

CLARK COUNTY
DEPARTMENT OF AIR QUALITY
AND ENVIRONMENTAL MANAGEMENT
500 South Grand Central Parkway, Las Vegas, Nevada 89106
Part 70 Operating Permit (Renewal)
Number 423

Issued in accordance with the
Clark County Air Quality Regulations (AQR)

ISSUED TO: Nevada Sun-Peak, LP

FACILITY ADDRESS

9790 Gateway Drive, Suite 220
Reno, NV 89521

FACILITY LOCATION:

6360 Vegas Valley Drive
Las Vegas, NV 89142
T21S, R62E, Section 11
Hydrographic Area: 212

PART 70 OPERATING PERMIT BASED ON:

Nevada Sun-Peak, LP Part 70 Operating Permit Renewal Application, dated January 19, 2001; Authority to Construct/Operating Permit, dated September 20, 1990; and current local Operating Permit (423; Modification 1) issued on March 21, 2004. The Part 70 Operating Permit was amended on September 14, 2000 to reflect a change in the general partner.

NATURE OF BUSINESS:

Electric Services SIC Code - 4911

RESPONSIBLE OFFICIAL:

Name: Don Wells
Title: General Plant Manager
Phone: (775) 423-6535
Fax Number: (775) 423-8048

Part 70 Operating Permit Issuance Date: February 25, 2005

Part 70 Operating Permit Expiration Date: February 25, 2010

ISSUED BY: CLARK COUNTY DEPARTMENT OF AIR QUALITY AND ENVIRONMENTAL MANAGEMENT

Stephen Deyo
NSR Supervisor, Clark County DAQEM

Richard D. Beckstead
Permitting Supervisor, Clark County DAQEM

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PART I: STANDARD CONDITIONS

ALL CONDITIONS IN THIS PERMIT ARE FEDERALLY ENFORCEABLE UNLESS EXPLICITLY DENOTED OTHERWISE. *[Authority: AQR § 19.4.2 (Amended 07/01/04)]*

- A-1. In the event of any changes in control or ownership of the facility, all conditions in this permit shall be binding on all subsequent owners and operators, upon execution of an administrative permit amendment. *[Authority: AQR § 19.5.4.1.d (Amended 07/01/04)]*
- A-2. This operating permit has a fixed term not to exceed five (5) years. The Part 70 permit issuance date is the beginning of the permit term. *[Authority: AQR § 19.4.1.2 (Amended 07/01/04)]*
- A-3. If any term or condition of this permit becomes invalid as a result of a challenge to a portion of this permit, the other terms and conditions of this permit shall not be affected and shall remain valid. *[Authority: AQR § 19.4.1.5 (Amended 07/01/04)]*
- A-4. The owner/operator shall comply with all the terms and conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Air Act (Act) and is grounds for enforcement action; for permit termination, suspension, reopening, or amendment; or for denial of a permit renewal application. *[Authority: AQR § 19.4.1.6.a (Amended 07/01/04)]*
- A-5. The owner/operator shall not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the terms and conditions of this permit. *[Authority: AQR § 19.4.1.6.b (Amended 07/01/04)]*
- A-6. The permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the owner/operator for the permit modification, revocation, reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. *[Authority: AQR § 19.4.1.6.c (Amended 07/01/04)]*
- A-7. The permit does not convey any property rights of any sort, or any exclusive privilege. *[Authority: AQR § 19.4.1.6.d (Amended 07/01/04)]*
- A-8. The owner/operator shall furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the owner/operator shall also furnish to the Control Officer copies of records required to be kept by the permit or, for information claimed to be confidential, the owner/operator may furnish such records directly to the Administrator along with a claim of confidentiality. *[Authority: AQR § 19.4.1.6.e (Amended 07/01/04)]*
- A-9. Requirements for compliance certification with terms and conditions contained in the operating permit, including emission limitations, standards, or work practices, are as follows:
 - a. compliance certifications shall be submitted annually in writing to the DAQEM Compliance Reporting Supervisor and the Administrator at USEPA Region 9 by the owner/operator. A compliance certification is due on January 30 of each year;
 - b. compliance shall be determined in accordance with the requirements detailed in AQR § 19.4.1.3 (Amended 07/01/04), record of periodic monitoring, or any credible evidence; and

- c. the compliance certification shall include:
 - i. identification of each term or condition of the permit that is the basis of the certification;
 - ii. the source's compliance status and whether compliance was continuous or intermittent;
 - iii. methods used in determining the compliance status of the source currently and over the reporting period consistent with Subsection 19.4.1.3; and
 - iv. other specific information required by the Control Officer to determine the compliance status of the source. *[Authority: AQR § 19.4.3.5 (Amended 07/01/04)]*
- A-10. The owner/operator shall not make "Modification" to the existing facility prior to receiving an Authority to Construct Certificate (ATC) from the Control Officer. *[Authority: AQR § 12.1.1.1 (Amended 10/07/04)]*
- A-11. Any request for a Part 70 permit modification must comply with the requirements of AQR Section 12, and AQR Subsection 19.5.5. *[Authority: AQR § 12.1 (Amended 10/07/04) and AQR § 19.5.5.1 (Amended 07/01/04)]*
- A-12. Application for permit renewal shall be deemed timely if a complete application is submitted between six months and 18 months prior to the date of permit expiration. *[Authority: AQR § 19.3.1.1.c (Amended 07/01/04)]*
- A-13. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. *[Authority: AQR § 19.3.2 (Amended 07/01/04)]*
- A-14. An emergency, as defined in Section 0 of the AQR (Amended 10/07/04), can constitute an affirmative defense to actions brought for noncompliance with a technology-based standard provided the properly signed contemporaneous operating logs or other relevant evidence demonstrate:
 - a. an emergency occurred and that the owner/operator can identify the cause(s) of the emergency;
 - b. the permitted facility was properly operated during claimed emergency;
 - c. the owner/operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in the permit during the period of the emergency; and
 - d. the owner/operator submitted notice of the emergency to the Control Officer within one (1) hour of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. *[Authority: AQR § 19.4.7.1 (Amended 07/01/04)]*
- A-15. In any enforcement proceeding, the owner/operator has the burden of proof in seeking to establish the occurrence of an emergency. *[Authority: AQR § 19.4.7.2 (Amended 07/01/04)]*
- A-16. The owner/operator may request confidential treatment of any records in accordance with Subsection 19.3.1.3 of the Department of Air Quality and Environmental Management (DAQEM) regulations. Emission data, standards or limitations [all terms as defined in 40

CFR § 2.301(a)] or other information as specified in 40 CFR § 2.301 shall not be considered eligible for confidential treatment. The Administrator and the Control Officer shall each retain the authority to determine whether information is eligible for confidential treatment on a case-by-case basis. *[Authority: AQR § 19.3.1.3 (Amended 07/01/04) and 40 CFR § 2.301]*

- A-17. Permit fees, including annual emission fees, shall be determined pursuant to Section 18 of the AQR (Amended 07/01/04). Failure to pay Part 70 permit fees may result in citations or suspensions or revocation of the Part 70 Permit. *[Authority: AQR § 19.4.1.7 (Amended 07/01/04)]*
- A-18. The owner/operator shall allow the Control Officer or an authorized representative, upon presentation of credentials:
- a. entry upon the owner/operator's premises where the Part 70 source is located, or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
 - b. access to inspect and copy, at reasonable times, any records that must be kept under conditions of the permit;
 - c. to inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
 - d. to sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements. *[Authority: AQR §§ 4.3 (Amended 07/01/04) and 19.4.3.2 (Amended 07/01/04)]*
- A-19. The Control Officer at any time may require from any person such information or analyses as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by such source, and type or nature of control equipment in use, and may require that such disclosures be certified by a professional engineer registered in the state. In addition to such report, the Control Officer may designate an authorized agent to make an independent study and report as to the nature, extent, quantity or degree of any air contaminants which are or may be discharged from source. An authorized agent so designated is authorized to inspect any article, machine, equipment, or other contrivance necessary to make the inspection and report. *[Authority: AQR § 4.4 (Amended 07/01/04)]*
- A-20. The Control Officer may require any person responsible for emission of air contaminants to test or have tests performed to determine the emissions of air contaminants from any source whenever the Control Officer has reason to believe that an emission in excess of that allowed by the DAQEM regulations is occurring. The Control Officer may specify testing methods to be used in accordance with good professional practice. The Control Officer may observe the testing. All tests shall be conducted by reputable, qualified personnel. The Control Officer shall be given a copy of the test results in writing and signed by the person responsible for the tests. *[Authority: AQR § 4.5 (Amended 07/01/04)]*
- A-21. The Control Officer may conduct tests of emissions of air contaminants from any source. Upon request of the Control Officer, the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants. *[Authority: AQR § 4.6 (Amended 07/01/04)]*
- A-22. It is unlawful for any person:

- a. to hinder, obstruct, delay, resist, interfere with, or attempt to interfere with the Control Officer, or any individual to whom authority has been duly delegated for the performance of any duty by the AQR;
 - b. to refuse to permit the Control Officer, or any individual to whom such authority has been delegated, to administer or perform any function provided for herein by refusing him/her at any reasonable time entrance to property or premises, except a private residence, containing equipment or open fire, discharging, or suspected and believed to be discharging, smoke, dust, gas, vapor, or odor into the open air; and
 - c. to fail to disclose information when requested, under oath or otherwise, to the Control Officer or any individual to whom such authority has been delegated.
[Authority: AQR §§ 5.1, 5.1.1, 5.1.2, and 5.1.3 (Amended 07/01/04)]
- A-23. All persons owning, operating, or in control of any equipment or property who shall cause, permit, or participate in any violation of the AQR shall be individually and collectively liable to any penalty or punishment imposed by and under the AQR. *[Authority: AQR § 8.1 (Amended 07/01/04)]*
- A-24. It shall be a defense to any prosecution instituted against any employee of a person owning, operating, or conducting any business, industry, or operation that the acts complained of were done and performed pursuant to the orders and directions of such owner or operator, or his agent or representative, conducting such business, industry or operation. *[Authority: AQR § 8.2 (Amended 07/01/04)]*
- A-25. Any person who violates any provision of this operating permit, including, but not limited to, any application requirement; any permit condition; any fee or filing requirement; any duty to allow or carry out inspection, entry or monitoring activities or any requirements by DAQEM is guilty of a civil offense and shall pay civil penalty levied by the Hearing Board of not more than \$10,000. Each day of violation constitutes a separate offense. *[Authority: AQR § 9.1 (Amended 07/01/04)]*
- A-26. Any person aggrieved by an order issued pursuant to condition A-25 is entitled to review as provided in Chapter 233B of Nevada Revised Statutes (NRS). *[Authority: AQR § 9.12 (Amended 07/01/04)]*
- A-27. The owner/operator shall not build, erect, install or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission, which would otherwise constitute a violation of the AQR. This condition shall not apply to cases of AQR Section 40. *[Authority: AQR § 80.1 (Amended 07/01/04) and 40 CFR § 60.12]*
- A-28. Any application form, report, or compliance certification submitted pursuant to this operating permit shall contain certification of truth, accuracy, and completeness by a responsible official. This certification and any other certification required shall state, "Based on the information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete." This statement shall be followed by the signature and printed name of the responsible official certifying compliance and the date of signature. *[Authority: AQR § 19.3.4 (Amended 07/01/04)]*
- A-29. Permit expiration terminates the owner/operator's right to operate unless a timely and complete renewal application has been submitted consistent with AQR Subsections 19.3.1.d and 19.5.2 in which case the permit shall not expire and all terms and conditions of the permit shall remain in effect until the renewal permit has been issued or denied. *[Authority: AQR § 19.5.3.2 (Amended 07/01/04)]*
- A-30. This permit can be reopened for any of the following conditions:

- a. additional applicable requirements under the Act become applicable with a remaining permit term of three (3) or more years. Such a reopening shall be completed within eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended;
 - b. the Control Officer or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emission standards or other terms or conditions of the permit;
 - c. the Control Officer or EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements; and
 - d. in addition to items a. through c. above, the Control Officer may reopen a permit of his/her own accord or in response to a written request from any person if he/she determines that there are grounds for reopening and such grounds arose entirely after the deadline set forth in AQR § 7.10.2.3. *[Authority: AQR § 19.5.6.1 (Amended 07/01/04)]*
- A-31. Proceedings to reopen and issue a permit shall follow the same procedure that apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. *[Authority: AQR § 19.5.6.2 (Amended 07/01/04)]*
- A-32. Any person operating any article, machine, equipment, or other contrivance for which registration is required by these Regulations, shall permit the Control Officer, or his agent, to install and maintain sampling and testing facilities as are reasonable and necessary for measurement of emissions of air contaminants. Where existing facilities for sampling or testing are inadequate, the Control Officer may, in writing, require the Owner/Operator to provide and maintain access to such facilities as are reasonably necessary for sampling and testing purposes by the Control Officer, or his authorized agent, in order to secure information that will disclose the nature, extent, quantity, or degree of air contaminants discharged into the atmosphere from the article, machine, equipment, or other contrivance described in the Registration form or records. *[Authority: AQR § 24.1 (Amended 07/01/04)]*
- A-33. Minor permit modifications shall be subject to the following requirements pursuant to AQR Section 12:
- a. growth allowance in Prevention of Significant Deterioration (PSD Areas); and
 - b. public notice requirements. *[Authority: AQR § 19.5.5.3.c (Amended 07/01/04)]*
- A-34. An Application for minor permit modification shall meet the requirements of Subsection 19.3.3 and shall include the following:
- a. a description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
 - b. the owner/operator's suggested draft permit conditions;
 - c. certification by a responsible official, consistent with Subsection 19.3.4, that the proposed modification meets the criteria of minor permit modification procedures; and
 - d. three (3) copies of completed forms for the Control Officer to submit to the EPA and affected States. *[Authority: AQR § 19.5.5.3.e (Amended 07/01/04)]*

- A-35. A request for a major Part 70 permit modification [19.5.5.2.a (Amended 07/01/04)] shall meet the following requirements of Section 19:
- a. a submitted Part 70 permit application pursuant to Subsection 19.3;
 - b. public participation pursuant to Subsection 19.5.8; and
 - c. review by EPA and affected states pursuant to Subsection 19.6. *[Authority: AQR § 19.5.5.5.a (Amended 07/01/04)]*
- A-36. Administrative Permit amendment is defined as a permit revision that:
- a. corrects typographical errors;
 - b. changes the name, address and/or phone number of any person identified in the Part 70 permit or similar minor administrative changes at the source;
 - c. requires more frequent monitoring or reporting by the owner/operator;
 - d. allows for a change in ownership or operational control of a source where the Control Officer determines that no other change in the permit is necessary, provided the Control Officer receives a copy of a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new owner/operator; and
 - e. allows any other type of change, which the EPA determines as part of the approved Part 70 program that is similar to administrative permit amendments listed in Subsection 19.5.4.1.a through d. *[Authority: AQR § 19.5.4.1 (Amended 07/01/04)]*

PART II: EMISSION UNITS

The stationary source covered by this Part 70 Operating Permit (OP) is defined to consist of the emission units and associated appurtenances summarized in Table II-1. *[Authority: AQR §§ 19.2.1 and 19.3.3.3 (Amended 07/01/04)]*

Table II-1: Facility Emission Units

E.U.	Description	SCC #
A01	Combustion turbine generator #3, GE frame PG 7111 (EA) - 84.5 MW, 33.71 MEQ ¹ , natural gas-fired	20100201
	Combustion turbine generator #3, GE frame PG 7111 (EA) - 84.5 MW, 21.24 MEQ ¹ , No. 2 distillate-fired	20100101
A02	Combustion turbine generator #4, GE frame PG 7111 (EA) - 84.5 MW, 33.71 MEQ ¹ , natural gas-fired	20100201
	Combustion turbine generator #4, GE frame PG 7111 (EA) - 84.5 MW, 21.24 MEQ ¹ , No. 2 distillate-fired	20100101
A03	Combustion turbine generator #5, GE frame PG 7111 (EA) - 84.5 MW, 33.71 MEQ ¹ , natural gas-fired	20100201
	Combustion turbine generator #5, GE frame PG 7111 (EA) - 84.5 MW, 21.24 MEQ ¹ , No. 2 distillate-fired	20100101
A04	Lube Oil Vent	30600813

¹MEQ = MW * permitted hours of operation / 8,760 hours.

Table II-2: Combustion Turbine Generator Emission Factors

Pollutant	Natural Gas Emission Factor ¹ (lb/MMBtu)	Number Two Distillate Emission Factor ¹ (lb/MMBtu)
PM ₁₀	0.0059	0.0120
NO _x	0.1692	0.2725
CO	0.0225	0.0228
SO ₂	0.0002	0.0539
VOC	0.0021	0.0054

¹ Emission factors provided by the source.

PART III: SPECIAL CONDITIONS

The special conditions applicable to this facility were derived from locally applicable Clark County Air Quality Regulations (AQR), State Implementation Plan (SIP) approved AQR, applicable New Source Performance Standards (NSPSs), and permits issued by Clark County Department of Air Quality and Environmental Management (DAQEM) New Source Review (NSR). The most recent NSR permit issued by DAQEM is a March 21, 2004 Operating Permit.

A. EMISSION LIMITATIONS

A-1. Neither the actual nor the allowable emissions shall exceed the respective calculated emission unit or facility-wide PTEs listed in Table III-A-1. *[Authority: NSR ATC/OP 423 Modification 1; Section II-B (03/21/04)]*

Table III-A-1: Facility Allowable Emissions PTE (tons per year)

PM ₁₀	NO _x	CO	SO _x	VOC	HAP
11.01	249.90	33.21	49.50	5.02	4.86

A-2. Actual emissions for each enumerated emission unit shall not exceed the allowable emissions specified for such emission units pursuant to Tables III-A-2 through III-A-7, inclusive. *[Authority: NSR ATC/OP 423 Modification 1, Condition II-B-2 (03/21/04) and 40 CFR § 60.44(b)(a)(4)(i)]*

Table III-A-2: Facility Potential to Emit (pounds per hour)

E.U.	PM ₁₀	NO _x	CO	SO ₂	VOC
A01	10.00	227.00	19.00	45.00	4.50
A02	10.00	227.00	19.00	45.00	4.50
A03	10.00	227.00	19.00	45.00	4.50
A04 ¹	0.00	0.00	0.00	0.00	< 0.01
Total PTE	30.00	681.00	57.00	135.00	13.51

¹ Based on GE's oil mist concentration estimate of 0.1023 milligrams per standard cubic feet per minute, an exhaust flow rate of 1,467 standard cubic feet per minute and 0.05 pounds of VOC per pound of oil.

Table III-A-3: Facility Potential to Emit (pounds per day)

E.U.	PM ₁₀	NO _x	CO	SO ₂	VOC
A01	120.00	2,724.00	228.00	540.00	54.00
A02	120.00	2,724.00	228.00	540.00	54.00
A03	120.00	2,724.00	228.00	540.00	54.00
A04	0.00	0.00	0.00	0.00	0.04
Total PTE	360.00	8,172.00	684.00	1,620.00	162.04

Table III-A-4: Facility Potential to Emit (tons per year)

E.U.	PM ₁₀	NO _x	CO	SO ₂	VOC
A01	3.67	83.30	11.07	16.50	1.67
A02	3.67	83.30	11.07	16.50	1.67
A03	3.67	83.30	11.07	16.50	1.67
A04	0.00	0.00	0.00	0.00	< 0.01
Total PTE	11.01	249.90	33.21	49.50	5.02

Table III-A-5: Enforceable Concentration Limitations for Each Turbine (ppmvd @ 15 Percent Oxygen) Three-hour Average, Excluding Start-up and Shut-down Events for Firing Natural Gas

E.U.	Description	CO	NO _x (as NO ₂)
A01	Combustion turbine generator #3	10	42
A02	Combustion turbine generator #4	10	42
A03	Combustion turbine generator #5	10	42

Table III-A-6: Enforceable Concentration Limitations for Each Turbine (ppmvd @ 15 Percent Oxygen) Three-hour Average, Excluding Start-up and Shut-down Events for Firing Number Two Distillate Oil

E.U.	Description	CO	NO _x (as NO ₂)
A01	Combustion turbine generator #3	10	65
A02	Combustion turbine generator #4	10	65
A03	Combustion turbine generator #5	10	65

Table III-A-7: Estimated Hazardous Air Pollutant (HAP) Emissions

HAP	Per Turbine (lb/hr)	Per Turbine (tpy)
Benzene	0.11	0.06
Formaldehyde	0.31	0.16
Manganese	0.32	0.11
Nickel	1.13	0.39
Phosphorous	0.28	0.09
Toluene	0.47	0.25

Xylenes (all)	1.05	0.56
Total per unit	3.67	1.62
Total for facility	11.01	4.86

Only those HAPs with a potential to exceed 0.0005 tons per year are listed. These factors are being used by DAQEM to more accurately determine HAP emissions and possible source subjectivity to MACT standards per the March 2004 promulgated rule. No single facility-wide HAP emission shall exceed ten tons per year and total facility-wide HAP emissions shall not exceed 25 tons per year. Therefore, this facility is not subject to MACT for combustion turbines.

B. OPERATIONAL AND PRODUCTION LIMITATIONS

- B-1. Heat input for each combustion turbine generator, based on the lower heating value (LHV) of the fuel, shall be limited to 846 MMBtu per hour for natural gas and 833 MMBtu per hour for number two distillate oil. Correspondingly, the heat input for each combustion turbine generator shall be limited to 39,280 pounds per hour of natural gas with a lower heating value of 21,537 Btu per pound, or 6,325 gallons per hour of number two distillate fuel oil with a lower heating value of 131,699 Btu per gallon. Determination of these heating values and consumption rates is based on operating and ambient conditions corrected to full load, evaporative cooler on, 80 degrees Fahrenheit and 60 percent relative humidity. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-A-1 (03/21/04)]*
- B-2. Operating time for each CTG shall be limited to a maximum of 12 hours per day. The annual hours of operation shall be limited to a total for all three CTGs (E.U.s A01, A02, and A03) of 3,495 hours when units are fired with natural gas, or to a total for all three CTGs of 2,202 hours when units are fired on number two distillate. Daily and annual operating hours shall not create an exceedance of the limits specified in Section A. If both fuels are used during the year, then the total hours firing on natural gas plus 1.59 multiplied by the hours firing on number two distillate shall not exceed 3,495. Total NO_x emissions from the three units under any operating conditions including full or partial load, spinning reserve with no load, and malfunction of the control device shall not exceed 249.90 tons per year. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-A-2 (03/21/04)]*
- B-3. A start-up period is defined as the start-up/shut-down period of no more than one hour immediately following the application of a load. If multiple startings of any single CTG occur on any day, the cumulative start-up periods shall not exceed a total of two hours for the purpose of determining compliance with the emission limits set forth in these conditions. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-A-3 (03/21/04)]*

C. CONTROL TECHNOLOGY REQUIREMENTS

- C-1. The turbine units (E.U.s A01, A02, and A03), when firing either natural gas or number two distillate, shall be equipped and operated with water injection, which shall be operated in accordance with the manufacturer's specifications and good operating practice. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-B-1 (03/21/04)]*
- C-2. NSLP shall combust only natural gas or number two distillate oil. *[Authority: NSR ATC/OP 423, Condition III-B-2 (03/21/04)]*

D. MONITORING, CONTINUOUS EMISSIONS MONITORING, AND COMPLIANCE ASSURANCE MONITORING

- D-1. This facility must comply with the 40 CFR 60, Subparts A and GG. In particular, all notification, record keeping, performance testing, and monitoring requirements of Sections 60.4, 60.7, 60.8, 60.334, and 60.335 must be met. It is the owner/operator's responsibility to know and follow all requirements within these federal regulations. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-D-1 (03/21/04)]*
- D-2. This facility is not subject to the acid rain regulations in 40 CFR 72. *[Authority: 40 CFR § 72.6(b)(1)]*
- D-3. The owner/operator shall not discharge into the atmosphere, from any source whatsoever, any air contaminants for a period or periods aggregating more than three minutes in any 60-minute period which is of such opacity to a degree equal to 20 percent obscuration or greater. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-D-2 (03/21/04); AQR § 26.1 and § 26.1.1 (07/01/04)]*
- D-4. When firing number two distillate oil, the owner or operator shall conduct Method 9 visible emissions testing on each CTG after 500 aggregate hours of operation plant-wide and after each aggregation of 500 hours of operation plant-wide thereafter. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-D-3 (03/21/04)]*
- D-5. Continued compliance with SO_x limitations for emission units A01 through A03 specified in Section III-A of this permit shall be demonstrated via certification of fuel sulfur analysis from the fuel oil supplier for each delivery and a quarterly certification from the natural gas supplier. The sulfur analysis shall conform to ASTM Method D129-64 or D1552-83 as specified in 40 CFR § 60.17 or other approved methods. Sulfur content shall not exceed 0.05 percent sulfur by weight. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-D-4 (03/21/04); 40 CFR § 60.333(b) and 40 CFR § 60.334(b)]*
- D-6. Any exceedance of the hourly NO_x or CO emissions limitations expressed in Section III as determined by the CEMS, excluding start-up and shut-down periods, shall be considered a violation of the emission limit imposed and may result in enforcement action. Any exceedance of the annual NO_x or CO emission limitations expressed in Section III, as determined by the CEMS, shall be considered a violation of the emission limits imposed and may result in enforcement action. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-D-5 (03/21/04)]*
- D-7. For each combustion turbine generator, NSLP shall operate the CEMS (maintained in good working order) to monitor concentrations of O₂, NO_x, and CO. Emission rates shall be calculated using the "F" factor method in accordance with 40 CFR, Appendix A, Method 19. The CEMS shall comply with 40 CFR § 60.13 and 40 CFR 60, Appendix B, performance Specifications 2, 3, and 4 and Appendix F (Quality Assurance Procedures). *[Authority: NSR ATC/OP 423 Modification 1, Condition III-D-6 (03/21/04)]*
- D-8. NSLP shall check the zero (or low-level value between zero and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with the procedure in 40 CFR Part 60 Appendix B. The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour span drift exceeds two times the limits of the applicable performance specifications in 40 CFR Part 60 Appendix B. The system must allow the amount of excess zero and span drift measured at the 24-hour interval checks to be recorded and quantified. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-D-7 (03/21/04)]*

- D-9. NSLP shall maintain the emission integrator which shall provide real-time update of the total cumulative emissions of nitrogen oxides based on information from the CEMS. Daily update shall be recorded and the daily cumulative emission data for NO_x shall be made part of the quarterly report as set forth in Section III. NSLP shall notify in writing the Department of Air Quality and Environmental Management when the total annual cumulative emission of NO_x reaches 225 tons in a calendar year. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-D-8 (03/21/04)]*
- D-10. CAM monitoring requirements apply to the turbine units at this source. CEMS must be used for CAM monitoring for NO_x. *[Authority: 40 CFR § 64.3(d)(1)]*
- D-11. For the purpose of CAM, an exceedance of NO_x is deemed to occur if the CEMS records a value higher than 227.0 pounds of NO_x per hour, based on a three-hour average. *[Authority: 40 CFR § 64.6(c)(2)]*
- D-12. In the event of an exceedance as defined in condition D-11 above, the owner or operator shall restore operation of the emission unit, including the control device, to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. *[Authority: 40 CFR § 64.7(d)]*
- D-13. In the event of an exceedance as defined condition D-11 above, the owner operator shall comply with each of the applicable CAM reporting and record keeping requirements of 40 CFR § 64.9(a). *[Authority: 40 CFR 64]*
- D-14. NSLP shall notify the Control Officer (telephone 702-455-5942) of any upset/breakdown within one hour after the occurrence, whether or not excess emissions might occur. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-D-10 (03/21/04)]*

Table III-D-1: Summation of Compliance Plan with Enforceable Requirements

Emission Unit #	Process Description	Monitored Pollutants	Applicable Subsection Title	Requirements	Compliance Monitoring
A01 A02 A03	Combustion turbines units	CO, NO _x , SO ₂ , PM ₁₀ , VOC, HAPs	AQR Section 12, Section 19, Section 55 40 CFR Subpart GG	Annual and short-term emission limits.	<p>CEMS for NO_x and CO.</p> <p>Stack testing by EPA Methods as approved by DAQEM and EPA in current ATC/OP.</p> <p>Compliance for HAPs and non-CEMS monitored emissions shall be based on fuel consumption and emission factors.</p> <p>Recording is required for compliance demonstration.</p> <p>Recording of water injection rates.</p> <p>Quarterly sulfur content certification required from supplier to be submitted with reports. Distillate sulfur content to be tested, recorded for each delivery. Record keeping of sulfur content quarterly. Excess emissions report if sulfur exceeds 0.05 percent by weight.</p> <p>Method 9 required weekly after 500 hours of continuous oil-firing and then after each 500 hours of operation thereafter. Immediate logging of any opacity noted, and correction of opacity exceedance. Reporting of upset/breakdown to EPA and DAQEM.</p>
			Subpart GG	Sulfur content in distillate oil limited by weight. Sulfur content in natural gas limited by grains per 100 standard cubic feet.	
			Subpart GG AQR Section 26	Opacity ≤ 20%	

E. PERFORMANCE TESTING

- E-1. Initial performance tests for emission units A01, A02, and A03 when burning natural gas and number two distillate oil have been completed (June 1991). For any additional performance tests that are required, EPA Method 20 shall be used to determine NO_x and O₂ concentrations. The span value shall be 100 ppm of nitrogen oxide at 21 percent oxygen. The NO_x emissions shall be determined at four points in the normal operating range. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-E-1 (03/21/04)]*
- E-2. When firing on natural gas, the owner or operator shall conduct NO_x and CO performance tests on each CTG once every five years. Table III-E-1 summarizes NO_x and CO performance test methods for the CTG units. *[Authority: 40 CFR § 70.6(a)(3)(B)]*

Table III-E-1: Performance Testing Requirements (40 CFR 60, Appendix A)

Test Point	Pollutant	Method
CTG Exhaust Outlet Stack	NO _x	Chemiluminescence Analyzer (EPA Method 20)
CTG Exhaust Outlet Stack	CO	EPA Method 10

- E-3. When firing number two distillate oil, the owner or operator shall conduct Method 9 visible emissions testing on each CTG after 500 aggregate hours of operation plant-wide and after each aggregation of 500 hours of operation plant-wide thereafter. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-D-3 (03/21/04)]*
- E-4. Upon issuance of the permit, initial source testing for the PM₁₀ and VOC emission limits for each CTG while firing on number two distillate oil, using Method 5 and 25A, respectively, shall be conducted after an aggregate of 750 hours of number two distillate oil combustion in each emission unit. Thereafter, the frequency of periodic testing shall be repeated after every aggregate 750 hours of number two distillate oil firing in each CTG. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-D-9 (03/21/04)]*
- E-5. Relative Accuracy Test Audits (RATA) of the NO_x and CO CEMS shall be conducted at least annually. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-D-11 (03/21/04)]*

F. RECORD KEEPING

- F-1. Records and data required by this certificate to be maintained by the owner/operator may, at the owner/operator's expense, be audited at any time by a third party selected by the Control Officer. *[Authority: AQR § 19.4.1.3 (Amended 07/01/04)]*
- F-2. All records and logs, or a copy thereof, shall be kept on-site for a minimum of five years from the date the measurement was taken or data was entered and shall be made available to DAQEM upon request. *[Authority: AQR § 19.4.1.3 (Amended 07/01/04) and NSR ATC/OP 423 Modification 1, Condition III-G-1 (03/21/04)].*
- F-3. The Control Officer reserves the right to require additional requirements concerning records and record keeping for this source. *[Authority: AQR § 19.4.1.3 (Amended 07/01/04)]*
- F-4. NSLP shall record and maintain the following monitoring data, information, and records:
 - a. the date, sampling location, and the time of any sampling or testing required by this permit *[AQR § 19.4.1.3.b.1 (Amended 07/01/04)]*;

- b. the date or dates the analyses were performed and the company or entity that performed the analyses [AQR § 19.4.1.3.b.3 (Amended 07/01/04)];
 - c. the analytical techniques or methods used and the results of such analyses [AQR § 19.4.1.3.b.3 (Amended 07/01/04)];
 - d. the water injection rate for each CTG [NSR ATC/OP 423 Modification 1, Condition III-F-3-d (Amended 03/21/04)];
 - e. the operating conditions existing at the time of sampling or measurement [AQR § 19.4.1.3.b.4 (Amended 07/01/04)]; and
 - f. records including required monitoring data and support information shall be maintained for a period of at least five years from the date of the monitoring sample, measurement, or report [AQR § 19.4.1.3.b.5 (Amended 07/01/04)].
- F-5. All concentrations of NO_x and CO emissions must be expressed in parts per million by volume corrected to 15 percent O₂, on a dry basis, and must be averaged over a continuous three-hour operating period. [Authority: NSR ATC/OP 423 Modification 1, Condition III-F-4 (03/21/04)]
- F-6. NSLP shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative. [Authority: NSR ATC/OP 423 Modification 1, Condition III-F-5 (03/21/04) and 40 CFR § 60.7(b)]
- F-7. NSLP shall maintain records of the nature and amounts of emissions from each combustion turbine and/or any other information as may be deemed necessary by the Control Officer to determine whether such source is in compliance with applicable emission limitations or other control measures. This information shall be summarized and reported to the Control Officer. [Authority: NSR ATC/OP 423 Modification 1, Condition III-F-6 (03/21/04)]
- F-8. Emission data obtained pursuant to the Operating Permit shall be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the Department of Air Quality and Environmental Management, 500 South Grand Central Parkway, Las Vegas, Nevada 89155. [Authority: NSR ATC/OP 423 Modification 1, Condition III-F-7 (03/21/04)]

G. REPORTING

- G-1. Regardless of the date of issuance of this Part 70 OP, the schedule for the submittal of reports to the DAQEM Compliance Reporting Supervisor shall be as follows:

Quarter	Applicable Period	Due Date	Required Contents
1	January, February, March	April 30 each year	Quarterly Report for 1 st Calendar Quarter
2	April, May, June	July 30 each year	Quarterly Report for 2 nd Calendar Quarter
3	July, August, September	October 30 each year	Quarterly Report for 3 rd Calendar Quarter
4	October, November, December	January 30 each year	Quarterly Report for 4 th Calendar Quarter, any additional annual records required, and Annual Certification of Compliance

Note: The first calendar quarter after the issuance of the Part 70 OP may be a partial quarter. A report is required for this quarter. Each report must be received by the DAQEM Compliance Reporting Supervisor on or before the due date listed. If the due date falls on a Saturday, Sunday, or legal holiday, then the submittal is due on the next regularly scheduled business day.

[Authority: AQR § 19.4.3 (Amended 07/01/04)]

G-2. Quarterly reports to DAQEM shall contain:

- a. the magnitude of excess emissions computed in accordance with 40 CFR § 60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions;
- b. in accordance with 40 CFR § 60.7(c)(2), specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted;
- c. in accordance with 40 CFR § 60.7(c)(3), the date and time identifying each period during which the CEMS was inoperative, except for zero and span checks, and the nature of the system repairs or adjustments; and
- d. in accordance with 40 CFR § 60.7(c)(4), when no excess emissions have occurred or the CEMS have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

G-3. One summary report form, for excess emissions, shall be submitted for NO_x and one summary report shall be submitted for CO as detailed below. The summary report form shall contain the following information and be in the format shown in Figure 1 unless otherwise specified by the Control Officer. Figure 1 is attached at the end of this permit.

- a. If the total duration of excess emissions for the reporting period is less than one percent of the total operating time for the reporting period, and CEMS downtime for the reporting period is less than five percent of the total operating time for the reporting period, only the summary report form shall be submitted, and the excess emission report described in III-G-3 need not be submitted unless requested by the Administrator.
- b. If the total duration of excess emissions for the reporting period is one percent or greater of the total operating time for the reporting period or if the total CEMS downtime for the reporting period is five percent or greater of the total operating time for the reporting period, the summary report form and the excess emission report described in III-G-3 shall both be submitted. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-G-4 (03/21/04); 40 CFR § 60.7(d)(1) and (d)(2)]*

G-4. As soon as monitoring data indicate that NSLP is not in compliance with any emission limitation or operating parameter specified in the applicable standard, NSLP shall submit an excess emissions and monitoring systems performance report (and summary report, if required) to DAQEM immediately. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-G-5 (03/21/04)]*

G-5. Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under Condition III-D-8 of this permit, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows: all CEMS shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) pursuant to 40 CFR 60. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-G-6 (03/21/04)]*

- G-6. For CEMS, one-hour averages shall be computed from four or more data points equally spaced over each one-hour period. Data recorded during periods of continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this condition. An arithmetic or integrated average of all data may be used. The data may be recorded in reduced or nonreduced form. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-G-7 (03/21/04)]*
- G-7. The annual emissions inventory shall be submitted by March 31 to the Compliance Reporting Supervisor and shall include the emission factors and calculations used to determine the actual emissions from each permitted emission unit. *[Authority: NSR ATC/OP 423 Modification 1, Condition III-G-8 (03/21/04)]*

H. EMISSION REDUCTION CREDITS (OFFSETS)

The source is subject to offset requirements in accordance with Section 59 of the Clark County Air Quality Regulations. Offset requirements and associated mitigation are pollutant-specific. *[Authority: AQR Section 59 (Amended 10/7/04)]*

I. CIRCUMVENTION

Nevada Sun-Peak shall not build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere. *[Authority: 40 CFR § 60.12]*

PART IV: ANNUAL FEE REQUIREMENTS

- A-1. Permit fees, including the annual emission fee, shall be determined pursuant to Section 18 of the AQR - Permit and Technical Service Fees, and shall be invoiced in January of each year. Failure to pay Part 70 Operating Permit fees may result in citations, suspensions or revocation of the Part 70 Operating Permit. *[Authority: AQR § 19.4.1.7 (Amended 07/01/04)]*
- A-2. NSLP shall pay an annual Part 70 emission fee. *[Authority: AQR § 19.4.1.7 (Amended 07/01/04) and § 18.6.1 (Amended 07/01/04)]*
- A-3. Fees are assessed on each emission unit pursuant to the definition "Emission Unit" in Section 0 of the AQR. *[Authority: AQR § 18.2 (Amended 07/01/04) and § 0 (Amended 10/07/04)]*
- A-4. The Annual Part 70 emission fee shall be based on the total number of tons of actual annual emissions for all regulated air pollutants (rounded off to the nearest whole number). *[Authority: AQR § 18.6.2 (Amended 07/01/04)]*

Table IV-1: Emission Units Subject to Fees

E.U.	Description	SCC #	Billing Code ¹
A01	Combustion turbine generator #3, GE frame PG 7111 (EA) - 84.5 MW, 33.71 MEQ, natural gas-fired	20100201	TR1, MEQ
	Combustion turbine generator #3, GE frame PG 7111 (EA) - 84.5 MW, 21.24 MEQ, No. 2 distillate-fired	20100101	
A02	Combustion turbine generator #4, GE frame PG 7111 (EA) - 84.5 MW, 33.71 MEQ, natural gas-fired	20100201	TR1, MEQ
	Combustion turbine generator #4, GE frame PG 7111 (EA) - 84.5 MW, 21.24 MEQ, No. 2 distillate-fired	20100101	
A03	Combustion turbine generator #5, GE frame PG 7111 (EA) - 84.5 MW, 33.71 MEQ, natural gas-fired	20100201	TR1, MEQ
	Combustion turbine generator #5, GE frame PG 7111 (EA) - 84.5 MW, 21.24 MEQ, No. 2 distillate-fired	20100101	
A04	Lube Oil Vent	30600813	DM

¹ Type is a designation for Emissions Unit Billing purposes, TR1 = Turbine 2.5 MW or larger, MEQ = MW * permitted hours of operation / 8,760 hours. Fees are listed in Section 18 of the AQR.

- A-5. Actual annual emissions shall mean the following:
 - a. measured emissions for any emission monitored by a continuous emissions monitoring system (CEMS) over the previous calendar year; or
 - b. estimated emissions for any emission calculated based on annual facility production over the previous calendar year. *[Authority: AQR § 18.6.2.1 (Amended 07/01/04)]*
- A-6. Effective each January 20, all operating permits and emission unit fee rates shall be adjusted according to the relative percent change from the previous calendar year in the Urban Consumer Price Index (CPI-U), which is published by the U. S. Department of Labor, Bureau of Labor Statistics. *[Authority: AQR § 18.2.9 (Amended 07/01/04)]*
- A-7. Any delinquency on the payment of any applicable fees beyond 45 days shall result in issuance of a Notice of Violation (NOV) which may impose additional penalties. *[Authority: AQR § 18.14.2.c (Amended 07/01/04)]*
- A-8. Delinquency on the payment of any annual applicable fee(s) beyond 90 days shall be subject to permit revocation proceedings. *[Authority: AQR § 18.14.2.d (Amended 07/01/04)]*
- A-9. Failure to pay any other applicable fee(s) shall result in enforcement action including permit revocation. *[Authority: AQR § 18.14.3 (Amended 07/01/04)]*
- A-10. Actual emissions shall be determined through annual Control Officer inspection or throughput survey of the Part 70 source. Differences between actual emissions and PTE emissions shall be used to determine any adjustments to invoice fees in the subsequent year. *[Authority: AQR § 19.7.2 (Amended 07/01/04)]*

END OF PART 70 OPERATING PERMIT 423

Figure 1. Summary Report-Gaseous Excess Emission and Monitoring System Performance.

Pollutant (Circle One-NO_x/CO) Reporting period dates: From _____ to _____

Company:
 Address:

Emission Limitation _____ Monitor Manufacturer and Model No. _____

Date of Latest CMS Certification or Audit _____

Process Unit(s) Description:

Total source operating time in reporting period ¹

Emission data summary ¹	CMS performance summary ¹
------------------------------------	--------------------------------------

- | | |
|---|--|
| <p>1. Duration of excess emissions in reporting period due to:</p> <ul style="list-style-type: none"> a. Startup/shutdown..... b. Control equipment problems..... c. Process problems..... d. Other known causes..... e. Unknown causes..... <p>2. Total duration of excess emission.....</p> <p>3. Total duration of excess emissions x (100)[Total source operating time]. %²</p> | <p>1. CMS downtime in reporting period due to:</p> <ul style="list-style-type: none"> a. Monitor equipment malfunctions..... b. Non-Monitor equipment malfunctions..... c. Quality assurance calibration..... d. Other known causes..... e. Unknown causes..... <p>2. Total CMS Downtime.....</p> <p>3. [Total CMS Downtime] x (100) [Total source operating time]. %²</p> |
|---|--|

¹ For gases, record all times in hours.

² For the reporting period: If the total duration of excess emissions is 1 percent or greater of the total operating time or the total CMS downtime is 5 percent or greater of the total operating time, both the summary report form and the excess emission report described in 60.7(c) shall be submitted.

On a separate page, describe any changes since last quarter in CMS, process or controls. I certify that the information contained in this report is true, accurate, and complete.

 Name

 Signature

 Title

 Date