


PHASE II ACID RAIN PERMIT

	<p>Lincoln-Lancaster County Health Department Environmental Public Health Division Air Quality Program 3131 O Street Lincoln, Nebraska 68510</p> <p>Phone: (402) 441-8040 Fax: (402) 441-3890</p>	<p>Patricia D. Lopez, RN, MSN Interim Health Director</p> <p>Brock Hanisch, MS, MPH, REHS Environmental Public Health Division Manager</p> <p>Gary R. Bergstrom, Jr. Air Quality Program Supervisor</p>
--	---	--

LLCHD Air Quality Program Source Number:	00240
--	--------------

Effective Duration of Permit:			
Effective Date:	XX – XX – 2024 <small>MM-DD-YYYY</small>	Expiration Date:	XX – XX – 2029 <small>MM-DD-YYYY</small>

A Title V Permit to Operate a Class I Source of Air Contaminants is Hereby Issued to:

Permit Holder Name:	Lincoln Electric System
Address:	9445 Rokeby Road
City, State, ZIP:	Lincoln, Nebraska 68526

This permit is issued for operation of the following source:

Facility Site Name:	Lincoln Electric System – Terry Bundy Generating Station
Plant (ORIS) Code:	7887
Facility Address:	7707 Bluff Road
City, County, State, ZIP:	Lincoln, Lancaster County, Nebraska 68517
Facility NAICS:	221112: Fossil Fuel Electric Power Generation

Environmental Public Health Division / Air Quality Program Recommendation:

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

Health Director / Air Pollution Control Officer Authorization:

<p><u>ACTION TAKEN:</u></p> <p><input type="checkbox"/> Approve Issuance <input type="checkbox"/> Deny Issuance</p>	<p style="text-align: center;"><u>[XXXXXXXXXXXXXXXXXX]</u> Date</p>	<p style="text-align: center;"><u>[XXXXXXXXXXXXXXXXXX]</u> Patricia D. Lopez, RN, MSN Health Director</p>
---	---	---

Affected Unit(s)

The following units are affected units under the EPA Acid Rain Program. The information provided herein is in accordance with the approved application.

Unit ID #	Unit will hold allowances in accordance with 40 CFR Part 72, §72.9 paragraph (c)(1).
SVGS2	Yes
SVGS3	Yes
SVGS4	Yes

Public Participation, EPA Review, and Affected States Review

Pursuant to 40 CFR Part 72 §72.72 and Article 2, Section 14 of the Lincoln-Lancaster County Health Department Air Pollution Control Program Regulations and Standards (LLCAPCPRS), the public has been notified by prominent advertisement of this permit for operation of an air contaminant source, and the thirty (30) day period allowed for comments has elapsed, and all comments received have been addressed.

Permitting Authority

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

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

Compliance Authorities

- All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the following:
 Lincoln-Lancaster County Health Department
 c/o Air Quality Program
 3131 'O' Street
 Lincoln, NE 68510
- If required or requested by the EPA, the owner/operator shall submit reports, tests, and/or notifications to the following:
 US EPA Region 7
 ECAD/AB–Nebraska Air Compliance Coordinator
 11201 Renner Blvd.
 Lenexa, KS 66219

Definitions

Unless otherwise defined, the words and phrases, as used in this operating permit, the LLCAPCPRS, and the related appendices shall have the meanings set forth in LLCAPCPRS Article 2, Section 1 (Definitions).

PERMIT CONDITIONS BEGIN ON FOLLOWING PAGE

Regulations

- I. Applicable Regulations & Requirements.
 - (A) The following Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCPRS) apply to this source:

Table 1-A: Applicable Regulations of the LLCAPCPRS

Article 1: Administration and Enforcement	
§1	Intent
§2	Unlawful Acts – Permits Required
§3	Violations – Hearings – Orders
§4	Appeal Procedure
§5	Variance
§6	Fees
§7	Compliance – Actions to Enforce – Penalties for Non-Compliance
§8	Procedure for Abatement
§9	Severability
Article 2: Regulations and Standards	
§1	Definitions
§14	Permits – Public Participation
§26	Acid Rain
§34	Emission Source Testing and Monitoring
§35	Compliance – Exceptions Due to Startup, Shutdown or Malfunction
§36	Control Regulation Circumvention – When Excepted
§37	Compliance – Responsibility of Owner/Operator Pending Review by Director
§38	Emergency Episodes – Occurrence, Control, and Contingency Plans
Appendices	
I	Emergency Emission Reduction Regulations

- (B) The following Federal Regulations, including those not currently delegated to the Lincoln-Lancaster County Health Department (LLCHD) or not yet included in the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCPRS), apply to this source:

Table 1-B: Applicable Federal Regulations

40 CFR Part 72: Permits Regulation (Acid Rain)
40 CFR Part 73: Sulfur Dioxide (SO₂) Allowance System (Acid Rain)
40 CFR Part 75: Continuous Emission Monitoring (Acid Rain)
40 CFR Part 77: Excess Emissions (Acid Rain)
40 CFR Part 78: Appeal Procedures (Acid Rain)

Permit Conditions

II. Permit Requirements.

- (A) The designated representative of each affected source and each affected unit at the source shall:
 - (1) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR Part 72 in accordance with the deadlines specified in 40 CFR Part 72 §72.30;
 - (2) Submit in a timely manner a complete reduced utilization plan if required under 40 CFR Part 72 §72.43; and
 - (3) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit.
- (B) The owners and operators of each affected source and each affected unit at the source shall:
 - (1) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
 - (2) Have an Acid Rain Permit.

III. Monitoring Requirements.

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

IV. Sulfur Dioxide Requirements.

- (A) The owners and operators of each source and each affected unit at the source shall:
 - (1) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR Part 73 §73.34 paragraph (c)) not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and
 - (2) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (B) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Clean Air Act.
- (C) An affected unit shall be subject to the requirements under Condition IV(A) of this permit as follows:
 - (1) Starting January 1, 2000, an affected unit under 40 CFR Part 72 §72.6 paragraph (a)(2); or
 - (2) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR Part 75, an affected unit under 40 CFR Part 72 §72.6 paragraph (a)(3).
- (D) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.

- (E) An allowance shall not be deducted in order to comply with the requirements under Condition IV(A) of this permit prior to the calendar year for which the allowance was allocated.
- (F) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR Part 72 §72.7 or §72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (G) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

V. Nitrogen Oxides Requirements.

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

VI. Excess Emissions Requirements.

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

VII. Recordkeeping and Reporting Requirements.

- (A) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of five (5) years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
 - (1) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR Part 72 §72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designed representative;
 - (2) All emissions monitoring information, in accordance with 40 CFR Part 75, provided that to the extent that 40 CFR Part 75 provides for a three (3) year period for recordkeeping, the 3-year period shall apply;
 - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and
 - (4) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.

- (B) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR Part 72, Subpart I and 40 CFR Part 75.

VIII. Liability.

- (A) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR Part 72 §72.7 or §72.8, including any requirement of the payment of any penalty owed to the United States; shall be subject to enforcement pursuant to Section 113(c) of the Clean Air Act.
- (B) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to Section 113(c) of the Clean Air Act and 18 U.S.C. 1001.
- (C) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (D) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
- (E) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
- (F) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit.
- (G) Each violation of a provision of 40 CFR Parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Clean Air Act.

IX. Effect on Other Authorities. No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR Part 72 §72.7 or §72.8 shall be construed as:

- (A) Except as expressly provided in Title IV of the Clean Air Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Clean Air Act, including the provisions of Title I of the Clean Air Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (B) Limiting the number of allowances a source can hold; provided, that the number of allowances held by the source shall not affect the source's obligation to comply with any other provisions of the Clean Air Act;
- (C) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
- (D) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or
- (E) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

REMEMBER: If you have any questions, contact the Lincoln-Lancaster County Health Department Air Quality Program at (402) 441-8040.