PERMIT CONDITIONS

KOMATKE MARKET

PERMIT NUMBER 23##

DATE ISSUED: ##/##/2023 ORIGINAL PERMIT ISSUED: 05/13/2013
REVISION NO.: 0.0.0.0
REVISION DATE: 00/00/0000
EXPIRATION DATE: 05/13/2028

The owner/operator (Permittee) shall comply with the provisions of Gila River Indian Community (GRIC) Code: Title 17 Chapter 9; the Code of Federal Regulations (CFR) Title 40, Part 60, as applicable; and any other applicable Federal requirements not specifically stated herein. It is the responsibility of the Permittee to identify and comply with all local and Federal requirements that apply to the operation and maintenance of the permitted facility. Compliance with the provisions of this Permit shall not relieve any person subject to the requirements of GRIC Code Title 17 Chapter 9 from complying with any other standards including 40 C.F.R., Part 60 and Part 63. In such case, the more stringent standard shall apply.

GRIC Code: Title 17 Chapter 9; CFR Title 40, Part 60, as applicable; and any other applicable Federal requirements not specifically stated herein are hereinafter referred to as the "Rules." In addition, the terms "Part" and "Section" refer to GRIC Code: Title 17 Chapter 9. In the event that these Rules are revised to change the content and numerical references during the term of this Permit, the revised Rules and numbering system will apply to this Permit.

The term "Director" shall refer to the Director of the GRIC Department of Environmental Quality (DEQ). The term "Administrator" shall refer to the Director or Administrator of the United States Environmental Protection Agency (EPA).

GENERAL CONDITIONS:

1. **Affirmative Defense:**

    a. Affirmative defenses are established for certain emissions in excess of an emission standard or limitation and apply to all emission standards or limitations **except** for standards or limitations:

        i. Promulgated pursuant to Sections 111 or 112 of the Act;

        ii. Promulgated pursuant to Titles IV or VI of the Act;

        iii. Included in the Permit to meet the requirements of GRIC Code: Title 17 Chapter 9, Part I, Section 4.0.

b. Affirmative Defense for Malfunctions.

i. Emissions in excess of an applicable emission limitation due to malfunction shall constitute a violation. The Permittee with emissions in excess of an applicable emission limitation due to malfunction has an affirmative defense to a civil or administrative enforcement proceeding based on that violation, other than a judicial action seeking injunctive relief, if the Permittee has complied with the reporting requirements of Condition 21(c) of this Permit and has demonstrated all of the following:

1) The excess emissions resulted from a sudden and unavoidable breakdown of process equipment or air pollution control equipment beyond the reasonable control of the Permittee;

2) The air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;

3) If repairs were required, the repairs were made in an expeditious fashion when the applicable emission limitations were being exceeded. Off-shift labor and overtime were utilized where practicable to ensure that the repairs were made as expeditiously as possible. If off-shift labor and overtime were not utilized, the Permittee satisfactorily demonstrated that the measures were impracticable;

4) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent practicable during periods of such emissions;

5) All reasonable steps were taken to minimize the impact of the excess emissions on ambient air quality;

6) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;

7) During the period of excess emissions there were no exceedances of the relevant ambient air quality standards that could be attributed to the emitting source;

8) The excess emissions did not stem from any activity or event that could have been foreseen and avoided, and could not have been avoided by improved operations and maintenance practices;

9) All emissions monitoring systems were kept in operation, if practicable; and

10) The Permittee's actions in response to the excess emissions were documented by contemporaneous records.

c. Affirmative Defense for Startup and Shutdown.

i. Except as provided in Section [c.ii] of this Permit Condition, and unless otherwise provided for in this Permit, emissions in excess of an applicable emission limitation due to startup and shutdown shall constitute a violation. The Permittee with emissions in excess of an applicable emission limitation due to startup and shutdown has an affirmative defense to a civil or administrative enforcement proceeding based on that violation, other than a judicial action seeking injunctive relief, if the Permittee has complied with the reporting requirements of Condition 21(c) and has demonstrated all of the following:

1) The excess emissions could not have been prevented through careful and prudent planning and design;

2) If the excess emissions were the result of a bypass of control equipment, the bypass was unavoidable to prevent loss of life, personal injury, or severe damage to air pollution control equipment, production equipment, or other property;

3) The air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;

4) The amount and duration of the excess emissions (including any bypass operation) were minimized to the maximum extent practicable during periods of such emissions;

5) All reasonable steps were taken to minimize the impact of the excess emissions on ambient air quality;

6) During the period of excess emissions there were no exceedances of the relevant ambient air quality standards that could be attributed to the emitting source;

7) All emissions monitoring systems were kept in operation if at all practicable; and

8) The Permittee's actions in response to the excess emissions were

documented by contemporaneous records.

ii. If excess emissions occur due to a malfunction during routine startup and shutdown, then those instances shall be treated as other malfunctions subject to Section [b] of this Permit Condition.

d. Affirmative Defense for Malfunction During Scheduled Maintenance.

If excess emissions occur due to a malfunction during scheduled maintenance, then those instances will be treated as other malfunctions subject to Section [b] of this Permit Condition.

e. Demonstration of Reasonable and Practicable Measures.

For an affirmative defense under Sections [b] and [c] of this Permit Condition, the Permittee shall demonstrate, through submission of the data and information required by this condition and Condition 21(c), that all reasonable and practicable measures within the Permittee's control were implemented to prevent the occurrence of the excess emissions.

[Part II, Section 5.8]

f. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

[Part II, Section 4.4(A)(9)]

2. **Certification of Truth and Accuracy:**

Any document submitted pursuant to this Permit or the Rules shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this Permit or the Rules shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

[Part II, Section 3.4]

3. **Compliance Plan**

If requested by the Director in writing, the Permittee shall submit to the Director a compliance plan containing a description of the compliance status of the source with respect to all applicable requirements. If the compliance plan declares that the source is not in compliance with an applicable requirement, a narrative of how the source will achieve compliance and a schedule of compliance including an enforceable sequence of actions with milestones shall also be submitted.

[Part II, Sections 4.3(F) and 4.4(A)]

4. **Confidentiality Claims:**

a. Any records, reports or information obtained from the Permittee pursuant to this Permit or the Rules, including reports or information obtained or prepared by the Department, shall be available to the public, except that the information or any part of the information shall be considered confidential upon the showing of either of the following:

i. A showing, satisfactory to the Director, by the Permittee that the information or a part of the information if made public would divulge the trade secrets of the Permittee.

ii. A determination by the GRIC attorney that the disclosure of the information or a particular part of the information would be detrimental to an ongoing criminal investigation or to an ongoing or contemplated civil enforcement action under the Rules in Tribal Court.

b. A notice of confidentiality submitted pursuant to Section [a.i] of this Permit Condition shall:

i. Precisely identify the information in the documents submitted which is considered confidential.

ii. Contain sufficient supporting information to allow the Director to evaluate whether such information satisfies the requirements related to trade secrets or, if applicable, how the information, if disclosed, is likely to cause substantial harm to the person's competitive position.

c. Notwithstanding Sections [a.i] and [a.ii] of this Permit Condition, the following information shall be available to the public:

i. The name and address of the Permittee.

ii. The chemical constituents, concentrations and amounts of any emission of any air contaminant.

iii. The existence or level of concentration of an air pollutant in the environment.

d. Notwithstanding Sections [a.i] and [a.ii] of this Permit Condition, the Director may disclose, with an accompanying confidentiality notice, any records, reports or information obtained by the Director or the Department to:

i. Other Community employees concerned with administering this Permit, or if the records, reports or information are requested for any

administrative or judicial proceeding under this Permit or the Rules.

ii. Employees of the EPA if the information is necessary or required to administer and implement or comply with Federal statutes or regulations.

[Part II, Section 10.1(A)]

5. **Controls:**

Except as provided by this Permit or the applicable Rules, the Permittee shall not operate any equipment or process unless air pollution controls, as required by this Permit or the Rules, are in place, are operating without bypass, and are operating within their design parameters, as identified in an approved O&M Plan, and in accordance with any other conditions specified in this Permit. The Permittee shall properly operate and maintain the emission control devices at all times.

[Part II, Section 4.4(A)(2)]

6. **Duty to Comply:**

a. The Permittee shall comply with all conditions of this Permit including all applicable requirements of the Rules.

b. Any Permit noncompliance constitutes a violation of the Rules and is grounds for: enforcement action under Part III (Enforcement Ordinances); permit termination or revision; or denial of a permit renewal application. In addition, noncompliance with any Federally enforceable requirement constitutes a violation of the Act.

[Part II, Section 4.4(A)(9)]

7. **Duty To Provide Information**

The Permittee shall furnish to the Director, within a reasonable time, any information that the Director may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the Permittee shall also furnish to the Director copies of records required to be kept by the permit. For information claimed to be confidential, the Permittee shall furnish an additional copy of such records directly to the Administrator along with a claim of confidentiality.

[Part II, Section 4.4(A)(3)]

8. **Duty to Supplement or Correct Application:**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or

incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to issuance of a draft permit.

[Part II, Section 4.3(D)]

9. **Fees:**

The Permittee shall pay the applicable fees required, as set forth in Part II, Section 11.0.

[Part II, Sections 4.5 and 11.0]

10. **Fugitive Dust:**

a. The Permittee shall take all reasonable precautions to prevent fugitive dust and fugitive particulate matter emissions and shall maintain and operate the source to minimize fugitive dust and fugitive particulate matter emissions in accordance with Part V, Section 2.0, Subsection 3.0 and any dust control plan required under this Permit.

[Part V, Section 2.0, Subsection 3.0]

b. Under no circumstances shall the Permittee allow any source of fugitive dust or fugitive particulate matter visible emissions to exceed twenty (20) percent opacity.

[Part V, Section 2.0, Subsection 3.1(A)]

11. **Leased/Rented/Borrowed Equipment:**

If the Permittee leases, rents or lends any equipment covered by this Permit to a second party, the Permittee shall provide the second party with a copy of this Permit. It is the responsibility of the person using the equipment to make sure that the equipment is properly permitted and operated. If the Permittee does not provide the second party with a copy of this Permit, both the Permittee and the second party shall be responsible for operating the source in compliance with the Permit and for any violation thereof.

[Part II, Section 4.4(A)]

12. **Maintenance:**

The Permittee shall keep all equipment under this Permit in good working order through an active maintenance program established in accordance with the approved O&M Plan or, in its absence, with manufacturers' recommendations.

[Part II, Section 4.4(A)(3)]

13. **Nuisance:**

    a. The Permittee shall not cause, permit, or allow the emission of particles or any contaminants in sufficient amounts or of such duration from any process as to be injurious to humans, animals, plants, or property, or to be a public nuisance, or create a condition of air pollution.

    b. The Permittee shall not cause or permit the handling or transporting or storage of any material in a manner which allows or may allow unnecessary amounts of particulate matter to become airborne.

    c. When dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance to property other than that from which it originated or to violate any other provision of this Permit, the Director may order such corrected in a way that all air and gases or air and gasborne material leaving the building or equipment are controlled or removed prior to discharge to open air.

    [Part II, Section 4.4(A)(2)]

14. **Performance Testing:**

    a. If a performance test or such other method of confirming compliance with applicable requirements as specified by the Director or Administrator is required by the Permit or other Federal standard (e.g., New Source Performance Standard - NSPS, National Emission Standard for Hazardous Air Pollutants – NESHAP, etc.), the Permittee shall conduct the performance test or other compliance methodology and submit the written results of such tests to the Administrator and/or Director as required. Unless otherwise specified in this Permit or by more stringent Federal requirements, the performance test shall be conducted within sixty (60) days after a source has achieved the capability to operate at its maximum production rate on a sustained basis, but no later than one hundred eighty (180) days after initial startup or the date of permit issuance for an existing source.

    b. Performance tests or other compliance confirmation methodology shall be conducted under such conditions as specified in this Permit or as specified by the Director or Administrator. A performance test shall consist of three separate runs using the applicable test method. The Permittee shall provide the following for the performance test:

        i. Sampling ports adequate for the test methods applicable to the source;

        ii. Safe sampling platforms and safe access to such platforms;

iii. Utilities for sampling and testing equipment.

c. The Permittee shall provide written notice to the Department at least two (2) weeks prior to scheduled performance testing.

[Part II, Section 4.4(A)(10)]

15. **Permit Term:**

a. A non-Title V permit term shall be no more than five (5) years starting from the date of the original Permit. This Permit shall remain in effect for no more than five (5) years, but may terminate sooner depending on the date of the original permit.

[Part II, Sections 4.4(A)(1) & 4.5(B)]

b. The Permittee shall submit an application for renewal of this permit at least 12 months, but not more than 18 months, prior to the date of permit expiration.

[Part II, Section 4.3(H)]

16. **Permit Revisions:**

The Permittee shall comply with the following provisions:

a. Changes Requiring a Permit Revision

i. The following changes shall require a permit revision:

1) A change that triggers a new applicable requirement or would violate an existing applicable requirement;

2) Establishment of, or change in, a voluntarily accepted emission limitation;

3) A change that will require a case-by-case determination of an emission limitation or other standard, such as BRDT, or a source-specific determination of ambient impacts, or a visibility or increment analysis;

4) A change that results in emissions that are subject to monitoring, recordkeeping or reporting under the permit if the emissions cannot be measured or otherwise adequately quantified by monitoring, recordkeeping, or reporting requirements already in this Permit;

5) A change that will authorize the burning of used oil, used oil fuel, hazardous waste, or hazardous waste fuel, or any other fuel not currently authorized by this Permit;

6) A change that results in an increase of the potential to emit equal to or greater than twenty-five (25) tons per year of any single criteria air pollutant but which does not make the source a major source of that pollutant;

7) A change that results in either the potential emissions of any new HAP of three (3) tons per year or in an increase of the potential to emit equal to or greater than three (3) tons per year of any individual HAP or five (5) tons per year of any combination of HAPs already emitted by the facility;

8) Changes that result in the potential emissions of any new ultrahazardous air pollutant equal to or greater than three hundred (300) pounds per year or result in an increase in the source's potential to emit equal to or greater than three hundred (300) pounds per year of any ultrahazardous air pollutant or combination of ultrahazardous air pollutants;

9) Replacement of an item of air pollution control equipment listed in this Permit with one that does not have the same or better pollutant control efficiency;

10) Increasing operating hours or rates of production above the permitted level; and

11) A change that relaxes monitoring, recordkeeping, or reporting requirements, except when the change results:

(a) From removing equipment that results in a permanent decrease in actual emissions if the Permittee keeps on-site records of the change in a log that is in a form acceptable to the Department and if the requirements that are relaxed are present in the permit solely for the equipment that was removed; or

(b) From a change in an applicable requirement.

[Part II, Section 5.1(A)]

ii. The Permittee may make any physical change or change in the method of operation without revising this Permit unless the change is specifically prohibited in this Permit or is a change specifically described in Section [a.i] of this Permit Condition as requiring a permit revision. A change that does not require a permit revision may still be subject to the other requirements in Section [b] of this Permit Condition.

[Part II, Section 5.1(B)]

iii. A significant permit revision shall be subject to the public participation requirements of Part II, Section 4.6.

[Part II, Section 5.1(C)]

iv. If this source becomes subject to a standard promulgated by the Administrator pursuant to Section 112.d of the Act, then the Permittee shall, within twelve months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard.

[Part II, Section 4.4(A)(2)(d)]

b. Changes Not Requiring a Permit Revision:

i. Except for a physical change or change in the method of operation requiring a permit revision under Section [a.i] of this Permit Condition, or a change subject to logging or notice requirements under this Section, a change shall not be subject to revision, notice or logging requirements under Part II.

ii. Except as otherwise provided in the conditions applicable to a voluntary accepted emission limit created under Part II Section 4.2(C), the following changes may be made if the Permittee keeps on-site written records of the date the change occurred and a description of the change:

1) Implementing an alternative operating scenario, including raw materials changes;

2) Changing process equipment, operating procedures, or making any other physical change if the permit requires the change to be logged;

3) Engaging in any new insignificant activity; and

4) Replacing an item of air pollution control equipment listed in this Permit with an identical (same model, different serial number) item. The Director may require verification of the control efficiency of the new equipment by performance tests.

5) A change that results in a decrease in actual emissions if the source wants to claim credit for the decrease in determining whether the source has a net emissions increase for any purpose.

The logged information shall include a description of the change that will produce the decrease in actual emissions. A decrease that has not been logged is creditable only if the decrease is quantifiable, enforceable, and otherwise qualifies as a creditable decrease.

iii. Except as provided in the conditions applicable to a voluntarily accepted emission limitation created under Part II Section 4.2(C), the following changes may be made if the Permittee provides written notice to the Department in advance of the change as provided below:

1) Replacing an item of air pollution control equipment listed in this Permit with one that is not identical but that is substantially similar and has the same or better pollutant removal efficiency: seven (7) days. The Director may require verification of the control efficiency of the new equipment by performance tests;

2) A physical change or change in the method of operation that increases actual emissions more than ten (10) tons per year or ten (10) percent of the major source threshold for any criteria pollutant, whichever is less, but does not require a permit revision: seven (7) days;

3) Replacing an item of air pollution control equipment listed in this Permit with one that is not substantially similar but that has the same or better control efficiency: thirty (30) days. The Director may require verification of the control efficiency of the new equipment by performance tests;

4) A change that would trigger an applicable requirement that already exists in this Permit: thirty (30) days unless a different notice period is otherwise required by the applicable requirement.

iv. For each change under Section [b.iii] of this Permit Condition, the written notice shall be by certified mail or hand delivery and shall be received by the Director within the minimum amount of time in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided with less than required notice, but must be provided as far in advance of the change, or if advance notification is not practicable, as soon after the change as possible. The written notification shall include:

1) When the proposed change will occur;

2) A description of the change;

3) Any change in emissions of regulated air pollutants; and

4) Any permit term or condition that is no longer applicable as a result of the change.

v. The Permittee may implement any change in Section [b.iii] of this Permit Condition without the required notice by applying for a minor permit revision and complying with application requirements for a minor permit revision.

vi. Notwithstanding any other provision of Section [b] of this Permit Condition, the Director may require this Permit to be revised for any change that, when considered together with any other changes submitted by the Permittee under this subsection over the term of this Permit, constitute a change requiring a permit revision under Section [a.i] of this Permit Condition.

vii. If a change is described under both Sections [b.ii] and [b.iii] of this Permit Condition, the Permittee shall comply with Section [b.iii]. If a change is described under both Sections [b.iii] and [a.ii] of this Permit Condition, the Permittee shall comply with Condition [a.ii].

viii. A copy of all logs required under Section [b.ii] of this Permit Condition shall be filed with the Director within thirty (30) days after each anniversary of this Permit issue date. If no changes were made that require logging, a statement to that effect shall be filed instead.

[Part II, Section 5.2]

c. Minor Permit Revisions

i. The Permittee shall submit a minor permit revision for the following changes:

1) A change that triggers a new applicable requirement if all of the following apply:

(a) The increase in the potential to emit is less than the smaller of twenty-five (25) tons per year or the significant level defined in Part II Section 1.0;

(b) A case-by-case determination of an emission limitation or

other standard is not required; and

(c) The change does not require the Permittee to obtain a Title V permit.

2) Increasing operating hours or rates of production above the permitted level unless the increase otherwise creates a condition that requires a significant permit revision under Part II Section 5.5;

3) A change in fuel from fuel oil or coal, to natural gas or propane, if not authorized in this Permit;

4) A change that results in emissions subject to monitoring, recordkeeping, or reporting and that cannot be measured or otherwise adequately quantified by monitoring, recordkeeping, or reporting requirements already in this Permit if the revision requires monitoring, recordkeeping and/or reporting that provides the required quantification; or

5) Replacement of an item of air pollution control equipment listed in this Permit with one that has the same or better control efficiency. The Director may require performance testing to verify the control efficiency of the new control equipment.

ii. An application for minor permit revision shall be on an application form prescribed by the Department and shall include the following:

1) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs; and

2) Certification by a responsible official, consistent with standard permit application requirements, that the proposed revision meets the criteria for use of minor permit revision procedures.

iii. The Permittee may make the change proposed in its minor permit revision application immediately after it files the complete application. After the Permittee makes the change allowed by the preceding sentence, and until the Director takes any of the actions specified in Part II Section 5.4(C), the Permittee shall comply with both the applicable requirements governing the change and the proposed revised permit terms and conditions. During this time period, the Permittee need not comply with the existing permit terms and conditions it seeks to modify. However, if the Permittee fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and

conditions it seeks to revise may be enforced against it**.**

iv. Notwithstanding any other provision of this Permit Condition, the Director may require the Permit to be revised as a significant permit revision for any change that, when considered together with any other changes submitted over the life of this Permit, do not satisfy Section [c.i] of this Permit Condition.

[Part II, Section 5.4]

d. Significant Permit Revisions

i. The Permittee shall make the following changes only after this permit is significantly revised in accordance with the requirements of Part II, Section 5.5 sections B through D:

1) Establishing or revising a voluntarily accepted emission limitation or standard in accordance with Part II Section 4.2(C);

2) Making any change in fuel not authorized by this Permit, except when changing from fuel oil or coal to natural gas or propane;

3) A change to or addition of an emissions unit that will result in an increase in the potential to emit of a regulated pollutant equal to or greater than either twenty-five (25) tons per year or the significance level defined in Part II Section 1.0, whichever is less;

4) A change that relaxes monitoring, recordkeeping, or reporting requirements, except when the change results from:

(a) Removing equipment that results in a permanent decrease in actual emissions. If the Permittee keeps on-site records of the change in a log that satisfies the requirements in Section [b] of this Permit Condition and if the requirements that are relaxed are present in this Permit solely for the equipment that was removed; or

(b) A change in an applicable requirement.

5) A change that will cause the Permittee to violate an existing applicable requirement;

6) A change that will require any of the following:

(a) A case-by-case determination of an emissions limitation or other standard, including a determination of BRDT;

(b) A source-specific determination of ambient impacts; or

(c) A case-by-case determination of monitoring, recordkeeping, and reporting requirements.

7) A change that requires the Permittee to obtain a Title V permit.

ii. A request for a significant permit revision shall be submitted on an application form prescribed by the Department.

[Part II, Section 5.5]

e. Administrative Amendments

An administrative permit amendment is required for any of the following changes:

i. To correct typographical errors;

ii. To identify a change in the name, address, or phone number of any person identified in the permit, or provide a similar minor administrative change at the source;

iii. To require more frequent monitoring or reporting by the Permittee; and

iv. To allow for a change in ownership or operational control of a source with a non-Title V permit, provided that a written agreement containing a specific date for the transfer of permit responsibility and liability between the current and new Permittee has been submitted to the Director and the requirements of Condition 18 of this Permit are met. The written agreement shall contain the information required and be subject to the review process contained in Condition 18 of this Permit.

[Part II, Section 4.5(C)]

17. **Permit Re-openings: Revocation and Re-issuance; Termination:**

a. This Permit shall be reopened and revised under any of the following circumstances:

i. The Director or the Administrator determines that this Permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of this Permit.

ii. The Director or the Administrator determines that this Permit needs to be

revised or revoked to assure compliance with the applicable requirements.

b. Proceedings to reopen and reissue a permit, including appeal of any final action relating to a permit reopening, shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such re-openings shall be made as expeditiously as practicable. Permit re-openings shall not result in a resetting of the five year permit term.

c. The Director may issue a notice of termination of this Permit when either:

i. The Director has reasonable cause to believe that this Permit was obtained by fraud or misrepresentation;

ii. The Permittee failed to disclose a material act required by the permit application form or the regulation applicable to this Permit, of which the Permittee had or should have had knowledge at the time the application was submitted; or

iii. The terms and conditions of this Permit have been or are being violated.

[Part II, Section 5.7]

18. **Permit Transfers**

a. For purposes of this section, a transfer includes a sale or conveyance to a new corporation or entity or other change in ownership of the current permit holder.

b. This Permit may be transferred to another person if the Permittee gives notice to the Department in writing at least sixty (60) days before the proposed transfer. The permit transfer notice shall contain the following:

i. The permit number and expiration date.

ii. The name, address and telephone number of the current permit holder.

iii. The name, address and telephone number of the person to receive the permit.

iv. The name and title of the individual within the organization who is accepting responsibility for the permit along with a signed statement by that person indicating such acceptance.

v. A description of the equipment to be transferred.

vi. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new Permittee.

vii. Provisions for the payment of any fees pursuant to Part II, Section 11.0 that will be due and payable before the effective date of transfer.

viii. Sufficient information about the proposed permit holder's technical and financial capabilities of operating the source to allow the Department to make the decision to either grant or deny the permit transfer during the 60-day review period, including:

1) The qualifications of each person principally responsible for the operation of the source.

2) A statement by the chief financial officer of the new Permittee that it is financially capable of operating the source in compliance with the law, and the information that provides the basis for that statement.

3) A brief description of any action taken against the proposed permit holder for the enforcement of any Federal or state law, rule or regulation, or any county, city or local government ordinance or Tribal law relating to the protection of the environment for five (5) years preceding the date of application.

c. The Director may deny a permit transfer if it is determined that the new owner or operator's compliance record or financial resources are such that it lacks the capability to comply with the permit.

[Part II, Section 4.7]

19. **Posting of Permit:**

a. The Permitee shall post this Permit or certificate of permit issuance (i.e., signed Permit cover page) at a location on the site where it will be clearly visible to the public.

b. A copy of this Permit shall be kept on the site and available for inspection by a representative of the Department or any person.

[Part II, Section 4.8]

20. **Record Keeping:**

a. The Permittee shall maintain accurate records as required by this Permit and by all applicable Rules. These records shall be kept in a form, which allows easy verification of compliance with this Permit and any applicable Rules.

b. All records shall be kept for the time as specified. All records required to demonstrate that each required air pollution control device is being operated properly shall be retained for a minimum of five years.

c. All records required by this Permit shall be made available for inspection upon request by a representative of the Director.

d. Upon request, the Permittee shall furnish to the Director copies of records required to be kept by this Permit within 48 hours.

[Part II, Section 4.4(A)(3)]

21. **Reporting**

a. Certification of Compliance

i. The Permittee shall submit to the Director, no later than March 15 of each year, annual written certification that the permitted source is in operation and was in compliance with this Permit during the previous calendar year.

[Part II, Section 4.4(A)(6)]

ii. The compliance certifications shall include the following:

1) Identification of each term or condition of this Permit that is the basis of the certification;

2) Identification of the methods or other means used by the Permittee for determining the compliance status with each condition of this Permit during the certification period, and whether the methods or other means provide continuous or intermittent data;

3) The status of compliance with the terms and conditions of this Permit for the period covered by the certification;

4) All instances of deviations from permit requirements and a description of those deviations including their cause and actions taken in response to the deviation;

5) Other facts the Director may require to determine the compliance status of the source.

iii. A progress report on all outstanding compliance schedules shall be submitted every six months beginning with six months after permit issuance.

[Part II, Section 4.4(A)(3)]

b. Emissions Inventory

A responsible official for the Permittee shall complete and submit to the Department an annual emissions inventory on a form prescribed by the Director. The emissions inventory is due on March 31 of each year and shall cover emissions from the previous calendar year. The emissions inventory shall be determined using the actual emissions and shall be based on the measured data or emissions factors specified on the emissions inventory form.

[Part II, Section 4.4(A)(7)]

c. Excess Emissions Report

The Permittee shall report to the Director any emissions in excess of the limits established by this Permit or the Rules to the Director.

i. The report shall be in two parts as specified below:

1) Notification by telephone or facsimile within twenty-four (24) hours of the time the Permittee first learned of the occurrence of excess emissions that includes all available information from Section [c.ii] of this Permit Condition.

2) Detailed written notification by submission of an excess emissions report within seventy-two (72) hours of the notification under Section [c.i.1] of this Permit Condition.

ii. The excess emissions report shall contain the following information:

1) The identity of each stack or other emission point where the excess emissions occurred;

2) The magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;

3) The time and duration or expected duration of the excess emissions;

4) The identity of the equipment from which the excess emissions emanated;

5) The nature and cause of the emissions;

6) The steps taken, if the excess emissions were the result of a malfunction, to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunctions;

7) The steps that were or are being taken to limit the excess emissions; and

8) If this Permit contains procedures governing source operation during periods of startup or malfunction and the excess emissions resulted from startup or malfunction, a list of the steps taken to comply with the permit procedures.

iii. In the case of continuous or recurring excess emissions, the notification requirements of this Permit Condition shall be satisfied if the Permittee provides the required notification after excess emissions are first detected and includes in the notification an estimate of the time the excess emissions will continue. Excess emissions occurring after the estimated time period or changes in the emissions as originally reported shall require additional notification pursuant to Sections [c.i] and [c.ii] of this Permit Condition.

[Part II, Section 5.9]

d. Compliance Schedule

For any excess emission or permit deviation that cannot be corrected with 72 hours, the Permittee is required to submit a compliance schedule to the Director within 21 days of such occurrence. The compliance schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with terms or conditions of this Permit that have been violated.

[Part II, Section 4.4(A)(3)]

22. **Rights and Privileges:**

This Permit does not convey any property rights or any exclusive privileges to the Permittee.

[Part II, Section 4.4(A)(9)(c)]

23. **Right to Entry**

The Permittee shall, upon presentation of credentials and other documents as may be required by law, allow the Director or his or her designee or the U.S. EPA to perform the following at a reasonable time of day and in accordance with

reasonable safety standards:

a. Enter the premises where a permitted source is located or emissions-related activity is conducted, or where records required by this Permit are kept;

b. Have access to and copies made of any records that are required to be maintained by the Rules or this Permit;

c. Inspect any operations, processes, emissions units (including monitoring and air pollution control equipment), or practices regulated or required under this Permit; and

d. Sample or monitor substances, parameters or emissions for the purpose of determining compliance with this Permit and applicable requirements.

[Part II, Section 4.4(A)(5)]

24. **Severability**

The provisions of this Permit are severable, and, if any provision of this Permit is held invalid, the remainder of this Permit shall not be affected by the invalid provision.

[Part II, Section 4.4(A)(8)]

25. **Visible Emissions**

The Permittee shall not discharge into the ambient air from any single source of emissions, any air contaminant, other than uncombined water, in excess of twenty (20) percent opacity.

[Part VI, Section 1.0, Subsection 3.1]

SPECIFIC CONDITIONS:

26. **Allowable Emissions**

a. The Permittee shall not allow the facility's cumulative point source emissions to be discharged into the atmosphere in excess of any of the following:

Table 1. Emission Limits (pounds)

Pollutant	Twelve Month Rolling Total
Volatile Organic Compounds (VOC)	1,700
Total Hazardous Air Pollutants (HAPs)	70

b. The 12-month rolling total emissions shall be calculated monthly within 15 days following the end of each calendar month by summing the emissions over the most recent 12 calendar months. Monthly emissions shall be calculated using the daily throughput and the results of the most recent performance test approved by the Department, and shall not exceed the values presented in Table 1. If performance test results are not available, the monthly emissions shall be calculated using the calculation methods in the Technical Support Document for this permit as follows:

i. **VOC and HAP emissions:** Multiply the emission factors presented in the TSD by the monthly gasoline throughput.

c. For the purposes of calculating emissions required by Section [b] of this Permit Condition, only emissions from point sources shall be counted.

[Part II, Section 4.4(A)(2)]

27. **Allowable Throughput**

a. The Permittee shall limit the throughput of gasoline to not more than **889,000** gallons per year.

[Part II, Section 4.4(A)(2)]

28. **Process Emission Limitations**

a. The Permittee shall not cause, permit or allow to be discharged into the ambient air:

i. Visible emissions from any single source of emissions, other than uncombined water, exceeding twenty (20) percent opacity.

b. Compliance Determination:

i. Compliance with Opacity Limitations

1) Compliance with opacity limitations in Section [a] of this Permit Condition shall be determined using Method 9, 40 C.F.R. Part 60, Appendix A, except the opacity observations for intermittent visible emissions shall require twelve (12) rather than twenty-four (24) consecutive readings at fifteen (15) second intervals. Alternatively, Method 22 may be used if approved by the Department, in writing, pursuant to a complete source monitoring/test protocol.

[Part VI, Section 1.0, Subsection 3.1]

29. **Operational Restrictions**

a. The use of solvents and solvent cleaning machines are prohibited by this Permit.

b. Open burning is prohibited by this Permit.

30. **Notification, Recordkeeping and Reporting**

a. Notifications & Reporting

i. All notifications submitted to the EPA, as required in Conditions 34(b), 35(a), 37(a), 37(c), 38(c), and 38(d) of this Permit, shall also be submitted to the GRIC DEQ Director within the timeframes specified below:

1) For notification and reports submitted to EPA prior to the issuance of this Permit, submit copies to the GRIC DEQ Director within 60 days of issuance of this Permit;

2) For notifications and reports submitted to EPA after the issuance of this Permit, submit copies to the GRIC DEQ Director within 60 days of submittal of the notifications to EPA.

[Part II, Section 4.4(A)(2) & (A)(3)]

ii. Where required in this Permit, correspondence shall be submitted to the following agencies:

1) Environmental Protection Agency, Region IX, Director, Air Division, 75 Hawthorne Street, San Francisco, California, 94105

2) Gila River Indian Community, Department of Environmental Quality,

Director, P.O. Box 97, Sacaton, Arizona, 85147

b. Recordkeeping

The Permittee shall comply with the following general recordkeeping requirements:

i. Maintain monthly records of the amount of gasoline throughput at the facility.

ii. Maintain records of the type, amount, and method of disposing or recycling of VOC-containing materials on each day of disposal.

iii. Maintain accurate records of the gasoline stored in the tanks including either the true or Reid vapor pressure ranges of each stored liquid. The Director may approve an alternative recordkeeping requirement if appropriate for the operational characteristics of an individual tank.

iv. Maintain records of the results of inspections required by this Permit including a record of any leaks found at the facility and the corrective action taken.

v. Maintain records of the date and reason for any maintenance and repair of any applicable control devices, including underground storage tank vent control devices, and the estimated quantity and duration of VOC emissions during such activities.

[Part VI, Section 2.0, Subsection 5.3]

31. **VOC Usage, Storage and Handling**

a. VOC Containment and Disposal

i. The Permittee shall not store, discard, handle, or dispose of VOC or VOC-containing material, including gasoline, in a way intended to cause or to allow the evaporation of VOC to the atmosphere. Reasonable measures shall be taken to prevent such evaporation which include, but are not limited to, the following:

1) All materials from which VOC can evaporate, including, but not limited to, gasoline, fresh solvent, waste solvent and solvent- or gasoline- soaked rags and residues, shall be stored in closed containers when not in use;

2) Such containers one (1) gallon and larger shall be legibly labeled with their contents;

3) Records of the disposal/recovery of such materials shall be kept. Records of hazardous waste disposal shall be kept in accordance with the applicable hazardous waste disposal statutes and regulations; and

4) Any transfer of VOCs or VOC-containing material from one container to another (aggregation) shall be conducted in a manner that is consistent with good practice for minimizing VOC emissions.

[Part VI, Section 2.0, Subsection 3.5]

b. General Operating Requirements

i. Control techniques and work practices shall be implemented at all times to reduce VOC emissions from fugitive sources. Control techniques and work practices include, but are not limited to:

1) Containers with no detectable organic emissions shall be used for the storage of waste or fresh material containing VOC.

2) Containers used for the storage or disposal of cloth, paper, filters, or other materials impregnated with VOC-containing materials shall be covered.

3) Waste solvent shall be disposed or recycled in accordance with applicable EPA regulations.

4) Any waste or fresh material containing VOC that escapes from a container, shall be cleaned up or otherwise removed immediately if in accessible areas. For areas where access is not feasible during normal production, any such VOC-containing material shall be removed as soon as reasonably possible, but not later than within twenty-four (24) hours.

ii. Each container shall be clearly labeled with its contents.

iii. No person shall use materials containing more than ten (10) percent VOC for the cleanup of spray equipment unless equipment is used to collect the cleaning compounds and to minimize their evaporation to the atmosphere.

[Part VI, Section 2.0, Subsection 4.1]

c. Specifications for Storage of VOCs

i. Each VOC storage vessel with a capacity greater than 250 gallons and up to 40,000 gallons shall be equipped with at least one of the following:

1) A permanent submerged fill pipe that meets any one of the following requirements:

   (a) The bottom of the discharge pipe or nozzle is below the surface of the liquid in the receiving vessel for at least ninety-five (95) percent of the volume filled.

   (b) The bottom of the discharge pipe or nozzle is less than six (6) inches from the bottom of the receiving vessel.

   (c) The bottom of the discharge pipe or nozzle is less than two (2) pipe or nozzle diameters from the bottom of the receiving vessel.

   (d) For side-filling, the end of the discharge pipe or nozzle is totally submerged when the liquid level is eighteen (18) inches from the bottom of the tank.

2) A pressure vessel capable of maintaining working pressures that prevent the loss of VOC to the atmosphere; or

3) A vapor-recovery system that consists of a vapor-gathering system capable of collecting ninety-five (95) percent or more of the uncontrolled VOCs that would otherwise be emitted to the atmosphere and a vapor-disposal system capable of processing these VOCs to prevent their emission to the atmosphere.

[Part VI, Section 2.0, Subsection 4.2]

32. **Fugitive Dust Generating Operations**

a. The Permittee shall take all reasonable precautions to prevent fugitive dust and fugitive particulate matter emissions and shall maintain and operate the source to minimize fugitive dust and fugitive particulate matter emissions. Compliance with this section is based on documented compliance with the applicable performance standards, the work practice requirements, the applicable requirements listed in Table 2 of this Permit and the reasonable precautions listed below.

   i. Reasonable precautions include, but are not limited to, the following:

      1) Use of water or chemicals for control of dust in the demolition of buildings or structures, construction operations, grading of roads, or clearing of land.

      2) Application of asphalt, water, or other suitable chemicals on

unpaved roads, materials stockpiles, and other surfaces which can create airborne dust.

3) Full or partial enclosure of materials stockpiles in cases where application of water or chemicals is not sufficient or appropriate to prevent particulate matter from becoming airborne. Implementation of good housekeeping practices to avoid or minimize the accumulation of dusty materials which have the potential to become airborne. This includes, but is not limited to, manual sweeping and the use of industrial vacuum cleaners.

4) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials.

5) Adequate containment during sandblasting or other similar operations.

6) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne.

7) The prompt removal of earth or other material, which does or may become airborne, from paved streets.

[Part V, Section 2.0, Subsection 3.1]

b. 20% Opacity Limitation

For emissions that are not already regulated by an opacity limit in this Permit, the Permittee shall not discharge or cause or allow to be discharged into the ambient air fugitive dust emissions exceeding 20% opacity.

[Part V, Section 2.0, Subsection 3.1]

c. Unpaved Parking Lots

For any unpaved parking lot at the permitted facility with traffic exceeding twenty (20) vehicle trips per day, the Permittee shall:

i. Not allow visible fugitive dust emissions to exceed twenty (20) percent opacity.

ii. Employ one of the following control measures:

1) Apply a dust palliative approved by the Department;

2) Apply gravel at quantities sufficient to ensure that particulate emissions do not exceed twenty (20) percent opacity;

3) Paving; or

4) Employ an alternate dust control measure approved by the Department. At a minimum, an alternative dust control measure shall not allow silt loading equal to or greater than 0.33 ounces per square foot (oz/ft^2), or allow silt content to exceed eight (8) percent as determined by applicable test methods in Section [g.ii] of this Permit Condition.

[Part V, Section 2.0, Subsection 4.0]

d. Unpaved Haul/Access Road

For any unpaved haul/access road at the permitted facility, the Permittee shall:

i. Not allow visible fugitive dust emissions to exceed twenty (20) percent opacity, and shall:

1) Apply a dust palliative, including water, approved by the Department;

2) Apply water in sufficient quantities to ensure that particulate matter emissions do not exceed twenty (20) percent opacity (at a minimum, application of water must be confirmed utilizing log books on water trucks); or

3) Apply gravel at quantities sufficient to ensure that particulate matter emissions do not exceed twenty (20) percent opacity; or

4) Employ an alternate dust control measure approved by the Department. At a minimum, an alternative dust control measure shall not allow silt loading equal to or greater than 0.33 oz/ft^2, or allow silt content to exceed six (6) percent as determined by applicable test methods in Section [g.ii] of this Permit Condition.

ii. As an alternative to meeting the stabilization requirements in Section [d.i] of this Permit Condition, limit vehicle trips to no more than twenty (20) per day and limit vehicle speeds to no more than fifteen (15) miles per hour. If complying with this subsection, the Permittee must include, in a Dust Control Plan, a list of the number of vehicles traveled on the unpaved haul/access roads (i.e., number of employee vehicles, earthmoving equipment, haul trucks, and water trucks). At no time shall the Permittee allow particulate emissions to exceed twenty (20) percent opacity.

[Part V, Section 3.0, Subsection 5.0]

e. Control Measures

The Permittee shall implement control measures before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays in accordance with the Dust Control Plan and Table 2 of this Permit. Failure to comply with the provisions of Section [f] of this Permit Condition, as applicable, and/or of an approved Dust Control Plan, is deemed a violation of this Permit. Regardless of whether an approved Dust Control Plan is in place or not, the Permittee is still subject to all requirements of this Permit at all times. In addition, the Permittee is still subject to all of the requirements of this Permit even if the Permittee is complying with the approved Dust Control Plan.

[Part V, Section 2.0, Subsection 9.0]

f. Work Practices

When engaged in the following specific activities, the Permittee shall comply with the following work practices in addition to implementing, as applicable, the control measures described in Table 2 of this Permit. Such work practices shall be implemented to meet the twenty (20) percent opacity standard of this Section and the stabilization requirements in Table 2, as determined by the applicable test method in Section [g.ii] of this Permit Condition.

i. Bulk Material Hauling Off-Site Onto Paved Public Roadways.

1) Load all haul trucks such that the freeboard is not less than three inches;

2) Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s);

3) Cover all haul trucks with a tarp or other suitable closure; and

4) Before the empty haul truck leaves the site, clean the interior of the cargo compartment or cover the cargo compartment.

ii. Bulk Material Hauling On-Site Within the Boundaries of the Work Site.

When crossing a public roadway upon which the public is allowed to travel:

1) Load all haul trucks such that the freeboard is not less than three

inches;

2) Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and

3) Install a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse such work site. Examples of trackout control devices are described in Table 2: Trackout-1J, 2J, 3J.

iii. Spillage, Carry-Out, Erosion, and/or Trackout.

1) Install a suitable trackout control device (Examples of trackout control devices are described in Table 2: Trackout-1J, 2J, 3J) that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse such work site at all exits onto a paved public roadway:

(a) From all work sites with a disturbed surface area of five acres or larger.

(b) From all work sites where one hundred (100) cubic yards of bulk materials are hauled on-site and/or off-site per day.

2) Cleanup spillage, carry-out, erosion, and/or trackout on the following time-schedule:

(a) Immediately, when spillage, carry-out, and/or trackout extends a cumulative distance of fifty (50) linear feet or more; or

(b) At the end of the work day, when spillage, carry-out, erosion, and/or trackout are other than the spillage, carryout, erosion, and/or trackout described above, in Section [f.iii.2.a] of this Permit Condition.

iv. Unpaved Haul/Access Roads

Implement 1 or more control measure(s) described in Table 2: Unpaved Haul/Access Roads-1C through 5C, before engaging in the use of or in the maintenance of unpaved haul/access roads.

v. Open Storage Piles

For the purpose of this Section, an open storage pile is any accumulation of bulk material with a five (5) percent or greater silt content which in any one point attains a height of three feet and covers a total surface area of one hundred fifty (150) square feet or more. Silt content shall be assumed to be five (5) percent or greater unless the Permittee can show, by testing in accordance with ASTM Method C136-96A or other equivalent method approved in writing by the Department and the Administrator of EPA, that the silt content is less than five (5) percent.

1) During stacking, loading, and unloading operations, apply water, other dust palliatives or other Department-approved dust control technologies, as necessary, to maintain compliance with Sections [a] and [b] of this Permit Condition; and

2) When not conducting stacking, loading, and unloading operations, comply with one of the following work practices:

   (a) Cover open storage piles with tarps, plastic, or other material to prevent wind from removing the coverings; or

   (b) Apply water to maintain a soil moisture content at a minimum of twelve (12) percent, as determined by ASTM Method D2216-98, or other equivalent method as approved by the Department and the Administrator of EPA. For areas which have an optimum moisture content for compaction of less than twelve (12) percent, as determined by ASTM Method D1557-91 (1998) or other equivalent method approved by the Department or the Administrator of EPA, maintain at least seventy (70) percent of the optimum soil moisture content or maintain a visible crust that complies with the test method in Section [g.ii] of this Permit Condition; or

   (c) Meet one of the stabilization requirements described in Section [a.i] of this Permit Condition; or

   (d) Construct and maintain wind barriers, storage silos, or a three-sided enclosure with walls, whose length is no less than equal to the length of the pile, whose distance from the pile is no more than twice the height of the pile, whose height is equal to the pile height, and whose porosity is no more than fifty (50) percent. If implementing this Section, either Sections [f.v.2.b] or [f.v.2.c] of this Permit Condition also must be implemented; or

(e) Maintain a visible crust that complies with the test method in Section [g.ii] of this Permit Condition.

[Part V, Section 2.0, Subsection 10.0]

g. Compliance Determination

To determine compliance with this Permit Condition, the following test methods shall be followed:

i. Stabilization Observations.

1) Unpaved Parking Lots in an Industrial/Commercial Area.

Stabilization observations for unpaved parking lots in industrial/commercial areas shall be conducted in accordance with Maricopa County Appendix C (Fugitive Dust Test Methods), Section 2.1 (Test Methods For Stabilization-For Unpaved Roads And Unpaved Parking Lots). When more than one (1) test method is permitted for a determination, an exceedance of the limits established in this Permit determined by any of the applicable test methods constitutes a violation of this Permit.

2) Unpaved Haul/Access Road.

Stabilization observations for unpaved haul/access roads shall be conducted in accordance with Maricopa County Appendix C (Fugitive Dust Test Methods), Section 2.1 (Test Methods For Stabilization-For Unpaved Roads And Unpaved Parking Lots). When more than one (1) test method is permitted for a determination, an exceedance of the limits established in this Permit determined by any of the applicable test methods constitutes a violation of this Permit.

ii. Test Methods Adopted By Reference:

The test methods listed in this Section are adopted by reference as of July 1, 2006. These adoptions by reference include no future editions or amendments. Copies of the test methods listed in this section are available for review at the Gila River Indian Community Department of Environmental Quality, 35 Pima Street, Sacaton, Arizona 85247.

1) Maricopa County Appendix C (Fugitive Dust Test Methods), Section 2.1 (Test Methods For Stabilization – For Unpaved Roads And Unpaved Parking Lots).

2) Maricopa County Appendix C (Fugitive Dust Test Methods), Section 2.3 (Test Methods For Stabilization – Visible Crust Determination).

3) ASTM Method C136-96A ("Standard Test Method For Sieve Analysis Of Fine And Coarse Aggregates"), 1996 edition.

4) ASTM Method D2216-98 ("Standard Test Method For Laboratory Determination Of Water (Moisture) Content Of Soil And Rock By Mass"), 1998 edition.

5) ASTM Method D1557-91(1998) ("Test Method For Laboratory Compaction Characteristics Of Soil Using Modified Effort (56,000 ft-lbf/ft3 (2,700 kN-m/m3)"), 1998 edition.

6) An alternative test method approved in writing by the Director and the Administrator of the EPA.

[Part V, Section 2.0, Subsection 12.0]

h. Dust Control Plan

The Permittee shall submit a Dust Control Plan to the Department before commencing any routine dust generating operation. Failure to submit and obtain an approved Dust Control Plan prior to commencing any routine dust generating operation shall be a violation of this Permit. Compliance with this Section does not affect the Permittee's responsibility to comply with any other applicable requirements. The Dust Control Plan shall describe all control measures to be implemented before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays.

i. A Dust Control Plan shall, at a minimum, contain all the information described in Section [h.iii] of this Permit Condition. The Department shall approve, disapprove, or conditionally approve the Dust Control Plan, in accordance with the criteria used to approve, disapprove or conditionally approve a permit. Failure to comply with the provisions of an approved Dust Control Plan is deemed to be a violation of this Permit. Regardless of whether an approved Dust Control Plan is in place or not, the Permittee is still subject to all requirements of this Section at all times. In addition, the Permittee is still subject to all of the requirements of this Permit, even if the Permittee is complying with the approved Dust Control Plan.

ii. At least one primary control measure and one contingency control

measure shall be identified in the Dust Control Plan for all fugitive dust sources. Should any primary control measure(s) prove ineffective, the Permittee shall immediately implement the contingency control measure(s), which may obviate the requirement of submitting a revised Dust Control Plan.

[Part V, Section 2.0, Subsection 6.0]

iii. Elements of a Dust Control Plan

A Dust Control Plan shall contain, at a minimum, all of the following information:

1) Names, address(es), and phone numbers of person(s) responsible for the submittal and implementation of the Dust Control Plan and responsible for the dust generating operations.

2) A drawing, on at least 8½" x 11" paper, which shows:

   (a) Entire project site boundaries;

   (b) Acres to be disturbed with linear dimensions;

   (c) Nearest public roads;

   (d) North arrow;

   (e) Planned exit locations onto paved public roadways; and

   (f) The expected duration of the project.

3) Control measures or combination thereof to be applied to all actual and potential fugitive dust sources, before, after, and while conducting any dust generating operations, including during weekends, after work hours, and on holidays.

   (a) At least one primary control measure and one contingency control measure must be identified, from Table 2 of this Permit, for all fugitive dust sources. Should any primary control measure(s) prove ineffective, the Permittee shall immediately implement the contingency control measure(s), which may obviate the requirement of submitting a revised Dust Control Plan.

   (b) Alternatively, a control measure(s) that is not in Table 2 may be chosen, provided that the control measure is approved in

writing by the Department and implemented by the Permittee, in accordance with the appropriate test method in Section [g.ii] of this Permit Condition.

(c) If complying with Section [d] of this Permit Condition (Unpaved Haul/Access Roads), the plan must include the number of vehicles traveled on the unpaved haul/access roads (i.e., number of employee vehicles, earthmoving equipment, haul trucks, and water trucks).

4) Identification of the dust suppressants to be applied, including:

(a) Product specifications or label instructions for approved usage;

(b) Method, frequency, and intensity of application;

(c) Type, number, and capacity of application equipment; and

(d) Information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.

5) Specific surface treatment(s) and/or control measures utilized to control material trackout and sedimentation where unpaved and/or access points join paved public roadways.

[Part V, Section 2.0, Subsection 7.0]

iv. Dust Control Plan Revisions

If the Director determines that an approved Dust Control Plan has been followed, yet fugitive dust emissions from any given fugitive dust source under the control of the Permittee still exceed the twenty (20) percent opacity standard contained in this Permit Condition, then the Director shall issue a notice to the Permittee explaining such determination. The Permittee shall make written revisions to the Dust Control Plan as necessary to meet the twenty (20) percent opacity standard and shall submit such revised Dust Control Plan to the Director within three working days of receipt of the Director's notice, unless such time period is extended by the Director or his/her representative, for good cause. During the time that the Permittee is preparing revisions to the approved Dust Control Plan, the Permittee shall comply with all requirements of this Permit Condition.

[Part V, Section 2.0, Subsection 8.0]

v. Recordkeeping

The Permittee shall keep a daily written log recording the actual application or implementation of the control measures delineated in the approved Dust Control Plan. If a Dust Control Plan is not required, the Permittee shall compile and retain records that provide evidence of control measure application, by indicating the type of treatment or control measure, extent of coverage, and date applied. Upon verbal or written request by the Department, the log or the records and supporting documentation shall be provided within 48 hours, excluding weekends. If the Director or his/her designee is at the site where requested records are kept, the Permittee shall provide the records without delay. Records required by this Section must be kept for a period of two (2) years.

[Part V, Section 2.0, Subsection 13.0]

PERMIT CONDITIONS
KOMATKE MARKET
PERMIT NUMBER 23##

TABLE 2. SOURCE TYPE AND CONTROL MEASURES

Vehicle Use In Open Areas And Vacant Lots:

1A Restrict trespass by installing signs.

2A Install physical barriers such as curbs, fences, gates, posts, signs, shrubs, and/or trees to prevent access to the area.

Unpaved Parking Lots:

1B Pave.

2B Apply and maintain gravel, recycled asphalt, or other suitable material, in compliance with Part V, Section 2, Subsection 4.0.

3B Apply a suitable dust suppressant, in compliance with Part V, Section 2, Subsection 4.0.

Unpaved Haul/Access Roads:

1C Limit vehicle speed to 15 miles per hour or less and limit vehicular trips to no more than 20 per day.

2C Apply water, so that the surface is visibly moist and Part V, Section 2.0, Subsection 5.0 is met.

3C Pave.

4C Apply and maintain gravel, recycled asphalt, or other suitable material, in compliance with Part V, Section 2.0, Subsection 5.0.

5C Apply a suitable dust suppressant, in compliance with Part V, Section 2.0, Subsection 5.0.

Disturbed Surface Areas:

Pre-Activity:

1D Pre-water site to the depth of cuts.

2D Phase work to reduce the amount of disturbed surface areas at any one time.

During Dust Generating Operations:

3D Apply water or other suitable dust suppressant, in compliance with Part V, Section 2.0, Subsection 3.0.

4D Construct fences or 3 foot - 5 foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas that reduce the amount of wind blown material leaving a site. If constructing fences or wind barriers, 3D must also be implemented.

Temporary Stabilization During Weekends, After Work Hours, And On Holidays:

5D Apply a suitable dust suppressant, in compliance with Part V, Section 2.0, Subsection 9.0.

6D Restrict vehicular access to the area, in addition to the control measure described in 5D above.

Permanent Stabilization

7D Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.

8D Pave, apply gravel, or apply a suitable dust suppressant.

9D Establish vegetative ground cover in sufficient quantity.

PERMIT CONDITIONS
KOMATKE MARKET
PERMIT NUMBER 23##

TABLE 2. SOURCE TYPE AND CONTROL MEASURES

Bulk Material Handling Operations And Open Storage Piles:

During Stacking, Loading, And Unloading Operations:

1F Apply water as necessary, to maintain compliance with Part V, Section 2.0, Subsection 3.0; and

When Not Conducting Stacking, Loading, And Unloading Operations:

2F Cover open storage piles with tarps, plastic, or other material to prevent wind from removing the coverings; or

3F Apply water to maintain a soil moisture content sufficient to maintain opacity below 20%; or

4F Meet the stabilization requirements described in Part V, Section 2.0, Subsection 10.5; or

5F Construct and maintain wind barriers, storage silos, or a three-sided enclosure with walls, whose length is no less than equal to the length of the pile, whose distance from the pile is no more than twice the height of the pile, whose height is equal to the pile height, and whose porosity is no more than 50%. If implementing 5F, the Permittee must also implement 3F or 4F above; or

6F Maintain a visible crust that complies with the test method in Part V, Section 2.0, Subsection 12.2(B).

Bulk Material Hauling/Transporting:

When On-Site Hauling/Transporting Within The Boundaries Of The Work Site That Involves Crossing A Public Roadway Upon Which The Public Is Allowed To Travel While Construction Is Underway:

1G Load all haul trucks such that the freeboard is not less than 3 inches when crossing a public roadway upon which the public is allowed to travel while construction is underway; and

2G Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and

3G Install a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse such work site. Examples of trackout control devices are described in Table 2 (Trackout 1J, 2J, 3J) of this Section; and

When On-Site Hauling/Transporting Within The Boundaries Of The Work Site But Not Crossing A Public Roadway Upon Which The Public Is Allowed To Travel While Construction Is Underway:

4G Limit vehicular speeds to 15 miles per hour or less while traveling on the work site; or

5G Apply water to the top of the load such that the 20% opacity standard, as described in Part V, Section 2.0, Subsection 3.0, is not exceeded, or cover haul trucks with a tarp or other suitable closure.

Off-Site Hauling/Transporting Onto Paved Public Roadways:

6G Cover haul trucks with a tarp or other suitable closure; and

7G Load all haul trucks such that the freeboard is not less than 3 inches; and

8G Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and

TABLE 2. SOURCE TYPE AND CONTROL MEASURES

9G Before the empty haul truck leaves the site, clean the interior of the cargo compartment or cover the cargo compartment. **Cleanup Of Spillage, Carry Out, Erosion, And/Or Trackout:** 1H Operate a street sweeper or wet broom with sufficient water, if applicable, at the speed recommended by the manufacturer and at the frequency(ies) described in the Permittee's Dust Control Plan; or 2H Manually sweep-up deposits.
Trackout: 1J Install a grizzly or wheel wash system at all access points. 2J At all access points, install a gravel pad at least 30 feet wide, 50 feet long, and 6 inches deep. 3J Pave starting from the point of intersection with a paved public roadway and extending for a centerline distance of at least 100 feet and a width of at least 20 feet.
Easements, Rights-Of-Way, And Access Roads For Utilities (Electricity, Natural Gas, Oil, Water, And Gas Transmission) Associated With Sources That Have A Non-Title V Permit, A Title V Permit, And/Or A General Permit Under Part II :
Earthmoving Operations On Disturbed Surface Areas Larger Than 1 Acre: 1M If water is the chosen control measure, operate water application system (e.g., water truck), while conducting earthmoving operations on disturbed surface areas larger than one (1) acre.
Demolition Activities The Permittee shall implement all of the following control measures: 1O Stabilize demolition debris. Apply water to debris immediately following demolition activity; and 2O Stabilize surrounding area immediately following demolition activity. Water all disturbed soil surfaces to establish a crust and prevent wind erosion of soil.

FEDERALLY ENFORCEABLE ONLY CONDITIONS:

The facility is also regulated by the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Gasoline Dispensing Facilities as codified in 40 CFR §63.11110 - §63.11132 (Subpart CCCCCC). These standards are enforceable by EPA only; however, a violation of these permit conditions, and all claims and disputes related to this permit, shall be settled in accordance with the laws of the Gila River Indian Community and in its courts. Performance of the terms of this permit shall be in accordance with and pursuant to the laws of the Community, and any action, special proceedings or other proceedings that may arise from, in connection with or by reason of this permit shall be resolved pursuant to the laws of the Community and in its courts. Nothing in this permit, or in any related exhibit, document, or undertaking, shall be construed as affecting, modifying or otherwise impairing the sovereign immunity of the Community or any of its affiliates or subdivisions. The following permit conditions are excerpts from Subpart CCCCCC.

33. **Operational Restrictions**

a. At all times, the Permittee shall operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

[40 CFR §63.11115(a)]

b. The Permittee shall not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:

i. Minimize gasoline spills;

ii. Clean up spills as expeditiously as practicable;

iii. Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use;

iv. Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

[40 CFR §63.11116(a)]

c. The Permittee shall only load gasoline into bottom-filled gasoline storage tanks or storage tanks that are equipped with a submerged fill pipe that meets the specifications in Sections [c.i], [c.ii] and [c.iii] of this Permit Condition. The applicable distances in Sections [c.i] and [c.ii] of this Permit Condition shall be measured from the point in the lower opening of the submerged fill pipe that is the greatest distance from the bottom of the storage tank.

i. Submerged fill pipes installed on or before November 9, 2006, shall be no more than 12 inches from the bottom of the tank.

ii. Submerged fill pipes installed after November 9, 2006, shall be no more than 6 inches from the bottom of the tank.

iii. Submerged fill pipes not meeting the specifications in Sections [c.i] and [c.ii] of this Permit Condition are allowed if the Permittee can demonstrate that the liquid level in the tank is always above the entire opening of the fill pipe. Documentation providing such demonstration shall be made available for inspection by the Administrator's delegated representative during the course of a site visit.

[40 CFR §63.11117(b)]

34. **General Recordkeeping and Reporting**

a. Recordkeeping

The Permittee shall comply with the following general recordkeeping requirements:

i. Maintain records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment.

ii. Maintain records of actions taken during periods of malfunction to minimize emissions in accordance with Condition 33(a) of this Permit, including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

iii. Records required by this Permit shall be kept for a period of 5 years and shall be made available to the Department or Administrator upon request.

[40 CFR §63.11125]

b. Reporting

i. The Permittee shall submit a report by March 15 of each year that includes the number, duration, and a brief description of each type of malfunction that occurred during the previous calendar year and that caused or may have caused any applicable emission limitation to be exceeded. The report shall also include a description of actions taken during a malfunction of an affected source to minimize emissions in accordance with Condition 33(a) of this Permit, including actions taken to correct a malfunction. No report is necessary for a calendar year in which no malfunctions occurred.

[40 CFR §63.11126(b)]

For Facilities with an Average Monthly Gasoline Throughput Less Than 100,000 Gallons

Note: If the facility's average monthly gasoline throughput is less than 100,000 gallons, then Condition 35 shall apply and Conditions 36 through 38 shall be disregarded.

For the purpose of this permit, monthly throughput means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at the facility during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at the facility during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at the facility during the previous 364 days, and then dividing that sum by 12.

35. **Notification, Recordkeeping and Reporting Requirements:**

a. Notifications:

i. Initial Notification

1) Except as provided in Section [a.iv] of this Permit Condition, the Permittee shall submit an Initial Notification to EPA Region IX by May 9, 2008, or when the facility's average monthly throughput equals or exceeds 10,000 gallons.

2) The Initial Notification must contain the following information:

(a) The name and address of the owner and the operator.

(b) The address (i.e., physical location) of the facility.

(c) A statement that the Initial Notification is being submitted in response to 40 CFR §63 Subpart CCCCCC (Gasoline Dispensing Facilities)

(d) A statement identifying the requirements in paragraphs (a) through (c) of §63.11117 [as described in Conditions 33(b) and 33(c) of this Permit] that apply to the facility.

ii. Notification of Compliance

1) Except as provided in Section [a.iv] of this Permit Condition, the Permittee shall submit a Notification of Compliance Status to EPA Region IX within 60 days of the applicable compliance date specified in 40 CFR §63.11113 as summarized below:

(a) For new or reconstructed sources with start-up prior to January 10, 2008, the compliance date is January 10, 2008;

(b) For new or reconstructed sources with start-up after January 10, 2008, the compliance date is upon startup of the facility;

(c) For existing sources, the compliance date is January 10, 2011.

2) The Notification of Compliance Status shall include the following:

(a) The signature of a responsible official who must certify its accuracy;

(b) A statement of whether the source has complied with the requirements of 40 CFR §63 Subpart CCCCCC and this Permit; and

(c) A statement of whether the facilities' monthly throughput is calculated based on the volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks.

iii. Any change in the information already provided under Sections [a.i] and [a.ii] of this Permit Condition shall be provided to the Administrator in writing within 15 calendar days after the change.

iv. Exceptions

1) If the facility is in compliance with the requirements of 40 CFR §63 Subpart CCCCCC at the time the Initial Notification is due, the

Notification of Compliance Status may be submitted in lieu of the Initial Notification provided it also contains the information required under Section [a.i.2] of this Permit Condition.

[40 CFR §63.11124(a); §63.9(j)]

b. Recordkeeping:

i. The Permittee shall, upon request by the Administrator, demonstrate that their monthly throughput is less than the 100,000-gallon threshold level, as applicable.

1) For new sources that commenced construction after November 9, 2006, or that meet the definition of "reconstructed" in 40 CFR §63.2, recordkeeping to document monthly throughput shall begin upon startup of the affected source. For existing sources (i.e., not new or reconstructed), recordkeeping to document monthly throughput shall begin on January 10, 2008.

2) Monthly throughput means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at the facility during a month.

3) Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at the facility during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12.

4) Records required under Section [b.i] of this Permit Condition shall be available within 24 hours of a request by the Administrator to document gasoline throughput.

[40 CFR §63.11117(d); §63.11132]

For Facilities with an Average Monthly Gasoline Throughput of 100,000 Gallons or More

Note: If the facility's average monthly gasoline throughput is 100,000 gallons or more, then Conditions 36 through 38 shall apply and Condition 35 shall be disregarded. Once the facility's average monthly gasoline throughput is 100,000 gallons or more, the facility will remain subject to the requirements Conditions 36 through 38, even if the facility's average monthly gasoline throughput later falls below 100,000 gallons.

For the purpose of this permit, monthly throughput means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at the facility during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at the facility during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at the facility during the previous 364 days, and then dividing that sum by 12.

36. **Controls**

The Permittee shall comply with either Sections [a] and [b] or Sections [c] and [d] of this Permit Condition:

a. The Permittee shall install and operate a vapor balance system on gasoline storage tanks that meets the following design criteria:

i. All vapor connections and lines on the storage tank shall be equipped with closures that seal upon disconnect.

ii. The vapor line from the gasoline storage tank to the gasoline cargo tank shall be vapor-tight, as defined in §63.11132.

iii. The vapor balance system shall be designed such that the pressure in the tank truck does not exceed 18 inches water pressure or 5.9 inches water vacuum during product transfer.

iv. The vapor recovery and product adaptors, and the method of connection with the delivery elbow, shall be designed so as to prevent the over-tightening or loosening of fittings during normal delivery operations.

v. If a gauge well separate from the fill tube is used, it shall be provided with a submerged drop tube that extends the same distance from the bottom of the storage tank as specified in Condition 33(c) of this Permit.

vi. Liquid fill connections for all systems shall be equipped with vapor-tight

caps.

vii. Pressure/vacuum (PV) vent valves shall be installed on the storage tank vent pipes. The pressure specifications for PV vent valves shall be: a positive pressure setting of 2.5 to 6.0 inches of water and a negative pressure setting of 6.0 to 10.0 inches of water. The total leak rate of all PV vent valves at an affected facility, including connections, shall not exceed 0.17 cubic foot per hour at a pressure of 2.0 inches of water and 0.63 cubic foot per hour at a vacuum of 4 inches of water.

viii. The vapor balance system shall be capable of meeting the static pressure performance requirement of the following equation:

$$Pf = 2e^{-500.887/v}$$

Where:

Pf = Minimum allowable final pressure (inches of water)
v = Total ullage affect by test (gallons)
e = Dimensionless constant equal to approximately 2.718
2 = Initial pressure (inches of water)

b. If the facility is new or reconstructed after November 9, 2006, or if any storage tanks were constructed after November 9, 2006, then the Permittee shall also equip the gasoline storage tanks at the facility with a dual-point vapor balance system in which the storage tank is equipped with an entry port for a gasoline fill pipe and a separate exit port for a vapor connection.

c. The Permittee shall install and operate a vapor balance system that is demonstrated to achieve a 90 percent or greater reduction in emissions.

d. The Permittee shall determine and document alternative acceptable values for the leak rate and cracking pressure requirements specified in Section [a.vii] of this Permit Condition and for the static pressure performance requirement Section [a.viii] of this Permit Condition.

[40 CFR §63.11118(b) and §63.11120(b)]

37. **Notification, Recordkeeping and Reporting Requirements:**

a. Notifications:

i. Initial Notification

1) Except as provided in Section [a.iv] of this Permit Condition, the Permittee shall submit an Initial Notification to EPA Region IX by

May 9, 2008, or at the time the facility's monthly average throughput of gasoline exceeds 100,000 gallons and the facility becomes subject to the control requirements of Condition 36 of this Permit.

2) The Initial Notification must contain the following information:

(a) The name and address of the owner and the operator.

(b) The address (i.e., physical location) of the facility.

(c) A statement that the Initial Notification is being submitted in response to 40 CFR §63 Subpart CCCCCC (Gasoline Dispensing Facilities)

(d) A statement identifying the requirements in paragraphs (a) through (c) of §63.11118 (as described in Conditions 33(b), 33(c), and 36 of this Permit) that apply to the facility.

ii. Notification of Compliance

1) Except as provided in Section [a.iv] of this Permit Condition, the Permittee shall submit a Notification of Compliance Status to EPA Region IX within 60 days of conducting any performance test required in Conditions 38(a)(i) and (ii) of this Permit. The Notification of Compliance Status shall include the following:

(a) The signature of a responsible official who must certify its accuracy;

(b) A statement of whether the source has complied with the requirements of 40 CFR §63 Subpart CCCCCC and this Permit; and

(c) A statement of whether the facilities' monthly throughput is calculated based on the volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks.

iii. Any change in the information already provided under Sections [a.i] and [a.ii] of this Permit Condition shall be provided to the Administrator in writing within 15 calendar days after the change.

iv. Exceptions

1) If the facility is in compliance with the requirements of 40 CFR §63 Subpart CCCCCC at the time the Initial Notification is due, the Notification of Compliance Status may be submitted in lieu of the Initial Notification provided it also contains the information required under Section [a.i.2] of this Permit Condition.

[40 CFR §63.11124(b); §63.7(g); §63.9(b)(2); §63.9(j)]

b. Recordkeeping:

i. The Permittee shall keep records of all performance tests required in Condition 38(a) of this Permit.

ii. Records of performance tests required in Condition 38(a) of this Permit shall be kept for a period of 5 years and shall be made available for inspection by the Administrator's delegated representatives during the course of a site visit.

[40 CFR §63.11125]

c. Reporting

i. The Permittee shall report to the Administrator the results of all volumetric efficiency tests required under Condition 38(a)(v) of this Permit within 180 days of the completion of the performance testing.

[40 CFR §63.11126(a)]

38. **Performance Testing:**

a. Testing Requirements:

i. For new sources that commenced construction after November 9, 2006, or that meet the definition of “reconstructed” in 40 CFR §63.2, the Permittee shall conduct the initial compliance test upon installation of the complete vapor balance system.

ii. For existing sources (i.e., not new or reconstructed) with vapor balance systems installed on or before December 15, 2009, the Permittee shall conduct the initial compliance test within 180 days of:

1) January 10, 2011, or

2) Three (3) years after the source becomes subject to the control requirements of Condition 36 of this permit due to an increase in

the monthly throughput.

iii. For existing sources (i.e., not new or reconstructed) with vapor balance systems installed after December 15, 2009, the Permittee shall conduct the initial compliance test upon installation of the complete vapor balance system.

iv. The Permittee shall conduct a performance test at least once every three years after conducting the initial compliance test specified in Sections [a.i], [a.ii], and [a.iii] of this Permit Condition.

v. The Permittee shall demonstrate compliance with the leak rate and cracking pressure requirements, specified in Condition 36(a)(vii) of this Permit, for pressure-vacuum vent valves installed on the gasoline storage tanks using one of the following test methods:

1) California Air Resources Board Vapor Recovery Test Procedure TP–201.1E,—Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, adopted October 8, 2003 (incorporated by reference, see 40 CFR §63.14).

2) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR §63.7(f).

vi. The Permittee shall demonstrate compliance with the static pressure performance requirement specified in Condition 36(a)(viii) of this Permit for the vapor balance system by conducting a static pressure test on the gasoline storage tanks using one of the following test methods:

1) California Air Resources Board Vapor Recovery Test Procedure TP–201.3,—Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, adopted April 12, 1996, and amended March 17, 1999 (incorporated by reference, see 40 CFR §63.14).

2) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR §63.7(f).

3) Bay Area Air Quality Management District Source Test Procedure ST–30—Static Pressure Integrity Test—Underground Storage Tanks, adopted November 30, 1983, and amended December 21, 1994 (incorporated by reference, see 40 C-FR §63.14).

vii. Each owner or operator choosing, under the provisions of 40 CFR §63.6(g), to use a vapor balance system other than that described in

Condition 36(a) of this Permit must demonstrate to the Administrator, the equivalency of the vapor balance system to that described in Condition 36(a) of this Permit using the procedures specified in Sections [b.vii.1], [b.vii.2], and [b.vii.3] of this Permit Condition

1) The Permittee shall demonstrate initial compliance by conducting an initial performance test on the vapor balance system to demonstrate that the vapor balance system achieves 95 percent reduction using the California Air Resources Board Vapor Recovery Test Procedure TP–201.1,—Volumetric Efficiency for Phase I Vapor Recovery Systems, adopted April 12, 1996, and amended February 1, 2001, and October 8, 2003, (incorporated by reference, see 40 CFR §63.14).

2) The Permittee shall, during the initial performance test required under Section [a.i] of this Permit Condition, determine and document alternative acceptable values for the leak rate and cracking pressure requirements specified in Condition 36(a)(vii) of this Permit and for the static pressure performance requirement in Condition 36(a)(viii) of this Permit.

3) The Permittee shall comply with the testing requirements specified in Sections [a.i] through [a.vi] of this Permit Condition.

[40 CFR §63.11120]

b. Testing Criteria:

Performance tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance (i.e., performance based on normal operating conditions) of the affected source. Upon request, the Permittee shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

[40 CFR §63.11120(c)]

c. Notice of Testing:

i. The Permittee shall notify the Administrator and the Department in writing of the intention to conduct a performance test. The written notification shall be submitted at least 60 calendar days before the performance test is scheduled to begin to allow the Administrator to review and approve the site-specific test plan required under 40 CFR §63.7(c), if requested by the Administrator, and to have an observer present during the test.

[40 CFR §63.11124(b)(4)]

ii. In the event the Permittee is unable to conduct the performance test on the date specified in the notification requirement specified in Section [d.i] of this Permit Condition due to unforeseeable circumstances beyond his or her control, the Permittee shall notify the Administrator and the Department as soon as practicable and without delay prior to the scheduled performance test date and specify the date when the performance test is rescheduled. This notification of delay in conducting the performance test shall not relieve the Permittee of legal responsibility for compliance with any other applicable provisions of this Permit or with any other applicable Federal, State, or local requirement, nor will it prevent the Administrator from implementing or enforcing this part or taking any other action under the Act.

[40 CFR §63.7(b)(2)]

d. Test Protocol Submittal:

i. Before conducting a required performance test, the Permittee shall develop and, if requested by the Administrator, shall submit a site-specific test plan to the Administrator for approval. The test plan shall include a test program summary, the test schedule, data quality objectives, and both an internal and external quality assurance (QA) program in accordance with the requirements of 40 CFR §63.7(c)(2)(ii) and (iii).

ii. Upon the Administrator's request, the Permittee shall submit the site-specific test plan to the Administrator at least 60 calendar days before the performance test is scheduled to take place, that is, simultaneously with the notification of intention to conduct a performance test required, or on a mutually agreed upon date.

[40 CFR §63.7(c)(2)]

e. Testing Facilities Required:

i. At the request of the Administrator, the Permittee shall provide performance testing facilities as follows:

1) Sampling ports adequate for test methods applicable to such source. This includes:

(a) Constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and

procedures; and

(b) Providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures;

2) Safe sampling platform(s);

3) Safe access to sampling platform(s);

4) Utilities for sampling and testing equipment; and

5) Any other facilities that the Administrator deems necessary for safe and adequate testing of a source.

[40 CFR §63.7(d)]

f. Test Run Duration:

i. Each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in this Permit. For the purpose of determining compliance, the arithmetic mean of the results of the three runs shall apply. Upon receiving approval from the Administrator, results of a test run may be replaced with results of an additional test run in the event that:

1) A sample is accidentally lost after the testing team leaves the site; or

2) Conditions occur in which one of the three runs must be discontinued because of forced shutdown; or

3) Extreme meteorological conditions occur; or

4) Other circumstances occur that are beyond the owner or operator's control.

[40 CFR §63.7(e)]

EQUIPMENT LIST

KOMATKE MARKET

PERMIT NUMBER 23##

Permitted Equipment		
Equipment Description	**Rated Capacity (ea.)**	**Quantity**
Underground Storage Tank (Gasoline)	20,000 gal.	1
Underground Storage Tank* (Gasoline)	15,000 gal.	1
* 23,000 gallon tank split into two compartments		

Insignificant Activities		
Equipment Description	**Rated Capacity (ea.)**	**Quantity**
Underground Storage Tank* (Diesel)	8,000 gal.	1
* 23,000 gallon tank split into two compartments		

NON-TITLE V AIR PERMIT EVALUATION SHEET
(Technical Support Document – TSD)

PERMIT NO.: 23##

MINOR MOD. ☐
NON-MINOR MOD. ☐
RENEWAL ☒

PERMIT ENGINEER: Ryan Eberle **DATE PREPARED:** ##/##/23

BUSINESS NAME: Komatke Market
BUSINESS TYPE: Retail Fuel Station

		Yes	No
SOURCE TYPE:	NSPS	☐	☒
	BACT	☐	☒
	MACT	☐	☒
	NESHAP	☒	☐
	BRDT	☐	☒
	Synthetic Minor	☐	☒

DESCRIPTION OF SOURCE

Non-Title V permit for an existing facility. The Komatke Market is a retail fuel station that includes one (1) 20,000-gallon gasoline underground storage tank (UST) and one (1) 23,000-gallon UST split into two compartments – a 15,000-gallon gasoline compartment and an 8,000-gallon diesel compartment. Based on the information presented in the permit application, the SIC code for the facility is 5541 and the facility will operate up to 14 hours per day, 7 days per week, and 50 weeks per year with a maximum annual gasoline throughput of 889,000 gallons.

The USTs are equipped with a Stage I vapor recovery system. The dispensers are not equipped with a Stage II vapor recovery system.

Permitted Equipment

A list of permitted equipment is included in Table 1.

Table 1. Permitted Equipment

Equipment Description	Rated Capacity (ea.)	Quantity
Underground Storage Tank (Gasoline)	20,000 gal.	1
Underground Storage Tank* (Gasoline)	15,000 gal.	1
* 23,000 gallon tank split into two compartments		

A list of insignificant activities are included in Table 2. Insignificant activities are defined in the Gila River Indian Community (GRIC) Code: Title 17 Chapter 9, Part II, Section 1.0 and are not subject to permitting requirements.

Table 2. Insignificant Activities

Equipment Description	Rated Capacity (ea.)	Quantity
Underground Storage Tank* (Diesel)	8,000 gal.	1
* 23,000 gallon tank split into two compartments		

ALLOWABLE EMISSIONS

The emission limits for the facility are presented in Table 3.

Table 3. Emission Limits (pounds)

Pollutant	Twelve Month Rolling Total
Volatile Organic Compounds (VOC)	1,700
Total Hazardous Air Pollutants (HAPs)	70

APPLICABLE GRIC REGULATIONS

Part II

Section 1: Definitions
Section 2: Applicability of Permit Requirements
Section 4: Non-Title V Permit Requirements
Section 5: Permit Revisions at a Non-Title V Source
Section 10: Confidentiality of Information
Section 11: Fees

Part V

Section 2: General Requirements for Fugitive Dust-Producing Activities

Part VI

Section 1: Visible Emissions
Section 2: VOC Usage, Storage & Handling

FEDERAL REGULATORY APPLICABILITY

NSPS – The facility is not subject to NSPS requirements

NESHAP/MACT – Based on the information provided in the permit application, this source dispenses gasoline and emits Hazardous Air Pollutants (HAPs) from the tank vents and vehicle gas tank openings. The facility (a gasoline dispensing facility - GDF) is not a major source; however, the facility is subject to the Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) Subpart CCCCCC (Gasoline Dispensing Facilities). Subpart CCCCCC applies to each gasoline cargo and storage tank at the facility during delivery of product.

For the purposes of Subpart CCCCCC, monthly throughput means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at the facility during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at the facility during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at the facility during the previous 364 days, and then dividing that sum by 12. Since the facility throughput records indicate annual throughput of gasoline less than 1,200,000 gallons of gasoline, the facility has a monthly throughput of less than 100,000 gallons of gasoline. Subpart CCCCCC requirements for facilities with average monthly throughputs greater than or equal to 10,000 gallons and less than 100,000 gallons include the use of submerged fill pipes in tanks. Equipment used for refueling of motor vehicles (e.g., pump nozzles, Stage II vapor recovery) is not covered by Subpart CCCCCC.

ALLOWABLE EMISSION CALCULATIONS

For retail gasoline dispensing stations, volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) are the primary pollutants of concern. The point sources for VOC and HAP emissions include the tank vents (controlled via Stage I vapor recovery) and vehicle fuel tank openings (controlled via Onboard Refueling Vapor Recovery [ORVR] systems in the vehicles). Tank vent emissions come from filling the tank and dispensing from the tank (i.e., working losses) and expansion and contraction of vapors caused by temperature fluctuations (i.e., breathing losses). Vehicle fuel tank emissions come from vapors displaced from the automobile tank by dispensed gasoline. Fugitive sources of VOC and HAP emissions include contributions from prefill and postfill nozzle drip and from spit-back and overflow from the vehicle's fuel tank filler pipe during filling.

VOC emissions from gasoline dispensing are calculated using the emission factors presented in the California Environmental Protection Agency Air Resources Board document *Revised*

Emission Factors for Gasoline Marketing Operations at California Dispensing Facilities (December 23, 2013). Based on the EPA document *Guidance on Removing Stage II Gasoline Refueling Vapor Recovery Programs from State Implementation Plans (August 7, 2012),* emissions from vehicle refueling assume that throughout year 2023, 96.0% of gasoline is dispensed to vehicles equipped with onboard refueling vapor recovery (ORVR) technology. This value represents the percent of gasoline dispensed to ORVR vehicles at the end of calendar year 2022. The remaining 4.0% of gasoline is dispensed to vehicles without ORVR technology. Since the concentration of individual HAPs in gasoline vapors are different than the liquid gasoline concentrations, HAP emissions from vapor loss sources were calculated separately from liquid losses (i.e.: spillage). HAP emissions from vapor losses are calculated as a fraction of VOC emissions using the vapor fraction calculated in the TankESP program for RVP 7 gasoline at annual average Phoenix temperatures (59°F low, 86°F high). HAP emissions from spillage are calculated as a mass fraction of liquid gasoline using HAP concentrations presented in TankESP, except that the concentration of benzene is set at the EPA limit for refiners and importers (0.62 vol%). The annual throughput rate of 889,000 gallons was taken from the application and is written into the permit as an enforceable limit. Non-fugitive emissions will be generated from the following sources:

- Tanks vents; and
- Vehicle fuel tank openings.

The calculations for the emission limits are included as an attachment to this TSD.

Major Source/Synthetic Minor Determination

Based on the permitted throughput, the facility's potential-to-emit (PTE) does not exceed the major source threshold of 100 tpy for VOCs or 10 tpy of a single HAP or 25 tpy of total HAPs.

According to the definition of "major source" in Part II, Section 1.0 and 40 CFR 70.2, the fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source unless the source is listed or is being regulated by NSPS or NESHAP as of August 7, 1980. The facility type is not listed, but is subject to NESHAP Subpart CCCCCC. NESHAP Subpart CCCCCC was enacted in 2008. Therefore, fugitive emissions do not need to be added to the point source emissions to determine if the source will be considered a major source.

BEST REASONABLE AND DEMONSTRATED TECHNOLOGY (BRDT) ANALYSIS

Based on the information provided in the permit application and the attached emissions calculations, the facility emissions will not exceed the BRDT thresholds identified in Table 4 below. Therefore, a BRDT analysis is not required.

Table 4. BRDT Applicability

Pollutant	Annual Emissions (tons)	BRDT Threshold (tons)	BRDT Applicable?	Trigger Compound
NOx	N/A	**>75 but <100**	**No**	N/A
VOC	0.85	**>75 but <100**	**No**	N/A
CO	N/A	**>75 but <100**	**No**	N/A
SOx	N/A	**>75 but <100**	**No**	N/A
PM10	N/A	**>75 but <100**	**No**	N/A
PM	N/A	**>75 but <100**	**No**	N/A
Lead	N/A	**>75 but <100**	**No**	N/A
Single HAP	0.01	**3**	**No**	N/A
Total HAPs	0.03	**5**	**No**	N/A
Ultra HAPs	N/A	**300***	**No**	N/A

* = pounds per year
N/A = not applicable / not assessed

MODELING ANALYSIS

A modeling analysis was not conducted because facility emissions were below the BRDT thresholds.

ANALYSIS OF IMPORTANT PERMIT CONDITIONS

Condition 26: Sets the emission limits for the facility, which were established based on information provided by the Permittee in the permit application. Describes the methods used to calculate the permitted emissions from the facility and how actual 12-month rolling total emissions are to be calculated for reporting purposes. The emission limitations reflect the policies contained in Part II, Section 4.2.

Conditions 27 through 29: Sets the throughput limitations, visible emission limitations, and operational restrictions for the facility. The production limits were based on the throughputs provided by the Permittee in the application. The visible emission limitations reflect the policies contained in Part VI, Section 1.0.

Condition 30: Sets the general notification, recordkeeping and reporting requirements for facilities, and reflects the policies contained in Part VI, Section 2.0.

Condition 31: Sets the limitations and requirements for VOC usage, storage, and handling. These conditions reflect policies contained in Part VI, Section 2.0.

Condition 32: Sets the limitations and requirements for fugitive dust generating operations. These conditions include requirements for dust control plans, emission control systems,

compliance determination, monitoring and recordkeeping, control measures, and visible emission limitations, which reflect the policies contained in Part V, Section 2.0.

Conditions 33 through 38: Summarizes the requirements for gasoline dispensing facilities contained in 40 CFR §63 Subpart CCCCCC – operational restrictions; notification, recordkeeping, and reporting requirements; and control and performance testing requirements.

EMISSION CALCULATION WORKSHEET FOR GASOLINE DISPENSING FROM UNDERGROUND STORAGE TANKS

Business Name: Komatke Market

Throughput: 889,000 **gal/year** **Submerged Fill?** Yes **Stage I?** Yes
Current Year: 2023

VOC Emission Factors[1]

Balanced submerged filling	0.38 lbs/1000 gals
Underground tank breathing & emptying	0.76 lbs/1000 gals
Vehicle Fueling[2]	0.74 lbs/1000 gals
Gasoline dispensing hose permeation	0.009 lbs/1000 gals
Spillage (Fugitive)	0.61 lbs/1000 gals
Total Point Source VOC Emission Factor:	**1.89 lbs/1000 gals**
Total Facility VOC Emission Factor:	**2.50 lbs/1000 gals**

[1]CARB: *Revised Emission Factors for Gasoline Marketing Operations at California Gasoline Dispensing Facilities* , 12/23/13

[2]The emission factor is based on the weighted average of CARB factors for loading gasoline into vehicles with and without ORVR technology. The fraction of gasoline dispensed to vehicles equipped with ORVR at the end of each calendar year is found in Table A-1 of the EPA Document: *Guidance on Removing Stage II Gasoline Refueling Vapor Recovery Programs from State Implementation Plans* , 08/07/2012. For the specified year, the fraction of ORVR is set at the value for the end of the previous calendar year.

Calculations:

	Gasoline HAP Content (weight percent)[1]		**Vapor Losses**	**Spillage Losses**
HAP Pollutant	**Liquid Gasoline**	**Gasoline Vapors**	**(Point Source)**	**(Fugitive)**
2,2,4 - Trimethylpentane	4	1.066	18 lbs/yr	22 lbs/yr
Benzene	0.73	0.377	6 lbs/yr	4 lbs/yr
Cumene	0.5	0.012	0 lbs/yr	3 lbs/yr
Ethyl benzene	1.4	0.070	1 lbs/yr	8 lbs/yr
Hexane	1	0.824	14 lbs/yr	5 lbs/yr
Naphthalene	0.415	0.001	0.0 lbs/yr	2 lbs/yr
Toluene	7	1.068	18 lbs/yr	38 lbs/yr
Xylene	7	0.308	5 lbs/yr	38 lbs/yr

[1]HAP concentrations in liquid gasoline were taken from the TanksESP program. The program uses Antoine's equation at the average annual Phoenix temperature to calculate vapor concentrations of each HAP for RVP 7 gasoline.

[2]The benzene concentration of liquid gasoline is set at the EPA limit of 0.62% by volume for refineries and importers and converted to a weight percent of 0.73.

$$\frac{Throughput\ (\frac{gal}{year})}{1000\ gal} \times Emission\ Factor = lbs\ of\ VOC$$

$$lbs\ of\ VOC\ from\ vapor\ losses \times \frac{wt\%\ HAP\ in\ gasoline\ vapors}{100} = lbs\ of\ HAP \text{ from vapor losses}$$

$$lbs\ of\ VOC\ from\ spillage \times \frac{wt\%\ HAP\ in\ liquid\ gasoline}{100} = lbs\ of\ HAP \text{ from spillage}$$

Total Annual Emissions:

Pollutant	**Vapor Losses (Point Source)**	**Vapor Losses (Point Source)**	**Spillage Losses (Fugitive)**	**Total Facility Emissions**
VOC	**1,680 lbs/yr**	**0.84 tons/yr**	542 lbs/yr	2,222 lbs/yr
Single HAP	**18 lbs/yr**	**0.01 lbs/yr**	38 lbs/yr	56 lbs/yr
Total HAP	**63 lbs/yr**	**0.03 lbs/yr**	120 lbs/yr	182 lbs/yr

Emission Limits:

VOC	**1,700 lbs/yr**
Total HAP	**70 lbs/yr**

Emission Factors (for Emission Limits):

VOC	**1.91E-03 lbs/gal**
Total HAP	**7.87E-05 lbs/gal**