AIR POLLUTION CONTROL PERMIT TO CONSTRUCT

Permittee: **Name:** Basin Electric Power Cooperative **Address:** 1717 East Interstate Avenue Bismarck, North Dakota 58503	**Permit Number:** ACP-18273 v 1.0 **Permit Description:** PSD Major Future Title V HAP Major
Source Name & Location: Bison Generation Station 6261 121st Ave NW Ray, North Dakota 58849	**Source Type:** Combined Cycle Combustion Turbine Electric Generation Plant

Date of Application:
February 10, 2025 / June 6, 2025 (Class I Area Modeling) / June 17, 2025 (Amendment)

Pursuant to Chapter 23.1-06 of the North Dakota Century Code, the Air Pollution Control Rules of the State of North Dakota (Article 33.1-15 of the North Dakota Administrative Code or NDAC), and in reliance on statements and representations heretofore made by the permittee (i.e., owner) designated above, a Permit to Construct (PTC) is hereby issued authorizing such permittee to construct and initially operate the source unit(s) at the location designated above. This PTC is subject to all applicable rules and orders now or hereafter in effect of the North Dakota Department of Environmental Quality (Department) and to any conditions specified below:

James L. Semerad
Director
Division of Air Quality

Date: 12/29/25

1. Project and Facility Emissions Units:

This PTC (also referred to as 'permit') allows the construction and initial operation of the herein-mentioned new or modified equipment at the source. The source may be operated under this PTC until a Permit to Operate (PTO) is issued unless this permit is suspended or revoked. The source is subject to all applicable rules, regulations, and orders now or hereafter in effect of the Department and to the conditions specified herein.

Table 1-1 lists the emissions units at the facility.

Table 1-2 lists the insignificant activities at the facility.

Table 1-1: Emissions Units at the Facility

Emission Unit Description [A]	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
Mitsubishi 1x1 M501JAC natural gas-fired combined cycle combustion turbine #1 with duct burner. Turbine rated at 4,295 MMBtu/hr and duct burner rated at 1,209 MMBtu/hr for a combined max rating of 5,504 MMBtu/hr (NSPS KKKK, NSPS TTTTa MACT YYYY)	1	1	low-NOx burners, selective catalytic reduction (SCR) and oxidation catalyst (OC)
Mitsubishi 1x1 M501JAC natural gas-fired combined cycle combustion turbine #2 with duct burner. *Same ratings as EU 1.* (NSPS KKKK, NSPS TTTTa, MACT YYYY)	2	2	low-NOx burners, SCR and OC
Natural gas-fired auxiliary boiler rated at 249 MMBtu/hr (NSPS Db, MACT DDDDD)	3	3	Ultra-low-NOx burners (ULNB) and flue gas recirculation (FGR)
Natural gas-fired heater #1 rated at 15.2 MMBtu/hr (NSPS Dc, MACT DDDDD)	4	4	ULNB
Natural gas-fired heater #2 rated at 15.2 MMBtu/hr (NSPS Dc, MACT DDDDD)	5	5	ULNB
Natural gas-fired heater #3 rated at 15.2 MMBtu/hr (NSPS Dc, MACT DDDDD)	6	6	ULNB

Emission Unit Description [A]	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
Diesel-fired emergency generator rated at 5,364 horsepower (hp) and capable of producing 4000 kilowatts (kW) of power (NSPS IIII, MACT ZZZZ)	7	7	None
Diesel-fired emergency fire pump rated at 455 hp (NSPS IIII, MACT ZZZZ)	8	8	None
Piping fugitives (natural gas components)	FUG-1	FUG-1	Leak detection and repair program
Haul road fugitives	FUG-2	FUG-2	Paved roads and fugitive dust control plan

[A] All emission unit ratings are considered nominal ratings.

Table 1-2: Insignificant Activities at the Facility

Emission Unit Description [A]	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
Various building heaters totaling approximately 96 MMBtu/hr	IA 1	IA 1	None
Diesel generator tank, 4,400 gallons	IA 2	IA 2	None
Diesel fire pump tank, 572 gallons	IA 3	IA 3	None
Circuit Breakers (SF_6)	IA 4	IA 4	None

[A] All emission unit ratings are considered nominal ratings.

2. Applicable Standards, Restrictions and Miscellaneous Conditions:

A. New Source Performance Standards (NSPS):

The permittee shall comply with all applicable requirements of the following NSPS subparts, in addition to Subpart A, as referenced in NDAC 33.1-15-12 and 40 Code of Federal Regulations (CFR) Part 60.

1) Subpart Db – Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units (EU 3)

2) Subpart Dc – Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (EUs 4, 5, & 6)

3) Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (EUs 7 & 8)

4) Subpart KKKK – Standards of Performance for Stationary Combustion Turbines (EUs 1 & 2)

5) Subpart TTTTa – Standards of Performance for Greenhouse Gas Emissions for Modified Coal-Fired Steam Electric Generating Units and New Construction and Reconstruction Stationary Combustion Turbine Electric Generating Units (EUs 1 & 2)[1]

B. National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Source Categories/Maximum Achievable Control Technology (MACT):

The permittee shall comply with all applicable requirements of the following MACT subparts, in addition to Subpart A, as referenced in NDAC 33.1-15-22 and 40 CFR 63.

1) MACT YYYY – National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines (EUs 1 & 2)

2) MACT ZZZZ – National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (EUs 7 & 8)

3) MACT DDDDD – National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (EUs 3, 4, 5 & 6)

C. Fuel Restrictions:

1) All gas combustion units are restricted to combusting pipeline quality natural gas which contains no more than 0.5 grains of sulfur per 100 standard cubic feet (~8 parts per million by volume [ppmv]).

2) All emergency engines are restricted to combusting ultra-low sulfur diesel (ULSD) fuel containing no more than 0.0015 percent sulfur by weight (15 parts per million by weight [ppmw])

D. Acid Rain Program (EUs 1 & 2):

The permittee shall comply with all applicable requirements of 40 CFR 72, 75 and 77.

[1] On June 17, 2025, the Environmental Protection Agency (EPA) proposed to repeal this NSPS. Final action on the proposed repeal has not been taken as of November 13, 2025. If the rule is repealed, subjectivity to this standard, as referenced in the permit, will be eliminated.

E. Combined Cycle Combustion Turbines (EUs 1 & 2) Startup/Shutdown Restriction:

EUs 1 and 2 are restricted to a combined total of 588 startup/shutdown hours per year on a 12-month rolling average basis. Operational records shall be maintained for 2 years, and the Department shall be notified within 15 days if the permittee exceeds this limit. Startup hours shall only consist of the minutes from initial fuel combustion to stable operation.

F. Auxiliary Boiler (EU 3) Operational Restriction:

EU 3 is restricted to operating no more than 2,000 hours per year on a 12-month rolling average basis. Operational records shall be maintained for 2 years, and the Department shall be notified within 15 days if the permittee exceeds this limit. Startup hours shall only consist of the minutes from initial fuel combustion to stable operation.

G. Emergency Engines (EUs 7 & 8) Operational Restriction:

Since EUs 7 and 8 are considered emergency stationary reciprocating internal combustion engines (RICE) under the RICE rules, engine operations must comply with the non-emergency operating hour limits as specified in 40 CFR 60 Subpart IIII. There is no time limit on the use of emergency stationary RICE in emergency situations. The potential to emit for an emergency stationary RICE is based on operating no more hours per year than is allowed by 40 CFR 60 Subpart IIII, except for emergency situations.

H. Leak Detection and Repair:

The permittee shall establish and follow a written program of good operating practices to identify leaks from natural gas components on sight using sight, sound, and smell (other detection methods may also be used if approved by the Department in writing), repair leaks in a timely manner, and maintain the written program onsite along with a log of leaks observed and repaired within the last 2 years. This written program shall be submitted to the Department within 30 days of the startup notice required by Condition 6.B for Department review and approval.

3. Emission Unit Limits:

Emission limits from the operation of the source units identified in Table 1-1 of this PTC are as follows in Table 3-1. Source units not listed are subject to the applicable emission limits specified in NDAC 33.1-15.

Table 3-1: Summary of Permit Emissions Limits

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Pollutant / Parameter	Emission Limit [A]
Combined cycle combustion turbine #1 & #2 with duct burner	1 & 2	1 & 2	NO_X	2 ppmvd @ 15% O_2 (24-hr r.a.)
			CO	1.6 ppmvd @ 15% O_2 with duct firing (24-hr r.a.)
			CO	1.5 ppmvd @ 15% O_2 without duct firing (24-hr r.a.)
			SO_2/H_2SO_4	0.5 grains sulfur per 100 scf in fuel gas [B] (12-mo r.a.)
			$PM/PM_{10}/PM_{2.5}$	0.011 lb/MMBtu
			VOC	3.1 ppmvd @ 15% O_2
			Formaldehyde	91 ppbvd @ 15% O_2 [F]
			Opacity	20% [D]
			Startup/Shutdown	588 hours per year, total (12-mo. r.a.)
Natural gas-fired auxiliary boiler	3	3	NO_X	0.011 lb/MMBtu (30-day r.a.)
			CO	0.037 lb/MMBtu
			SO_2	0.5 grains sulfur per 100 scf in fuel gas [B] (12-mo r.a.)
			$PM/PM_{10}/PM_{2.5}$	0.007 lb/MMBtu [B]
			VOC	0.005 lb/MMBtu [B]
			Opacity	20% [D]
			Operational	2,000 hours per year (12-mo r.a.)

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Pollutant / Parameter	Emission Limit [A]
Natural gas-fired heater #1, #2, & #3	4, 5, & 6	4, 5, & 6	NO_X CO SO_2 $PM/PM_{10}/PM_{2.5}$ VOC Opacity	0.01 lb/MMBtu [C] 0.037 lb/MMBtu [C] 0.5 grains sulfur per 100 scf in fuel gas [B] (12-mo r.a.) 0.007 lb/MMBtu [B] 0.005 lb/MMBtu [B] 20% [D]
Diesel-fired emergency generator	7	7	NO_X CO SO_2 $PM/PM_{10}/PM_{2.5}$ VOC Opacity Operation	6.4 g/kW-hr 3.5 g/kW-hr 15 ppmw sulfur in fuel 0.2 g/kW-hr 0.43 g/kW-hr 15% [E] Condition 2.G
Diesel-fired emergency fire pump	8	8	NO_X CO SO_2 $PM/PM_{10}/PM_{2.5}$ VOC Opacity Operation	3.0 g/hp-hr 2.6 g/hp-hr 15 ppmw sulfur in fuel 0.15 g/hp-hr 1.13 g/hp-hr 20% [D] Condition 2.G
Piping fugitives (natural gas components)	FUG-1	FUG-1	VOC (or Operation)	Condition 2.H

[A] Limits apply to each individual unit unless otherwise stated

[B] Compliance demonstrated via fuel contract records and/or monthly fuel sampling.

[C] Initial compliance demonstrated via emissions testing or vendor guarantee.

[D] 40% opacity is permissible for not more than one six-minute period per hour.

[E] During lugging mode, 20% during acceleration mode, and 50% during the peaks in either acceleration or lugging modes.

[F] Does not apply during startup. Startup ends when the stationary combustion turbine has reached stable operation or after 3 hours, whichever is less.

A. NOx Emissions Limits:

1) EUs 1 and 2 shall each not discharge to the atmosphere any emissions of NO_X in excess of 2 parts per million by volume dry (ppmvd) at 15% oxygen (O_2) determined on a 24-hour rolling average (r.a.) through operation of a NO_X continuous emissions monitoring system (CEMS) and O_2 monitor.

2) EU 3 shall not discharge to the atmosphere any emissions of NO_X in excess of 0.011 pound per million British thermal units (lb/MMBtu) determined on a 30-day r.a. through operation of a NO_X CEMS or a predictive emission monitoring system (PEMS).

3) EUs 4, 5, and 6 shall not discharge to the atmosphere any emissions of NO_X in excess of 0.01 lb/MMBtu. Compliance with this requirement can be determined through initial compliance testing in accordance with Condition 4.A or by providing a vendor guarantee specific to the equipment purchased.

4) EU 7 shall not discharge to the atmosphere any emissions of NO_X in excess of 6.4 grams per kilowatt-hour (g/kW-hr). Compliance will be demonstrated through the use of NSPS IIII compliant Tier 2 engine. Appropriate records shall be maintained per §60.4214.

5) EU 8 shall not discharge to the atmosphere any emissions of NO_X in excess of 3.0 grams per horsepower-hour (g/hp-hr). Compliance will be demonstrated through the use of NSPS IIII compliant Tier 2 engine. Appropriate records shall be maintained per §60.4214.

B. CO Emissions Limits:

1) With duct burner firing: EUs 1 & 2 shall each not discharge to the atmosphere any emissions of CO in excess of 1.6 ppmvd at 15% O_2 determined on a 24-hour r.a. through operation of a CO CEMS and O_2 monitor.

Without duct burner firing: EUs 1 & 2 shall each not discharge to the atmosphere any emissions of CO in excess of 1.5 ppmvd at 15% O_2 determined on a 24-hour r.a. through operation of a CO CEMS and O_2 monitor.

For overlapping time periods when duct burner firing is operating and not operating, the hourly emission value shall be calculated as the average of all valid 1-minute emission data during that hour. For compliance purposes, the applicable limit is determined based on the condition that corresponded to the highest emissions standard.

2) EU 3 shall not discharge to the atmosphere any emissions of CO in excess of 0.037 lb/MMBtu determined through initial compliance testing in accordance with Condition 4.A. Future testing may be required once per

operating permit term[2].

3) EUs 4, 5, & 6 shall not discharge to the atmosphere any emissions of CO in excess of 0.037 lb/MMBtu. Compliance with this requirement can be determined through initial compliance testing in accordance with Condition 4.A or by providing a vendor guarantee specific to the equipment purchased.

4) EU 7 shall not discharge to the atmosphere any emissions of CO in excess of 3.5 g/kW-hr. Compliance will be demonstrated through the use of NSPS IIII compliant Tier 2 engine. Appropriate records shall be maintained per §60.4214.

5) EU 8 shall not discharge to the atmosphere any emissions of CO in excess of 2.6 g/hp-hr. Compliance will be demonstrated through the use of NSPS IIII compliant Tier 2 engine. Appropriate records shall be maintained per §60.4214.

C. $PM/PM_{10}/PM_{2.5}$ Emissions Limits:

1) EUs 1 & 2 shall each not discharge to the atmosphere any emissions of $PM/PM_{10}/PM_{2.5}$ in excess of 0.011 lb/MMBtu determined through initial compliance testing in accordance with Condition 4.A. Future testing may be required once per operating permit term.

2) EUs 3, 4, 5, & 6 shall not discharge to the atmosphere any emissions of $PM/PM_{10}/PM_{2.5}$ in excess of 0.007 lb/MMBtu. Maintaining records that pipeline quality natural gas is exclusively fired may be used to demonstrate compliance with this requirement.

3) EU 7 shall not discharge to the atmosphere any emissions of $PM/PM_{10}/PM_{2.5}$ in excess of 0.2 g/kW-hr. Compliance will be demonstrated through the use of NSPS IIII compliant Tier 2 engine. Appropriate records shall be maintained per §60.4214.

4) EU 8 shall not discharge to the atmosphere any emissions of $PM/PM_{10}/PM_{2.5}$ in excess of 0.15 g/hp-hr. Compliance will be demonstrated through the use of NSPS IIII compliant Tier 2 engine. Appropriate records shall be maintained per §60.4214.

D. VOC Emissions Limits:

1) EUs 1 & 2 shall not discharge to the atmosphere any emissions of VOC in excess of 3.1 ppmvd at 15% O_2 determined through initial compliance testing in accordance with Condition 4.A. Future testing may be required once per operating permit term.

2) EUs 3, 4, 5, & 6 shall not discharge to the atmosphere any emissions of

[2] Per NDAC 33.1-15-14-06.5.a.(2) an operating permit term is five years.

VOC in excess of 0.005 lb/MMBtu. Maintaining records that pipeline quality natural gas is exclusively fired may be used to demonstrate compliance with this requirement.

3) EU 7 shall not discharge to the atmosphere any emissions of VOC in excess of 0.43 g/kW-hr. Compliance will be demonstrated through the use of NSPS IIII compliant Tier 2 engine. Appropriate records shall be maintained per §60.4214.

4) EU 8 shall not discharge to the atmosphere any emissions of VOC in excess of 1.13 g/hp-hr. Compliance will be demonstrated through the use of NSPS IIII compliant Tier 2 engine. Appropriate records shall be maintained per §60.4214.

E. Formaldehyde Emissions Limit and Monitoring Requirements:

1) EUs 1 & 2 shall not discharge to the atmosphere any emissions of formaldehyde in excess 91 parts per billion by volume at 15% O_2 determined through initial compliance testing in accordance with Condition 4.A.[3] Future testing will be required on an annual basis.

2) EUs 1 & 2 must continuously monitor and maintain the 4-hour rolling average of the catalyst inlet temperature within the range suggested by the catalyst manufacturer. EUs 1 & 2 are not required to use the catalyst inlet temperature data that is recorded during engine startup in the calculations of the 4-hour rolling average catalyst inlet temperature.

4. Emission Testing Requirements:

A. Initial testing:

All initial testing will require a minimum of three runs, one hour each, unless otherwise specified in a federal subpart. Table 4-1 summarizes initial testing requirements.

Table 4-1: Initial Emissions Testing Requirements Summary

Description (EU)	EP [A]	Pollutant / Parameter	Method [B]
Combined cycle combustion turbine #1 & #2 with duct burner	1 & 2	NO_X CO SO_2 & H_2SO_4 $PM/PM_{10}/PM_{2.5}$ VOC Formaldehyde Opacity	Method 7E, CEMS Method 10, CEMS Fuel Records Method 5 and Method 202 [C] Method 25A Method 320 Method 9 [D]

[3] Limit does not apply during startup. See 40 CFR 63.6175 "Startup" for definition of startup. Available at: https://www.ecfr.gov/current/title-40/part-63/section-63.6175#p-63.6175(Startup)

Description (EU)	EP [A]	Pollutant / Parameter	Method [B]
Natural gas-fired auxiliary boiler	3	NO_X CO SO_2 $PM/PM_{10}/PM_{2.5}$ VOC Opacity	Method 7E, CEMS/PEMS Method 10 Fuel Records Method 5 and Method 202 [C, E] Method 25A [E] Method 9 [D]
Natural gas-fired heater #1, #2, & #3	4, 5, & 6	NO_X CO SO_2 $PM/PM_{10}/PM_{2.5}$ VOC Opacity	Method 7E [F] Method 10 [F] Fuel Records Method 5 and Method 202 [C, E] Method 25A [E] Method 9 [D]

[A] Testing requirement applies to each individual emission point unless otherwise stated.
[B] Equivalent reference methods approved by the Department may be used.
[C] Method 201A may be used if breakdown between $PM/PM_{10}/PM_{2.5}$ is desired.
[D] Compliance with PM limit (Method 5/202 testing) may be used to demonstrate compliance with opacity limit.
[E] Compliance with the applicable standard may be demonstrated by maintaining records of exclusive pipeline quality natural gas firing.
[F] Compliance with the applicable standard for EP 4, 5 & 6 may be demonstrated via testing of specific heaters which are representative of other heaters within the group (e.g., functionally similar burner design). The specific heaters to be tested must be identified in the notification required by Condition 4.A.2). Alternatively, vendor guarantees may be substituted for the initial testing requirement upon Department review and approval.

A signed copy of the test results shall be furnished to the Department within 60 days of the test date. The basis for this condition is NDAC 33.1-15-01-12 which is hereby incorporated into this permit by reference. To facilitate preparing for and conducting such tests, and to facilitate reporting the test results to the Department, the permittee shall follow the procedures and formats in the Department's Emission Testing Guideline.[4]

1) Test:

Within 180 days after initial startup, the permittee shall conduct emissions tests at the emission units listed in Table 4-1 using an independent testing firm, to determine the compliance status of the facility with respect to the emission limits specified in Table 3-1. Emissions testing shall be conducted for the pollutant(s) listed above in accordance with EPA Reference Methods listed in 40 CFR 60, Appendix A. Test methods other than those listed above may be used upon approval by the Department.

[4] See February 7, 2020, North Dakota Department of Environmental Quality Division of Air Quality Emissions Testing Guidelines. Available at: https://www.deq.nd.gov/publications/AQ/policy/PC/Emission_Testing_Guide.pdf

2) Notification:

The permittee shall notify the Department using the form in the Emission Testing Guideline, or its equivalent, at least 30 calendar days in advance of any tests of emissions of air contaminants required by the Department. If the permittee is unable to conduct the performance test on the scheduled date, the permittee shall notify the Department at least five days prior to the scheduled test date and coordinate a new test date with the Department.

3) Sampling Ports/Access:

Sampling ports shall be provided downstream of all emission control devices and in a flue, conduit, duct, stack or chimney arranged to conduct emissions to the ambient air. The ports shall be located to allow for reliable sampling and shall be adequate for test methods applicable to the facility. Safe access to the sampling ports shall be provided. Plans and specifications showing the size and location of the ports shall be submitted to the Department for review and approval.

4) Other:

a) The Department may require the permittee to have tests conducted to determine the emission of air contaminants from any source, whenever the Department has reason to believe that an emission of a contaminant not addressed by the permit applicant is occurring, or the emission of a contaminant in excess of that allowed by this permit is occurring. The Department may specify testing methods to be used in accordance with good professional practice. The Department may observe the testing. All tests shall be conducted by reputable, qualified personnel. A signed copy of the test results shall be furnished to the Department within 60 days of the test date.

All tests shall be made available, and the results calculated in accordance with test procedures approved by the Department. All tests shall be made under the direction of persons qualified by training or experience in the field of air pollution control as approved by the Department.

b) The Department may conduct tests of emissions of air contaminants from any source. Upon request of the Department, the permittee shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants.

B. Sampling and Testing:

The Department may require the permittee to conduct tests to determine the emission rate of air contaminants from the source. The Department may observe the testing and may specify testing

methods to be used. A signed copy of the test results shall be furnished to the Department within 60 days of the test date. The basis for this condition is NDAC 33.1-15-01-12 which is hereby incorporated into this permit by reference. To facilitate preparing for and conducting such tests, and to facilitate reporting the test results to the Department, the permittee shall follow the procedures and formats in the Department's Emission Testing Guideline.

5. General Conditions (Equipment):

A. Best Management Practices:

At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

B. Operation of Air Pollution Control Equipment:

The permittee shall maintain and operate all air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

C. Stack Heights:

Emissions shall be vented through stacks that meet the height requirements in Table 5-1. Stack heights may be no less than those listed in the table below without prior approval from the Department.

Table 5-1: Minimum Stack Heights

Emission Unit (EU)	Emission Point (EP)	Minimum Stack Height (Feet)
1 & 2	1 & 2	250
3	3	165
4, 5, & 6	4, 5, & 6	20

D. Like-Kind Engine/Turbine Replacement:

This permit allows the permittee to replace an existing engine or turbine with a like-kind unit. Replacement is subject to the following conditions:

1) The Department must be notified within 10 days after replacement.

2) The replacement unit shall operate in the same manner, provide no increase in throughput and have equal or less emissions than the unit it is replacing.

3) The date of manufacture of the replacement unit must be included in the notification. The facility must comply with any applicable federal standards (e.g. NSPS, MACT) triggered by the replacement.

4) The replacement unit is subject to the same state emission limits and performance testing requirements as the existing unit in addition to any NSPS or MACT emission limits and performance testing requirements that are applicable. Testing shall be conducted to confirm compliance with the emission limits within 180 days after start-up of the unit.

E. Organic Compound Emissions:

The permittee shall comply with all applicable requirements of NDAC 33.1-15-07 – Control of Organic Compounds Emissions.

F. Air Pollution from Internal Combustion Engines:

The permittee shall comply with all applicable requirements of NDAC 33.1-15-08-01 – Internal Combustion Engine Emissions Restricted.

G. Fugitive Emissions:

The release of fugitive emissions shall comply with the applicable requirements in NDAC 33.1-15-17 – Restriction of Fugitive Emissions.

6. General Conditions (Procedural):

A. Construction:

Construction of the above-described facility shall be in accordance with information provided in the permit application as well as any plans, specifications and supporting data submitted to the Department. The Department shall be notified 10 days in advance of any significant deviations from the specifications furnished. The issuance of this Permit to Construct may be suspended or revoked if the Department determines that a significant deviation from the plans and specifications furnished has been or is to be made.

Any violation of a condition issued as part of this permit to construct as well as any construction which proceeds contrary to any information submitted in the application, is regarded as a violation of construction authority and is subject to enforcement action.

B. Startup Notice:

A notification of the actual date of initial startup shall be submitted to the Department within 15 days after the date of initial startup.

C. Permit Invalidation:

This permit shall become invalid if construction is not commenced within 18 months after issuance of such permit, if construction is discontinued for a period of 18 months or more; or if construction is not completed within a reasonable time.

D. Source Operations:

Operations at the installation shall be in accordance with statements, representations, procedures and supporting data contained in the initial application and any supplemental information or application(s) submitted thereafter. Any operations not listed in this permit are subject to all applicable North Dakota Air Pollution Control Rules.

E. Alterations, Modifications, or Changes:

Any alteration, repairing, expansion, or change in the method of operation of the source which results in the emission of an additional type or greater amount of air contaminants or which results in an increase in the ambient concentration of any air contaminant must be reviewed and approved by the Department prior to the start of such alteration, repairing, expansion or change in the method of operation.

F. Title V Permit to Operate:

Within one year after startup of the units covered by this permit, the permittee shall submit a permit application for a Title V PTO for the facility.

G. Recordkeeping:

The permittee shall maintain any compliance monitoring records required by this permit or applicable requirements. The permittee shall retain records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report or application. Support information may include all calibration and maintenance records and all original strip-chart recordings/computer printouts for continuous monitoring instrumentation, and copies of all reports required by the permit.

H. Annual Emission Inventory/Annual Production Reports:

The permittee shall submit an annual emission inventory report and/or an annual production report upon Department request using forms supplied or approved by the Department.

I. Malfunction Notification:

The permittee shall notify the Department of any malfunction which can be expected to last longer than twenty-four hours and can cause the emission of air contaminants in violation of applicable rules and regulations.

J. Nuisance or Danger:

This permit shall in no way authorize the maintenance of a nuisance or a danger to public health or safety.

K. Transfer of Permit to Construct:

The holder of a permit to construct may not transfer such permit without prior approval from the Department.

L. Right of Entry:

Any duly authorized officer, employee or agent of the North Dakota Department of Environmental Quality may enter and inspect any property, premise or place at which the source listed in Condition 1 of this permit is located at any reasonable time for the purpose of ascertaining the state of compliance with the North Dakota Air Pollution Control Rules. The Department may conduct tests and take samples of air contaminants, fuel, processing material, and other materials which affect or may affect emissions of air contaminants from any source. The Department shall have the right to access and copy any records required by the Department's rules and to inspect monitoring equipment located on the premises.

M. Other Regulations:

The permittee of the source unit(s) described in Condition 1 of this permit shall comply with all applicable State and Federal environmental laws and rules. In addition, the permittee shall comply with all applicable local burning, fire, zoning, and other applicable ordinances, codes, rules and regulations.

N. Permit Issuance:

This permit is issued in reliance upon the accuracy and completeness of the information set forth in the application. Notwithstanding the tentative nature of this information, the conditions of this permit herein become, upon the effective date of this permit, enforceable by the Department pursuant to any remedies it now has, or may in the future have, under the North Dakota Air Pollution Control Law, NDCC Chapter 23.1-06.

7. State Enforceable Only Conditions (not Federally enforceable)

A. Odor Restrictions:

The permittee shall not discharge into the ambient air any objectionable odorous air contaminant which is in excess of the limits established in NDAC 33.1-15-16.