specified in paragraph (a)(i) or paragraph (a)(ii) below.
        i. Submerged fill pipes installed on or before November 9, 2006, must be no more than 12 inches from the bottom of the tank.
        ii. Submerged fill pipes installed after November 9, 2006, must be no more than 6 inches from the bottom of the tank.
    2. The emission sources listed in paragraphs (b)(i) and (b)(ii) below are not required to comply with the control requirements in paragraph (a) above, but must comply only with the requirements in paragraph (d) below.
        i. Gasoline storage tanks with a capacity of less than 250 gallons.
        ii. Gasoline storage tanks that are only subject to NESHAP, Subpart CCCCCC.
    3. The permittee must perform a monthly leak inspection of all equipment in gasoline service according to the requirements specified in Specific Condition 14.1 through 14.4.
    4. The permittee must not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:
        i. Minimize gasoline spills;
        ii. Clean up spills as expeditiously as practicable;
        iii. Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use;
        iv. Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.
    5. The permittee must submit an Initial Notification that they are subject to NESHAP Subpart BBBBBB by May 9, 2008, unless they meet the requirements in paragraph (g) below. The Initial Notification must contain the information specified in paragraphs (e)(i) through (e)(iv) below. The notification must be submitted to the applicable EPA Regional Office and the delegated State authority, as specified in § 63.13.
        i. The name and address of the owner and the operator.
        ii. The address (*i.e.* , physical location) of the bulk plant.

iii. A statement that the notification is being submitted in response to Subpart BBBBBB and identifying the requirements in paragraphs (a), (b), (c), and (d) above, that apply to the permittee.
iv. A brief description of the bulk plant, including the number of storage tanks in gasoline service, the capacity of each storage tank in gasoline service, and the average monthly gasoline throughput at the affected source.

6. The permittee must submit a Notification of Compliance Status to the applicable EPA Regional Office and the delegated State authority, as specified in § 63.13, by the compliance date specified in § 63.11083 unless they meet the requirements in paragraph (g) below. The Notification of Compliance Status must be signed by a responsible official who must certify its accuracy and must indicate whether the source has complied with the requirements of Subpart BBBBBB. If the facility is in compliance with the requirements of Subpart BBBBBB at the time the Initial Notification required under paragraph (e) above is due, the Notification of Compliance Status may be submitted in lieu of the Initial Notification provided it contains the information required under paragraph (e) above.
7. If, prior to January 10, 2008, the permittee is operating in compliance with an enforceable State, local, or tribal rule or permit that requires submerged fill as specified in paragraph (a) above, the facility is not required to submit an Initial Notification or a Notification of Compliance Status under paragraph (e) or paragraph (f) above.
8. The permittee must comply with the requirements of Subpart BBBBBB by the applicable dates specified in § 63.11083.
9. The permittee must keep applicable records and submit reports as specified in Specific Conditions # 16 and # 17.2.

[Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 63.11086]

14. The permittee shall comply with the Emission Limitation and Management practices outlined in 40 C.F.R. § 63.11089, which is attached in Appendix A of this permit. These requirements include, but are not limited to, the following:

1. Each owner or operator of a bulk gasoline terminal, bulk plant, pipeline breakout station, or pipeline pumping station subject to the provisions of Subpart BBBBBB shall perform a monthly leak inspection (See Appendix E for example form) of all equipment in gasoline service, as defined in § 63.11100. For this inspection, detection methods incorporating sight, sound, and smell are acceptable.
2. A log book shall be used and shall be signed by the owner or operator at the completion of each inspection. A section of the log book shall contain a list, summary description, or diagram(s) showing the location of all equipment in gasoline service at the facility.
3. Each detection of a liquid or vapor leak shall be recorded in the log book. When a leak is detected, an initial attempt at repair shall be made as soon as practicable, but no later than 5 calendar days after the leak is detected. Repair or replacement

of leaking equipment shall be completed within 15 calendar days after detection of each leak, except as provided in paragraph (d) below.

4. Delay of repair of leaking equipment will be allowed if the repair is not feasible within 15 days. The owner or operator shall provide in the semiannual report specified in Specific Condition # 17.2, the reason(s) why the repair was not feasible and the date each repair was completed.
5. The permittee must comply with the requirements of Subpart BBBBBB by the applicable dates specified in § 63.11083.
6. The permittee must submit the applicable notifications as required under Specific Condition # 15.
7. The permittee must keep records and submit reports as specified in Specific Conditions # 16 and # 17.

[Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 63.11089]

15. The permittee shall comply with the notifications outlined in 40 C.F.R. § 63.11093, which is attached in Appendix A of this permit. These requirements include, but are not limited to, the following:

1. Each owner or operator of an affected source under Subpart BBBBBB must submit an Initial Notification as specified in § 63.9(b). If the facility is in compliance with the requirements of Subpart BBBBBB at the time the Initial Notification is due, the Notification of Compliance Status required under paragraph (b) below may be submitted in lieu of the Initial Notification. The Initial Notification shall include the following:
    i. The name and address of the owner or operator;
    ii. The address (i.e., physical location) of the affected source;
    iii. An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date;
    iv. A brief description of the nature, size, design, and method of operation of the source and an identification of the types of emission points within the affected source subject to the relevant standard and types of hazardous air pollutants emitted; and
    v. A statement of whether the affected source is a major source or an area source.
2. Each owner or operator of an affected source under Subpart BBBBBB must submit a Notification of Compliance Status as specified in § 63.9(h). The Notification of Compliance Status must specify which of the compliance options included in Table 1 to Subpart BBBBBB is used to comply with Subpart BBBBBB.
3. Each owner or operator of any affected source under Subpart BBBBBB must submit additional notifications specified in § 63.9, as applicable.

[Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 63.11093(a), (b), and (d)]

16. The permittee shall comply with the recordkeeping requirements outlined in 40 C.F.R. § 63.11094, which is attached in Appendix A of this permit. These requirements include, but are not limited to, the following:

    1. Each owner or operator subject to the equipment leak provisions of Specific Condition # 14 shall prepare and maintain a record describing the types, identification numbers, and locations of all equipment in gasoline service. For facilities electing to implement an instrument program under § 63.11089, the record shall contain a full description of the program.
    2. Each owner or operator of an affected source subject to equipment leak inspections under Specific Condition # 14 shall record in the log book for each leak that is detected the information specified in paragraphs (b)(i) through (vii) below, which includes the following:

        i. The equipment type and identification number.
        ii. The nature of the leak (i.e., vapor or liquid) and the method of detection (i.e., sight, sound, or smell).
        iii. The date the leak was detected and the date of each attempt to repair the leak.
        iv. Repair methods applied in each attempt to repair the leak.
        v. "Repair delayed" and the reason for the delay if the leak is not repaired within 15 calendar days after discovery of the leak.
        vi. The expected date of successful repair of the leak if the leak is not repaired within 15 days.
        vii. The date of successful repair of the leak.

    [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 63.11094(d) and (e)]

17. The permittee shall comply with the reporting requirements outlined in 40 C.F.R. § 63.11095, which is attached in Appendix A of this permit. These requirements include, but are not limited to, the following:

    1. The permittee shall submit an excess emissions report to the Administrator at the time the semiannual compliance report is submitted. Excess emissions events under Subpart BBBBBB, and the information to be included in the excess emissions report, are specified below, which includes, but not limited to, the following:
        i. For each occurrence of an equipment leak for which no repair attempt was made within 5 days or for which repair was not completed within 15 days after detection:
            1. The date on which the leak was detected;
            2. The date of each attempt to repair the leak;
            3. The reasons for the delay of repair; and
            4. The date of successful repair.

2. The permittee shall submit a semiannual excess emissions report, including the information specified in paragraphs (a)(3) and (b)(5) of § 63.11095, only for a 6-month period during which an excess emission event has occurred. If no excess emission events have occurred during the previous 6-month period, no report is required.

[Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 63.11095(b), (c), and d]

40 C.F.R. § 63 Subpart ZZZZ – National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

18. A permittee is subject to 40 C.F.R. § 63 Subpart ZZZZ if the permittee owns or operates stationary Reciprocating Internal Combustion Engines (RICE) at an area source of HAP emissions. [Rule.19.304 and 40 C.F.R. § 63.6585(c)]

19. The Permittee shall maintain a list of the engines subject to 40 C.F.R. § 63 Subpart ZZZZ. The permittee will make the list available to Division of Environmental Quality personnel upon request. [Rule.19.303 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

20. If the permittee owns a new compression ignition engine, the permittee will show compliance with 40 C.F.R. § 63 Subpart ZZZZ by compliance with 40 C.F.R. § 60 Subpart IIII. If the permittee owns a new spark ignition engine, the permittee will show compliance with 40 C.F.R. § 63 Subpart ZZZZ by compliance with 40 C.F.R. § 60 Subpart JJJJ. An engine is considered new if it was constructed on or after June 12, 2006. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 63.6590(c)]

21. The permittee must comply with the requirements in Table 2d which apply to the facility for all existing stationary RICE located at an area source of HAP emissions. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, 40 C.F.R. § 63.6603(a), and Table 2d to Subpart ZZZZ of § 63]

Table 2d to Subpart ZZZZ of § 63 – Requirements for Existing Stationary Rice Located at Area Sources of HAP Emissions

For each . . .	You must meet the following requirement, except during periods of startup . . .	During periods of startup you must . . .
4. Emergency stationary CI RICE and black start stationary CI RICE.[2]	a. Change oil and filter every 500 hours of operation or annually, whichever comes first;[1] b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and c. Inspect all hoses and belts every	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.

For each . . .	You must meet the following requirement, except during periods of startup . . .	During periods of startup you must . . .
	500 hours of operation or annually, whichever comes first, and replace as necessary	
5. Emergency stationary SI RICE;	a. Change oil and filter every 500 hours of operation or annually, whichever comes first;[1]; b. Inspect spark plugs every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.

[1]Sources have the option to utilize an oil analysis program as described in § 63.6625(i) or (j) in order to extend the specified oil change requirement in Table 2d of 40 C.F.R. § 63 Subpart ZZZZ.

[2]If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice requirements on the schedule required in Table 2d of 40 C.F.R. § 63 Subpart ZZZZ, or if performing the management practice on the required schedule would otherwise pose an unacceptable risk under federal, state, or local law, the management practice can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The management practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under federal, state, or local law has abated. Sources must report any failure to perform the management practice on the schedule required and the federal, state or local law under which the risk was deemed unacceptable.

22. Beginning January 1, 2015, if the permittee owns or operates an existing emergency CI stationary RICE with a site rating of more than 100 brake HP and a displacement of less than 30 liters per cylinder that uses diesel fuel, the permittee must use diesel fuel that meets the requirements in 40 C.F.R. § 80.510(b) for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to January 1, 2015, may be used until depleted. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 63.6604(b)]

23. The permittee must operate and maintain any stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 63.6625(e)]

24. The permittee must install a non-resettable hour meter if one is not already installed for each existing emergency stationary RICE. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 63.6625(f)]

25. The permittee must for each new, reconstructed, or existing stationary engine, minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Table 2d to 40 C.F.R. § 63 Subpart ZZZZ apply. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 63.6604(h)]

26. If the permittee owns or operate a stationary CI engine that is subject to the work, operation or management practices in items 1 or 2 of Table 2c to 40 C.F.R. § 63 Subpart ZZZZ or in items 1 or 4 of Table 2d to 40 C.F.R. § 63 Subpart ZZZZ, you have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Tables 2c and 2d to 40 C.F.R. § 63 Subpart ZZZZ. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2c or 2d to 40 C.F.R. § 63 Subpart ZZZZ. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the permittee must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 business days or before commencing operation, whichever is later. The permittee must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 63.6604(i)]

27. If the permittee owns or operates a stationary SI engine that is subject to the work, operation or management practices in items 6, 7, or 8 of Table 2c to 40 C.F.R. § 63 Subpart ZZZZ or in items 5, 6, 7, 9, or 11 of Table 2d to 40 C.F.R. § 63 Subpart ZZZZ, you have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Tables 2c and 2d to 40 C.F.R. § 63 Subpart ZZZZ. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2c or 2d to 40 C.F.R. § 63 Subpart ZZZZ. The analysis program must at a minimum analyze the following three parameters: Total Acid Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Acid Number increases by more than 3.0 milligrams of potassium hydroxide (KOH) per gram from Total Acid Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the permittee is not required to change the oil. If any of the limits are exceeded, the permittee must change the oil within 2 days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the permittee must change the oil within 2 days or before commencing operation, whichever is later. The permittee must

keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 63.6604(j)]

28. The permittee must be in compliance with the emission limitations and operating limitations in 40 C.F.R. § 63 Subpart ZZZZ that apply to you at all times. The permittee must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions at all times. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Division of Environmental Quality which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 63.6605(a) and (b)]

29. The permittee must demonstrate continuous compliance with each emission limitation and operating limitation in Table 2d to 40 C.F.R. § 63 Subpart ZZZZ that apply to you according to methods specified in Table 6 to 40 C.F.R. § 63 Subpart ZZZZ. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, 40 C.F.R. § 63.6640(a), and Table 6 to Subpart ZZZZ of § 63]

Table 6 to Subpart ZZZZ of § 63 – Continuous Compliance with Emission Limitations, and Other Requirements

For each . . .	Complying with the requirement to . . .	You must demonstrate continuous compliance by . . .
9. Existing emergency and black start stationary RICE located at an area source of HAP	a. Work or Management practices	i. Operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions; or ii. Develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.

30. The permittee must report each instance in which the permittee did not meet the requirements in Table 8 to Subpart ZZZZ that apply to the permittee. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, 40 C.F.R. § 63.6640(e), and Table 8 to Subpart ZZZZ of § 63]

31. If the permittee owns or operates an emergency stationary RICE, the permittee must operate the emergency stationary RICE according to the requirements in paragraphs (a) through (c) of § 63.6640. In order for the engine to be considered an emergency stationary RICE under 40 C.F.R. § 63 Subpart ZZZZ, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in nonemergency situations for 50 hours per year, as described in paragraphs (a) through (c) of § 63.6640, is prohibited. If you do not operate the engine according to the requirements in paragraphs (a) through (c) of § 63.6640, the engine will not be considered an emergency engine under 40 C.F.R. § 63 Subpart ZZZZ and must meet all requirements for nonemergency engines.

    1. There is no time limit on the use of emergency stationary RICE in emergency situations.
    2. The permittee may operate emergency stationary RICE for any combination of the purposes specified in paragraphs (i) through (iii) of § 63.6640 for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph (c) of § 63.6640counts as part of the 100 hours per calendar year allowed by this paragraph (b).
        i. Emergency stationary RICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year.

ii. Emergency stationary RICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP–002–3, Capacity and Energy Emergencies (incorporated by reference, see § 63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP– 002–3.

iii. Emergency stationary RICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency

3. Emergency stationary RICE located at area sources of HAP may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in nonemergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph (f)(2) of § 63.6640. Except as provided in paragraphs (f)(4)(i) and (ii) of § 63.6640, the 50 hours per year for nonemergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

i. The 50 hours per year for nonemergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:

1. The engine is dispatched by the local balancing authority or local transmission and distribution system operator.
2. The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.
3. The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.
4. The power is provided only to the facility itself or to support the local transmission and distribution system.
5. The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

[Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 63.6640(f)]

32. The permittee must keep the records described in paragraphs (a) through (f):

1. A copy of each notification and report that you submitted to comply with 40 C.F.R. § 63 Subpart ZZZZ, including all documentation supporting any Initial

Notification or Notification of Compliance Status that you submitted, according to the requirement in § 63.10(b)(2)(xiv).

2. Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment.
3. Records of performance tests and performance evaluations as required in § 63.10(b)(2)(viii)
4. Records of all required maintenance performed on the air pollution control and monitoring equipment
5. Records of actions taken during periods of malfunction to minimize emissions in accordance with § 63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.
6. All records required in Table 6 to Subpart ZZZZ to show continuous compliance with each emission or operating limitation that applies to the permittee.

[Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 63.6655(a) and (d)]

33. The permittee must keep records of the maintenance conducted on the stationary RICE in order to demonstrate that the permittee operated and maintained the stationary RICE and after-treatment control device (if any) according to the permittee's own maintenance plan. [Rule.19.304, Ark. Code Ann. §8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 63.6655(e)]

34. The permittee must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The permittee must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engine is used for the purposes specified in § 63.6640(f)(2)(ii) or (iii) or § 63.6640(f)(4)(ii), the permittee must keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for these purposes. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, 40 C.F.R. § 63.6655(f)]

35. If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice requirements on the schedule required in Table 2d of 40 C.F.R. § 63 Subpart ZZZZ, or if performing the management practice on the required schedule would otherwise pose an unacceptable risk under federal, state, or local law, the management practice can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The management practice should be performed 7 as soon as practicable after the emergency has ended or the unacceptable risk under federal, state, or local law has abated. Sources must report any failure to perform the management practice on the schedule required and the federal, state or local law under which the risk was deemed unacceptable. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, 40 C.F.R. § 63, and Footnote 2 of Table 2d to Subpart ZZZZ]

40 C.F.R. § 60 Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

36. The Permittee shall maintain a list of those engines subject to 40 C.F.R. § 60 Subpart IIII and the model year of the engines. The records will be maintained in an accessible site and given to the Division of Environmental Quality upon request. [Rule.19.303 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

37. The following table contains the emission standards for new, modified, or reconstructed emergency stationary compression ignition internal combustion engines. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 60.4205]

Engine Size	Engine Manufacture Date	Emission Standards
Stationary CI ICE with a displacement less than 10 liters per cylinder that are not fire pumps	Before January 1, 2007	Table 1 of 40 C.F.R. § 60 Subpart IIII for emission standards
Stationary CI ICE with a displacement less than 30 liters per cylinder that are not fire pumps	On or after January 1, 2007	40 C.F.R. § 60.4202
		If performance tests are conducted, must meet the NTE standards as indicated in § 60.4212

The permittee must operate and maintain stationary CI ICE that achieve the emission standards as required by § 60.4205 over the entire life of the engine. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 60.4206]

38. The following are the fuel requirements and dates for new emergency stationary compression ignition internal combustion engines:
    1. Beginning October 1, 2007, owners of stationary CI ICE subject to 40 C.F.R. § 60 Subpart IIII that use diesel fuel must use diesel fuel that meets the requirements of 40 C.F.R. § 80.510(a).
    2. Beginning October 1, 2010, owners and operators of stationary CI ICE subject to 40 C.F.R. § 60 Subpart IIII with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 C.F.R. § 80.510(b) for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to October 1, 2010, may be used until depleted.
    3. Beginning June 1, 2012, owners and operators of stationary CI ICE subject to 40 C.F.R. § 60 Subpart IIII with a displacement of greater than or equal to 30 liters per cylinder are no longer subject to the requirements of paragraph (a) of § 60.4207, and must use fuel that meets a maximum per-gallon sulfur content of 1,000 parts per million (ppm).

4. Stationary CI ICE that have a national security exemption under § 60.4200(d) are also exempt from the fuel requirements in § 60.4207.

[Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 60.4207]

39. For any engines which must comply with the emission standards in 40 C.F.R. § 60 Subpart IIII, the permittee must:
    1. Operate and maintain the stationary CI ICE and control device according to the manufacturer's emission-related written instructions;
    2. Change only those emission-related settings that are permitted by the manufacturer; and
    3. Meet the requirements of 40 C.F.R. §§ 89, 94, and/or 1068, as they apply.

[Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 60.4211(a)]

40. The following table contains the compliance requirements for new stationary compression ignition internal combustion engines. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 60.4211(b), (c), (d), and (e)]

Engine Type	Compliance Requirements
Pre-2007 model of stationary CI ICEs which must comply with emission standards specified in § 60.4205(a).	Demonstrate compliance by one of the following methods: Purchasing an engine certified according to 40 C.F.R. § 89 or 40 C.F.R. § 94, as applicable, for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's specifications, Keeping records of performance test results for each pollutant for a test conducted on a similar engine. The test must have been conducted using the same methods specified in this 40 C.F.R. § 60 Subpart IIII and these methods must have been followed correctly, Keeping records of engine manufacturer data indicating compliance with the standards, Keeping records of control device vendor data indicating compliance with the standards, or Conducting an initial performance test to demonstrate compliance with the emission standards according to the requirements specified in § 60.4212, as applicable
2007 model year and later stationary CI ICEs which must comply with emission standards specified in § 60.4205(b)	Purchasing an engine certified to the emission standards in § 60.4205(b) or (c), as applicable, for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's emission-related specifications.
Stationary CI ICEs with a displacement greater than or equal to 30 liters per cylinder	Conducting an initial performance test to demonstrate initial compliance with the emission standards as specified in § 60.4213.
	Establishing operating parameters to be monitored continuously to ensure the stationary internal combustion engine continues to meet the emission standards. The owner or operator must petition the Administrator for approval of operating parameters to be monitored continuously. The petition must include the information described in paragraphs (d)(2)(i) through (v) of § 60.4211.

Engine Type	Compliance Requirements
Modified or reconstructed CI ICEs which must comply with emission standards specified in § 60.4205(f)	Purchasing, or otherwise owning or operating, an engine certified to the emission standards in § 60.4205(f) or Conducting a performance test to demonstrate initial compliance with the emission standards according to the requirements specified in § 60.4212 or § 60.4213, as appropriate. The test must be conducted within 60 days after the engine commences operation after the modification or reconstruction.

41. The permittee must operate each emergency stationary ICE according to the requirements listed below. In order for the engine to be considered an emergency stationary ICE under 40 C.F.R. § 60 Subpart IIII, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year is prohibited. If the permittee does not operate the engine according to the requirements listed below, the engine will not be considered an emergency engine under 40 C.F.R. § 60 Subpart IIII and must meet all requirements for non-emergency engines.
    1. There is no time limit on the use of emergency stationary ICE in emergency situations.
    2. The permittee may operate the emergency stationary ICE for any combination of the purposes specified in paragraphs (i) through (iii) of § 60.4211 for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph(c) of § 60.4211 counts as part of the 100 hours per calendar year allowed by this paragraph.
        i. Emergency stationary ICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The permittee may petition the Division of Environmental Quality for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency ICE beyond 100 hours per calendar year.
        ii. Emergency stationary ICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see §60.17), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.

iii. Emergency stationary ICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.

3. Emergency stationary ICE may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph (b) of § 60.4211. Except as provided in paragraph (f)(3)(i) of § 60.4211, the 50 hours per calendar year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

[Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 60.4211(f)]

42. If the permittee is required to conduct performance tests pursuant to 40 C.F.R. § 60 Subpart IIII, the permittee must do so according to the methods listed in § 60.4212 for engines with a displacement of less than 30 liters per cylinder and § 60.4213 for engines with a displacement greater than or equal to 30 liters per cylinder. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. §§ 60.4212 and 60.4213]

43. If the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the permittee must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The permittee must record the time of operation of the engine and the reason the engine was in operation during that time. The permittee is not required to submit an initial notification. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 60.4214(b)]

44. Table 8 to 40 C.F.R. § 60 Subpart IIII shows which parts of the General Provisions in §§ 60.1 through 60.19 apply to the permittee. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 60.4218]

40 C.F.R. § 60 Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines

45. The Permittee shall maintain a list of those engines subject to 40 C.F.R. § 60 Subpart JJJJ and the model year of the engines. The records will be maintained in an accessible site and given to the Division of Environmental Quality upon request. [Rule.19.303 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

46. The following table contains the engines subject to 40 C.F.R. § 60 Subpart JJJJ and the compliance date for the engines. For the purposes of 40 C.F.R. § 60 Subpart JJJJ, the date that construction commences is the date the engine is ordered by the permittee.

[Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 60.4230(a)(4)]

Engine Size	Description	Engine Manufactured Date
Greater than or equal to 500 HP	All engines except lean burn between 500 and 1350 hp	On or after July 1, 2007
Greater than or equal to 500 HP and less than 1,350 HP	Lean burn	On or after January 1, 2008
Greater than 25 HP	Emergency Engines	On or after January 1, 2009
Modified and Reconstructed	All	On or after June 12, 2006

47. The following table contains the emission standards for new (as determined by the table in Specific Condition #46) stationary internal combustion engines. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 60.4233]

Engine Size	Fuel Description	Emission Standards
Less than or equal to 25 HP manufactured after January 1, 2008 to December 31, 2011	All	40 C.F.R. § 90
Less than or equal to 25 HP manufactured after January 1, 2012	All	40 C.F.R. § 1054
Greater than 25 HP and less than 100 hp	All emergency except gasoline and rich burn LPG	Table 1 of 40 C.F.R. § 60 Subpart JJJJ for emission standards
Alternative for certified engines greater than 25 HP and less than 100 hp manufactured before January 1, 2011	All except gasoline and rich burn LPG	Table 1 of 40 C.F.R. § 60 Subpart JJJJ for engines greater than or equal to 100 HP and less than 500 HP
Greater than or equal to 100 HP	All except gasoline and rich burn LPG	Table 1 of 40 C.F.R. § 60 Subpart JJJJ
Greater than or equal to 100 HP manufactured before January 1, 2011, certified to 40 C.F.R. § 1048 and not severe duty engines	All except gasoline and rich burn LPG	Certified to Table 1 CO standard may meet CO certification (not field testing) standard for which the engine was certified.

48. The following are the emission standards for modified or reconstructed stationary internal combustion engines. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 60.4233(f)]
    1. A permittee with a SI ICE with a maximum engine power less than or equal to 19 KW (25 HP), that are modified or reconstructed after June 12, 2006, must comply with emission standards in § 60.4231(a) for the stationary SI ICE. Engines with a date of manufacture prior to July 1, 2008 must comply with the emission standards specified in § 60.4231(a) applicable to engines manufactured on July 1, 2008.

2. A permittee with stationary SI natural gas engines with a maximum engine power greater than 19 KW (25 HP), that are modified or reconstructed after June 12, 2006, must comply with the same emission standards as those specified in paragraph (d) or (e) of 40 C.F.R. §§ 60.4233, except that the permittee with non-emergency engines and emergency engines greater than or equal to 130 HP must meet a nitrogen oxides (NO_X) emission standard of 3.0 grams per HP-hour (g/HP-hr), a CO emission standard of 4.0 g/HP-hr (5.0 g/HP-hr for non-emergency engines less than 100 HP), and a volatile organic compounds (VOC) emission standard of 1.0 g/HP-hr, or a NO_X emission standard of 250 ppmvd at 15 percent oxygen (O_2), a CO emission standard 540 ppmvd at 15 percent O_2 (675 ppmvd at 15 percent O_2 for non-emergency engines less than 100 HP), and a VOC emission standard of 86 ppmvd at 15 percent O_2, where the date of manufacture of the engine is prior to January 1, 2009, for emergency engines.

49. A permittee with stationary SI ICE that are required to meet standards that reference 40 C.F.R. § 1048.101 must, if testing their engines in use, meet the standards 40 C.F.R. § 1048.101 applicable to field testing, except as indicated in 40 C.F.R. § 60.4233(e). [Rule. 19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 60.4233(h)]

50. A permittee with stationary SI ICE must operate and maintain stationary SI ICE that achieves the emission standards as required in § 60.4233 over the entire life of the engine. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 60.4234]

51. The following are the monitoring requirements for emergency stationary SI internal combustion engines: [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 60.4237]
    1. If the emergency stationary SI internal combustion engine that is greater than or equal to 130 HP and less than 500 HP that was built on or after January 1, 2011, does not meet the standards applicable to non-emergency engines, the permittee must install a non-resettable hour meter upon startup.
    2. If the emergency stationary SI internal combustion engine that is less than 130 HP that was built on or after July 1, 2008, does not meet the standards applicable to non-emergency engines, the permittee must install a non-resettable hour meter upon startup.

52. The following are the compliance requirements for a permittee with a stationary SI internal combustion engine: [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 60.4243]

    1. If a permittee has a stationary SI internal combustion engine that is manufactured after July 1, 2008, and must comply with the emission standards specified in §§ 60.4233(a) through (c), the permittee must comply by purchasing an engine certified to the emission standards in §§ 60.4231(a) through (c), as applicable, for the same engine class and maximum engine power.

i. If the permittee operates and maintains the certified stationary SI internal combustion engine and control device according to the manufacturer's emission-related written instructions, the permittee must keep records of conducted maintenance to demonstrate compliance, but no performance testing is required. The permittee must also meet the requirements as specified in 40 C.F.R. §§ 1068, subparts A through D, as they apply to the permittee. If the permittee adjusts engine settings according to and consistent with the manufacturer's instructions, the stationary SI internal combustion engine will not be considered out of compliance.

ii. If the permittee does not operate and maintain the certified stationary SI internal combustion engine and control device according to the manufacturer's emission-related written instructions, the engine will be considered a non-certified engine, and the permittee must demonstrate compliance according to 40 C.F.R. §§ 60.4243(a)(2)(i) through 60.4243(a)(2) (iii), as appropriate.

1. If a permittee has a stationary SI internal combustion engine less than 100 HP, the permittee must keep a maintenance plan and records of conducted maintenance to demonstrate compliance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions, but no performance testing is required by the permittee.
2. If a permittee with a stationary SI internal combustion engine greater than or equal to 100 HP and less than or equal to 500 HP, the permittee must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, the permittee must conduct an initial performance test within one year of engine startup to demonstrate compliance.

2. If a permittee has a stationary SI internal combustion engine and must comply with the emission standards specified in §§ 60.4233(d) or (e), the permittee must demonstrate compliance according to one of the methods specified in paragraphs §§ 60.4243(b)(1) and (2).

i. Purchasing an engine certified according to procedures specified in 40 C.F.R. § 60 Subpart JJJJ, for the same model year and demonstrating compliance according to one of the methods specified in 40 C.F.R. § 60.4243(a).

ii. Purchasing a non-certified engine and demonstrating compliance with the emission standards specified in §§ 60.4233(d) or (e) and according to the requirements specified in § 60.4244, as applicable, and according to paragraphs §§ 60.4243(b)(2)(i) and (ii).

1. If a permittee has a stationary SI internal combustion engine greater than 25 HP and less than or equal to 500 HP, the permittee must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, the permittee must conduct an initial performance test to demonstrate compliance.

3. If a permittee has a stationary SI internal combustion engine that must comply with the emission standards specified in § 60.4233(f), the permittee must demonstrate compliance according paragraph § 60.4243(b)(2)(i) or (ii), except that if the permittee complies according to paragraph § 60.4243(b)(2)(i), the permittee demonstrates that the non-certified engine complies with the emission standards specified in § 60.4233(f).

4. If the permittee has an emergency stationary ICE, the permittee must operate the emergency stationary ICE according to the requirements below. In order for the engine to be considered an emergency stationary ICE, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (d)(1) through (3), is prohibited. If the permittee operates the engines according to the requirements in 40 C.F.R. §§ 60.4243 paragraphs (d)(1) through (3), the engine will not be considered an emergency engine and must meet all requirements for non-emergency engines.

   i. There is no time limit on the use of emergency stationary ICE in emergency situations.
   ii. The permittee may operate an emergency stationary ICE for any combination of the purposes specified in paragraphs (d)(2)(i) through (iii) of § 60.4243 for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph (d)(3) of § 60.4243 counts as part of the 100 hours per calendar year allowed by this paragraph (d)(2).

      1. Emergency stationary ICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require

maintenance and testing of emergency ICE beyond 100 hours per calendar year.

2. Emergency stationary ICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see § 60.17), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.
3. ergency stationary ICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.

iii. Emergency stationary ICE may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph (d)(2) of § 60.4243. Except as provided in paragraph (d)(3)(i) of § 60.4243, the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

1. The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:

(A) The engine is dispatched by the local balancing authority or local transmission and distribution system operator;
(B) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.
(C) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.
(D) The power is provided only to the facility itself or to support the local transmission and distribution system.
(E) The permittee identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission

and distribution system operator may keep these records on behalf of the engine owner or operator.

5. A permittee with a stationary SI natural gas fired engines may operate their engines using propane for a maximum of 100 hours per year as an alternative fuel solely during emergency operations, but must keep records of such use. If propane is used for more than 100 hours per year in an engine that is not certified to the emission standards when using propane, the owners and operators are required to conduct a performance test to demonstrate compliance with the emission standards of § 60.4233.

6. If a permittee has a stationary SI internal combustion engine that is less than or equal to 500 HP and the permittee purchases a non-certified engine or the permittee does not operate and maintain the certified stationary SI internal combustion engine and control device according to the manufacturer's written emission-related instructions, the permittee is required to perform initial performance testing as indicated in § 60.4243, but the permittee is not required to conduct subsequent performance testing unless the stationary engine is rebuilt or undergoes major repair or maintenance. A rebuilt stationary SI ICE means an engine that has been rebuilt as that term is defined in 40 C.F.R. § 94.11(a).

7. It is expected that air-to-fuel ratio controllers will be used with the operation of three-way catalysts/non-selective catalytic reduction. The AFR controller must be maintained and operated appropriately in order to ensure proper operation of the engine and control device to minimize emissions at all times.

53. If the permittee has a modified or reconstructed stationary SI internal combustion engine and must comply with the emission standards specified in 40 C.F.R. § 60.4233(f), the permittee must demonstrate compliance according to one of the methods specified below: [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 60.4243(i)]
    1. Purchasing, or otherwise owning or operating, an engine certified to the emission standards in 40 C.F.R. § 60.4233(f), as applicable.
    2. Conducting a performance test to demonstrate initial compliance with the emission standards according to the requirements specified in 40 C.F.R. § 60.4244. The test must be conducted within 60 days after the engine commences operation after the modification or reconstruction.

54. The permittee must perform the compliance test with the test methods and other procedures in 40 C.F.R. § 60 Subpart JJJJ. [Rule.19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 60.4244]

55. A permittee with a stationary SI ICE must meet the following notification, reporting and recordkeeping requirements: [Reg.19.304 and 40 C.F.R. § 60.4245]
    1. A permittee must keep records of the information in paragraphs (a)(1) through (4) of § 60.4245.

i. All notifications submitted to comply with 40 C.F.R. § 60 Subpart JJJJ and all documentation supporting any notification.
ii. Maintenance conducted on the engine.
iii. If the stationary SI internal combustion engine is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards and information as required in 40 C.F.R. §§ 90 and 1048.
iv. If the stationary SI internal combustion engine is not a certified engine or is a certified engine operating in a non-certified manner and subject to 40 C.F.R. § 60.4243(a)(2), documentation that the engine meets the emission standards.

2. For all stationary SI emergency ICE greater than or equal to 130 HP and less than 500 HP manufactured on or after July 1, 2011 that do not meet the standards applicable to non-emergency engines, the permittee must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. For all stationary SI emergency ICE greater than 25 HP and less than 130 HP manufactured on or after July 1, 2008, that do not meet the standards applicable to non-emergency engines, the permittee must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The permittee must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation.

3. A permittee with a stationary SI ICE that is subject to performance testing must submit a copy of each performance test as conducted in 40 C.F.R. § 60.4244 within 60 days after the test has been completed.

4. If the permittee has an emergency stationary SI ICE with a maximum engine power more than 100 HP that operates or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §§ 60.4243(d)(2)(ii) and (iii) or that operates for the purposes specified in § 60.4243(d)(3)(i), the permittee must submit an annual report according to the requirements in § 60.4245(e)(1) through (3).

56. Table 3 to 40 C.F.R. § 60 Subpart JJJJ shows which parts of the General Provisions in §§ 60.1 through 60.19 apply to the permittee. [Rule.19.304 and 40 C.F.R. § 60.4246]

Section IV: INSIGNIFICANT ACTIVITIES

The permittee must submit a list of activities which are considered insignificant in Rules 18 and 19 (Appendix A). The Division of Environmental Quality will document these activities in the Confirmation Letter if the insignificant activities are categorized in Group A.

Section V: GENERAL CONDITIONS

1. Any terms or conditions included in this permit that specify and reference Arkansas Pollution Control & Ecology Commission Rule 18 or the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*) as the sole origin of and authority for the terms or conditions are not required under the Clean Air Act or any of its applicable requirements, and are not federally enforceable under the Clean Air Act. Arkansas Pollution Control & Ecology Commission Rule 18 was adopted pursuant to the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*). Any terms or conditions included in this permit that specify and reference Arkansas Pollution Control & Ecology Commission Rule 18 or the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*) as the origin of and authority for the terms or conditions are enforceable under this Arkansas statute.

2. This permit does not relieve the owner or operator of the equipment and/or the facility from compliance with all applicable provisions of the Arkansas Water and Air Pollution Control Act and the rules promulgated under the Act. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

3. The permittee shall notify the Division of Environmental Quality in writing within thirty (30) days after each of the following events: commencement of construction, completion of construction, first operation of equipment and/or facility, and first attainment of the equipment and/or facility target production rate. [Rule 19.704 and/or Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

4. Construction or modification must commence within eighteen (18) months from the date of permit issuance. [Rule 19.410(B) and/or Rule 18.309(B) and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

5. The permittee must keep records for five years to enable the Division of Environmental Quality to determine compliance with the terms of this permit such as hours of operation, throughput, upset conditions, and continuous monitoring data. The Division of Environmental Quality may use the records, at the discretion of the Division of Environmental Quality, to determine compliance with the conditions of the permit. [Rule 19.705 and/or Rule 18.1004 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

6. A responsible official, as defined in Rules 18 and 19, must certify any reports requiring certification under any applicable federal regulation, Rule 18, or Rule 19. All reports shall be submitted to the Division of Environmental Quality electronically using https://eportal.adeq.state.ar.us or mail them to the address below. [Rule 19.705 and/or Rule 18.1004 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

   Division of Environmental Quality
   Office of Air Quality

ATTN: Compliance Inspector Supervisor
5301 Northshore Drive
North Little Rock, AR 72118-5317

7. The permittee shall test any equipment scheduled for testing, unless stated in the Specific Conditions of this permit or by any federally regulated requirements, within the following time frames: (1) newly constructed or modified equipment within sixty (60) days of achieving the maximum production rate, but no later than 180 days after initial start up of the permitted source or (2) existing equipment already operating according to the time frames set forth by the Division of Environmental Quality. The permittee must notify the Division of Environmental Quality of the scheduled date of compliance testing at least fifteen (15) business days in advance of such test. The permittee must submit compliance test results to the Division of Environmental Quality within thirty (30) calendar days after the completion of testing. [Rule 19.702 and/or Rule 18.1002 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

8. The permittee shall provide: [Rule 19.702 and/or Rule 18.1002 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

   a. Sampling ports adequate for applicable test methods;
   b. Safe sampling platforms;
   c. Safe access to sampling platforms; and
   d. Utilities for sampling and testing equipment

9. The permittee shall operate equipment, control apparatus and emission monitoring equipment within their design limitations. The permittee shall maintain in good condition at all times equipment, control apparatus and emission monitoring equipment. [Rule 19.303 and/or Rule 18.1104 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

10. If the permittee exceeds an emission limit established by this permit, the permittee will be deemed in violation of said permit and will be subject to enforcement action. The Division of Environmental Quality may forego enforcement action for emissions exceeding any limits established by this permit provided the following requirements are met: [Rule 19.601 and/or Rule 18.1101 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

    a. The permittee demonstrates to the satisfaction of the Division of Environmental Quality that the emissions resulted from an equipment malfunction or upset and are not the result of negligence or improper maintenance, and the permittee took all reasonable measures to immediately minimize or eliminate the excess emissions.
    b. The permittee reports the occurrence or upset or breakdown of equipment (by telephone, facsimile, overnight delivery, or online at https://eportal.adeq.state.ar.us) to the Division of Environmental Quality by the

end of the next business day after the occurrence or the discovery of the occurrence.

c. The permittee must submit to the Division of Environmental Quality, within five business days after the occurrence or the discovery of the occurrence, a full, written report of such occurrence, including a statement of all known causes and of the scheduling and nature of the actions to be taken to minimize or eliminate future occurrences, including, but not limited to, action to reduce the frequency of occurrence of such conditions, to minimize the amount by which said limits are exceeded, and to reduce the length of time for which said limits are exceeded. If the information is included in the initial report, the information need not be submitted again.

11. The permittee shall allow representatives of the Division of Environmental Quality upon the presentation of credentials: [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

a. To enter upon the permittee's premises, or other premises under the control of the permittee, where an air pollutant source is located or in which any records are required to be kept under the terms and conditions of this permit;
b. To have access to and copy any records required to be kept under the terms and conditions of this permit, or the Act;
c. To inspect any monitoring equipment or monitoring method required in this permit;
d. To sample any emission of pollutants; and
e. To perform an operation and maintenance inspection of the permitted source.

12. The Division of Environmental Quality issued this permit in reliance upon the statements and presentations made in the NOI. The Division of Environmental Quality has no responsibility for the adequacy or proper functioning of the equipment or control apparatus. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

13. The Division of Environmental Quality may revoke or modify this permit when, in the judgment of the Division of Environmental Quality, such revocation or modification is necessary to comply with the applicable provisions of the Arkansas Water and Air Pollution Control Act and the rules promulgated the Arkansas Water and Air Pollution Control Act. [Rule 19.410(A) and/or Rule 18.309(A) and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

14. This permit may be transferred. An applicant for a transfer must submit a written request for transfer of the permit on a form provided by the Division of Environmental Quality and submit the disclosure statement required by Arkansas Code Annotated §8-1-106 at least thirty (30) days in advance of the proposed transfer date. The permit will be automatically transferred to the new permittee unless the Division of Environmental Quality denies the request to transfer within thirty (30) days of the receipt of the disclosure statement. The Division of Environmental Quality may deny a transfer on the

basis of the information revealed in the disclosure statement or other investigation or, deliberate falsification or omission of relevant information. [Rule 19.407(B) and/or Rule 18.307(B) and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

15. This permit shall be available for inspection on the premises where the control apparatus is located. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

16. This permit authorizes only those pollutant emitting activities addressed herein. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

17. This permit supersedes and voids all previously issued air permits for this facility. [Rule 18 and/or Rule 19 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

18. The permittee must pay all permit fees in accordance with the procedures established in Rule 9. [Ark. Code Ann. § 8-1-105(c)]

19. The permittee may request in writing and at least 15 days in advance of the deadline, an extension to any testing, compliance or other dates in this permit. No such extensions are authorized until the permittee receives written Division of Environmental Quality approval. The Division of Environmental Quality may grant such a request, at its discretion in the following circumstances:

    a. Such an extension does not violate a federal requirement;
    b. The permittee demonstrates the need for the extension; and
    c. The permittee documents that all reasonable measures have been taken to meet the current deadline and documents reasons it cannot be met.

    [Rule 18.314(A) and/or Rule 19.416(A), Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

20. The permittee may request in writing and at least 30 days in advance, temporary emissions and/or testing that would otherwise exceed an emission rate, throughput requirement, or other limit in this permit. No such activities are authorized until the permittee receives written Division of Environmental Quality approval. Any such emissions shall be included in the facility's total emissions and reported as such. The Division of Environmental Quality may grant such a request, at its discretion under the following conditions:

    a. Such a request does not violate a federal requirement;
    b. Such a request is temporary in nature;
    c. Such a request will not result in a condition of air pollution;

d. The request contains such information necessary for the Division of Environmental Quality to evaluate the request, including but not limited to, quantification of such emissions and the date/time such emission will occur;
e. Such a request will result in increased emissions less than five tons of any individual criteria pollutant, one ton of any single HAP and 2.5 tons of total HAPs; and
f. The permittee maintains records of the dates and results of such temporary emissions/testing.

[Rule 18.314(B) and/or Rule 19.416(B), Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

21. The permittee may request in writing and at least 30 days in advance, an alternative to the specified monitoring in this permit. No such alternatives are authorized until the permittee receives written Division of Environmental Quality approval. The Division of Environmental Quality may grant such a request, at its discretion under the following conditions:
    a. The request does not violate a federal requirement; and
    b. The request provides an equivalent or greater degree of actual monitoring to the current requirements.

    [Rule 18.314(C) and/or Rule 19.416(C), Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

22. Any credible evidence based on sampling, monitoring, and reporting may be used to determine violations of applicable emission limitations. [Rule 18.1001, Rule 19.701, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

23. Notices of Intent shall be submitted by electronic application using DEQ's ePortal System (or any successor system). Applicants may apply for a waiver from electronic submittal if unable to use the electronic submittal system. If DEQ grants a waiver approval to use a paper NOI, the applicant must use the approved paper form developed by DEQ. [Rule 18.304(A) and/or 19.404(A) and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]