State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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Madison, WI 53707-7921

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November 7, 2023

FID NO.: 252302490
CONSTRUCTION PERMIT NO.: 23-DMM-104
OPERATION PERMIT NO.: 25230249A-F01

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Christa Markgraff
East Region Leader - AMER
Microsoft Corporation - MKE 3B Data Center
2200 Lakewood Blvd
Hoffman Estates, IL 60192

Dear Christa Markgraff:

Your application for an air pollution control construction permit has been processed in accordance with s. 285.61, Wis. Stats. Your application for an air pollution control operation permit has been processed in accordance with s. 285.62, Wis. Stats., and s. NR 407.07, Wis. Adm. Code. Final permits 23-DMM-104 and 25230249A-F01 have been issued.

Construction permit 23-DMM-104 provides authorization for the construction of a data center including emergency engine generators and fire pumps in accordance with the requirements and conditions set forth within all Parts of the permit. The authorization to construct any process covered by the construction permit expires 42 months after the date the permit is issued. Notwithstanding the fact that authorization to construct expires, all of the conditions of the construction permit (those conditions identified by the construction permit number) are permanent unless they are revised through a revision of the construction permit or through the issuance of a new construction permit, as appropriate.

This operation permit does not expire and remains effective unless revised, suspended or revoked. The Department may revise the permit for cause under s. NR 407.14(1m)(f), Wis. Adm. Code, to establish an expiring term. [s. 285.66(2)(c), Wis. Stats., and Section NR 407.09(1)(b)3., Wis. Adm. Code.]

Download a copy of permit 23-DMM-104 using the Air Permit Search Tool at https://apps.dnr.wi.gov/warp_ext/AM_PermitTrackingSearch.aspx:

- Enter 23-DMM-104 in the "Permit No:" space, and click "Search"
- Click on "Permit and Permit Applications" tab.
- Click "Select" next to permit number 23-DMM-104.
- Click "Dwnld" next to the document name that contains "final_permit".

Download a copy of permit 25230249A-F01 using the Air Permit Search Tool at https://apps.dnr.wi.gov/warp_ext/AM_PermitTrackingSearch.aspx:

- Enter 25230249A-F01 in the "Permit No:" space, and click "Search"
- Click on the "Permit and Permit Applications" tab.
- Click "Select" next to permit number 25230249A-F01.
- Click "Dwnld" next to the document name that contains "final_permit".

Alternatively, to request a hard copy, send an email to DNRAMAIRPERMIT@wisconsin.gov indicating the permit number you are requesting and mailing address.

The conditions of the final permits may have changed as a result of comments received and further analysis by the department. **Please read the final permits carefully.** For more information on any changes to the final permits, refer to the Summary of Changes and Comments memo available using the Air Permit Search Tool, referenced above and clicking "Dwnld" next to the document that contains "summary_of _changes_and_comments".

A bill for the cost of reviewing and acting upon your air pollution control permit will be mailed to you under a separate cover.

A copy of this permit should be available at the source for inspection by any authorized representative of the Department. Questions about this permit should be directed to the DNR Compliance Engineer assigned to your facility. To find the contact information for your facility's assigned DNR Compliance Engineer, use the Air Permit Search tool (https://apps.dnr.wi.gov/warp_ext/AM_PermitTrackingSearch.aspx) to navigate to your facility's page. Once on the facility page, choose the "DNR Air Contacts" tab.

NOTICE OF APPEAL RIGHTS

The Wisconsin statutes establish time periods for requesting review of department decisions.

A petition for a contested case hearing pursuant to s. 285.81, Wis. Stats., shall be filed on the Secretary of the Department of Natural Resources within 30 days after the decision is mailed or otherwise served by the Department. Filing of any such petition must be accomplished in the manner prescribed by s. NR 2.03, Wis. Adm. Code for service of contested case hearing requests upon the Secretary[1] and the petition must specifically set forth the issue sought to be reviewed, the interest of the petitioner, the reasons why a hearing is warranted and the relief desired. Pursuant to s. 285.81(1m), Wis. Stats., if a permit holder or applicant seeks a hearing challenging part of a permit or a condition or requirement in a permit, the remainder of the permit shall become effective, subject to one exception: an emission limitation in a construction permit becomes effective despite a challenge, unless the permit holder or applicant obtains a stay of the emission limitation.

A person other than a permit holder or applicant may file a petition for a contested case hearing if the requirements of s. 285.81(2), Wis. Stats., are met.

A petition for judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. Stats., shall be filed with the appropriate circuit court and served on the department in the manner prescribed by those statutes, within 30 days after the decision is mailed, or otherwise served by the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

Jordan Munson

Jordan Munson
Air Management Engineer

Enclosure

[1] Section NR 2.03 Wis. Adm. Code reads:

Service on the department. All petitions for hearings, petitions for rules, petitions for declaratory rulings, petitions for review of contested case decisions under s. NR 2.20, answers and complaints required by any statute or rule shall be served on the department by personal delivery to the office of the secretary, by mailing to the secretary by certified mail, at the following address: PO Box 7921, Madison, Wisconsin 53707-7921.

BEFORE THE DEPARTMENT OF NATURAL RESOURCES
AIR MANAGEMENT PROGRAM
FINDINGS OF FACTS
CONCLUSIONS OF LAW
AND DECISION

Findings of Fact

The Department of Natural Resources (DNR) finds that:

1) Microsoft Corporation - MKE 3B Data Center, 4800 90th Street, Mount Pleasant, Racine County, Wisconsin, has applied for an air pollution control permit. The responsible official of the facility is Christa Markgraff, East Region Leader - AMER.
2) Microsoft Corporation - MKE 3B Data Center submitted an air pollution control permit application and plans and specifications and additional information describing the air pollution source on August 17, 2023, September 21, 2023, and October 4, 2023. The application was deemed complete on October 4, 2023.
3) DNR has reviewed Microsoft Corporation - MKE 3B Data Center's air permit application, plans, specifications and other information available to DNR.
4) DNR has prepared an analysis and a Preliminary Determination on the approvability of the permit application.
5) This permit is for the construction of an air pollution source and the operation of a synthetic minor, non-Part 70 air pollution source.
6) DNR is required to comply with s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code, in conjunction with issuing an air pollution control permit.
7) DNR is required to comply with s. 44.40, Wis. Stats. when issuing an air pollution control permit.

Conclusions of Law

DNR concludes that:

1) DNR has authority under s. 285.11(1), Wis. Stats., to promulgate the rules in chs. NR 400 to 499, Wis. Adm. Code, including but not limited to rules containing emission limits, compliance schedules and compliance determination methods.
2) DNR has the authority under ss. 285.11(1), (5) and (6), and 285.27 (1) and (2), Wis. Stats., and chs. NR 400 to 499, Wis. Adm. Code, to establish emission limits for sources of air pollution.
3) DNR has the authority to issue air pollution control permits and to include conditions in such permits under subch. VII of ch. 285, Wis. Stats., and chs. NR 405 through NR 409, Wis. Adm. Code.
4) The emission limits and other conditions included in this permit are authorized by s. 285.65, Wis. Stats., and chs. NR 400 to 499, Wis. Adm. Code.
5) DNR has complied with the procedures set forth in ss. 285.61 and 285.62, Wis. Stats., and NR 407.07, Wis. Adm. Code.
6) The proposed air pollution source meets all of the applicable criteria in ss. 285.63 and 285.64, Wis. Stats.
7) DNR has complied with the requirements of s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code.
8) DNR has complied with the requirements of s. 44.40, Wis. Stats.

Permit Decision

Microsoft Corporation - MKE 3B Data Center is authorized to construct and operate a data center including emergency engine generators and fire pumps as described in plans and specifications dated August 17, 2023, September 21, 2023, and October 4, 2023, in conformity with the emission limits, monitoring, recordkeeping and reporting requirements and specific and general conditions set forth in this permit.

AIR POLLUTION CONTROL CONSTRUCTION PERMIT
AIR POLLUTION CONTROL OPERATION PERMIT

EI FACILITY NO: 252302490

OPERATION PERMIT NO: 23-DMM-104
CONSTRUCTION PERMIT NO(s): 25230249A-F01

TYPE: Construction Permit for Process(es): P01 to P42
Operation Permit Action Type: Synthetic Minor, Non-Part 70 Operation Permit

In compliance with the provisions of Chapter 285, Wis. Stats., and Chapters NR 400 to NR 499, Wis. Adm. Code,

Name of Source:	Microsoft Corporation - MKE 3B Data Center
Street Address:	4800 90th Street, Mount Pleasant, Racine County, Wisconsin
Responsible Official, & Title:	Christa Markgraff, East Region Leader - AMER

is authorized to construct and operate a data center in conformity with the plans and specifications dated August 17, 2023, September 21, 2023, and October 3, 2023, and the conditions herein. The authorization to construct, reconstruct, replace and/or modify any process covered by this construction permit is valid for **forty-two (42) months** from the date of issuance, unless the permit is revoked or suspended. The department may extend the time period to construct, reconstruct, replace or modify for up to 18 additional months for purposes of commencing or completing construction, reconstruction, replacement or modification, on written request upon satisfactory showing that an extension is justified. [ss. 285.60(1) and 285.66, Wis. Stats.; s. NR 406.12, Wis. Adm. Code] The conditions in a construction permit are permanent unless revised through a revision of the construction permit condition, revision of a construction permit, or through the issuance of a new construction permit. [s. 285.66(1), Wis. Stats.] The permit conditions included in air pollution control construction permit 23-DMM-104 are identified by the citation of 23-DMM-104 in square brackets [] at the end of the permit condition.

This operation permit does not expire and remains effective unless revised, suspended or revoked. The Department may revise the permit for cause under s. NR 407.14(1m)(f), Wis. Adm. Code, to establish an expiring term. [Section NR 407.09(1)(b)3., Wis. Adm. Code].

Conditions of the permit marked with an asterisk (*) have been created outside of Wisconsin's federally approved State Implementation Plan (SIP) and are not federally enforceable.

This authorization requires compliance by the permit holder with the emission limitations, monitoring requirements and other terms and conditions set forth in all Parts hereof.

Dated at Milwaukee, Wisconsin November 7, 2023

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By Michael Szabo
Michael Szabo, Air Management Program Supervisor

PREAMBLE TO THE OPERATION PERMIT

Permit Actions/Orders Summary Table

Permit/Order/ Exemption Number	Issued/Approved	Sources covered and desc.†	Status
23-DMM-104	11/09/2023	Construct P01 to P42	Included in 25230249A-F01
25230249A-F01	11/09/2023	Total Facility	Active - Primary Enforcement Document

† – Total Facility refers to all existing units at the facility at the time of issuance of the permit listed.

Stack and Process Index:

A. Stacks S01 to S39, Processes P01 to P39: Thirty-nine (39) ≤ 3,213 kW (≤ 4,309 hp) diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generators
B. Stack S40, Process P40: ≤ 563 kW (≤ 755 HP) Diesel/HVO-fired emergency engine generator
C. Stacks S41, S42, Processes P41, P42 – Two (2) ≤ 97 kW (≤ 130 HP) Diesel/HVO-fired Fire Pumps

Emissions Units, Operations and Activities Listed under s. NR 407.05(4)(c)9.:[1]

- Maintenance of Grounds, Equipment, and Buildings (lawn care, painting, etc.)
- Fire Control Equipment
- Janitorial Activities
- Fuel Oil Storage Tanks (<10,000 gallons)

Permit Shield - Unless precluded by the administrator of the US EPA under 42 USC 7661c(f), compliance with all emission limitations in this operation permit is considered to be compliance with all emission limitations established under ss. 285.01 to 285.87, Wis. Stats., and emission limitations under the federal clean air act that are applicable to the source as of the date of issuance of this permit, if the permit includes the applicable emission limitation or the department determines in writing that the emission limitations do not apply by listing them below. [s. 285.62(10)(b), Wis. Stats., s. NR 407.09(5), Wis. Adm. Code]

In acting on the application for this permit, the department determined the following emission limitations do not apply to this stationary source at the time of issuance of this permit:

None

No condition of this permit alters or affects:
1. The authority of the administrator of the EPA under section 303 of the Act (42 USC 7603).
2. The liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance.
3. The applicable requirements of the acid rain program.
4. The ability of the administrator of the EPA to obtain information from a source pursuant to section 114 of the Act (USC 7414).
   [s. NR 407.09(5)(b), Wis. Adm. Code]

Construction Permit Conditions - The Wisconsin Department of Natural Resources issues Air Pollution Control Operation Permits for sources of air pollution, as required by chapter NR 407, Wis. Adm. Code, and Title V of the Clean Air Act (Act). Operation permits may contain conditions established under the permit programs for new and modified emission units, pursuant to chapters NR 405, 406, and 408, Wis. Adm. Code, and Title I of the Act. The terms or conditions of any construction permit issued pursuant to ch. NR 405, 406 or 408, Wis. Adm. Code are applicable requirements as defined by s. NR 400.02(26)(b), Wis. Adm. Code. This operation permit contains provisions that are consistent with any condition in a previously issued construction permit that is still applicable to the source. The specific conditions in this operation permit that were in previously issued construction permits are identified by referencing the appropriate construction permit number in the square brackets [] at the end of the condition as the origin of the condition. Conditions in this operation permit that contain a construction permit

[1] The emissions units, operations and activities listed here are those identified in s. NR 407.05(4)(c)9., Wis. Adm. Code that are not otherwise include in Part I of this permit. These units, operations and activities are subject to all applicable requirements including those listed in Part II.

number in square brackets [] do not replace, revise or supersede the original construction permit condition contained in the referenced construction permit. Conditions that are contained in construction permits are permanent unless the conditions are revised through a revision of the construction permit or through the issuance of a new construction permit. Conditions contained in previously issued construction permits that are revised by construction permit revision(s) processed with this operation permit are revised under the authority of s. NR 406.11, Wis. Adm. Code and are identified by referencing the appropriate construction permit revision number in the square brackets [] at the end of the condition.

Part I - The headings for the columns in the permit are defined below. The origin of and authority for each permit condition are identified in square brackets [] at the end of each condition.

Limitations - This column lists all applicable emission limitations that apply to the source, including case-by-case limitations such as Latest Available Control Techniques (LACT), Best Available Control Technology (BACT), or Lowest Achievable Emission Rate (LAER). It also lists any elected restrictions on hours of operation, raw material use, or production rate requested by the permittee to limit potential to emit.

Compliance Demonstration - The compliance demonstration column contains applicable compliance testing, monitoring, reporting, recordkeeping and operational requirements to assure compliance with the associated emission limitations and work practice standards listed in the **Limitations** column. Any requirement to perform compliance emission testing as well as initial and periodic test schedules, if required, are included here. Notwithstanding the listed compliance demonstration methods and the compliance determination requirements in ch. NR 439, Wis. Adm. Code, the department may use any relevant information or appropriate method to determine a source's compliance with applicable emission limitations.

Reference Test Methods, Recordkeeping, and Monitoring Requirements - Applicable recordkeeping and monitoring requirements, their frequency, and reporting requirements are included in this column. Accuracy of monitoring equipment shall meet, at a minimum, the requirements of s. NR 439.055(3) and (4), Wis. Adm. Code, as specified in Part II of this permit. Compliance emission test methods and procedures are included in Part II of this permit. Additional or alternate applicable test methods that must be used whenever testing is required are identified in this column. A reference test method is listed in Part II or in this column even if no testing is immediately required.

New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) – Permit condition numbering in NSPS and NESHAP sections of the permit differs from permit condition numbering in other sections of the permit. The permit condition numbers in sections of the permit that contain NSPS and NESHAP requirements are the associated provision numbers from the relevant standard as they appear in the Part and Subpart of Title 40 of the Code of Federal Regulations referenced in the table header. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision. The primary condition numbers in bold parentheses with a decimal represent the section number of the standard. The number to the left of the decimal is the Part of 40 CFR (e.g. 60 for the NSPS requirements in 40 CFR Part 60, 63 for the NESHAP requirements in 40 CFR Part 63.) The number to the right of the decimal is the section number from the Subpart identified in the table header. References to "this section" in permit conditions in NSPS and NESHAP sections of the permit refer to the section of the associated Part and Subpart of 40 CFR referenced in the table header and the corresponding primary permit condition number with a decimal in bold parentheses. References to "this subpart" in permit conditions in NSPS and NESHAP sections of the permit refer to the Part and Subpart of 40 CFR referenced in the table header. NSPS and NESHAP requirements are included in the permit under the authority of s. 285.65(13), Wis. Stats.

Part II - This section contains general limitations and standard conditions that all permittees must abide by. These requirements are included in this section with every permit.

An Asterisk (*) throughout this document denotes legal authority, limitations and conditions which are not federally enforceable [Section NR 407.09(3)(b), Wis. Adm. Code.].

"You", "your", "person" and "owner or operator" throughout this permit means the owner or operator of the facility to which this permit was issued where the term is used. [s. NR 460.02(41), Wis. Adm. Code]

Part I: Source Specific Permit Conditions

A. Stacks S01 to S39, Processes P01 to P39: Thirty-nine (39) ≤ 3,213 kW (≤ 4,309 hp) diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generators, construction authorized by 23-DMM-104.		
1. Pollutant: Particulate Matter / PM_{10} Emissions		
a. Limitations	**b.** Compliance Demonstration	**c.** Reference Test Methods, Recordkeeping and Monitoring Requirements
(1) When firing diesel, no person may cause, allow or permit the emissions of particulate matter to the ambient air from an engine in excess of 0.50 pounds of particulate matter per million Btu heat input. [s. NR 485.055, Wis. Adm. Code; 23-DMM-104] **(2)** When firing hydrotreated vegetable oil, no person may cause, allow or permit the emissions of particulate matter to the ambient air from any fuel-burning installation in excess of 0.15 pounds of particulate matter per million Btu heat input. [s. NR 415.06(2)(a), Wis. Adm. Code; 23-DMM-104]	**(1)** The permittee shall combust only ultra-low sulfur diesel and/or hydrotreated vegetable oil in the engines. [s. 285.65(3), Wis. Stats., s. NR 407.09(1)(a), Wis. Adm. Code; 23-DMM-104]	**(1)** The permittee shall maintain records of the types of fuels fired in the engines. [s. NR 439.04(1)(d), Wis. Adm. Code; 23-DMM-104]

A. Stacks S01 to S39, Processes P01 to P39: Thirty-nine (39) ≤ 3,213 kW (≤ 4,309 hp) diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generators, construction authorized by 23-DMM-104.		
2. Pollutant: Visible Emissions		
a. Limitations	**b.** Compliance Demonstration	**c.** Reference Test Methods, Recordkeeping and Monitoring Requirements
(1) The permittee may not cause or allow emissions of shade or density greater than number 1 of the Ringlemann chart or 20% opacity, with the exceptions in s. NR 431.05, Wis. Adm. Code. [s. NR 431.05, Wis. Adm. Code; 23-DMM-104]	**(1)** The permittee shall combust only ultra-low sulfur diesel and/or hydrotreated vegetable oil in the engines. [s. 285.65(3), Wis. Stats., s. NR 407.09(1)(a), Wis. Adm. Code; 23-DMM-104]	**(1)** The permittee shall maintain records of the types of fuels fired in the engines. [s. NR 439.04(1)(d), Wis. Adm. Code; 23-DMM-104]

A. Stacks S01 to S39, Processes P01 to P39: Thirty-nine (39) ≤ 3,213 kW (≤ 4,309 hp) diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generators, construction authorized by 23-DMM-104.		
3. Pollutant: Nitrogen Oxides (NO_x) Emissions		
a. Limitations	**b.** Compliance Demonstration	**c.** Reference Test Methods, Recordkeeping and Monitoring Requirements
(1) No person may cause, allow or permit nitrogen oxides to be emitted from a reciprocating internal combustion engine in an amount greater than 6.9 grams per brake horsepower-hour. [s. NR 428.04(2)(h)1., Wis. Adm. Code; 23-DMM-104] **(2)** The permittee may not combust more than 68,333 gallons per month of diesel fuel and hydrotreated vegetable oil, combined, in engines P01 to P39, combined, averaged over any consecutive 12-month period.[2] [s. 285.65(7), Wis. Stats.; 23-DMM-104]	**(1)** The permittee shall: **(a)** Install engines that are certified to the emission standards specified in condition I.A.4.a.(60.4202)(b)(2); **(b)** Only fire diesel fuel or hydrotreated vegetable oil in the engines as specified in condition I.ZZZ.5.a.(1) and (2); **(c)** Operate and maintain each stationary CI internal combustion engine and control device according to the manufacturer's emission-related written instructions; **(d)** Change only those emission-related settings that are permitted by the manufacturer; **(e)** Meet the requirements of 40 CFR part 1068, as applicable; **(f)** Operate the engines as emergency engines as specified in condition I.A.4.a.(60.4211)(f). [ss. NR 407.09(1)(a), 407.09(4)(a)1., and 428.04(3)(b), Wis. Adm. Code; s. 285.65(3), Wis. Stats.; 23-DMM-104] **(2)** Within 15 days after the end of each month, the permittee shall calculate: **(a)** The volume of diesel fuel and hydrotreated vegetable oil, combined, combusted in engines P01 to P39, combined for the previous month; and **(b)** The monthly volume of diesel fuel and hydrotreated vegetable oil, combined, combusted in engines P01 to P39, combined, averaged over the previous consecutive 12-month period. **i.** For the first 11 months after initial operation of any of engines P01 to P39, the permittee shall calculate the monthly average volume of fuel combusted by summing the fuel combusted in the first X months of operation and dividing by X, where X is the number of months since the first engine of P01 to P39 became operational; and	**(1)** The permittee shall maintain the following records: **(a)** Manufacturer's certification for each engine that the engine meets the applicable limit in 40 CFR 63, Subpart IIII; **(b)** Records of the types of fuels fired in each engine; **(c)** Manufacturer's emission-related written instructions for the engines; **(d)** Records of any instance in which each engine was not configured, operated or maintained in accordance with the manufacturer's emission-related written instructions; **(e)** Records of the maintenance conducted on each engine, including the date, a description of the action, and the initials of the individual performing the maintenance; **(f)** The records required under I.ZZZ.5.a.(3) and (4); **(g)** Records of the operation of each engine in emergency and non-emergency service that are recorded through a non-resettable hour meter. These records shall include the time of operation of the engine and the reason the engine was in operation during that time; and **(h)** Calendar year total hours of operation of each engine in emergency and non-emergency service and records that are sufficient to determine if the requirements of condition I.A.4.a.(60.4211)(f) are met for each engine. [s. NR 439.04(1)(d), Wis. Adm. Code; 23-DMM-104] **(2)** The permittee shall maintain records of: **(a)** The monthly volume of diesel fuel and hydrotreated vegetable oil, combined, combusted in engines P01 to P39, combined, in gallons; and **(b)** The monthly volume of diesel fuel and hydrotreated vegetable oil, combined, combusted in engines P01 to P39, combined, averaged over each consecutive 12-month period, in gallons.

[2] The permittee elected this limit so that the nitrogen oxides PTE of the facility does not exceed the Part 70 major source threshold of 100 tons per year.

A. Stacks S01 to S39, Processes P01 to P39: Thirty-nine (39) ≤ 3,213 kW (≤ 4,309 hp) diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generators, construction authorized by 23-DMM-104.

3. Pollutant: Nitrogen Oxides (NO_x) Emissions

a. Limitations	**b.** Compliance Demonstration	**c.** Reference Test Methods, Recordkeeping and Monitoring Requirements
	ii. Starting on the 12th month after initial operation of any of engines P01 to P39 and beyond, the permittee shall calculate the monthly average volume of fuel combusted by summing the fuel combusted in engines P01 to P39, combined, in the most recent 12-month period and dividing by 12. [s. 285.65(3), Wis. Stats., s. NR 407.09(4)(a)1., Wis. Adm. Code; 23-DMM-104]	[s. NR 439.04(1)(d), Wis. Adm. Code; 23-DMM-104]

A. Stacks S01 to S39, Processes P01 to P39: Thirty-nine (39) ≤ 3,213 kW (≤ 4,309 hp) diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generators, construction authorized by 23-DMM-104.

4. New Source Performance Standards (NSPS): Stationary Compression Ignition Internal Combustion Engines. [40 CFR Part 60, Subpart IIII, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

(1) *Operating Requirements.*

(a) Processes P01 to P39 shall be operated to meet all of the criteria in paragraphs (1)-(3) of the definition of emergency stationary internal combustion engine in 40 CFR 60.4219 as specified below.

(1) The stationary ICE is operated to provide electrical power or mechanical work during an emergency situation. Examples include stationary ICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary ICE used to pump water in the case of fire or flood, etc.

(2) The stationary ICE is operated under limited circumstances for situations not included in paragraph (1), as specified in 40 CFR 60.4211(f).

(3) The stationary ICE operates as part of a financial arrangement with another entity in situations not included in paragraph (1) only as allowed in 40 CFR 60.4243(f)(3)(i).

(b) P01 to P39 must comply with the requirements specified in 40 CFR 60.4211(f).

[40 CFR 60.4219 and 60.4211(f); s. 285.65(13), Wis. Stats.; s. NR 407.09(1)(a), Wis. Adm. Code]

(60.4200) *Applicability*

Engine generators P01 to P39 are compression ignition (CI) internal combustion engines (ICE), are manufactured after April 1, 2006, and are subject to all applicable provisions of 40 CFR part 60, subpart IIII. [40 CFR 60.4200(a)(1)(i); s. 285.65(13), Wis. Stats.]

(60.4201) *[Intentionally left blank]*

(60.4202) *Emission standards for manufacturers of emergency stationary CI internal combustion engines*

A. Stacks S01 to S39, Processes P01 to P39: Thirty-nine (39) ≤ 3,213 kW (≤ 4,309 hp) diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generators, construction authorized by 23-DMM-104.

4. New Source Performance Standards (NSPS): Stationary Compression Ignition Internal Combustion Engines. [40 CFR Part 60, Subpart IIII, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

(a) *[Intentionally left blank]*

(b) Emergency stationary CI internal combustion engines must be certified to the emission standards specified in paragraph (b)(2) of this section.

(1) *[Intentionally left blank]*

(2) The Tier 2 emission standards as described in 40 CFR part 1039, appendix I, for all pollutants and the smoke standards as specified in 40 CFR 1039.105.

TABLE 2 TO APPENDIX I OF 40 CFR PART 1039—TIER 2 EMISSION STANDARDS

[g/kW-hr]

Rated power (kW)	NO_X+NMHC	CO	PM
kW > 560	6.4	3.5	0.20

(1039.105)

(b) Smoke from your engines may not exceed the following standards:

(1) 20 percent during the acceleration mode;

(2) 15 percent during the lugging mode; and

(3) 50 percent during the peaks in either the acceleration or lugging modes.

(c) *[Reserved in standard]*

(d)-(h) *[Intentionally left blank]*

[40 CFR 60.4202(b)(2); 40 CFR 1039.105(b), 40 CFR 1039, Appendix I, s. 285.65(13), Wis. Stats.]

(60.4203), (60.4204) *[Intentionally left blank]*

(60.4205) *Emission standards for owners/operators of emergency stationary CI internal combustion engines*

(a) *[Intentionally left blank]*

(b) The owner/operator must comply with the emission standards for new nonroad CI engines in 40 CFR 60.4202, for all pollutants, for the same model year and maximum engine power.

(c)-(f) *[Intentionally left blank]*

[40 CFR 60.4205(b); s. 285.65(13), Wis. Stats.]

(60.4206) *Duration of compliance with the emission standards for owners or operators of a stationary CI internal combustion engine*

Owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in 40 CFR 60.4205 over the entire life of the engine. [40 CFR 60.4206; s. 285.65(13), Wis. Stats.]

A. Stacks S01 to S39, Processes P01 to P39: Thirty-nine (39) ≤ 3,213 kW (≤ 4,309 hp) diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generators, construction authorized by 23-DMM-104.

4. New Source Performance Standards (NSPS): Stationary Compression Ignition Internal Combustion Engines. [40 CFR Part 60, Subpart IIII, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

(60.4207) *Fuel requirements for owners and operators*
(a) *[Reserved in standard]*
(b) Owners and operators must use diesel fuel that meets the requirements of 40 CFR 1090.305 for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to October 1, 2010, may be used until depleted.
(1090.305)(a) Diesel fuel must meet the ULSD per-gallon standards of 40 CFR 1090.305.
(b) *Sulfur standard.* Maximum sulfur content of 15 ppm.
(c) *Centane index or aromatic content.* Diesel fuel must meet one of the following standards:
(1) Minimum centane index of 40.
(2) Maximum aromatic content of 35 volume percent.
(c) *[Reserved in standard]*
(d)-(e) *[Intentionally left blank]*
[40 CFR 60.4207(b), 40 CFR 1090.305; s. 285.65(13), Wis. Stats.]

(60.4208) *[Intentionally left blank]*

(60.4209) *Monitoring requirements for owners or operators of a stationary CI internal combustion engine*
(a) You must install a non-resettable hour meter prior to startup of the engine.
(b) *[Intentionally left blank]*
[40 CFR 60.4209(a); s. 285.65(13), Wis. Stats.]

(60.4210) *[Intentionally left blank]*

(60.4211) *Compliance requirements for owners or operators of a stationary CI internal combustion engine*
(a) You must do all of the following, except as permitted under paragraph (g) of this section:
(1) Operate and maintain the stationary CI internal combustion engine 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 CFR part 1068, as they apply to you.
(b) *[Intentionally left blank]*
(c) You must comply by purchasing an engine certified to the emission standards in 40 CFR 60.4205(b), for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's emission-related specifications, except as permitted in paragraph (g) of this section.
(d)-(e) *[Intentionally left blank]*

A. Stacks S01 to S39, Processes P01 to P39: Thirty-nine (39) ≤ 3,213 kW (≤ 4,309 hp) diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generators, construction authorized by 23-DMM-104.

4. New Source Performance Standards (NSPS): Stationary Compression Ignition Internal Combustion Engines. [40 CFR Part 60, Subpart IIII, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

(f) You must operate the emergency stationary ICE according to the requirements in paragraphs (f)(1) through (3) of this section. In order for the engine to be considered an emergency stationary ICE under 40 CFR part 60, subpart IIII, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (f)(1) through (3) of this section, is prohibited. If you do not operate the engine according to the requirements in paragraphs (f)(1) through (3) of this section, the engine will not be considered an emergency engine under this subpart 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) You may operate your emergency stationary ICE for any of the purposes specified in paragraph (f)(2)(i) of this section for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph (f)(3) of this section counts as part of the 100 hours per calendar year allowed by this paragraph (f)(2).

(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 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.

(ii)-(iii) *[Reserved in standard]*

(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 provided in paragraph (f)(2) of this section. Except as provided in paragraph (f)(3)(i) of this section, 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.

(i) 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 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.

(ii) *[Reserved in standard]*

(g) If you do not install, configure, operate, and maintain your engine and control device according to the manufacturer's emission-related written instructions, or you change emission-related settings in a way that is not permitted by the manufacturer, you must demonstrate compliance as follows:

A. Stacks S01 to S39, Processes P01 to P39: Thirty-nine (39) ≤ 3,213 kW (≤ 4,309 hp) diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generators, construction authorized by 23-DMM-104.

4. New Source Performance Standards (NSPS): Stationary Compression Ignition Internal Combustion Engines. [40 CFR Part 60, Subpart IIII, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

(1)-(2) *[Intentionally left blank]*

(3) You 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, you must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of startup, or within 1 year after an engine and control device is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1 year after you change emission-related settings in a way that is not permitted by the manufacturer. You must conduct subsequent performance testing every 8,760 hours of engine operation or 3 years, whichever comes first, thereafter to demonstrate compliance with the applicable emission standards.

(h) *[Intentionally left blank]*

[40 CFR 60.4211(a), (c), (f), (g)(3); s. 285.65(13), Wis. Stats.]

(60.412), (60.4213) *[Intentionally left blank]*

(60.4214) *Notification, reporting, and recordkeeping requirements for owners or operators of a stationary CI internal combustion engine*

(a) *[Intentionally left blank]*

(b) The owner or operator must keep records of the operation of each engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time.

(c) *[Intentionally left blank]*

(d) If your emergency stationary CI ICE operates for the purposes specified in 40 CFR 60.4211(f)(3)(i), you must submit an annual report according to the requirements in paragraphs (d)(1) through (3) of this section.

(1) The report must contain the following information:

(i) Company name and address where the engine is located.

(ii) Date of the report and beginning and ending dates of the reporting period.

(iii) Engine site rating and model year.

(iv) Latitude and longitude of the engine in decimal degrees reported to the fifth decimal place.

(v)-(vi) *[Intentionally left blank]*

(vii) Hours spent for operation for the purposes specified in 40 CFR 60.4211(f)(3)(i), including the date, start time, and end time for engine operation for the purposes specified in 40 CFR 60.4211(f)(3)(i). The report must also identify the entity that dispatched the engine and the situation that necessitated the dispatch of the engine.

(2) Annual reports for each calendar year must be submitted no later than March 31 of the following calendar year.

(3) The annual report must be submitted electronically using the subpart specific reporting form in the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) (*www.epa.gov/cdx*). However, if the reporting form specific to 40 CFR part 60, subpart IIII, is not available in CEDRI at the time that the report is due, the written report must be submitted to the Administrator at the appropriate address listed in 40 CFR 60.4.

A. Stacks S01 to S39, Processes P01 to P39: Thirty-nine (39) ≤ 3,213 kW (≤ 4,309 hp) diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generators, construction authorized by 23-DMM-104.

4. New Source Performance Standards (NSPS): Stationary Compression Ignition Internal Combustion Engines. [40 CFR Part 60, Subpart IIII, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

(e) *[Intentionally left blank]*
[40 CFR 60.4245(b), (d)(1)(i)-(iv) and (vii), (d)(2)-(3); s. 285.65(13), Wis. Stats.]

(60.4215), (60.4216), (60.4217) *[Intentionally left blank]*

(60.4218) *Applicability of General Provisions to 40 CFR part 60, subpart IIII*
Table 8 to 40 CFR part 60, subpart IIII, shows which parts of the General Provisions in 40 CFR 60.1 through 60.19 apply to you. [40 CFR 60.4218 and Table 8 to 40 CFR part 60, subpart IIII; s. 285.65(13), Wis. Stats.]

(60.4219) *Definitions applicable to 40 CFR part 60, subpart IIII*
Terms used in 40 CFR part 60, subpart IIII, and in section I.A.4. of this permit are defined in 40 CFR 60.4219. All terms not defined in 40 CFR 60.4219 shall have the meaning given them in the Clean Air Act and in 40 CFR part 60, subpart A. [40 CFR 60.4219; s. 285.65(13), Wis. Stats.]

A. Stacks S01 to S39, Processes P01 to P39: Thirty-nine (39) ≤ 3,213 kW (≤ 4,309 hp) diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generators, construction authorized by 23-DMM-104.

5. National Emission Standard for Hazardous Air Pollutants (NESHAP): Stationary Reciprocating Internal Combustion Engines [40 CFR Part 63, Subpart ZZZZ, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

(63.6580) *[Intentionally left blank]*

(63.6585) *Applicability*
You are subject to 40 CFR part 63, subpart ZZZZ, because you own or operate a stationary reciprocating internal combustion engine (RICE) located at an area source of HAP emissions. [40 CFR 63.6585(a), (c); s. 285.65(13), Wis. Stats.]

(63.6590) *Affected Source*
40 CFR part 63, subpart ZZZZ, applies to each affected source.
(a) Processes P01 to P39 are new stationary RICE located at an area source of HAP emissions and are affected sources subject to all applicable requirements in 40 CFR part 63, subpart ZZZZ.
(b) *[Intentionally left blank]*
(c) *Stationary RICE subject to Regulations under 40 CFR Part 60.* Processes P01 to P39 must meet the requirements of 40 CFR part 63, subpart ZZZZ, by meeting the requirements of 40 CFR part 60, subpart IIII. No further requirements apply for processes P01 to P39 under 40 CFR part 63, subpart ZZZZ.

A. Stacks S01 to S39, Processes P01 to P39: Thirty-nine (39) ≤ 3,213 kW (≤ 4,309 hp) diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generators, construction authorized by 23-DMM-104.

5. National Emission Standard for Hazardous Air Pollutants (NESHAP): Stationary Reciprocating Internal Combustion Engines [40 CFR Part 63, Subpart ZZZZ, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

[40 CFR 63.6590(a)(2)(iii), (c)(1); s. 285.65(13), Wis. Stats.]

(63.6595)-(63.6675) *[Intentionally left blank]*

B. Stack S40, Process P40: ≤ 563 kW (≤ 755 HP) Diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generator, construction authorized by 23-DMM-104.		
1. Pollutant: Particulate Matter / PM_{10} Emissions		
a. Limitations	**b.** Compliance Demonstration	**c.** Reference Test Methods, Recordkeeping and Monitoring Requirements
(1) When firing diesel, no person may cause, allow or permit the emissions of particulate matter to the ambient air from an engine in excess of 0.50 pounds of particulate matter per million Btu heat input. [s. NR 485.055, Wis. Adm. Code; 23-DMM-104] **(2)** When firing hydrotreated vegetable oil, no person may cause, allow or permit the emissions of particulate matter to the ambient air from any fuel-burning installation in excess of 0.15 pounds of particulate matter per million Btu heat input. [s. NR 415.06(2)(a), Wis. Adm. Code; 23-DMM-104]	**(1)** The permittee shall combust only ultra-low sulfur diesel and/or hydrotreated vegetable oil in the engine. [s. 285.65(3), Wis. Stats., s. NR 407.09(1)(a), Wis. Adm. Code; 23-DMM-104]	**(1)** The permittee shall maintain records of the types of fuels fired in the engine. [s. NR 439.04(1)(d), Wis. Adm. Code]

B. Stack S40, Process P40: ≤ 563 kW (≤ 755 HP) Diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generator, construction authorized by 23-DMM-104.		
2. Pollutant: Visible Emissions		
a. Limitations	**b.** Compliance Demonstration	**c.** Reference Test Methods, Recordkeeping and Monitoring Requirements
(1) The permittee may not cause or allow emissions of shade or density greater than number 1 of the Ringlemann chart or 20% opacity, with the exceptions in s. NR 431.05, Wis. Adm. Code. [s. NR 431.05, Wis. Adm. Code; 23-DMM-104]	**(1)** The permittee shall combust only ultra-low sulfur diesel and/or hydrotreated vegetable oil in the engine. [s. 285.65(3), Wis. Stats., s. NR 407.09(1)(a), Wis. Adm. Code; 23-DMM-104]	**(1)** The permittee shall maintain records of the types of fuels fired in the engine. [s. NR 439.04(1)(d), Wis. Adm. Code]

B. Stack S40, Process P40: ≤ 563 kW (≤ 755 HP) Diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generator, construction authorized by 23-DMM-104.		
3. Pollutant: Nitrogen Oxides (NO_x) Emissions		
a. Limitations	**b.** Compliance Demonstration	**c.** Reference Test Methods, Recordkeeping and Monitoring Requirements
(1) The permittee may not combust more than 295 gallons per month of diesel fuel and hydrotreated vegetable oil, combined, in engine P40 averaged over any consecutive 12-month period.[3] [s. 285.65(7), Wis. Stats.; 23-DMM-104]	**(1)** Within 15 days after the end of each month, the permittee shall calculate: **(a)** The volume of diesel fuel and hydrotreated vegetable oil, combined, combusted in engines P40 for the previous month; and **(b)** The monthly volume of diesel fuel and hydrotreated vegetable oil, combined, combusted in engines P40 combined, averaged over the previous consecutive 12-month period. **i.** For the first 11 months after initial operation of engine P40, the permittee shall calculate the monthly average volume of fuel combusted by summing the fuel combusted in the first X months of operation and dividing by X, where X is the number of months since engine P40 became operational; and **ii.** Starting on the 12th month after initial operation of engine P40 and beyond, the permittee shall calculate the monthly average volume of fuel combusted by summing the fuel combusted in engine P40 in the most recent 12-month period and dividing by 12. [s. 285.65(3), Wis. Stats., s. NR 407.09(4)(a)1., Wis. Adm. Code; 23-DMM-104]	**(1)** The permittee shall maintain records of: **(a)** The monthly volume of diesel fuel and hydrotreated vegetable oil, combined, combusted in engine P40, in gallons; and **(b)** The monthly volume of diesel fuel and hydrotreated vegetable oil, combined, combusted in engine P40 averaged over each consecutive 12-month period, in gallons. [s. NR 439.04(1)(d), Wis. Adm. Code; 23-DMM-104]

[3] The permittee elected this limit so that the nitrogen oxides PTE of the facility does not exceed the Part 70 major source threshold of 100 tons per year.

B. Stack S40, Process P40: ≤ 563 kW (≤ 755 HP) Diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generator, construction authorized by 23-DMM-104.

4. New Source Performance Standards (NSPS): Stationary Compression Ignition Internal Combustion Engines. [40 CFR Part 60, Subpart IIII, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

(1) *Operating Requirements.*

(a) Process P40 shall be operated to meet all of the criteria in paragraphs (1)-(3) of the definition of emergency stationary internal combustion engine in 40 CFR 60.4219 as specified below.

(1) The stationary ICE is operated to provide electrical power or mechanical work during an emergency situation. Examples include stationary ICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary ICE used to pump water in the case of fire or flood, etc.

(2) The stationary ICE is operated under limited circumstances for situations not included in paragraph (1), as specified in 40 CFR 60.4211(f).

(3) The stationary ICE operates as part of a financial arrangement with another entity in situations not included in paragraph (1) only as allowed in 40 CFR 60.4243(f)(3)(i).

(b) Process P40 must comply with the requirements specified in 40 CFR 60.4211(f).

[40 CFR 60.4219 and 60.4211(f); s. 285.65(13), Wis. Stats.; s. NR 407.09(1)(a), Wis. Adm. Code]

(60.4200) *Applicability*

Engine generator P40 is a compression ignition (CI) internal combustion engine (ICE), is manufactured after April 1, 2006, and is subject to all applicable provisions of 40 CFR part 60, subpart IIII. [40 CFR 60.4200(a)(1)(i); s. 285.65(13), Wis. Stats.]

(60.4201) *[Intentionally left blank]*

(60.4202) *Emission standards for manufacturers of emergency stationary CI internal combustion engines*

(a) Emergency stationary CI internal combustion engines must be certified to the emission standards specified in paragraph (a)(2) of this section.

(1) *[Intentionally left blank]*

(2) The Tier 2 emission standards for new nonroad CI engines for the same rated power as described in 40 CFR part 1039, appendix I, for all pollutants and the smoke standards as specified in 40 CFR 1039.105.

TABLE 2 TO APPENDIX I OF 40 CFR PART 1039—TIER 2 EMISSION STANDARDS

[g/kW-hr]

Rated power (kW)	NO_x+NMHC	CO	PM
kW > 560	6.4	3.5	0.20

(1039.105)

(b) Smoke from your engines may not exceed the following standards:

B. Stack S40, Process P40: ≤ 563 kW (≤ 755 HP) Diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generator, construction authorized by 23-DMM-104.

4. New Source Performance Standards (NSPS): Stationary Compression Ignition Internal Combustion Engines. [40 CFR Part 60, Subpart IIII, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

(1) 20 percent during the acceleration mode;
(2) 15 percent during the lugging mode; and
(3) 50 percent during the peaks in either the acceleration or lugging modes.

(b) *[Intentionally left blank*
(c) *[Reserved in standard]*
(d)-(h) *[Intentionally left blank]*
[40 CFR 60.4202(b)(2); 40 CFR 1039.105(b), 40 CFR 1039, Appendix I, s. 285.65(13), Wis. Stats.]

(60.4203), (60.4204) *[Intentionally left blank]*

(60.4205) *Emission standards for owners/operators of emergency stationary CI internal combustion engines*
(a) *[Intentionally left blank]*
(b) The owner/operator must comply with the emission standards for new nonroad CI engines in 40 CFR 60.4202, for all pollutants, for the same model year and maximum engine power.
(c)-(f) *[Intentionally left blank]*
[40 CFR 60.4205(b); s. 285.65(13), Wis. Stats.]

(60.4206) *Duration of compliance with the emission standards for owners or operators of a stationary CI internal combustion engine*
Owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in 40 CFR 60.4205 over the entire life of the engine.
[40 CFR 60.4206; s. 285.65(13), Wis. Stats.]

(60.4207) *Fuel requirements for owners and operators*
(a) *[Reserved in standard]*
(b) Owners and operators must use diesel fuel that meets the requirements of 40 CFR 1090.305 for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to October 1, 2010, may be used until depleted.
(1090.305)(a) Diesel fuel must meet the ULSD per-gallon standards of 40 CFR 1090.305.
(b) *Sulfur standard.* Maximum sulfur content of 15 ppm.
(c) *Centane index or aromatic content.* Diesel fuel must meet one of the following standards:
(1) Minimum centane index of 40.
(2) Maximum aromatic content of 35 volume percent.
(c)-(e) *[Reserved in standard]*
[40 CFR 60.4207(b), 40 CFR 1090.305; s. 285.65(13), Wis. Stats.]

B. Stack S40, Process P40: ≤ 563 kW (≤ 755 HP) Diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generator, construction authorized by 23-DMM-104.

4. New Source Performance Standards (NSPS): Stationary Compression Ignition Internal Combustion Engines. [40 CFR Part 60, Subpart IIII, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

(60.4208) *[Intentionally left blank]*

(60.4209) *Monitoring requirements for owners or operators of a stationary CI internal combustion engine*
(a) You must install a non-resettable hour meter prior to startup of the engine.
(b) *[Intentionally left blank]*
[40 CFR 60.4209(a); s. 285.65(13), Wis. Stats.]

(60.4210) *[Intentionally left blank]*

(60.4211) *Compliance requirements for owners or operators of a stationary CI internal combustion engine*
(a) You must do all of the following, except as permitted under paragraph (g) of this section:
(1) Operate and maintain the stationary CI internal combustion engine 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 CFR part 1068, as they apply to you.
(b) *[Intentionally left blank]*
(c) You must comply by purchasing an engine certified to the emission standards in 40 CFR 60.4205(b), for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's emission-related specifications, except as permitted in paragraph (g) of this section.
(d)-(e) *[Intentionally left blank]*
(f) You must operate the emergency stationary ICE according to the requirements in paragraphs (f)(1) through (3) of this section. In order for the engine to be considered an emergency stationary ICE under 40 CFR part 60, subpart IIII, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (f)(1) through (3) of this section, is prohibited. If you do not operate the engine according to the requirements in paragraphs (f)(1) through (3) of this section, the engine will not be considered an emergency engine under this subpart 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) You may operate your emergency stationary ICE for any of the purposes specified in paragraph (f)(2)(i) of this section for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph (f)(3) of this section counts as part of the 100 hours per calendar year allowed by this paragraph (f)(2).
(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 owner or operator may petition the Administrator for approval of additional hours to be used for

B. Stack S40, Process P40: ≤ 563 kW (≤ 755 HP) Diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generator, construction authorized by 23-DMM-104.

4. New Source Performance Standards (NSPS): Stationary Compression Ignition Internal Combustion Engines. [40 CFR Part 60, Subpart IIII, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

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)-(iii) *[Reserved in standard]*

(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 provided in paragraph (f)(2) of this section. Except as provided in paragraph (f)(3)(i) of this section, 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.

(i) 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 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.

(ii) *[Reserved in standard]*

(g) If you do not install, configure, operate, and maintain your engine and control device according to the manufacturer's emission-related written instructions, or you change emission-related settings in a way that is not permitted by the manufacturer, you must demonstrate compliance as follows:

(1)-(2) *[Intentionally left blank]*

(3) You 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, you must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of startup, or within 1 year after an engine and control device is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1 year after you change emission-related settings in a way that is not permitted by the manufacturer. You must conduct subsequent performance testing every 8,760 hours of engine operation or 3 years, whichever comes first, thereafter to demonstrate compliance with the applicable emission standards.

[40 CFR 60.4211(a), (c), (f), (g)(3); s. 285.65(13), Wis. Stats.]

(60.412), (60.4213) *[Intentionally left blank]*

(60.4214) *Notification, reporting, and recordkeeping requirements for owners or operators of a stationary CI internal combustion engine*

B. Stack S40, Process P40: ≤ 563 kW (≤ 755 HP) Diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generator, construction authorized by 23-DMM-104.

4. New Source Performance Standards (NSPS): Stationary Compression Ignition Internal Combustion Engines. [40 CFR Part 60, Subpart IIII, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

(a) *[Intentionally left blank]*

(b) The owner or operator must keep records of the operation of each engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time.

(c) *[Intentionally left blank]*

(d) If your emergency stationary CI ICE operates for the purposes specified in 40 CFR 60.4211(f)(3)(i), you must submit an annual report according to the requirements in paragraphs (d)(1) through (3) of this section.

(1) The report must contain the following information:

(i) Company name and address where the engine is located.

(ii) Date of the report and beginning and ending dates of the reporting period.

(iii) Engine site rating and model year.

(iv) Latitude and longitude of the engine in decimal degrees reported to the fifth decimal place.

(v)-(vi) *[Intentionally left blank]*

(vii) Hours spent for operation for the purposes specified in 40 CFR 60.4211(f)(3)(i), including the date, start time, and end time for engine operation for the purposes specified in 40 CFR 60.4211(f)(3)(i). The report must also identify the entity that dispatched the engine and the situation that necessitated the dispatch of the engine.

(2) Annual reports for each calendar year must be submitted no later than March 31 of the following calendar year.

(3) The annual report must be submitted electronically using the subpart specific reporting form in the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) (*www.epa.gov/cdx*). However, if the reporting form specific to 40 CFR part 60, subpart IIII, is not available in CEDRI at the time that the report is due, the written report must be submitted to the Administrator at the appropriate address listed in 40 CFR 60.4.

(e) *[Intentionally left blank]*

[40 CFR 60.4245(b), (d)(1)(i)-(iv) and (vii), (d)(2)-(3); s. 285.65(13), Wis. Stats.]

(60.4215), (60.4216), (60.4217) *[Intentionally left blank]*

(60.4218) *Applicability of General Provisions to 40 CFR part 60, subpart IIII*

Table 8 to 40 CFR part 60, subpart IIII, shows which parts of the General Provisions in 40 CFR 60.1 through 60.19 apply to you. [40 CFR 60.4218 and Table 8 to 40 CFR part 60, subpart IIII; s. 285.65(13), Wis. Stats.]

(60.4219) *Definitions applicable to 40 CFR part 60, subpart IIII*

Terms used in 40 CFR part 60, subpart IIII, and in section I.B.4. of this permit are defined in 40 CFR 60.4219. All terms not defined in 40 CFR 60.4219 shall have the meaning given them in the Clean Air Act and in 40 CFR part 60, subpart A. [40 CFR 60.4219; s. 285.65(13), Wis. Stats.]

B. Stack S40, Process P40: ≤ 563 kW (≤ 755 HP) Diesel/hydrotreated vegetable oil (HVO)-fired emergency engine generator, construction authorized by 23-DMM-104.

5. National Emission Standard for Hazardous Air Pollutants (NESHAP): Stationary Reciprocating Internal Combustion Engines [40 CFR Part 63, Subpart ZZZZ, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

(63.6580) *[Intentionally left blank]*

(63.6585) *Applicability*
You are subject to 40 CFR part 63, subpart ZZZZ, because you own or operate a stationary reciprocating internal combustion engine (RICE) located at an area source of HAP emissions.
[40 CFR 63.6585(a), (c); s. 285.65(13), Wis. Stats.]

(63.6590) *Affected Source*
40 CFR part 63, subpart ZZZZ, applies to each affected source.
(a) Process P40 is a new stationary RICE located at an area source of HAP emissions and is an affected source subject to all applicable requirements in 40 CFR part 63, subpart ZZZZ.
(b) *[Intentionally left blank]*
(c) *Stationary RICE subject to Regulations under 40 CFR Part 60.* Process P40 must meet the requirements of 40 CFR part 63, subpart ZZZZ, by meeting the requirements of 40 CFR part 60, subpart IIII. No further requirements apply for process P40 under 40 CFR part 63, subpart ZZZZ.
[40 CFR 63.6590(a)(2)(iii), (c)(1); s. 285.65(13), Wis. Stats.]

(63.6595)-(63.6675) *[Intentionally left blank]*

C. Stacks S41, S42, Processes P41, P42 – Two (2) ≤ 97 kW (≤ 130 HP) Diesel/HVO-fired Fire Pumps, construction authorized by 23-DMM-104.		
1. Pollutant: Particulate Matter / PM_{10} Emissions		
a. Limitations	**b.** Compliance Demonstration	**c.** Reference Test Methods, Recordkeeping and Monitoring Requirements
(1) When firing diesel, no person may cause, allow or permit the emissions of particulate matter to the ambient air from an engine in excess of 0.50 pounds of particulate matter per million Btu heat input. [s. NR 485.055, Wis. Adm. Code; 23-DMM-104] **(2)** When firing hydrotreated vegetable oil, no person may cause, allow or permit the emissions of particulate matter to the ambient air from any fuel-burning installation in excess of 0.15 pounds of particulate matter per million Btu heat input. [s. NR 415.06(2)(a), Wis. Adm. Code; 23-DMM-104]	**(1)** The permittee shall combust only ultra-low sulfur diesel and/or hydrotreated vegetable oil in the engines. [s. 285.65(3), Wis. Stats., s. NR 407.09(1)(a), Wis. Adm. Code; 23-DMM-104]	**(1)** The permittee shall maintain records of the types of fuels fired in the engines. [s. NR 439.04(1)(d), Wis. Adm. Code; 23-DMM-104]

C. Stacks S41, S42, Processes P41, P42 – Two (2) ≤ 97 kW (≤ 130 HP) Diesel/HVO-fired Fire Pumps, construction authorized by 23-DMM-104.		
2. Pollutant: Visible Emissions		
a. Limitations	**b.** Compliance Demonstration	**c.** Reference Test Methods, Recordkeeping and Monitoring Requirements
(1) The permittee may not cause or allow emissions of shade or density greater than number 1 of the Ringlemann chart or 20% opacity, with the exceptions in s. NR 431.05, Wis. Adm. Code. [s. NR 431.05, Wis. Adm. Code; 23-DMM-104]	**(1)** The permittee shall combust only ultra-low sulfur diesel and/or hydrotreated vegetable oil in the engines. [s. 285.65(3), Wis. Stats., s. NR 407.09(1)(a), Wis. Adm. Code; 23-DMM-104]	**(1)** The permittee shall maintain records of the types of fuels fired in the engines. [s. NR 439.04(1)(d), Wis. Adm. Code; 23-DMM-104]

C. Stacks S41, S42, Processes P41, P42 – Two (2) ≤ 97 kW (≤ 130 HP) Diesel/HVO-fired Fire Pumps, construction authorized by 23-DMM-104.		
3. Pollutant: Nitrogen Oxides (NO_x) Emissions		
a. Limitations	**b.** Compliance Demonstration	**c.** Reference Test Methods, Recordkeeping and Monitoring Requirements
(1) The permittee may not combust more than 105 gallons per month of diesel fuel and hydrotreated vegetable oil, combined, in engines P41 and P42, combined, averaged over any consecutive 12-month period.[4] [s. 285.65(7), Wis. Stats.; 23-DMM-104]	**(1)** Within 15 days after the end of each month, the permittee shall calculate: **(a)** The volume of diesel fuel and hydrotreated vegetable oil, combined, combusted in engines P41 and P42, combined for the previous month; and **(b)** The monthly volume of diesel fuel and hydrotreated vegetable oil, combined, combusted in engines P41 and P42, combined, averaged over the previous consecutive 12-month period. **i.** For the first 11 months after initial operation of any of engines P41 and P42, the permittee shall calculate the monthly average volume of fuel combusted by summing the fuel combusted in the first X months of operation and dividing by X, where X is the number of months since the first engine of P41 and P42 became operational; and **ii.** Starting on the 12th month after initial operation of any of engines P41 and P42 and beyond, the permittee shall calculate the monthly average volume of fuel combusted by summing the fuel combusted in engines P41 and P42, combined, in the most recent 12-month period and dividing by 12. [s. 285.65(3), Wis. Stats., s. NR 407.09(4)(a)1., Wis. Adm. Code; 23-DMM-104]	**(1)** The permittee shall maintain records of: **(a)** The monthly volume of diesel fuel and hydrotreated vegetable oil, combined, combusted in engines P41 and P42, combined, in gallons; and **(b)** The monthly volume of diesel fuel and hydrotreated vegetable oil, combined, combusted in engines P41 and P42, combined, averaged over each consecutive 12-month period, in gallons. [s. NR 439.04(1)(d), Wis. Adm. Code; 23-DMM-104]

[4] The permittee elected this limit so that the nitrogen oxides PTE of the facility does not exceed the Part 70 major source threshold of 100 tons per year.

C. Stacks S41, S42, Processes P41, P42 – Two (2) ≤ 97 kW (≤ 130 HP) Diesel/HVO-fired Fire Pumps, construction authorized by 23-DMM-104.

4. New Source Performance Standards (NSPS): Stationary Compression Ignition Internal Combustion Engines. [40 CFR Part 60, Subpart IIII, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

(1) *Operating Requirements.*

(a) Processes P41 and P42 shall be operated to meet all of the criteria in paragraphs (1)-(3) of the definition of emergency stationary internal combustion engine in 40 CFR 60.4219 as specified below.

(1) The stationary ICE is operated to provide electrical power or mechanical work during an emergency situation. Examples include stationary ICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary ICE used to pump water in the case of fire or flood, etc.

(2) The stationary ICE is operated under limited circumstances for situations not included in paragraph (1), as specified in 40 CFR 60.4211(f).

(3) The stationary ICE operates as part of a financial arrangement with another entity in situations not included in paragraph (1) only as allowed in 40 CFR 60.4243(f)(3)(i).

(b) Processes P41 and P42 must comply with the requirements specified in 40 CFR 60.4211(f).

[40 CFR 60.4219 and 60.4211(f); s. 285.65(13), Wis. Stats.; s. NR 407.09(4)(a)(1), Wis. Adm. Code]

(60.4200) *Applicability*

Fire pump engines P41 and P42 are compression ignition (CI) internal combustion engines (ICE), are manufactured as certified National Fire Protection Association (NFPA) fire pump engines after July 1, 2006, and are subject to all applicable provisions of 40 CFR part 60, subpart IIII. [40 CFR 60.4200(a)(2)(ii); s. 285.65(13), Wis. Stats.]

(60.4201), (60.4202), (60.4203), (60.4204) *[Intentionally left blank]*

(60.4205) *Emission standards for owners/operators of emergency stationary CI internal combustion engines*

(a)-(b) *[Intentionally left blank]*

(c) Owners and operators of fire pump engines with a displacement of less than 30 liters per cylinder must comply with the emission standards in table 4 to Subpart IIII, for all pollutants.

TABLE 4 TO SUBPART IIII OF PART 60 - EMISSION STANDARDS FOR STATIONARY FIRE PUMP ENGINES

[g/kW-hr (g/HP-hr)]

Rated power, kW (HP)	Model year	NO_X+NMHC	CO	PM
75≤KW<130 (100≤HP<175)	2010+	4.0 (3.0)	5.0 (3.7)	0.30 (0.22)

(d)-(f) *[Intentionally left blank]*

C. Stacks S41, S42, Processes P41, P42 – Two (2) ≤ 97 kW (≤ 130 HP) Diesel/HVO-fired Fire Pumps, construction authorized by 23-DMM-104.

4. New Source Performance Standards (NSPS): Stationary Compression Ignition Internal Combustion Engines. [40 CFR Part 60, Subpart IIII, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

[40 CFR 60.4205(c); s. 285.65(13), Wis. Stats.]

(60.4206) *Duration of compliance with the emission standards for owners or operators of a stationary CI internal combustion engine*
Owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in 40 CFR 60.4205 over the entire life of the engine. [40 CFR 60.4206; s. 285.65(13), Wis. Stats.]

(60.4207) *Fuel requirements for owners and operators*
(a) *[Reserved in standard]*
(b) Owners and operators must use diesel fuel that meets the requirements of 40 CFR 1090.305 for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to October 1, 2010, may be used until depleted.
(1090.305)(a) Diesel fuel must meet the ULSD per-gallon standards of 40 CFR 1090.305.
(b) *Sulfur standard.* Maximum sulfur content of 15 ppm.
(c) *Centane index or aromatic content.* Diesel fuel must meet one of the following standards:
(1) Minimum centane index of 40.
(2) Maximum aromatic content of 35 volume percent.
(c) *[Reserved in standard]*
(d)-(e) *[Intentionally left blank]*
[40 CFR 60.4207(b); 40 CFR 1090.305; s. 285.65(13), Wis. Stats.]

(60.4208) *[Intentionally left blank]*

(60.4209) *Monitoring requirements for owners or operators of a stationary CI internal combustion engine*
(a) You must install a non-resettable hour meter prior to startup of the engine.
(b) *[Intentionally left blank]*
[40 CFR 60.4209(a); s. 285.65(13), Wis. Stats.]

(60.4210) *[Intentionally left blank]*

(60.4211) *Compliance requirements for owners or operators of a stationary CI internal combustion engine*
(a) You must do all of the following, except as permitted under paragraph (g) of this section:
(1) Operate and maintain the stationary CI internal combustion engine 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.
(3) Meet the requirements of 40 CFR part 1068, as they apply to you.

C. Stacks S41, S42, Processes P41, P42 – Two (2) ≤ 97 kW (≤ 130 HP) Diesel/HVO-fired Fire Pumps, construction authorized by 23-DMM-104.

4. New Source Performance Standards (NSPS): Stationary Compression Ignition Internal Combustion Engines. [40 CFR Part 60, Subpart IIII, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

(b) *[Intentionally left blank]*

(c) You must comply by purchasing an engine certified to the emission standards in 60.4205(c) for the same model year and maximum (or in the case of fire pumps, NFPA nameplate) engine power. The engine must be installed and configured according to the manufacturer's emission-related specifications, except as permitted in paragraph (g) of this section.

(d)-(e) *[Intentionally left blank]*

(f) You must operate the emergency stationary ICE according to the requirements in paragraphs (f)(1) through (3) of this section. In order for the engine to be considered an emergency stationary ICE under 40 CFR part 60, subpart IIII, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (f)(1) through (3) of this section, is prohibited. If you do not operate the engine according to the requirements in paragraphs (f)(1) through (3) of this section, the engine will not be considered an emergency engine under this subpart 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) You may operate your emergency stationary ICE for any of the purposes specified in paragraph (f)(2)(i) of this section for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph (f)(3) of this section counts as part of the 100 hours per calendar year allowed by this paragraph (f)(2).

(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 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.

(ii)-(iii) *[Reserved in standard]*

(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 provided in paragraph (f)(2) of this section. Except as provided in paragraph (f)(3)(i) of this section, 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.

(i) 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.

C. Stacks S41, S42, Processes P41, P42 – Two (2) ≤ 97 kW (≤ 130 HP) Diesel/HVO-fired Fire Pumps, construction authorized by 23-DMM-104.

4. New Source Performance Standards (NSPS): Stationary Compression Ignition Internal Combustion Engines. [40 CFR Part 60, Subpart IIII, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

(E) 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.

(ii) *[Reserved in standard]*

(g) If you do not install, configure, operate, and maintain your engine and control device according to the manufacturer's emission-related written instructions, or you change emission-related settings in a way that is not permitted by the manufacturer, you must demonstrate compliance as follows:

(1) *[Intentionally left blank]*

(2) You 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, you must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of startup, or within 1 year after an engine and control device is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1 year after you change emission-related settings in a way that is not permitted by the manufacturer.

(3) *[Intentionally left blank]*

(h) *[intentionally left blank]*

[40 CFR 60.4211(a), (c), (f), and (g)(2); s. 285.65(13), Wis. Stats.]

(60.4212), (60.4213) *[Intentionally left blank]*

(60.4214) *Notification, reporting, and recordkeeping requirements for owners or operators of a stationary CI internal combustion engine*

(a) *[Intentionally left blank]*

(b) The owner or operator must keep records of the operation of each engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time.

(c) *[Intentionally left blank]*

(d) If you own or operate an emergency stationary CI ICE with a maximum engine power more than 100 HP that operates for the purpose specified in 40 CFR 60.4211(f)(3)(i), you must submit an annual report according to the requirements in paragraphs (d)(1) through (3) of this section.

(1) The report must contain the following information:

(i) Company name and address where the engine is located.

(ii) Date of the report and beginning and ending dates of the reporting period.

(iii) Engine site rating and model year.

(iv) Latitude and longitude of the engine in decimal degrees reported to the fifth decimal place.

(v)–(vi) *[Reserved in Standard]*

C. Stacks S41, S42, Processes P41, P42 – Two (2) ≤ 97 kW (≤ 130 HP) Diesel/HVO-fired Fire Pumps, construction authorized by 23-DMM-104.

4. New Source Performance Standards (NSPS): Stationary Compression Ignition Internal Combustion Engines. [40 CFR Part 60, Subpart IIII, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

(vii) Hours spent for operation for the purposes specified in 40 CFR 60.4211(f)(3)(i), including the date, start time, and end time for engine operation for the purposes specified in 40 CFR 60.4211(f)(3)(i). The report must also identify the entity that dispatched the engine and the situation that necessitated the dispatch of the engine.

(e) *[Intentionally left blank]*

[40 CFR 60.4214(b) and (d); s. 285.65(13), Wis. Stats.]

(60.4215), (60.4216), (60.4217) *[Intentionally left blank]*

(60.4218) *Applicability of General Provisions to 40 CFR part 60, subpart IIII*

Table 8 to 40 CFR part 60, subpart IIII, shows which parts of the General Provisions in 40 CFR 60.1 through 60.19 apply to you. [40 CFR 60.4218 and Table 8 to 40 CFR part 60, subpart IIII; s. 285.65(13), Wis. Stats.]

(60.4219) *Definitions applicable to 40 CFR part 60, subpart IIII*

Terms used in 40 CFR part 60, subpart IIII, and in section I.C.4. of this permit are defined in 40 CFR 60.4219. All terms not defined in 40 CFR 60.4219 shall have the meaning given them in the Clean Air Act and in 40 CFR part 60, subpart A. [40 CFR 60.4219; s. 285.65(13), Wis. Stats.]

C. Stacks S41, S42, Processes P41, P42 – Two (2) ≤ 97 kW (≤ 130 HP) Diesel/HVO-fired Fire Pumps, construction authorized by 23-DMM-104.

5. National Emission Standard for Hazardous Air Pollutants (NESHAP): Stationary Reciprocating Internal Combustion Engines [40 CFR Part 63, Subpart ZZZZ, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

(63.6580) *[Intentionally left blank]*

(63.6585) *Applicability*

You are subject to 40 CFR part 63, subpart ZZZZ, because you own or operate a stationary reciprocating internal combustion engine (RICE) located at an area source of HAP emissions.

[40 CFR 63.6585(a), (c); s. 285.65(13), Wis. Stats.]

(63.6590) *Affected Source*

40 CFR part 63, subpart ZZZZ, applies to each affected source.

(a) Processes P40 and P41 are new stationary RICE located at an area source of HAP emissions and are affected sources subject to all applicable requirements in 40 CFR part 63, subpart ZZZZ.

C. Stacks S41, S42, Processes P41, P42 – Two (2) ≤ 97 kW (≤ 130 HP) Diesel/HVO-fired Fire Pumps, construction authorized by 23-DMM-104.

5. National Emission Standard for Hazardous Air Pollutants (NESHAP): Stationary Reciprocating Internal Combustion Engines [40 CFR Part 63, Subpart ZZZZ, as last amended 08/10/2022]

The permit condition numbers in this section of the permit are the associated provision numbers from the relevant standard as they appear in the above referenced Part and Subpart of Title 40 of the Code of Federal Regulations. References to provisions of 40 CFR contained within the permit conditions reference permit conditions with the same number as the referenced provision.

a. Requirements

(b) *[Intentionally left blank]*

(c) *Stationary RICE subject to Regulations under 40 CFR Part 60.* Processes P41 and P42 must meet the requirements of 40 CFR part 63, subpart ZZZZ, by meeting the requirements of 40 CFR part 60, subpart IIII. No further requirements apply for processes P41 and P42 under 40 CFR part 63, subpart ZZZZ. [40 CFR 63.6590(a)(2)(iii), (c)(1); s. 285.65(13), Wis. Stats.]

(63.6595)-(63.6675) *[Intentionally left blank]*

YYY. Construction Permit 23-DMM-104 Requirements	
Condition Type	**a.** Requirements
1. Construction Authorization	**(1)(a)** The authorization to construct, reconstruct, replace, or modify under construction permit 23-DMM-104 is valid for 42 months after the date of issuance of this permit unless the permit is revoked or suspended. Authorization to construct or modify the source shall become invalid 42 months after the date when this construction permit was issued. **(b)** The department may extend the time period to construct, reconstruct, replace or modify for up to 18 additional months for purposes of commencing or completing construction on written request upon satisfactory showing that an extension is justified. **(c)** This construction permit authorizes the initial operation of the units covered by the permit to allow testing of the equipment and monitoring of the emissions associated with the equipment. Continued operation of the emissions units after that time is prohibited unless the permittee meets the conditions in I.YYY.4.a. **(d)** The sources covered by this permit are required to meet all emission limits and conditions contained in the permit at all times, including during the initial operation period. **(e)** If construction is not completed within the term specified in the permit or any extension granted by the department, the applicant shall apply for a new construction permit. **(f)** Notwithstanding the fact that authorization to construct, reconstruct, replace, or modify a source expires, all conditions in a construction permit are permanent unless the conditions are revised through the revision of the construction permit or through the issuance of a new construction permit. [ss. 285.60(1)(a)2. and 285.66(1), Wis. Stats.; s. NR 406.12, Wis. Adm. Code; 23-DMM-104]
2. Notifications	**(1)** The permittee shall submit written notification of the following dates to the department within fifteen days of the event: **(a)** The date construction commences on any new emission units authorized by permit 23-DMM-104. **(b)** The date new emission unit(s) P01 to P42 become operational. **(c)** The notification required under 40 CFR s. 60.7(a)(4), if applicable For purposes of this permit, "operational" is defined as: For any new units, the first time any process related air contaminant is emitted into the ambient air, following issuance of 23-DMM-104. [s. NR 439.03(1), Wis. Adm. Code; 23-DMM-104] **(2)** Written notifications shall be submitted to the department electronically by uploading through the DNR Switchboard (https://dnr.wisconsin.gov/topic/Switchboard). Alternatively, the permittee may contact the department to obtain an address for submitting a hard copy of the notifications to the department. [s. NR 439.03(1), Wis. Adm. Code; 23-DMM-104]
3. Completion of Operation Permit Application	**(1)** The permittee shall update the operation permit application if any changes occur which are not specified or described in the plans and specifications approved under construction permit 23-DMM-104. The updates shall be made within 60 days of the date of the change. [ss. NR 407.05(9) and NR 439.03(1), Wis. Adm. Code; 23-DMM-104]
4. Operation Authorization	**(1)** The emission units authorized in 23-DMM-104 may only operate if both of the following are met: **(a)** The emission units are constructed in accordance with the application as approved by the department, and **(b)** The construction of the emission units is completed prior to expiration of the authority provided by the construction permit 23-DMM-104 to construct, modify, replace and/or reconstruct these emission units. [ss. NR 406.10, and 406.12, Wis. Adm. Code; ss. 285.65 and 285.66(1), Wis. Stats.; 23-DMM-104]

YYY. Construction Permit 23-DMM-104 Requirements	
Condition Type	**a.** Requirements
	(2) The continued operation of the new emission units addressed in this construction permit are prohibited once the authorization to construct expires, unless any required updates have been submitted in accordance with I.YYY.3. and the permittee has satisfied the notification requirements of Condition I.YYY.2.[5] [s. 285.62(8), Wis. Stats.; 23-DMM-104]
5. New Emissions Units	**(1)** New Emissions Units P01 to P42: The permittee shall operate any emissions units constructed under permit 23-DMM-104 in accordance with the applicable conditions of permit 23-DMM-104 starting on the date the new emissions unit becomes operational. For purposes of this permit, "operational" shall be defined as the first time of any process related air contaminant is emitted into the ambient air. [s. 285.65(1), Wis. Stats.; 23-DMM-104]
6. Malfunction Prevention and Abatement Plan	**(1)** The permittee prepare a Malfunction Prevention and Abatement Plan that includes the new emission units P01 to P42, including any associated control equipment, in accordance with s. NR 439.11, Wis. Adm. Code and Section F. of Part II of this permit, when each unit becomes operational after construction. [s. NR 439.11(1), Wis. Adm. Code; 23-DMM-104]
7. Compliance Emission Testing	**(1)** Initial compliance emission/performance testing requirements: The permittee shall conduct nitrogen oxides emission testing of one of engines P01 to P39 to demonstrate compliance with the limit in I.A.3.a.(1) within 180 days after the date that the first engine of P01 to P39 combusts fuel consisting of at least 50% hydrotreated vegetable oil by volume. For purposes of this permit, "operational" is defined as the first time any process related air contaminant is emitted into the ambient air following issuance of 23-DMM-104. [ss. 285.65(3) and (10), Wis. Stats; 23-DMM-104] **(2)** Until the date that the compliance emission test required under condition I.YYY.7.a.(1) is completed, the permittee shall maintain records of the volume of hydrotreated vegetable oil added to any tank that stores diesel fuel/hydrotreated vegetable oil that is combusted in engines P01 to P39 and calculations of the percentage of hydrotreated vegetable oil in the tank(s), by volume. [s. 285.65(3), Wis. Stats.; 23-DMM-104] **(3)** For testing required under ss. 285.11(7), 285.17(2), 285.65(3), 285.65(10), Wis. Stats. and/or ss. NR 407.09(1), NR 407.09(4), NR 439.075(1)(b) or NR 439.075(2)(a) or (c), Wis. Adm. Code, if compliance emission/performance test(s) cannot be conducted within the time frames specified, the permit holder may request and the department may approve, in writing, an extension of time to conduct the test(s) in accordance with Section U. of Part II of this permit, unless approval of an extension by the department is not allowed under an applicable requirement. [ss. NR 407.09(4)(a)1. and NR 439.075(3)(a) and (4), Wis. Adm. Code; s. 285.65(3), Wis. Stats.; 23-DMM-104] **(4)** Compliance emission/performance testing required for the emissions unit(s) covered by permit 23-DMM-104 shall be conducted in accordance with Section U of Part II of this permit and ss. NR 439.06, NR 439.07 and NR 439.075, Wis. Adm. Code, unless otherwise indicated in Part I of this permit. [ss. NR 439.06, NR 439.07, NR 439.075 and NR 484.04, Wis. Adm. Code; 23-DMM-104] **(5)** Test notifications, test plans, test plan modifications and test reports, shall be submitted in accordance with Section U. of Part II of this permit and ss. NR 439.07 and NR 439.075, Wis. Adm. Code, unless otherwise indicated in Part I of this permit. For more details refer to the "Stack Testing Electronic Submittal Guidebook" on the DNR website. [ss. NR 439.07 and NR 439.075, Wis. Adm. Code; 23-DMM-104]

[5] To maintain the operation permit application shield.

<table>
<tr><th colspan="2">YYY. Construction Permit 23-DMM-104 Requirements</th></tr>
<tr><td>Condition Type</td><td>a. Requirements</td></tr>
<tr><td>8. Submittals / Record Retention</td><td>(1) All submittals described in this permit, including permit application updates, notifications and compliance emission test results shall:
(a) Include the name of the facility, the facility's address, the construction permit number and a description of the affected emission unit(s); and
(b) Be made in writing.
[ss. NR 439.03(1) and NR 439.04(1)(d), Wis. Adm. Code; 23-DMM-104]

(2) Any submittals required in Part I of this permit that specify submittal to the Administrator, US EPA or the permitting authority shall also be submitted to the department. [s. 285.65(3), Wis. Stats.; s. NR 439.03(1)(a), Wis. Adm. Code; 23-DMM-104]

(3) Submittals shall be uploaded through the DNR Switchboard (https://dnr.wisconsin.gov/topic/Switchboard). Alternatively, the permittee may contact the department to obtain an address for submitting a hard copy of any submittals to the department. [s. 285.65(3), Wis. Stats.; s. NR 439.03(1)(a), Wis. Adm. Code; 23-DMM-104]

(4) Copies of all records required by Part I of this permit shall be retained for not less than 5 years, including records required by standards that may specify a shorter record retention time. [s. NR 439.04(2), Wis. Adm. Code, ss. 285.65(3) and (10), Wis. Stats.]</td></tr>
<tr><td>9. Stack Parameters</td><td>(1) Emissions to the ambient air from each process constructed under permit 23-DMM-104 and shown in Table 1, shall be exhausted through the corresponding stack(s) shown in Table 1. Each stack listed shall meet the corresponding requirements identified in Table 1 below.
(a) The height of each stack above ground level shall be at least the height listed in column (a) of the table below;
(b) The stacks identified with a "No" in column (b) of the table below may not be equipped with a rainhat or other device which impedes the upward flow of exhaust gas. Stacks with a "Yes" in column (b) of the table below may be equipped with a stack obstruction.
(c) The stacks identified with a "No" in column (c) of the table below shall exhaust upward (within 10 degrees of vertical). Stacks with a "Yes" in column (c) of the table below may have a non-upward exhaust.
[ss. 285.63(1)(b) and 285.65(3), Wis. Stats.; 23-DMM-104]

(2) Compliance Demonstration: The permittee shall keep and maintain on site technical drawings, blueprints or equivalent records of the physical stack parameters. [s. NR 439.04(1)(d), Wis. Adm. Code; 23-DMM-104]

<table>
<tr><th colspan="5">Table 1 – Stack Parameter Requirements</th></tr>
<tr><th></th><th></th><th>(a)</th><th>(b)</th><th>(c)</th></tr>
<tr><th>Process ID</th><th>Stack ID</th><th>Stack Height (feet)</th><th>Obstruction Allowed? (yes/no)</th><th>Non-vertical Flow Allowed? (yes/no)</th></tr>
<tr><td>P01-P39</td><td>S01-S39</td><td>33</td><td>Yes</td><td>No</td></tr>
<tr><td>P40</td><td>S40</td><td>26</td><td>Yes</td><td>No</td></tr>
<tr><td>P41, P42</td><td>S41, S42</td><td>13</td><td>Yes</td><td>No</td></tr>
</table>
</td></tr>
</table>

ZZZ. Operating Requirements	
Condition Type	a. Requirements
1. Compliance Monitoring Reports / Certification of Compliance Status	**(1)** The permittee shall submit a monitoring report which contains the results of monitoring required by this permit to the department as follows: **(a)** In lieu of submission of all monitoring results, a summary of the monitoring results may be submitted. The summary shall include sufficient data for the department to determine whether the source is in compliance with the applicable requirements to which the monitoring relates. **(b)** The time periods to be addressed by the reports are the period from January 1 through December 31. **(c)** The report shall be submitted to the department by March 1 for the report covering January 1 through December 31. **(d)** The monitoring report shall be uploaded through the DNR Switchboard (https://dnr.wisconsin.gov/topic/Switchboard), or alternatively, the permittee may contact the department to obtain an address for submitting a hard copy of the monitoring report to the department. **(e)** All deviations and violations of applicable requirements shall be clearly identified in the monitoring report. **(f)** Each report shall be certified by a responsible official as to its truth, accuracy and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the report are true, accurate and complete. **(g)** The content of the submittal is described in Part II, Section D of the operation permit and section NR 439.03(1)(b) Wisconsin Administrative Code. [ss. NR 407.09(1)(c)3. and NR 439.03(1)(b) and (10), Wis. Adm. Code] **(2)** The responsible official for the source shall annually certify the source's compliance status with the permit in accordance with s. NR 439.03(8) and (10), Wis. Adm. Code, as follows: **(a)** The time period addressed by the compliance certification shall be January 1 to December 31 of the preceding year. **(b)** The compliance certification shall be submitted to the department by March 1 following the end of the January 1 to December 31 reporting period **(c)** The compliance certification shall be uploaded through the DNR Switchboard (https://dnr.wisconsin.gov/topic/Switchboard), or alternatively, the permittee may contact the department to obtain an address for submitting a hard copy of the certification of compliance to the department. **(d)** The compliance certification shall contain the information identified in Part II, Section N of this permit. **(e)** Each compliance certification shall be certified by a responsible official as to the truth, accuracy and completeness of the report. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the report are true, accurate and complete. [ss. NR 407.09(4)(a)3. and NR 439.03(1)(c), (8), (9) and (10), Wis. Adm. Code]
2. Compliance Emission Testing	**(1)** Any compliance emission/performance testing required for the emissions unit(s) covered by this permit shall be conducted in accordance with Section U of Part II of this permit and ss. NR 439.06, NR 439.07 and NR 439.075, Wis. Adm. Code, unless otherwise indicated in Part I of this permit. [ss. NR 439.06, NR 439.07, NR 439.075 and NR 484.04, Wis. Adm. Code] **(2)** For compliance emission testing required under ss. 285.11(7), 285.17(2), 285.65(3), 285.65(10), Wis. Stats. and/or ss. NR 407.09(1), NR 407.09(4), NR 439.075(1)(b) or NR 439.075(2)(a) or (c), Wis. Adm. Code, the permit holder may request, in writing, and the department may approve, in writing, an extension of time to conduct a scheduled test or a waiver of a scheduled test in accordance with

<table>
<tr><th colspan="2">ZZZ. Operating Requirements</th></tr>
<tr><td>Condition Type</td><td>a. Requirements</td></tr>
<tr><td></td><td>Section U. of Part II of this permit, unless approval of a waiver or extension by the department is not allowed under an applicable requirement. [ss. NR 407.09(4)(a)1. and NR 439.075(4), Wis. Adm. Code; s. 285.65(3), Wis. Stats.]

(3) Test notifications, test plans, test plan modifications and test reports, shall be submitted in accordance with Section U. of Part II of this permit and ss. NR 439.07 and NR 439.075, Wis. Adm. Code, unless otherwise indicated in Part I of this permit. For more details refer to the “Stack Testing Electronic Submittal Guidebook” on the DNR website. [ss. NR 439.07 and NR 439.075, Wis. Adm. Code]</td></tr>
<tr><td>3. Stack Parameters</td><td>(1) Emissions to the ambient air from each process shown in Table 1 shall be exhausted through the corresponding stack(s) shown in Table 1. Each stack listed shall meet the corresponding requirements identified in Table 1 below.
(a) The height of each stack above ground level shall be at least the height listed in column (a) of the table below;
(b) The stacks identified with a “No” in column (b) of the table below may not be equipped with a rainhat or other device which impedes the upward flow of exhaust gas. Stacks with a “Yes” in column (b) of the table below may be equipped with a stack obstruction.
(c) The stacks identified with a “No” in column (c) of the table below shall exhaust upward (within 10 degrees of vertical). Stacks with a “Yes” in column (c) of the table below may have a non-upward exhaust.
[ss. 285.63(1)(b) and 285.65(3), Wis. Stats.; 23-DMM-104]

(2) Compliance Demonstration: The permittee shall keep and maintain on site technical drawings, blueprints or equivalent records of the physical stack parameters. [s. NR 439.04(1)(d), Wis. Adm. Code; 23-DMM-104]

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<tr><td>4. Submittals / Record Retention</td><td>(1) Any submittals required in Part I of this permit that specify submittal to the Administrator, US EPA or the permitting authority shall also be submitted to the department. [s. 285.65(3), Wis. Stats.; s. NR 439.03(1)(a), Wis. Adm. Code]

(2) Submittals shall be uploaded through the DNR Switchboard (https://dnr.wisconsin.gov/topic/Switchboard). Alternatively, the permittee may contact the department to obtain an address for submitting a hard copy of any submittals to the department. [s. 285.65(3), Wis. Stats.; ss. NR 407.09(1)(c) and NR 439.03(1)(a), Wis. Adm. Code]

(3) Copies of all records required by Part I of this permit shall be retained for not less than 5 years, including records required by standards that may specify a shorter record retention time. [ss. NR 439.04(2) and NR 407.09(4)(a)1, Wis. Adm. Code, ss. 285.65(3) and (10), Wis. Stats.]</td></tr>
</table>

ZZZ. Operating Requirements	
Condition Type	a. Requirements
5. Fuel and Engine Requirements[6]	**(1)** The permittee shall only fire diesel fuel and/or hydrotreated vegetable oil that meets the following ultra-low sulfur diesel (ULSD) per-gallon standards in 40 CFR 1090.305 in engines P01 to P42: **(a)** *Sulfur standard.* Maximum sulfur content of 15 ppm. **(b)** *Centane index or aromatic content.* Diesel fuel must meet one of the following standards: **i.** Minimum centane index of 40. **ii.** Maximum aromatic content of 35 volume percent. [s. 285.65(7), Wis. Stats.; 23-DMM-104] **(2)** The hydrotreated vegetable oil fired in engines P01 to P42 shall meet ASTM D6751. [s. 285.65(7), Wis. Stats.; 23-DMM-104] **(3)** The permittee shall maintain records of the fuel supplier certification or equivalent document or test results for each batch of fuel fired in engines P01 to P42 that specifies: **(a)** The sulfur content (or a statement that the fuel qualifies as ultra-low sulfur diesel) and either the centane index or aromatic content of the fuel; and **(b)** If the fuel is hydrotreated vegetable oil, whether the fuel meets ASTM D6751. [s. NR 439.04(1)(d), Wis. Adm. Code; 23-DMM-104] **(4)** The permittee shall maintain the engine manufacturer's warranty for each of engines P01 to P42 that specifies that the warranty includes the combustion of biodiesel in the engines. [s. NR 439.04(1)(d), Wis. Adm. Code; 23-DMM-104]

[6] The permittee elected to meet these requirements so that the 40 CFR 60, subpart IIII engine certifications for engines P01-P42 are not voided by the use of hydrotreated vegetable oil in the engines.

PART II: General Permit Conditions For Direct Stationary Sources

A. Scope.

This permit is valid only for the structure, building, facility, equipment or operation specifically identified herein. All emissions authorized hereby shall be in compliance with the terms and conditions of all Parts of this permit. [s. 285.60(7), Wis. Stats.]

B. Emissions Prohibited.

Unless the department has approved an exception under s. NR 436.03(2), Wis. Adm. Code, no person may cause, allow, or permit emissions of any air contaminant into the ambient air in excess of the limits set in chs. NR 400 to 499, Wis. Adm. Code. [s. NR 436.03(1), Wis. Adm. Code]

C. General Emission Limits.

C.1. Applicable to Insignificant Emissions Units.

The following general emission limitations may apply to one or more of the insignificant emission units identified in the preamble of the operation permit. It is the permittee's responsibility to comply with these requirements, if they do apply. Insignificant emission units typically are associated with inconsequential environmental impacts and present little potential for violations of these generally applicable requirements. If there were no observed, documented or known instances of noncompliance, certification of compliance is appropriate. Testing or monitoring to assure compliance is not required by the operation permit.

C.1.a. Section NR 415.05, Wis. Adm. Code - Particulate matter emission limits for processes;

C.1.b. Section NR 415.06, Wis. Adm. Code - Particulate matter emission limits for fuel burning installations;

C.1.c. Section NR 415.07, Wis. Adm. Code - Particulate matter emission limits for incinerators;

C.1.d. Section NR 423.03, Wis. Adm. Code - Solvent metal cleaning;

C.1.e. Sections NR 423.035 and NR 423.037, Wis. Adm. Code – Industrial cleaning operations;

C.1.f. Section NR 485.05, Wis. Adm. Code - Visible emission limits for motor vehicles, internal combustion engines and mobile sources; and

C.1.g. Section NR 485.055, Wis. Adm. Code - Particulate emission limit for gasoline and diesel internal combustion engines.

C.2. Applicable to Significant and Insignificant Emissions Units.

The following general emission limitations may apply to both significant and insignificant emission units. It is the permittee's responsibility to comply with these requirements, if they apply. Testing or monitoring to assure compliance with these general emission limits is not required by the operation permit.

For each significant emission unit, if a more specific emission limit is included in the permit for any of the pollutants listed below, then compliance with that more specific limit will constitute compliance with the general emission limit.

For insignificant emission units, if there were no observed, documented or known instances of non-compliance, certification of compliance is appropriate.

C.2.a. No person may cause, allow, or permit particulate matter to be emitted into the ambient air which substantially contributes to exceeding of an air standard, or creates air pollution. [s. NR 415.03, Wis. Adm. Code]

C.2.b. No person may cause, allow, or permit any materials to be handled, transported, or stored without taking precautions to prevent particulate matter from becoming airborne. Nor may a person allow a structure, a parking lot, or a road to be used, constructed, altered, repaired, sand blasted or demolished without taking such precautions. Such precautions shall include, but not be limited to the following [s. NR 415.04, Wis. Adm. Code]:

C.2.b.(1) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, or construction operations. [s. NR 415.04(1)(a), Wis. Adm. Code]

C.2.b.(2) Application of asphalt, oil, water, suitable chemicals, or plastic covering on dirt roads, material stockpiles, and other surfaces which can create airborne dust, provided such application does not create a hydrocarbon, odor, or water pollution problem. [s. NR 415.04(1)(b), Wis. Adm. Code]

C.2.b.(3) Installation and use of hoods, fans and air cleaning devices to enclose and vent the areas where dusty materials are handled. [s. NR 415.04(1)(c), Wis. Adm. Code]

C.2.b.(4) Covering or securing of materials likely to become airborne while being moved on public roads, railroads, or navigable waters. [s. NR 415.04(1)(d), Wis. Adm. Code]

C.2.b.(5) Conduct of agricultural practices such as tilling of land or application of fertilizers in such manner as not to create air pollution. [s. NR 415.04(1)(e), Wis. Adm. Code]

C.2.b.(6) The paving or maintenance of roadway areas so as not to create air pollution. [s. NR 415.04(1)(f), Wis. Adm. Code]

C.2.c. No person may cause, allow or permit emission of sulfur or sulfur compounds into the ambient air which substantially contribute to the exceeding of an air standard or cause air pollution. [s. NR 417.03, Wis. Adm. Code]

C.2.d. No person may cause, allow or permit organic compound emissions into the ambient air which substantially contribute to the exceeding of an air standard or cause air pollution. No person may cause, allow or permit organic compounds to be used or handled without using good operating practices and taking reasonable precautions to prevent the spillage, escape or emission of organic compounds, solvents or mixtures. [s. NR 419.03, Wis. Adm. Code]

C.2.e. No person may cause, allow or permit the disposal of more than 5.7 liters (1.5 gallons) of any liquid Volatile Organic Compound (VOC) waste, or of any liquid, semisolid or solid waste materials containing more than 5.7 liters (1.5 gallons) of any VOC, in any one day from a facility in a manner that would permit their evaporation into the ambient air during the ozone season. This includes, but is not limited to, the disposal of VOC which must be removed from VOC control devices so as to maintain the control devices at their required operating efficiency. Disposal during the ozone season shall be by methods approved by the department, such as incineration, recovery for reuse, or transfer in closed containers to an acceptable disposal facility, such that the

quantity of VOC which evaporates into the ambient air does not exceed 15% (by weight) or 5.7 liters (1.5 gallons) in any one day, whichever is larger. [s. NR 419.04, Wis. Adm. Code]

C.2.f. No person may cause, allow or permit emissions of carbon monoxide to the ambient air which substantially contribute to the exceeding of an air standard or cause air pollution. [s. NR 426.03, Wis. Adm. Code].

C.2.g. No person may cause, allow or permit emissions into the ambient air of lead or lead compounds which substantially contribute to the exceeding of an air standard or air increment, or which create air pollution. [s. NR 427.025, Wis. Adm. Code]

C.2.h. No person may cause, allow, or permit nitrogen oxides or nitrogen compounds to be emitted to the ambient air which substantially contribute to the exceeding of an air standard or cause air pollution. [s. NR 428.03, Wis. Adm. Code]

C.2.i. No person may cause, allow or permit emission into the ambient air of any substance or combination of substances in such quantities that an objectionable odor is determined to result unless preventive measures satisfactory to the department are taken to abate or control such emission. [s. NR 429.03(1), Wis. Adm. Code *]

C.2.j. Open burning is prohibited except as provided in s. NR 429.04, Wis. Adm. Code. [s. NR 429.04, Wis. Adm. Code *]

C.2.k. [Note: Under the Wisconsin Recycling Law (Wisconsin Act 335), small businesses, commercial enterprises, and industries may not use burn barrels or engage in other kinds of open burning and may not be granted burning permits by municipalities. However, the prohibition on burn barrels does not apply to small businesses in which the owners reside at the same location and cannot separate their business waste from their household waste.]

C.2.l. No person may cause, allow or permit emissions into the ambient air from any direct or portable source in excess of one of the visible emission limits specified in ch. NR 431, Wis. Adm. Code. Where the presence of uncombined water is the only reason for failure to meet the requirements of ch. NR 431, Wis. Adm. Code, such failure is not a violation of the chapter. [s. NR 431.03, Wis. Adm. Code]

C.2.m. When the department requires instrumentation to monitor the operation of air pollution control equipment, or to monitor source performance, the instrument shall measure operational variables with the following minimum accuracy: [ss. NR 439.055(3), Wis. Adm. Code]

C.2.n. The temperature monitoring device shall have an accuracy of 0.5% of the temperature being measured in degrees Fahrenheit or ±5ºF of the temperature being measured, or the equivalent in degrees Celsius (centigrade), whichever is greater. [s. NR 439.055(3)(a), Wis. Adm. Code]

C.2.o. The pressure drop monitoring device shall be accurate to within 5% of the pressure drop being measured or within ±1 inch of water column, whichever is greater. [s. NR 439.055(3)(b), Wis. Adm. Code]

C.2.p. The current, voltage, flow or pH monitoring device shall be accurate to within 5% of the specific variable being measured. [s. NR 439.055(3)(c), Wis. Adm. Code]

C.2.q. At a minimum, all instruments used for measuring source or air pollution control equipment operational variables shall be calibrated yearly or at a frequency based on good engineering practice as established by operational history, whichever is more frequent. [ss. NR 439.055(4), Wis. Adm. Code]

C.2.r. No person may cause, allow, or permit emissions into the ambient air of any hazardous substance in such quantity, concentration, or duration as to be injurious to human health, plant or animal life unless the purpose of that emission is for the control of plant or animal life. Hazardous substances include, but are not limited to, hazardous air contaminants listed in Tables A to C of s. NR 445.07, Wis. Adm. Code. [s. NR 445.03, Wis. Adm. Code *]

C.2.s. Chapter NR 447, Wis. Adm. Code, applies to all air contaminant sources which may emit asbestos, to their owners and operators and to any person whose action causes the emission of asbestos to the ambient air, including demolition and renovation activities. Chapter NR 447, Wis. Adm. Code, establishes emission limitations for asbestos air contaminant sources, establishes procedures to be followed when working with asbestos materials and contains additional reporting and record keeping requirements for owners or operators of asbestos air contaminant sources in order to protect air quality. [ch. NR 447, Wis. Adm. Code]

C.2.t. An owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process (an activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or a combination of these activities) as determined under 40 CFR 68.115, shall comply with the applicable requirements of the 40 CFR Part 68 Chemical Accident Prevention Provisions in accordance with the dates in 40 CFR s. 68.10. [40 CFR Part ss. 68.10 and 68.215(a)(1), s. 285.65(13), Wis. Stats.]

C.2.u. No person may cause, allow or permit emissions of mercury in such quantity and duration as to cause the ambient air concentration to exceed 1 mg/m^3, averaged over a 30-day period. [s. NR 446.03(1), Wis. Adm. Code]

D. Reporting Requirements.

D.1. The department shall be notified of the events in Table D1.:

Table D1.

Event	Timing
D.1.a. Hazardous substance air spill.	Immediate call: 1-800-943-0003
D.1.b. Malfunction or other unscheduled event which causes or may cause any emission limitation to be exceeded (except certain visible emissions limit exceedances detected by a continuous emission monitor, see s. NR 439.03(4)(a)2., Wis. Adm. Code.).	Notification by next business day of any such event at the source which is not reported in advance to the department. Report the cause and duration of the exceedance, the period of time considered necessary for correction, and measures taken to minimize emissions during the period or will be taken to prevent future deviations.

Table D1.

Event	Timing
D.1.c. Deviation from any other condition specified in this permit.	Notification by next business day identifying the deviation, cause, duration and steps taken to prevent recurrence.

[ss. 285.65(10) and 292.11(2), Wis. Stats., and s. NR 439.03(4) and NR 445.16, Wis. Adm. Code]

D.2. Persons possessing or controlling a hazardous substance shall immediately notify the department of any hazardous emission not in conformity with a permit or allowed by the department under chs. NR 400 to 499, Wis. Adm. Code. Notice shall be given as required by s. 292.11, Stats., and ch.706, Wis. Adm. Code. [s. NR 445.16, Wis. Adm. Code]

D.3. The permittee shall report to the department, in advance, schedules for planned shutdown and startup of air pollution control equipment and the measures to be taken to minimize the down time of the control equipment while the source is operating. Scheduled maintenance or any other scheduled event, including startup, shutdown or soot blowing procedures which have been approved by the department under s. NR 436.03(2)(b), Wis. Adm. Code which causes an emission limit to be exceeded shall also be reported in advance to the department. Advance reporting pursuant to this permit condition does not relieve any person from the duty to comply with any applicable emission limitations. Emissions in excess of the limits set in chs. NR 400-499, Wis. Adm. Code, may be allowed when the emissions are temporary and due to scheduled maintenance, startup or shutdown of operations carried out in accord with a plan and schedule approved by the department. [s. NR 436.03(2)(b) and NR 439.03(6), Wis. Adm. Code]

D.4. The permittee shall furnish to the department, within a reasonable time specified by the department, any information that the department may request in writing to determine whether cause exists to revise, revoke or suspend the operation permit or to determine compliance with this permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept pursuant to this permit. [s. NR 407.09(1)(f)5., Wis. Adm. Code]

D.5. When requested by the department, a person shall furnish to the department information to locate and classify air contaminant sources according to the type, level, duration, frequency and other characteristics of emissions and such other information as may be necessary. The information shall be sufficient to evaluate the source's effect on air quality and compliance with chs. NR 400 to 499.

D.6. The permittee shall submit the results of monitoring required by the permit to the department according to the schedule established in the permit. Any such report shall clearly identify all instances of deviations from permit requirements. All such reports shall be certified by the responsible official for the source as to their truth, accuracy and completeness. [s. 285.17(2), Wis. Stats., and s. NR 439.03(1)(b), Wis. Adm. Code]

D.7. Each permit reporting required under s. NR 439.03, Wis. Adm. Code, shall be certified by a responsible official as to its truth, accuracy and completeness. This certification and any other certification required under ch. NR 439, Wis. Adm. Code shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete. [s. NR 439.03(10), Wis. Adm. Code]

D.8. Except for information determined to be confidential under s. 285.70(2), Wis. Stats., or s. NR 2.19, Wis. Adm. Code, any information or reports obtained by the department in the administration of ss. 285.01 to 285.87 and 299.15, Wis. Stats., will be available for public inspection at the offices of the department. [s. 285.70(1), Wis. Stats., s. NR 2.19, Wis. Adm. Code]

D.9. All certifications made under s. NR 439.03, Wis. Adm. Code, and all material statements and representations made in any report or notice required by the operation permit shall be truthful. [s. NR 439.03(11), Wis. Adm. Code]

D.10. Any document required under the operation permit and submitted to the department, including reports, shall contain a certification by a responsible official that meets the requirements of s. NR 407.05(4)(j), Wis. Adm. Code. [s. NR 407.09(4)(a)1., Wis. Adm. Code]

D.11. Copies of all records and reports required under this permit shall be retained by the permittee for a period of 5 years except for records required to be maintained or reports required to be submitted under ss. NR 405.16(3) or NR 408.10(5), Wis. Adm. Code. Records and reports required under s. NR 405.16(3) or NR 408.10(5), Wis. Adm. Code, shall be maintained for a minimum of 10 years. [s. NR 439.04(2), Wis. Adm. Code]

E. Right of Entry and Inspection.

The permittee shall allow authorized representatives of the department to enter upon the permittee's premises, to have access to and examine any record relating to emissions or required to be kept, and to make any inspection necessary to ascertain compliance with air pollution control laws and the terms of this permit. The department may, for the purpose of determining a source's compliance with applicable requirements, sample or monitor at reasonable times production materials or other substances or operational parameters. [ss. 285.13 and 285.19, Wis. Stats., and s. NR 439.05, Wis. Adm. Code]

F. Malfunction Prevention and Abatement Plans.

The owner or operator of any direct or portable source which may emit hazardous substances or emits more than 15 pounds in any day or 3 pounds in any hour of any air contaminant for which emission limits have been adopted shall prepare a written malfunction prevention and abatement plan to prevent, detect, and correct malfunctions or equipment failures which may cause any applicable emission limitation to be violated or which may cause air pollution. Any such plan shall be carried out by the owner or operator. The plan shall be updated at least every 5 years and shall include the items listed in s. NR 439.11(1), Wis. Adm. Code. The department may require the plan to be submitted for review and approval. All air pollution control equipment shall be operated and maintained in conformance with good engineering practices to minimize the possibility for the exceedance of any emissions limitations. [s. NR 439.11, Wis. Adm. Code]

Note: For this condition, 'source' refers to an individual emissions unit.

G. Emission Control Action Plan.

Any person responsible for the operation of a direct source which emits 0.25 tons or more per day of any air contaminant for which

air standards have been adopted, the permittee shall prepare an emission control action program, consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an air pollution alert, air pollution warning or air pollution emergency declared under s. NR 493.03(2), Wis. Adm. Code. The emission control action program shall be designed to reduce or eliminate emissions of air contaminants into the outdoor atmosphere in accordance with the requirements set forth in Tables 2 to 6 of ch. NR 493, Wis. Adm. Code. [s. NR 493.04, Wis. Adm. Code]

Note: For this condition, 'direct source' refers to an entire facility.

H. Change in Ownership or Control.

In the event of a change in ownership or operational control of a source, the permittee shall notify the department in writing. The notification should include a written agreement between the current and new owner or operator which sets forth a specific date for transfer of permit responsibility, coverage and liability. [s. 285.60(2)(a), Wis. Stats., and s. NR 407.11(1)(d), Wis. Adm. Code.]

I. Permit Flexibility, Revision, Suspension, and Revocation.

I.1. Changes to the source which are not modifications and changes in permit content are regulated under the permit flexibility provisions of s. 285.60(4), Wis. Stats., and s. NR 407.025, Wis. Adm. Code, and the operation permit revision provisions in ss. NR 407.11, NR 407.12, NR 407.13, NR 407.14, and NR 407.16, Wis. Adm. Code.

I.2. An operation permit may be suspended or revoked, in whole or in part, for cause. [ss. NR 407.09(1)(f)3. and NR 407.15, Wis. Adm. Code.]

I.3. A construction permit may be suspended, revoked or revised, in whole or in part, for cause. [s. NR 406.11, Wis. Adm. Code]

J. Construction, Reconstruction, Replacement, Relocation or Modification.

J.1. Unless the replacement is authorized by a construction permit or is exempt under s. NR 406.04, Wis. Adm. Code, replacement of the source(s) covered by this permit is prohibited. [s. 285.60(1)(a), Wis. Stats.]

J.2. No person may commence construction, reconstruction, replacement, relocation or modification of a stationary source unless the person has a construction permit for the source or unless the source is exempt from the requirement to obtain a permit under s. 285.60(5), Wis. Stats., or under ch. NR 406, Wis. Adm. Code. Applications for the construction permit shall be submitted on forms which are available from the department at its Madison headquarters, Department Regional Headquarters and Service Center Offices or online. [s. 285.60(1)(a), Wis. Stats., NR 406.03(1m)(a), Wis. Adm. Code]

Note: The address of the Madison headquarters is: Wisconsin Department of Natural Resources, Bureau of Air Management, PO Box 7921, Madison, WI 53707-7921, Attention: Construction permits. The internet web address is: http://dnr.wi.gov/topic/AirPermits/Forms.html.

J.3. For new or modified sources for which no construction permit is required, the application for an operation permit shall be filed before the source commences construction or modification. [s. NR 407.04(1)(b), Wis. Adm. Code]

K. Circumvention.

K.1. The installation or use of any article, machine, equipment, process, or method which conceals an emission which would otherwise constitute a violation of an applicable rule is prohibited unless written approval has been obtained from the department. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance and the unnecessary separation of an operation into parts to avoid coverage by a rule that applies only to operations larger than a specified size. [s. NR 439.10, Wis. Adm. Code]

K.2. No one may render inaccurate any monitoring device or method required under ch. NR 439, Wis. Adm. Code, or in this permit. [s. NR 439.03(12), Wis. Adm. Code]

K.3. No person may knowingly falsify, tamper with, render inaccurate or fail to install any monitoring device or method required to be maintained or followed under the Clean Air Act. [Clean Air Act s. 113(c)(2)(C); 42 USC 7413(c)(2)(C), s. 285.65(13), Wis. Stats.]

L. Civil/Criminal Liability.

L.1. Any owner or operator who fails to construct a stationary source in accordance with the application as approved by the department; any owner or operator who fails to construct and operate a stationary source in accordance with conditions imposed by the department under s. 285.65, Wis. Stats.; any owner or operator who modifies a stationary source in violation of conditions imposed by the department under s. 285.65, Wis. Stats.; or any owner or operator who commences construction or modification of a stationary source without applying for and receiving a permit as required under chapters NR 405, NR 406 or NR 408, Wis. Adm. Code, shall be considered in violation of s. 285.60, Wis. Stats. [s. NR 406.10, Wis. Adm. Code]

L.2. Nothing in the operation permit shall be construed to relieve the permit holder from civil and/or criminal penalties under ss. 285.87 and 299.15, Wis. Stats., for violation of the terms or conditions of this permit, or for violation of ss. 285.01 to 285.87, 292.11(2) and 299.15, Wis. Stats., or of any rule or any special order issued under those sections except where the operation permit shield provisions of s. 285.62(10)(b), Wis. Stats., are applicable. [s. 285.62(10)(b), Wis. Stats.]

L.3. The permittee has the duty to comply with all applicable conditions in chs. NR 400-499, air quality standards of ch. NR 404, control strategies of all local, state and federal regulations which are part of the state implementation plan and applicable limits in the permit. [s. NR 406.13, Wis. Adm. Code, s. 285.60(7), Wis. Stats., s. 285.65(13), Wis. Stats.]

L.4. Any noncompliance with this permit constitutes a violation of the Wisconsin statutes, the federal clean air act, or both, and is grounds for enforcement action; for permit suspension, revocation or revision; or, if allowed under s. 285.62(6), Wis. Stats., for denial of an operation permit renewal application. [s.NR 407.14, NR 407.15, and NR 407.09(1)(f)1., Wis. Adm. Code, s. 285.60(7), Wis. Stats. and 42 USC 7661a, s. 285.65(13), Wis. Stats.]

L.5. The following items are provided per s. NR 407.09(1)(d) and (f), Wis. Adm. Code:

L.5.a. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit. [s. NR 407.09(1)(f)2., Wis. Adm. Code]

L.5.b. The filing of a request by the permittee for a permit revision or revocation, or the filing of a notification of planned changes under s. NR 407.025, Wis. Adm. Code, or of anticipated noncompliance, does not stay any permit condition. [s. NR 407.09(1)(f)3., Wis. Adm. Code]

L.5.c. The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, nor does it authorize any injury to private property or any invasion of personal rights. [s. NR 407.09(1)(f)4., Wis. Adm. Code]

L.5.d. The provisions of this permit are severable. In the event of a successful challenge to any portion of the permit, all other portions of the permit remain valid and effective. [s. NR 407.09(1)(d), Wis. Adm. Code]

M. Recordkeeping Requirements.

M.1. The permittee shall maintain the following records, per s. NR 439.04(1), Wis. Adm. Code:

M.1.a. Records of all sampling, testing and monitoring conducted or required under chs. NR 400 to 499, Wis. Adm. Code, or under this permit. Records of sampling, testing or monitoring shall include the following [s. NR 439.04(1)(a), Wis. Adm. Code]:

M.1.a.(1) The date, monitoring site and time and duration of sampling, testing, monitoring or measurements. [s. NR 439.04(1)(a)(1), Wis. Adm. Code]

M.1.a.(2) The dates the analyses were performed. [s. NR 439.04(1)(a)(2), Wis. Adm. Code]

M.1.a.(3) The company or entity that performed the analysis. [s. NR 439.04(1)(a)(3), Wis. Adm. Code]

M.1.a.(4) The analytical techniques or methods used, including supporting information such as calibration and maintenance records of all original recording charts for continuous monitoring instrumentation including emissions or equipment monitors. [s. NR 439.04(1)(a)(4), Wis. Adm. Code]

M.1.a.(5) The results of the analyses. [s. NR 439.04(1)(a)(5), Wis. Adm. Code]

M.1.a.(6) The relevant operating conditions that existed at the time of sampling, testing, monitoring or measurement. [s. NR 439.04(1)(a)(6), Wis. Adm. Code]

M.1.b. Records detailing all malfunctions which cause any applicable emission limitation to be exceeded, including logs to document the implementation of the plan required under s. NR 439.11, Wis. Adm. Code. [s. NR 439.04(1)(b), Wis. Adm. Code];

M.1.c. Records detailing all activities specified in any compliance schedule approved by the department under chs. NR 400 to 499, Wis. Adm. Code. [s. NR 439.04(1)(c), Wis. Adm. Code]; and

M.1.d. Any other records relating to the emission of air contaminants which may be requested in writing by the department. [s. NR 439.04(1)(d), Wis. Adm. Code];

M.2. The owner or operator of a source constructed or last modified prior to July 1, 2004, with non-exempt, potential to emit emissions of a hazardous air contaminant less than or equal to the applicable threshold in column (c), (d), (e), or (f) of Table A, B or C of s. NR 445.07, Wis. Adm. Code, shall maintain records in accordance with s. NR 439.04(1) and (2), Wis. Adm. Code, starting no later than June 30, 2007. [s. NR 445.08(6)(b), Wis. Adm. Code *]

M.2.a. In addition to meeting the recordkeeping requirements of s. NR 439.04(1) and (2), Wis. Adm. Code, an owner or operator of any compression ignition internal combustion engine for which s. NR 445.09, Wis. Adm. Code applies shall: [s. NR 445.09(6), Wis. Adm. Code]

M.2.a.(1) Keep records of maintenance performed on any particulate matter emission control device used to comply with s. NR 445.09(3), Wis. Adm. Code. [s. NR 445.09(6)(a), Wis. Adm. Code]

M.2.a.(2) For any engine that stays or that is intended to stay in a single location for any 12 consecutive month period, keep the following records; [s. NR 445.09(6)(b), Wis. Adm. Code]:

M.2.a.(2)1. The amount fuel oil combusted on a monthly basis for any engine not using a certified control device. [s. NR 445.09(6)(b)1., Wis. Adm. Code]

M.2.a.(2)2. The power rating and days of operation of any CI engine used to substitute power under s. NR 445.09(1)(d), Wis. Adm. Code. [s. NR 445.09(6)(b)2., Wis. Adm. Code]; and

M.2.a.(2)3. The cost of rebuilding any CI engine on a monthly basis. [s. NR 445.09(6)3., Wis. Adm. Code]

M.3. Owners and operators of facilities required to file emission inventory reports shall keep accurate and reliable records sufficient to enable verification of the reports by the department. [s. NR 438.03(4), Wis. Adm. Code]

M.4. Copies of all records and reports required under this permit shall be retained by the permittee for a period of 5 years or for such other period as may be specified by the department. [s. NR 439.04(2), Wis. Adm. Code]

M.5. Source obligation for Prevention of Significant Deterioration includes project records demonstrating the calculated difference between projected actual emissions and baseline actual emissions does not exceed the level that is considered significant for the air contaminant. Before beginning actual construction of a project, the owner or operator shall meet the record requirements and make available those records for the department or general public upon request. [s. NR 405.16(3) and (4), Wis. Adm. Code]

M.6. Source obligation for Major Source Nonattainment Area Construction Permits includes project records demonstrating the calculated difference between projected actual emissions and baseline actual emissions does not exceed the level that is considered significant for the air contaminant. Before beginning actual construction of a project, the owner or operator shall meet the record requirements and make available those records for the department or general public upon request. [s. NR 408.10(5) and (6), Wis. Adm. Code]

M.7. Except for information determined to be confidential under s. 285.70(2), Wis. Stats. or s. NR 2.19, Wis. Adm. Code, any information or reports obtained by the department in the administration of ss. 285.01 to 285.87 and 299.15, Wis. Stats., will be available for public inspection at the offices of the department. [s. 285.70(1), Wis. Stats., s. 2.19, Wis. Adm. Code]

N. Compliance Certification.

N.1. The responsible official for the source shall certify the source's compliance status with the operation permit and submit the compliance certifications to the department. [s. NR 439.03 (1)(c) and (9), Wis. Adm. Code]

N.2. The certification of compliance status shall be submitted according to the schedule established in the operation permit. [s. NR 439.03(1)(c), Wis. Adm. Code]

N.3. The certification of compliance status shall be made by the responsible official and shall include the following information: [s. NR 439.03(8), Wis. Adm. Code]:

N.3.a. Identification of each permit term or condition that is the basis of the certification. [s. NR 439.03(8)(a), Wis. Adm. Code];

N.3.b. The compliance status of the source with respect to each term or condition identified in N.3.a. [s. NR 439.03(8)(b), Wis. Adm. Code];

N.3.c. Information on whether compliance was continuous or intermittent. [s. NR 439.03(8)(c), Wis. Adm. Code];

N.3.d. The method(s) used for determining the compliance status, currently and over the previous 12 month period. [s. NR 439.03(8)(d), Wis. Adm. Code];

N.3.e. A certification statement indicating whether the source is in compliance with all applicable requirements of the 40 CFR Part 68 Chemical Accident Prevention Provisions, including the registration and submission of the risk management plan (RMP), as required by 40 CFR 68.160 and 68.150, respectively, as applicable; and

N.3.f. Other information the department may require, as specified in the operation permit, to determine the compliance status of the source. [s. NR 439.03(8)(e), Wis. Adm. Code]

O. Required Air Emission Inventory Reports.

The permittee shall annually submit to the department an emission inventory report of annual, actual emissions or throughput information in accordance with ch. NR 438, Wis. Adm. Code. [s. NR 438.03, Wis. Adm. Code]

P. Annual Emission Fees.

The permittee shall pay an annual fee to the department at the rate specified in s. 285.69(2), (2e) and (2m), Wis. Stats. [s. NR 410.04, Wis. Adm. Code]

Q. General Provisions for National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standard (NSPS).

Q.1. The general provisions in 40 CFR Part 63, Subpart A apply to any permittee that is affected or becomes affected by a standard promulgated by EPA under section 112 of the act (42 USC 7412), as explicitly stated in the relevant 40 CFR Part 63 standard. The general provisions in 40 CFR Part 63, Subpart A do not apply to regulations promulgated by EPA under section 112(r) of the act, unless otherwise specified in those regulations. [s. 285.65(13), Wis. Stats., 40 CFR s. 63.1(a)(4)]

Q.2. The general provisions in 40 CFR Part 60, Subpart A apply to any permittee that is affected or becomes affected by a standard promulgated by EPA under section 111 of the act (42 USC 7411). [s. 285.65(13), Wis. Stats., 40 CFR ss. 60.1(a) and (b)]

R. Stratospheric Ozone Protection.

R.1. State Requirements.

R.1.a. During the salvaging, dismantling or transporting of refrigeration equipment, no person may knowingly or negligently release ozone-depleting refrigerant to the environment, except for minimal releases that occur as a result of efforts to transfer ozone depleting refrigerant into storage tanks. [s. NR 488.03(1), Wis. Adm. Code *]

R.1.b. No person may knowingly or negligently release from a storage tank to the environment ozone-depleting refrigerant that was removed during the salvaging, dismantling or transporting of refrigeration equipment, except for minimal releases that occur as a result of efforts to transfer ozone-depleting refrigerant into refrigeration equipment or other storage tanks. [s. NR 488.03(2), Wis. Adm. Code *]

R.1.c. No person may salvage or dismantle any refrigeration equipment unless [s. NR 488.03(3), Wis. Adm. Code]:

R.1.c.(1) That person holds and prominently displays an annual registration of certification obtained from the department under s. NR 488.04, Wis. Adm. Code. [s. NR 488.03(3)(a), Wis. Adm. Code *];

R.1.c.(2) That person uses refrigerant recovery equipment approved by the department under s. NR 488.07, Wis. Adm. Code, to transfer remaining ozone-depleting refrigerant from each piece of refrigeration equipment into storage tanks[s. NR 488.03(3)(b), Wis. Adm. Code]; and

R.1.c.(3) Individuals who use the approved refrigerant recovery equipment have, or are working under the direct supervision of individuals who have, the qualifications required under s. NR 488.08, Wis. Adm. Code. [s. NR 488.03(3)(c), Wis. Adm. Code *]

R.1.d. Any person who sells, gives or transports refrigeration equipment to a scrap metal processor shall do the following: [s. NR 488.05(1), Wis. Adm. Code *]

R.1.d.(1) Transfer ozone-depleting refrigerant from the refrigeration equipment into a storage tank using approved refrigerant recovery equipment or obtain and possess documentation that another person performed the transfer. [s. NR 488.05(1)(a), Wis. Adm. Code*]; and

R.1.d.(2) Provide documentation to the scrap metal processor that he or she has complied with R.1.d.(1). [s. NR 488.05(1)b), Wis. Adm. Code *]

Note: Sample forms for the documentation of compliance with R.1.d.(1) are available from the Bureau of Air Management CFC Program.

Exemption: R.1.d does not apply to a person who sells, gives or transports refrigeration equipment to a scrap metal processor when that processor has agreed in writing to transfer the ozone-depleting refrigerant into a storage tank using approved refrigerant recovery equipment and that the processor is registered with the department under s. NR 488.04, Wis. Adm. Code. [s. NR 488.05, Wis. Adm. Code*]

R.1.e. Any person who transports, for the purposes of salvaging or dismantling, refrigeration equipment that contains ozone depleting refrigerant shall certify to the department that person will not knowingly or negligently release ozone-depleting refrigerant to the environment, except for minimal releases that occur as a result of refrigerant recovery efforts. This certification shall be submitted annually, along with a description of the safe transport methods to be used, and the fees required under s. NR 488.11, Wis. Adm. Code. [s. NR 488.10(1), Wis. Adm. Code *]

S. Payment of Construction Permit Fees.

Any person who obtains a construction permit shall pay the application fee within thirty days of the date of the billing statement. [s. NR 410.03(4), Wis. Adm. Code]

T. Credible Evidence.

Notwithstanding the compliance determination methods which the owner or operator of a source is authorized to use under this permit, any relevant information or appropriate method may be used to determine a source's compliance with applicable emission limitations. [s. NR 439.06, Wis. Adm. Code, 42 USC 7413(e), s. 285.65(13), Wis. Stats.]

U. Compliance Testing Requirements.

U.1. Unless the department requires or approves the performance of a test at less than capacity, all compliance emission tests shall be performed with the equipment operating at capacity or as close to capacity as practicable. [s. NR 439.07(1), Wis. Adm. Code]

U.2. The owner or operator of the source tested shall submit the emission test report to the department within 60 days after completion of a compliance emission test. If samples were collected by the department, the test report shall be submitted within 30 days after the results from the test samples have been reported to the source owner or operator by the department. If requested, the department may grant an extension of up to 30 days for test report submittal. The emission test report shall include, but need not be limited to the information listed in s. NR 439.07(9)(a)-(m), Wis. Adm. Code. The emission test report shall be submitted to the Department of Natural Resources electronically by uploading through the DNR Switchboard (https://dnr.wisconsin.gov/topic/Switchboard). Alternatively, the owner or operator of the source tested may contact the department to obtain an address for submitting 2 copies of the emission test report to the department. [s. NR 439.07(9), Wis. Adm. Code]

U.3. Unless more advance notice is required by an applicable requirement, the department shall be notified in writing at least 20 business days in advance of a compliance emission test, including initial certification tests and relative accuracy tests performed under s. NR 439.09, Wis. Adm. Code, to provide the department an opportunity to have a representative present to witness the testing procedures. The notice shall provide a test plan which includes, but need not be limited to, the information listed in s. NR 439.07(2)(a)-(f), Wis. Adm. Code. The notification and test plan shall be submitted to the Wisconsin Department of Natural Resources electronically by uploading through the DNR Switchboard (https://dnr.wisconsin.gov/topic/Switchboard). Alternatively, the owner or operator of the source being tested may contact the department to obtain an address for submitting the notification and test plan to the department. The source owner or operator shall notify the department of any modification to the test plan at least 5 business days prior to the test. In the event the owner or operator is unable to conduct the compliance emission test on the date specified in the test plan, due to unforeseeable circumstances beyond the owner or operator's control, the owner or operator shall notify the department at least 5 business days prior to the scheduled compliance emission test date and specify the date when the test is rescheduled. [ss. NR 439.07(2) and (4), Wis. Adm. Code]

U.4. The following exceptions apply to testing required by this permit under ss. 285.11(7), 285.17(2), 285.65(3), 285.65(10), Wis. Stats. and/or ss. NR 407.09(1), NR 407.09(4), NR 439.075(1)(b) or NR 439.075(2)(a) or (c), Wis. Adm. Code:

U.4.a. The department may grant a waiver of a scheduled test if any of the following applies:

U.4.a.(1) The direct stationary source associated with the emission point subject to the testing requirement will be ceasing operation within one year of a scheduled test.

U.4.a.(2) The most recently completed test results from a test conducted according to the methods and procedures specified in s. NR 439.07, Wis. Adm. Code for the direct stationary source demonstrate that the emissions of the air contaminant for which compliance emission testing is required under this section are 50% or less of the applicable emission limitation.

U.4.a.(3) The direct stationary source associated with the emission point subject to the testing requirement has not operated more than 360 hours in the previous 12 month period prior to the scheduled test date.

U.4.a.(4) The most recently completed test, conducted according to the methods and procedures specified in s. NR 439.07, Wis. Adm. Code, was conducted less than 12 months prior to the date that testing would be required under s. NR 439.075(3)(b), Wis. Adm. Code.

U.4.b. The department may grant an extension of up to 180 days for compliance emission testing if the owner or operate of a direct stationary source requests an extension, in writing, and can demonstrate that a representative emissions test cannot be performed within the time frames specified in this permit and/or s. NR 439.075(3)(b), Wis. Adm. Code.

U.4.c. All requests for waivers under condition U.4. shall be submitted in writing for department review and approval at least 60 days prior to the required test date.

[ss. NR 407.09(4)(a)1. and NR 439.075(4), Wis. Adm. Code, s. 285.65(3), Wis. Stats.]

U.5. Unless otherwise indicated in Part I of this permit, whenever emission testing is required, the permittee shall use the reference test methods listed under U.5. of this section. An alternate method to these reference test methods may be used if approved in writing by the department. [ss. NR 439.06 and NR 484.04, Wis. Adm. Code]

U.5.a. Reference Test Methods for Nonfugitive Particulate Matter: Whenever compliance emission testing is required for a nonfugitive particulate matter emission limitation, the permittee shall use the appropriate Method 5, 5A, 5B, 5D, 5E, 5F, 5G, 5H, 5I, or 17 in 40 CFR part 60, Appendix A, and when required Method 202 in 40 CFR part 51, Appendix M. [s. NR439.06(1), Wis. Adm. Code]

U.5.b. Reference Test Methods for Nonfugitive PM_{10} and $PM_{2.5}$ Emissions: Whenever compliance emission testing is required for a nonfugitive PM_{10} or $PM_{2.5}$ emission limitation, the permittee shall use Method 201 or 201A and when required Method 202 in 40 CFR part 51, Appendix M. [ss. NR 439.06(1m) and NR439.06(8), Wis. Adm. Code]

U.5.c. Reference Test Method for Sulfur Dioxide Emissions: Whenever compliance emission testing of a sulfur dioxide (SO_2) emission limitation is required, the permittee shall use Method 6, 6A, 6B, 6C, or 8 in 40 CFR part 60, Appendix A. [s. NR 439.06(2)(a), Wis. Adm. Code]

U.5.d. Reference Test Method for Volatile Organic Compound Emissions: Whenever compliance emission testing of a volatile organic compounds (VOC) emission limitation is required, the permittee shall use Method 18, 25, 25A or 25B in 40 CFR part 60, Appendix A. [s. NR 439.06(3)(a), Wis. Adm. Code]

U.5.e. Reference Test Method to Determine the Capture Efficiency of a Control System for Volatile Organic Compound Emissions: Whenever capture efficiency testing of VOC emissions is required, the permittee shall use Method 204, 204A, 204B, 204C, 204D, 204E, or 204F in 40 CFR Part 51, Appendix M, or the data quality objection method or lower confidence limit method in 40 CFR part 63, Subpart KK, Appendix A. When determining the overall emission reduction efficiency of a VOC control system, simultaneous measurements of both the capture efficiency of the system and the pollutant reduction efficiency of the control device may be required. [s. NR 439.06(3)(am), Wis. Adm. Code]

U.5.f. Reference Test Method to Determine Surface Coating Properties: Whenever the organic solvent content, the volume of solids, the weight of solids, the water content and the density of surface coatings, inks, and cleaning materials is required, the permittee shall use Method 24 or 24A in 40 CFR part 60, Appendix A. [s. NR 439.06(3)(b), Wis. Adm. Code]

U.5.g. Reference Test Method for Detecting Organic Compound Emission Leaks: Whenever the detection of organic compound emission leaks is required, the permittee shall use Method 21 in 40 CFR part 60, Appendix A. [s. NR 439.06(3)(c), Wis. Adm. Code]

U.5.h. Reference Test Method to Verify the Vapor Tightness of Gasoline Delivery Tanks: Whenever verification of the vapor tightness of gasoline delivery tanks is required, the permittee shall use Method 27 in 40 CFR part 60, Appendix A. [s. NR 439.06(3)(d), Wis. Adm. Code]

U.5.i. Reference Test Method for Carbon Monoxide Emissions: Whenever compliance emission testing of a carbon monoxide (CO) emission limitation is required, the permittee shall use Method 10, 10A, or 10B in 40 CFR part 60, Appendix A. [s. NR 439.06(4), Wis. Adm. Code]

U.5.j. Reference Test Method for Lead Emissions: Whenever compliance emission testing of a lead (Pb) emission limitation is required, the permittee shall use Method 12 in 40 CFR part 60, Appendix A. [s. NR 439.06(5), Wis. Adm. Code]

U.5.k. Reference Test Methods for Nitrogen Compound Emissions: Whenever compliance emission testing of a nitrogen compound (NOx) emission limitation is required, the permittee shall use EPA Method 7, 7A, 7B, 7C, 7D, or 7E in 40 CFR part 60, Appendix A. [s. NR 439.06(6)(a), Wis. Adm. Code]

U.5.l. Reference Test Methods for Total Reduced Sulfur Emissions: Whenever compliance emission testing of a total reduced sulfur (TRS) emission limitation is required, the permittee shall use EPA Method 15A, 16, 16A, or 16B in 40 CFR part 60, Appendix A. [s. NR 439.06(7)(a), Wis. Adm. Code]

U.5.m. Reference Test Method for Visible Emissions: Whenever emission testing of a visible emission limitation is required, the permittee shall use Method 9 in 40 CFR part 60, Appendix A. [s. NR 439.06(9)(a)1., Wis. Adm. Code]

U.5.n. Reference Test Method for a "No Visible Emissions" Requirement: Whenever compliance emission testing is required for a no visible emission limitation, the permittee shall use Method 22 in 40 CFR part 60, Appendix A. [s. NR 439.06(9)(b), Wis. Adm. Code]

V. PSD Source Obligation

V.1. For projects involving existing emissions units at sources that are major stationary sources as defined in s. NR 405.02(22), Wis. Adm. Code, which do not have a PAL [s. NR 405.02(24j), Wis. Adm. Code], where the calculated difference between projected actual emissions using the method specified in s. NR 405.02(25f)(b)1. to 2., Wis. Adm. Code and baseline actual emissions does not exceed the level that is considered significant for the air contaminant, as defined in s. NR 405.02(27), Wis. Adm. Code, the owner or operator shall meet the source obligation requirements in s. NR 405.16(3) and (4), Wis. Adm. Code. [s. NR 405.16(3) and (4), Wis. Adm. Code]