

65. All equipment, facilities, and systems installed or used to achieve compliance with the terms and conditions of this permit shall at all times be maintained in good working order and be operated as efficiently as possible so as to minimize air pollutant emissions. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
66. The Permittee (MSCC) must notify EPA by telephone, facsimile, or electronic mail transmission within two (2) working days following the discovery of any failure of air pollution control equipment, process equipment, or of a process to operate in a normal manner, which results in an increase in emissions above any allowable emission limit stated in conditions 85-112 of this permit unit. In addition, the Permittee (MSCC) must notify EPA in writing within fifteen (15) days of any such failure. The notification shall include a description of the malfunctioning equipment or abnormal operation, the date of the initial malfunction, the period of time over which emissions were increased due to the failure, the cause of the failure, the estimated resultant emissions in excess of those allowed in conditions 85-112, and the methods utilized to mitigate emissions and restore normal operations. Compliance with this malfunction notification provision shall not excuse or otherwise constitute a defense to any violation of this permit or of any law or regulation that such malfunction may cause, except as provided for in Conditions 76-80 of this permit. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
67. A malfunction means a sudden and unavoidable breakdown of equipment or of a process beyond the reasonable control of the source. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
68. Emissions in excess of the limits specified in conditions 85-112 of this permit shall constitute a violation and may be the subject of enforcement proceedings. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
69. Affirmative defense: In the context of an enforcement proceeding, emissions which are below the limits set forth in this condition shall not be subject to penalty if the Permittee (MSCC) retains properly signed, contemporaneous operating logs or other relevant evidence and can demonstrate all of the following: i.) A malfunction caused the emissions in excess of the limits in conditions 90-93; ii.) The permitted facility, including the air pollution control equipment and process equipment, was being properly operated at the time of the malfunction; iii.) Preventative maintenance was regularly performed in a manner consistent with good practice for minimizing emissions; iv.) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance; v.) During the period of the malfunction, the permittee (MSCC) took all reasonable steps to minimize the amount and duration of emissions (including any bypass) that exceeded the emission limits provided in condition 85-112. Reasonable steps to minimize emissions could include, but are not limited to, reducing production to the lowest level practicable, reducing the material feed that results in the increased emissions, and switching to alternative, less polluting fuels. Where repairs were required, repairs were made in an expeditious fashion when the operator knew or should have known that applicable emission limitations were being exceeded. Off-shift labor and overtime must have been utilized, to the extent practicable, to ensure that such repairs were made as expeditiously as possible; and vi.) The permittee (MSCC) complied with the malfunction reporting requirements of Conditions 75 of this permit. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
70. All emissions, including those associated with a malfunction which may be eligible for an affirmative defense, must be included in all emissions calculations and demonstrations of compliance with mass emission limits (e.g., daily, monthly, and annual emission limits) specified in this permit. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
71. This provision is in addition to any emergency or malfunction provision contained in any applicable requirement or elsewhere in this permit. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
72. The EPA Regional Administrator, and/or their authorized representative, upon the presentation of credential, must be permitted: (1) to enter the premises where the source is located or where any records are required to be kept under the terms and conditions of the PSD permit SJ-87-01; and (2) at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this ATC; and (3) to inspect any equipment, operation, or method required in the PSD permit SJ-87-01; and (4) to sample emissions from source(s). [PSD SJ-87-01] Federally Enforceable Through Title V Permit
- In the event of any changes in control or ownership of facilities to be constructed or modified, this permit shall be binding on all subsequent owners and operators. The Permittee (MSCC) shall notify the succeeding owner and operator of the existence of the PSD permit SJ-87-01 and its conditions by letter, a copy of which shall be forwarded to the EPA. [PSD SJ-87-01] Federally Enforceable Through Title V Permit

50. If the turbine is not fired on PUC-regulated natural gas, then the sulfur content of the natural gas being fired in the turbine shall be determined using method(s) specified on this permit. [District Rule 2520, 9.3.2] Federally Enforceable Through Title V Permit
 51. If the turbine is not fired on PUC-regulated natural gas, then the sulfur content of the natural gas being fired in the turbine shall be determined using ASTM method D 1072, D 3031, D 4084 or D 3246, or double GC for H₂S and mercaptans. [40 CFR 60.335 (d)] Federally Enforceable Through Title V Permit
 52. If the turbine is not fired on PUC-regulated natural gas, the sulfur content of each fuel source shall be tested weekly except that if compliance with the fuel sulfur content limit has been demonstrated for 8 consecutive weeks for a fuel source, then the testing frequency shall be semi-annually. If a test shows noncompliance with the sulfur content requirement, the source must return to weekly testing until eight consecutive weeks show compliance. [40 CFR 60.334 (b)(2)] Federally Enforceable Through Title V Permit
 53. Operator shall submit a semiannual report listing any daily period during which the sulfur content of the fuel being fired in the gas turbine exceeds 0.8% by weight. [40 CFR 60.334(a)(2)] Federally Enforceable Through Title V Permit
 54. HHV and LHV of the fuel shall be determined using ASTM D3588, ASTM 1826, OR ASTM 1945. [40 CFR 60.332 (a),(b) and District Rule 4703, 6.4.5] Federally Enforceable Through Title V Permit
 55. The operator shall provide source test information annually regarding the exhaust gas NO_x concentration corrected to 15% O₂ (dry). [40 CFR 60.332 (a),(b) and District Rule 4703, 5.1] Federally Enforceable Through Title V Permit
 56. Results of continuous emission monitoring must be averaged in accordance with the requirements of 40 CFR 60.13. [40 CFR 60.334 (a),(b),(c) and District Rule 4703, 5.0] Federally Enforceable Through Title V Permit
 57. Operator shall maintain a stationary gas turbine operating log that includes, on a daily basis the actual local start-up and stop time, length and reason for reduced load periods, total hours of operation and quantity of fuel used. [40 CFR 60.332 (a),(b) and District Rule 4703, 6.2.4] Federally Enforceable Through Title V Permit
 - This unit is a simple combustion turbine as defined in 40 CFR 72.6 (b)(1) and shall not be subject to the requirements of 40 CFR Part 72. A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit
 59. Compliance with permit conditions in the Title V permit shall be deemed compliance with the following subsumed requirements: Kern County Rules 404, 108, and 108.1. A permit shield is granted from these requirements. [SJVUAPCD Rule 2520, 13.2] Federally Enforceable Through Title V Permit
 60. Compliance with permit conditions in the Title V permit shall be deemed compliance with the following applicable requirements: Kern County Rule 407; District Rules 4801, 4201, 1081, and 1080, Sections 6.5, 7.2, 8.0, 9.0, and 10.0; 40 CFR 60.332 (c) and (d); 60.334 (b), (c)(2); 60.335(d). A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit
 61. Compliance with permit conditions in the Title V permit shall be deemed compliance with the following applicable requirements: District Rule 4703, sections 5.0, 5.1.1, 6.2.1, 6.2.4, 6.3, 6.4.1, 6.4.3, 6.4.5, and 6.4.6. A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit
 62. Compliance with permit conditions in the Title V permit shall be deemed compliance with the following subsumed requirements: District Rules 1080, 7.3 and 4703, 6.2.2; 40 CFR 60.332(a), (b); 60.333(a) and (b), 60.334(a), (b), and (c)(1); 60.335(a), (b) and (c)(2). A permit shield is granted from these requirements. [District Rule 2520, 13.2] Federally Enforceable Through Title V Permit
 63. The requirements from the revision of PSD permit SJ-87-01 shall become invalid (1) if construction of the modification is not commenced (as defined in 40 CFR 52.21(b)(8)) within 18 months after the approval takes effect, (2) if construction is discontinued for a period of 18 months or more, or (3) if construction of the modification is not complete within a reasonable time. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
- The permittee (MSCC) must notify EPA in writing of the anticipated date of the initial startup (as defined in 40 CFR 60.2) of the power plant not more than sixty (60) days nor less than thirty (30) days prior to such date and must notify EPA in writing of the actual data of commencement of construction and startup within fifteen (15) days after each date. [PSD SJ-87-01] Federally Enforceable Through Title V Permit

34. If fuel use monitoring provisions fail, emissions shall be calculated based on operational data, or if not available, on set equal to the average of four days prior to failure. [District NSR Rule] Federally Enforceable Through Title V Permit
35. When three gas turbine engines S-1135-224, '-225, and '-226 are operating, four steam generators S-1135-115, '-119, '-122, and '-123 shall be shut down. [District NSR Rule] Federally Enforceable Through Title V Permit
36. When up to two gas turbine engines S-1135-224, '-225, or '-226 are operating, four steam generators S-1135-115, '-119, '-122, and '-123 may be operated. [District NSR Rule] Federally Enforceable Through Title V Permit
37. The permittee shall maintain records of operational status of units S-1135-115, S-1135-119, S-1135-122, S-1135-123, S-1135-224, S-1135-225, and S-1135-226 on a daily basis. [District Rule 2201] Federally Enforceable Through Title V Permit
38. All records shall be maintained and retained on-site for a minimum of five (5) years, and shall be made available for District inspection upon request. [District Rule 1070] Federally Enforceable Through Title V Permit
39. Daily emissions shall not exceed any of the following: NOx (as NO2): 668.5 lb/day, SOx (as SO2): 22.1 lb/day, PM10: 239.5 lb/day, CO: 1396.0 lb/day, and VOC: 216.0 lb/day. [District Rule 2201] Federally Enforceable Through Title V Permit
40. For CEC purposes, emissions during periods of startup and shutdown shall not exceed the following values average over 2 hours: NOx: 140 lb/hr, and CO: 94 lb/hr. [District Rule 2080] Federally Enforceable Through Title V Permit
41. The CEC shall be notified of any changes to the combined annual emission limits for steam generators S-1135-115, '-119, '-122, and '-123, and cogeneration units S-1135-224, '-225, and '-226, only to the extent to be informed of their impact on the Midway-Sunset Cogeneration Facility. [District Rule 2080] Federally Enforceable Through Title V Permit
42. Results of continuous emissions monitoring must be reduced according to the procedure established in 40 CFR, Part 51, Appendix P, paragraphs 5.0 through 5.3.3, or by other methods deemed equivalent by mutual agreement with the District, the CARB, and the EPA. [Kern County Rule 108 and District Rule 1080] Federally Enforceable Through Title V Permit
43. Records shall be maintained and shall contain: the occurrence and duration of any start-up, shutdown or malfunction, performance testing, evaluations, calibrations, checks, adjustments, maintenance of any CEM's that have been installed pursuant to District Rule 1080, and emission measurements. [Kern County Rule 108; District Rule 1080; 40 CFR 60.7 (b)] Federally Enforceable Through Title V Permit
44. The permittee shall maintain hourly average records of NOx and CO emissions. Compliance with the hourly, daily, and twelve month rolling average VOC emission limits shall be demonstrated by the CO CEM data and the VOC/CO relationship determined by annual CO and VOC source tests of NOx, CO, and ammonia emission concentrations (ppmv @ 15% O2), and hourly, daily, and twelve month rolling. [District Rule 2201] Federally Enforceable Through Title V Permit
45. A violation of NOx emission standards indicated by the NOx CEM shall be reported by the operator to the APCO within 96 hours. [Kern County Rule 108 and District Rule 1080, 9.0] Federally Enforceable Through Title V Permit
46. Operator shall notify the APCO no later than eight hours after the detection of a breakdown of the CEM. The operator shall inform the APCO of the intent to shut down the CEM at least 24 hours prior to the event. [Kern County Rule 108 and District Rule 1080, 10.0] Federally Enforceable Through Title V Permit
47. Emissions for this unit shall be calculated using the arithmetic mean, pursuant to District Rule 1081 (Amended December 16, 1993), of 3 thirty-minute test runs for NOx and CO. [District Rule 1081] Federally Enforceable Through Title V Permit
48. Unit shall be fired on a natural gas which has a sulfur content of less than or equal to 0.017% by weight. [40 CFR 60.333 (a) & (b); 40 CFR 60.334 (c)(2); Kern County Rule 407; and District Rule 4801] Federally Enforceable Through Title V Permit
49. If the turbine is fired on PUC-regulated natural gas, then maintain on file copies of natural gas bills. [District Rule 2520, 9.3.2] Federally Enforceable Through Title V Permit

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22. Accurate records of NO_x (as NO₂) and CO flue gas concentration corrected to 15% O₂ and fuel gas sulfur content shall be maintained and shall be reported as described in Rule 1080 upon request. [District Rule 1080] Federally Enforceable Through Title V Permit
23. Except during startup and shutdown, emission rates shall not exceed either of the following: PM₁₀: 0.010 lb/MMBtu, or ammonia - 10 ppmvd @ 15%O₂. [District Rules 2201] Federally Enforceable Through Title V Permit
24. Except during startup, shutdown, reduced load periods, and short term excursions, emissions shall not exceed any of the following: NO_x - 2.0 ppmvd @ 15% O₂ over a one-hour average (clock hour basis), VOC - 2.0 ppmv @ 15% O₂ (3 hour average), or CO - 6.0 ppmvd @ 15% O₂ over a one-hour average (clock hour basis). A clock hour will commence at the top of the hour. [District Rules 2201 and 4703, 40 CFR 60.332(a)(1) & 60.332(a)(2)] Federally Enforceable Through Title V Permit
25. Short-term excursions are defined as 15-minute periods designated by the owner/operator (and approved by the APCO) that are the direct result of transient load conditions, not to exceed four consecutive 15-minute periods when the 15-minute average NO_x concentration exceeds 2.0 ppmvd @ 15% O₂. The maximum three-hour average NO_x concentration for periods that include short-term excursions shall not exceed 5 ppmvd @ 15% O₂. The maximum three-hour CO concentration for periods that include short-term excursions shall not exceed 25 ppmvd @ 15% O₂. Short term excursions shall not exceed a cumulative total of 10 hours per rolling 12 month period. [District Rule 2201 and 4703, 40 CFR 60.332(a)(1) & 60.332(a)(2)] Federally Enforceable Through Title V Permit
26. Examples of transient load conditions include, but are not limited to the following: initiation or shutdown of combustion turbine inlet air cooling, or rapid combustion turbine load changes. All emissions during short-term excursions shall accrue towards the daily and annual emissions limitations of this permit and shall be included in all calculations of daily and annual mass emission rates as required by this permit. [District Rule 2201] Federally Enforceable Through Title V Permit
27. Compliance with NO_x, CO and ammonia emission limits shall be demonstrated by District-witnessed sample collection by independent testing laboratory within 60 days of initial start-up and on an annual basis thereafter. [District Rule 4703 and District Rule 1081] Federally Enforceable Through Title V Permit
28. Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified 30 days prior to any compliance source test, and a source test plan must be submitted for approval 15 days prior to testing. [District Rule 1081] Federally Enforceable Through Title V Permit
29. The following test methods shall be used NO_x: EPA Method 7E or 20, CO: EPA method 10 (or 10B) or CARB Method 100, O₂: EPA Method 3, 3A, or 20, VOC: EPA method 18 or 25, ammonia: BAAQMD ST-1B, and fuel gas sulfur content: ASTM D3246. Alternative test methods as approved by the District may also be used to address the source testing requirements of this permit. [District Rule 1081, 40 CFR 60.335 (b), and District Rule 4703, 6.4] Federally Enforceable Through Title V Permit
30. Compliance with ammonia slip limit shall be demonstrated by using the following calculation procedure: ammonia slip ppmv @ 15% O₂ = ((a-(bxc/1,000,000)) x 1,000,000 / b) x d, where a = ammonia injection rate(lb/hr)/17(lb/lb. mol), b = dry exhaust gas flow rate (lb/hr)/(29(lb/lb. mol), c = change in measured NO_x concentration ppmv at 15% O₂ across catalyst, and d = correction factor. The correction factor shall be derived annually during compliance testing by comparing the measured and calculated ammonia slip. [District Rule 4102]
31. Official test results and field data shall be submitted within 30 days after collection. [District Rule 4703 and District Rule 1081] Federally Enforceable Through Title V Permit
32. Combined annual emissions from units S-1135-115, S-1135-119, S-1135-122, S1135-123, S-1135-224, S-1135-225, S-1135-226 shall not exceed any of the following: PM₁₀ - 262,360 lb/yr, SO_x (as SO₂) - 24,200 lb/yr, NO_x (as NO₂) - 464,170 lb/yr, VOC - 236,520 lb/yr, or CO - 1,443,101 lb/yr. [District Rule 2201] Federally Enforceable Through Title V Permit

The permittee shall maintain records of fuel type, quantity, heating value of gas burned, permitted emission factors and annual emissions for each unit. For units equipped with continuous emissions monitors (CEMs), CEM data may be used in place of calculated emissions. If CEM shows a violation, CEM data shall be used. Records shall be updated at least monthly. Reports of annual emissions and fuel usage shall be submitted within 30 days after the end of the calendar year. [District Rule 2201] Federally Enforceable Through Title V Permit

93. MSCC shall maintain a record of the date(s), time(s), and duration(s) of the shutdown of any of the above mentioned steam generators. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
94. Aera Energy LLC shall not lease or modify the permit conditions for any of the above generators for use in the Midway Sunset Oil field, unless creditable emissions reductions (as defined in 40 C.F.R. 52.21), at a ratio of at least 1:1, are provided for emissions from those generators. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
95. Aera Energy LLC shall not modify any of the District Permit to Operate numbers. If any of the above steam generators are issued new Permit to Operate numbers by the District, Aera Energy LLC shall notify the U.S. EPA in writing of this action and shall make such notification upon issuance of a new Permit to Operate number. This letter shall include the original District Permit to Operate number(s) of the subject generator(s) and a copy of the new Permit to Operate issued by the District. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
96. Aera Energy LLC shall notify the U.S. EPA in writing of the intention to sell, or potential sale, of any of the above generators and shall make such notification prior to the District's final action of the re-permitting process associated with the sale of a generators. This letter shall include the following: a.) The subject steam generator as identified by its District Permit to Operate number; b.) The name of the buyer (as identified by the company name) of the steam generator; and c.) An estimated date of the final action of the re-permitting process by the District. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
97. The allowable incidental taking (killing, harming, or harassment) of San Joaquin kit foxes, blunt-nosed leopard lizards, and giant kangaroo rats is confined to the proposed cogeneration plant site one half mile radius around this site (on lands owned or leased by Aera Energy LLC), and associated subject cogeneration plant facilities (including pipelines, transmission lines, temporary equipment stockpiling areas, and access roads) as discussed in the project Application for Certification report (Sun Cogeneration Company and Southern Sierra Energy Company 1985). [PSD SJ-87-01] Federally Enforceable Through Title V Permit
98. MSCC is required to implement the "Agreement on Conditions for Mitigation of the Biological Impacts of the Midway-Sunset Project" as required by the U.S. Fish and Wildlife Service (USFWS) (Memorandum dated March 16, 1987 from the USFWS to the US EPA). [PSD SJ-87-01] Federally Enforceable Through Title V Permit
99. Any endangered species found dead should be turned in to the California Department of Fish and Game for Analysis. MSCC must also report this event to the USFWS. The USFWS may recommend amendment to the existing project actions pending results of the analysis. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
100. All correspondence as required by this permit shall be forwarded to: 1.) Director, Air Division (Attn: Air-3) EPA Region IX 75 Hawthorne Street San Francisco, CA 94105-3901 Tel: (415) 744-1291 Fax: (415) 744-1076; 2.) Chief, Stationary Source Division, California Air Resource Board P.O. Box 2815 Sacramento, CA 95812; and 3.) Air Pollution Control Officer, San Joaquin Valley Unified APCD 2700 M Street, Suite 275 Bakersfield, CA 93301-2370. [PSD SJ-87-01] Federally Enforceable Through Title V Permit
101. Aera Energy LLC is the legal owner of the subject steam generators and of the leases on which the steam generators are located. MSCC is the legal owner of the gas turbine cogeneration facility. MSCC is jointly owned by Sun Cogeneration Limited Partnership (Sun Cogen LP) and San Joaquin Energy Company. Sun Cogen LP is managed and controlled by a wholly owned subsidiary of Aera Energy LLC. (See Condition 104) [PSD SJ-87-01] Federally Enforceable Through Title V Permit