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AIR POLLUTION CONTROL PERMIT TO CONSTRUCT

Permittee Name: Mara-NGON Joint Venture LLC **Permittee Address**: 1389 Center Drive, Suite 200 Park City, UT 84098	**Permit Number**: ACP-18364 v 1.0 **Permit Description**: Synthetic Minor Area HAP Source
Source Name & Location: Engine Fleet Portable Various Counties in North Dakota	**Source Type**: Generator Set
Date of Application:	September 02, 2026

Pursuant to Chapter 23.1-06 of the North Dakota Century Code, the North Dakota Air Pollution Control Rules (North Dakota Administrative Code [NDAC] 33.1-15), and in reliance on statements and representations heretofore made by the permittee (i.e., owner) designated above, a Permit to Construct (PTC, also referred to as 'permit') is hereby issued authorizing such permittee to construct and initially operate the source unit(s) listed in Condition 1 at the location designated above. The source may be operated under this PTC until a Permit to Operate (PTO) is issued. This PTC is subject to all applicable rules and orders now or hereafter in effect of the North Dakota Department of Environmental Quality (Department), state and federal regulations, and to any conditions specified below:

Date: _____

James L. Semerad
Director
Division of Air Quality

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1. Project and Facility Emissions Units:

This permit is for the operation of portable electric generation facilities. The permit allows for up to 34 natural gas-fired generator engines per site with synthetic minor limits for multiple criteria pollutants. There is no restriction on the number of sites, but each site is required to comply with the conditions outlined in this permit. A more detailed report of the regulation analysis and a simplified set of requirements is discussed in the Air Quality Effects Analysis (AQEA) (see "ACP-18364v1_0AQEA" for details). Table 1-1 lists all emission units associated with the facility upon Project completion

Table 1-1: Facility Emission Units

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
Mesa Solutions GV22PU 4SRB natural gas-fired generator engines with a nominal continuous rating rated of 617 bhp (nameplate rating is 671 bhp) each (manufactured 2024 or later) (NSPS JJJJ; MACT ZZZZ)	GEN-# [A]	GEN-#	Non-selective catalytic reduction (NSCR)

[A] The permittee will assign each generator an EU number in consecutive order as purchased, starting with GEN-1. A spreadsheet shall be kept tracking the generator EU number and serial number. The generator's EU number will remain the same, even if the location changes.

1. 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 Chapter 33.1-15-12 of the North Dakota Air Pollution Control Rules and 40 CFR 60.

1) 40 CFR 60, Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (EU GEN-#).

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 Chapter 33.1-15-22 and 40 CFR 63.

1) 40 CFR 63, Subpart ZZZZ - National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (EU GEN-#). For the generator engines (EU GEN-#) the requirements of

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Subpart ZZZZ are met by complying with the requirements of NSPS Subpart JJJJ. The North Dakota Department of Environmental Quality has not adopted the area source provisions of this subpart. Please send all documentation to U.S. EPA Region 8.

C. Fuel Restrictions:

1) The generator engines (EU GEN-#) are restricted to combusting only gaseous fuels containing no more than 2 grains of sulfur per 100 standard cubic feet.

D. Location Restrictions:

No more than 34 engines may be co-located at any single location without prior approval from the Department. If 35 or more engines are co-located at a single location, additional horsepower monitoring is required.

1) When 35 or more engines are co-located at a single location, the permittee shall monitor and record the operated horsepower for each engine (EU GEN-#) each month and confirm the average operated horsepower across all engines does not exceed 617 bhp. If the average horsepower exceeds 617 bhp, the permittee shall notify the Department within 10 days. The records shall be kept for five years and submitted to the Department upon request.

E. Compliance Reporting Conditions:

The permittee shall maintain the following records for each location: Site location, start-up date, highest number of engines on site, current number of engines on site, EU numbers of engines on site, the date of start-up, hours operated, and removal date of each engine, dates of emissions testing, and the emissions testing reports with engine(s) tested identified. A semi-annual monitoring report shall be submitted to the Department within 45 days after June 30 and December 31 of each year.

2. Emission Unit Limits:

Emission limits from the operation of the source unit(s) identified in Table 1-1 of this PTC are as follows in Table 2-1. Source units not listed are subject to the applicable emission limits specified in NDAC 33.1-15.

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Table 2-1: Summary of Permit Emission Limits

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Pollutant / Parameter	Emission Limit [A]
Mesa generator engines	GEN-#	GEN-#	NO_X	0.2 g/hp-hr [B]
			CO	0.45 g/hp-hr [B]
			VOC	0.3 g/hp-hr [B]
			Opacity	20% [C]

[A] The emission limit applies to each emission point (EP).

[B] Less restrictive 40 CFR 60 Subpart JJJJ limits also apply as follows: NO_X of 1.0 g/hp-hr or 82 ppmvd @ 15% O2**,** CO of 2.0 g/hp-hr or 270 ppmvd @ 15% O2, and VOC of 0.7 g/hp-hr or 60 ppmvd @ 15% O2.

[C] 40% permissible for not more than six minutes per hour.

3. Emission Testing Requirements:

A. Initial testing:

The following testing requirements are applicable until issuance of the PTO. All emission tests identified in Table 3-1 shall be conducted according to the Reference Methods (40 CFR 60 Appendix A), NDAC 33.1-15-01-12, applicable federal regulations, or as specified by the Department in accordance with good professional practice. The Department may conduct, require, and observe emission testing from any source at a reasonable time interval. The Department may reasonably require the permittee to demonstrate compliance with Condition 2 or to quantify emissions of any contaminant not addressed in this PTC whenever it has reason to believe noncompliance or the emission of a non-addressed contaminant is occurring.

Applicable requirement: NDAC 33.1-15-01-12

Table 3-1: Emission Testing Requirements

Emission Unit Description	Emission Point (EP)	Pollutant / Parameter	EPA Method
Mesa generator engines [A]	GEN-#	NO_X	Per NSPS Subpart JJJJ
		CO	
		VOC	

[A] At minimum 10% of the engines at each location shall be tested within 180 days of start-up or relocation of engines. The results from those tests may be considered representative of the entire facility, sufficient to demonstrate compliance with facility emission restrictions of NO_X, CO, and VOC.

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Applicable requirement: NDAC 33.1-15-12

B. Re-Occurring Testing

If you operate and maintain the certified stationary SI internal combustion engine and control device according to the manufacturer's emission-related written instructions, you must keep records of conducted maintenance to demonstrate compliance, but no performance testing is required if you are an owner or operator. You must also meet the requirements as specified in 40 CFR part 1068, subparts A through D, as they apply to you. If you adjust engine settings according to and consistent with the manufacturer's instructions, your stationary SI internal combustion engine will be considered in compliance.

If the certification status in the above paragraph is not maintained, 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 subsequent performance testing every 8,760 hours or 3 years, whichever comes first, on 10% of the onsite engines.

C. Personnel:

All tests shall be conducted under the direction of reputable, qualified personnel trained in accordance with Department approved methods.

Applicable requirement: NDAC 33.1-15-01-12.1

D. Sampling Access:

The permittee shall provide the necessary facilities (exclusive of instruments and sensing devices) and sampling ports in stacks, ducts, or flues downstream of all emission control devices to conduct emission measurements. The ports shall be located to enable reliable sampling and shall be adequate for the required test methods. Safe sampling access and platforms shall be provided. Plans and specifications showing the size and location of the ports, platform and utilities shall be submitted to the Department for review and approval.

Applicable requirements: NDAC 33.1-15-01-12.2, NDAC 33.1-15-12

E. Advanced Notification:

The permittee shall notify the Department using forms found in the Emission Testing Guideline[1], or its equivalent, at least 30 calendar days in advance of any emission test required by the Department. Advanced notification for all other testing will be consistent with the requirements of the appropriate regulations but will in no case be less than 30 calendar days.

[1] See February 7, 2020, NDDEQ Division of Air Quality Emission Testing Guidelines: https://www.deq.nd.gov/publications/AQ/policy/PC/Emission_Testing_Guide.pdf

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Applicable requirement: NDAC 33.1-15-01-12.1

F. Rescheduled Tests:

If the permittee is unable to conduct a test on its 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.[1] Failure to give the proper notification may prevent the Department from observing the test, which may cause test results to be rejected.

Applicable requirement: NDAC 33.1-15-01-12.1

G. Reporting:

A signed copy of the test results shall be furnished to the Department within 60 days of the test date as per 40 CFR 60.13(c)(2). To facilitate test preparation, execution, and reporting, the permittee shall follow the procedures and formats in the Department's Emission Testing Guideline.[1]

Applicable requirement: NDAC 33.1-15-12

4. Stack Height Requirements:

The facility is a portable skid mounted unit, with no building structures. Based on the portable nature of the facility, there are no stack height requirements for this source.

5. General Conditions (Action Required):

A. Modification:

Any alteration, repair, expansion, or change in the method or physical 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 is considered a modification and must be reviewed and approved by the Department before implementation. The Department shall be notified 10 days in advance of any significant deviations from the application. The issuance of this PTC may be suspended or revoked if the Department determines that a significant deviation has been or is to be made without the proper review or approval.

Applicable requirement: NDAC 33.1-15-14-02.9.d

B. Like-Kind Emission Unit Replacement:

This permit allows the permittee to replace an existing emission unit with a like-kind unit. The following conditions apply if the replacement unit is new to the fleet and not an existing unit being moved to a new location:

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1) The replacement unit is subject to the same emission limits and performance testing requirements—both state and federal—as the existing unit. The facility must comply with any additional federal standards (e.g. NSPS, MACT) triggered by the replacement.

2) The Department must be notified within 10 days of replacement. The date of manufacture of the replacement unit and any additional federal applicability must be included in the notification.

3) The replacement unit shall operate in the same manner without increasing throughput and have equal or less emissions than the unit it is replacing.

4) Testing shall be conducted to confirm compliance with emission limits within 180 days after start-up of the replacement unit. Emergency units shall not be required to test if replaced by a like-kind unit.

Applicable requirement: NDAC 33.1-15-14-02.9.d

C. Annual Emission Inventory/Annual Production Reports:

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

Applicable requirement: NDAC 33.1-15-14-02.9.d

D. Malfunction Notification:

The permittee shall notify the Department of any malfunction which can be expected to last longer than 24 hours and can cause the emission of air contaminants in violation of applicable rules and regulations. Using empirical estimates of emission rates, the permittee shall conservatively estimate if the malfunction can cause noncompliance.

Applicable requirement: NDAC 33.1-15-01-13.2.a

E. Transfer of Permit to Construct:

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

Applicable requirement: NDAC 33.1-15-14-02.11

6. General Conditions (Obligations):

A. Operation:

Operation of the facility shall be in accordance with the permit application—which includes technical supplements, revisions, and supporting data. Any operations not listed in this permit are

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subject to all applicable NDAC 33.1-15 requirements. 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 practice for minimizing emissions.

Applicable requirements: NDAC 33.1-15-12, NDAC 33.1-15-22

B. Recordkeeping:

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

Applicable requirements: NDAC 33.1-15-14-02.9.d

C. Control of Organic Compound Emissions:

The permittee shall comply with all applicable requirements of NDAC 33.1-15-07, which establishes requirements for the construction of organic compound facilities related to closed-vent systems, control devices, and seals and for the control of VOC vapors using a continuously burning pilot flare or other equally effective control device.

D. Internal Combustion Engine Emissions Restricted:

The permittee shall comply with all applicable requirements of NDAC 33.1-15-08-01, which restricts the operation of internal combustion engines which emit, from any source, unreasonable and excessive smoke, obnoxious or noxious gas, fumes or vapor.

E. Restriction of Fugitive Emissions:

The release of fugitive emissions shall comply with the applicable requirements in NDAC 33.1-15-17, which restricts particulate matter and gaseous fugitive emissions that would violate other regulations.

F. Permit Invalidation:

This permit shall be effective from the date of its issuance unless suspended, revoked or surrendered. The violation of any condition of this permit may result in revocation or suspension of the permit or other appropriate enforcement action. If any provision or application of a provision of this permit is held invalid in any circumstance, the remainder of this permit shall remain valid.

Applicable requirement: NDAC 33.1-15-14-02.9

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G. Nuisance or Danger:

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

Applicable requirements: NDAC 33.1-15-02-03, NDAC 33.1-15-14-02.9.c

H. Right of Entry:

Any duly authorized officer, employee, or agent of the Department may enter and inspect any property, premise, or place at which the source is located at any time for the purpose of ascertaining compliance with NDAC 33.1-15. The Department may inspect monitoring equipment, conduct tests, and take samples of air contaminants, fuel, processing material, and other materials, which affect or may affect the emission of air contaminants from any source. The Department shall have the right to access and copy any records required by the Department.

Applicable requirement: NDAC 33.1-15-01-06, NDCC 23.1-06-11

7. State Enforceable Conditions (Not Federally Enforceable):

A. Emissions of Odorous Substances Restricted:

The permittee shall not discharge into the ambient air any objectionable odorous air contaminant which measures seven odor concentration units or greater.

Applicable requirement: NDAC 33.1-15-16

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