



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

5/6/2015

Certified Mail

Drew Parker  
DP&L, O.H. Hutchings Generating Station  
2101 Arbor Blvd.  
Dayton, OH 45439

Facility ID: 0857780013  
Permit Number: P0093906  
County: Montgomery

RE: PRELIMINARY PROPOSED AIR POLLUTION TITLE V PERMIT  
Permit Type: Renewal

Dear Permit Holder:

Enclosed is the Ohio Environmental Protection Agency (EPA) Preliminary Proposed Title V permit that was issued in draft form on 10/4/2012. The comment period for the Draft permit has ended. We are now ready to submit this permit to U.S. EPA for approval.

We are submitting this for your review and comment. If you do not agree with the Preliminary Proposed Title V permit as written, you now have the opportunity to raise your concerns. This permit can be accessed electronically on the Division of Air Pollution Control (DAPC) Web page, [www.epa.ohio.gov/dapc](http://www.epa.ohio.gov/dapc) by clicking the "Search for Permits" link under the Permitting topic on the Programs tab. Comments will be accepted as a marked-up copy of the permit or in narrative format. Any comments must be sent to the following within 14 days of your receipt of this letter:

Andrew Hall  
Permit Review/Development Section  
Ohio EPA, DAPC  
50 West Town Street, Suite 700  
P.O. Box 1049  
Columbus, Ohio 43216-1049

and Regional Air Pollution Control Agency  
117 South Main Street  
Dayton, OH 45422-1280

If you believe that it is necessary to have an informal conference with us, then, as part of your written comments, you should request a conference concerning the written comments. If comments are not submitted within 14 days of your receipt of this letter, we will forward the proposed permit to U.S. EPA for approval. All comments received will be carefully considered before proceeding with the proposed permit.

Sincerely,

Erica R. Engel-Ishida, Manager  
Permit Issuance and Data Management Section, DAPC

Cc: Regional Air Pollution Control Agency





## Response to Comments

Facility ID:	0857780013
Facility Name:	DP&L, O.H. Hutchings Generating Station
Facility Description:	
Facility Address:	9200 Chautauqua Road Miamisburg, OH 45432-4103 Montgomery County
Permit:	P0093906, Title V Permit - Renewal
A public notice for the draft permit issuance was published in the Ohio EPA Weekly Review and appeared in the Dayton Daily News on 10/06/2012. The comment period ended on 11/05/2012.	
Hearing date (if held)	
Hearing Public Notice Date (if different from draft public notice)	

The following comments were received during the comment period specified. Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health. Often, public concerns fall outside the scope of that authority. For example, concerns about zoning issues are addressed at the local level. Ohio EPA may respond to those concerns in this document by identifying another government agency with more direct authority over the issue.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. PDF copies of the original comments in the format submitted are available upon request.

### 1. Topic: Statement of Basis – common control issues

- a. U.S. EPA commented: *The Statement of Basis (SOB) requires a summary of issues and resolutions if “common control” issues were encountered at the facility. OEPA included that there were “common control” issues but did not provide any additional detail. Please include the summary of issues and how OEPA resolved them.*

DP&L commented: In Section A. Standard Terms and Conditions, the response to the question related to "common control" issues is "Yes". There are no common control issues at Hutchings Station.

- b. Response: There are no common control issues, the “yes” response to the question regarding the existence of common control issues was a typographical error.

### 2. Topic: Statement of Basis – Greenhouse Gas Major Source Status

- a. U.S. EPA commented: *The SOB does not indicate whether the facility is major for greenhouse gases (GHGs) or the quantity of GHG emissions.*



- b. Response: DP&L O.H. Hutchings Station is a major source of greenhouse gas emissions. 2010 GHG report: 218,582 tons CO<sub>2</sub>e, consisting of 217,415 tons CO<sub>2</sub>, 49.5 tons methane, and 1,119 tons N<sub>2</sub>O. CO<sub>2</sub> emissions based on CEMS records.

### 3. Topic: Clean Air Interstate Rule (CAIR) requirements

- a. DP&L commented: In item 5, there is a table of NO<sub>x</sub> allowances. This is a trading program and the values in this table are not limits. It is inappropriate to include these values in the permit. DP&L requests that the table be deleted.

The Environmental Committee of the Ohio Utility Group commented: *The Utilities object to P.5., (page 17 of 49) which addresses the application of the CAIR program. The permit should, and should only, reference the applicable rules still in effect that apply to the facility at this time. The explanation of the "history" of the rule, including the Transport Rule and its litigation, are unnecessary. Chapter 3745-109 of the Ohio Administrative Code is still in effect and the permit should reference only those active requirements without the extended narrative. Further, the listing of the allocated CAIR allowances is unnecessary and misleading. The allowances are significant of nothing; they are not a limit or requirement. Ohio EPA should delete the table of allocations and simply reference the appropriate regulation.*

- b. Response: The following paragraph was added in the facility-wide terms to B.3:

On April 29th, 2014, the United States Supreme Court upheld EPA's Cross-State Air Pollution Rule (CSAPR) regulations commonly known as the "Transport Rule" and reversed the 2012 decision by the U.S. Court of Appeals for the District of Columbia invalidating the rules. As of this writing, EPA is still reviewing the decision and will decide how to proceed. At this time, CAIR remains in place and no immediate action from States or affected sources is expected. The CAIR allowances for affected units and requirements of the CAIR rule will continue pending further guidance from USEPA on implementing the "Transport Rule".

### 4. Topic: Boiler Heat Input Rating

- a. DP&L commented: *The descriptions of DP&L Units H-1 through H-7 in previous permits have included the nominal heat input. The draft Title V has changed the description of the heat input values from "nominal" to "maximum". Boilers are systems comprised of many separate components, and are designed to generate a certain amount of electricity based on expected coal quality, steam pressure, and other operating parameters. Nominal refers to the rated or design heat input based on these design parameters. A boiler is subject to frequent changes in operating parameters that could increase or decrease the heat input during continuous operation. The boiler heat input should be correctly identified as "nominal".*

The Environmental Committee of the Ohio Utility Group commented: *The descriptions of Units 1-7 (B001-B007) (pages 20 of 49 and 36 of 49) all contain unnecessary and misleading maximum heat inputs for each unit. The prior permit described heat input as "nominal," denoting that the heat input was descriptive of the unit's capabilities or design but not a limit or any sort of restriction. Ohio EPA must either include the term "nominal" as it did in the original permit or remove the heat input listing altogether. Failure to do so could lead to a misinterpretation of the term as a limit.*

- b. Response: Maximum has been replaced with nominal.



**5. Topic: Operational Restrictions**

- a. DP&L commented: The permit requires the station to "operate the electrostatic precipitator during any operation of this emissions unit, except during periods of startup and shutdown that are exempted pursuant to . " Ohio EPA should not include specific control equipment as enforceable operational restrictions. Utilities should be able to install and operate any proven control technology capable of meeting the emission limit. baghouses, some flue gas desulfurization equipment, and other technologies are also adept at removing particulate. This term is inappropriate and unnecessary.

The Environmental Committee of the Ohio Utility Group commented: *Sections 1 (B007) and 5 (BOO 1- B006) both contain "Operational Restrictions" (pages 20 of 49 and 38 of 49). The restrictions for B007, l.c)(1) and (2) dictate the type of fuel oil or gas the unit may burn and the restrictions for BOOI-B006, 5.c)(1) and (2) dictate the type of coal that may be burned and require operation of the ESP. Ohio EP A does not have authority to create these restrictions. Ohio courts have consistently ruled that Ohio EPA is barred from creating new operating restrictions in Title V permits. Columbus Steel Castings Co. v. Nally, 2012-Ohio- 4417, ~36; General Electric Lighting v. Koncelik, 2006-Ohio-1655, ~19; The Dayton Power and Light Co. v. Jones, Case No. ERAC 574950 (Aug. 21, 2003). These restrictions are new, are not derived from a previously existing rule or applicable requirement and are, therefore, unlawful. Ohio EPA is required by law to remove these before finalizing the permit. The Agency has no discretion in this matter.*

- b. Response: Emissions Units B001 through B006 have been permanently shutdown and removed from the permit.

For emissions unit B007, the operational restriction c)(1) limiting the type of fuel burned is there because they were the only fuels considered in the design of the emissions unit. Operational restriction c)(2), This emissions unit does not have sulfur dioxide (SO<sub>2</sub>) emissions controls and limiting the sulfur concentration of the fuel burned is the only means that this emissions unit has to comply with OAC rule 3745-18-63(M)(1).

**6. Topic: 40 CFR Part 63, Subpart UUUUU, National Emissions Standards for Hazardous Air Pollutants from Coal and Oil-Fired Electric Utility Steam Generating Units (MATS)**

- a. DP&L Commented: The effective date for MATS limits is April 16, 2015. It is unclear in Section 5 d) that DP&L is not subject to these limits until the effective date. Section 4 also includes a citation to the MATS rule without a reference to the effective date.

The Environmental Committee of the Ohio Utility Group commented: Subsection 5.b)(1) states the applicable emissions limits for units B001-B006 (page 37 of 49). This table includes reference to 40 CFR Part 63, Subpart UUUUU (the MATS rule). The table is misleading in its current form. The limits in the MATS rule do not take effect until April 16, 2015. As written, the draft permit would apply the new rule upon issuance. Ohio EPA should revise the table to make the limits applicable upon the effective date of the rule, either April 15, 2015, or such other date as a court may impose. (The rules are under appeal and may be subject to stay or vacatur; the permit should allow for these contingencies).

- b. Response: Emissions Units B001 through B006 have been permanently shutdown and removed from the permit.



**7. Topic: Visible Particulate Emissions During Startup And Shutdown**

- a. DP&L commented: *The ESPs at Hutchings Station are considered operational when the flue gas reaches 450°F. The ESPs are essentially systems composed of metal and function as a heat "sink" until the metal is evenly heated and condensation is eliminated. The Hutchings air permits have historically included language acknowledging the previously approved startup and shutdown temperatures associated the Hutching Station units B001 - B006. The Ohio regulations provide for alternative temperatures for startup and shutdown in 3745-17-07(A)(3)(a)(ii) and (b)(i) " the director may incorporate a higher startup temperature in the permit or variance for such source for which an applicant demonstrates to the satisfaction of the director that the higher temperature is needed for safety considerations or to prevent damage to the control equipment." DP&L requests that the alternate higher temperature values for startup (450°F) and shutdown (500°F) of our current Title V Permit be restored.*

*Monitoring and/or Recordkeeping Requirements - DP&L requests that the higher startup and shutdown temperatures necessary for proper operation of the Hutchings Units that were previously approved by the director be restored in Section 5 d)(10).*

- b. Response: Emissions Units B001 through B006 have been permanently shutdown and removed from the permit.

**8. Topic: Monitoring of Control Device Operation**

- a. The Environmental Committee of the Ohio Utility Group commented: Subsection 5.d)(1) c-f. (page 39 of 49) address monitoring and/or recordkeeping requirements for B001-B006. Specifically, they require recordkeeping of the operation of control equipment. This is a new requirement and unreasonable. There is no basis for requiring a permittee to monitor and record the operation of control equipment, particularly since the operation restriction "requiring" its operation is unlawful. These units have emissions limits with which they must comply. Ohio EPA has no authority to dictate by what means a facility must do so. Requiring the recordkeeping of control operations creates a new burden that cannot be justified.

- b. Response: Emissions Units B001 through B006 have been permanently shutdown and removed from the permit.

**9. Topic: COMS**

- a. DP&L commented: COMS - page 39. In d)(1) c. and d. Ohio EPA has asked the COMS system to do something for which it is not designed. COMS track opacity, not hours of operation of the ESP. Please delete the requirement for the COMS system to track the hours of operation of the ESP.

- b. Response: Emissions Units B001 through B006 and the associated COMS have been permanently shutdown and removed from the permit.

**10. Topic: Compliance Assurance Monitoring (CAM) Plans, 40 CFR Part 64**

- a. DP&L Commented: The purpose of a CAM plan is to assure that the control equipment necessary for compliance is being monitored for proper operation, thus assuring compliance. There are several locations within the Title V permit terms and conditions where the specific monitoring and indicator levels identified within the CAM plan are included as stand-alone specific terms and conditions for compliance purposes. This is inappropriate.



In Monitoring and/or Recordkeeping Requirements 5 d)(5)&(6) the specific terms of the CAM plan are specified. Included in this manner does not allow the plan to be modified or altered, if conditions warrant. Specifically, DP&L requests that the Title V permit remove the specific plan language and include a reference to the most recent CAM plan approved by Ohio EP A.

The Environmental Committee of the Ohio Utility Group commented: Subsection 5.d) (5) and (6) (pages 40-41 of 49) addresses the implementation of CAM. As written, the permit exceeds the requirements of 40 CFR Part 64. The permit describes parts of the CAM plan and is confusing. Further, it implies that the trigger steps leading up to CAM inspections lead to a compliance violation. This is incorrect. CAM is solely a guide to operating and maintaining control equipment. It has no relationship to any emissions violation. The permit should reference a CAM plan, require compliance with a plan, but not try to incorporate it into the permit. This permit term should be completely revised to reflect the rules.

Subsection 5.d)(7) (page 41 of 49) includes requirements on record keeping of CAM parameters. These are unreasonable. First, these requirements should not be in the permit but simply referenced as part of the CAM plan to be implemented. Second, 40 CFR Part 64 does not require the records referenced. The term far exceeds the record keeping necessary under the rule. The entire term should be revised or deleted.

- b. Response: Emissions Units B001 through B006 have been permanently shutdown and removed from the permit.

#### **11. Topic: CAM Deviation Reporting**

- a. DP&L commented: In 5 d)(7), the Title V permit requires DP&L to record deviations when the CaMS records values that are action levels described in the CAM plan (indicator ranges), but are still below the permit limit. 40 CFR Part 64 allows for the use of CaMs, including the use of an opacity standard as the appropriate indicator range. Only actual opacity exceedances based on the applicable emissions limitation from OAC rule 3745-17-07(A)(1) and included in Section 5 b) should be recorded as deviations. Section 5 d)(8) refers to the investigation associated with the "deviations" in 5 d)(7), and 5 e)(4) continues with quarterly deviation reporting requirements associated with the same "deviations". This implies that the action levels (indicator ranges in the CAM plan) are enforceable limits. Clearly this is inappropriate. If there is not an exceedance of the standard, Ohio EPA should not require deviation reporting. In the event that there is an exceedance of the permit limit, an internal investigation would include review that the actions taken were consistent with the CAM plan and the adequacy of that plan.
- b. Response: Emissions Units B001 through B006 have been permanently shutdown and removed from the permit.

#### **12. Topic: CAM Plan Revisions**

- a. DP&L commented: DP&L is also submitting a revision to the CAM plan for approval. DP&L would like to make corrections related to the averaging period and the duration of COMs downtime before Method 9 observations are initiated.
- b. Response: Emissions Units B001 through B006 have been permanently shutdown and removed from the permit.



**13. Topic: Stack Test Notification**

- a. DP&L commented: Ohio typically requires 30 days advance notification of stack tests as referenced in the required Intent-to-Test form. While DP&L will attempt to notify the local agency of testing plans as soon as practical, it is inappropriate to require an additional 30 days in the permit.
- b. Response: Emissions Units B001 through B006 have been permanently shutdown and removed from the permit.

**14. Topic: Opacity Reporting**

- a. The Environmental Committee of the Ohio Utility Group commented: Subsection C.5.3e)(1)b.iv (page 43 of 49) contains the phrase "the excess emissions report (EER)\* i.e.,". This should be removed. The term "excess emissions report" comes from the NSPS. The Hutchings units are not NSPS units, and are not subject to the NSPS reporting requirements. In the first footnote on page 44 of 49, "EER" should be replaced with "deviation" for the same reason. Also on page 44 of 49, "40 CFR 60.7" should be removed as an authority for the quarterly reporting requirements.
- b. Response: Emissions Units B001 through B006 have been permanently shutdown and removed from the permit.

**15. Opacity testing**

- a. The Environmental Committee of the Ohio Utility Group commented: Subsection 5.f)(1)b (page 46 of 49) addresses the testing requirements for opacity compliance. The previous permit stated that compliance be determined through use of Method 9, "if required." The current draft does not reference "if required," leaving the test frequency undefined. Ohio EPA should include the "if required" language in this term, as it did in the first permit.
- b. Response: Emissions Units B001 through B006 have been permanently shutdown and have been removed from the permit.

**16. Railcar Rotary Unloading Station**

- a. DP&L Commented: Section 2 d)(1) - the railcar rotary unloading station and belt conveyors are "adequately enclosed"; and periodic inspections should not be required for these areas.
- b. Response: The rail car unloading station has been permanently shutdown and removed from the permit.



**PRELIMINARY PROPOSED**

**Division of Air Pollution Control  
Title V Permit**

for

DP&L, O.H. Hutchings Generating Station

Facility ID:	0857780013
Permit Number:	P0093906
Permit Type:	Renewal
Issued:	5/6/2015
Effective:	To be entered upon final issuance
Expiration:	To be entered upon final issuance





**Division of Air Pollution Control**  
**Title V Permit**  
for  
DP&L, O.H. Hutchings Generating Station

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**Preliminary Proposed Title V Permit**

DP&L, O.H. Hutchings Generating Station

**Permit Number:** P0093906

**Facility ID:** 0857780013

**Effective Date:** To be entered upon final issuance

## Authorization

Facility ID: 0857780013  
Facility Description:  
Application Number(s): A0025383  
Permit Number: P0093906  
Permit Description: Title V Renewal permit for a for an electric generating station with one dual fuel (oil/natural gas) fired turbine.  
Permit Type: Renewal  
Issue Date: 5/6/2015  
Effective Date: To be entered upon final issuance  
Expiration Date: To be entered upon final issuance  
Superseded Permit Number: P0093904

This document constitutes issuance of an OAC Chapter 3745-77 Title V permit to:

DP&L, O.H. Hutchings Generating Station  
9200 Chautauqua Road  
Miamisburg, OH 45432-4103

Ohio Environmental Protection Agency (EPA) District Office or local air agency responsible for processing and administering your permit:

Regional Air Pollution Control Agency  
117 South Main Street  
Dayton, OH 45422-1280  
(937)225-4435

The above named entity is hereby granted a Title V permit pursuant to Chapter 3745-77 of the Ohio Administrative Code. This permit and the authorization to operate the air contaminant sources (emissions units) at this facility shall expire at midnight on the expiration date shown above. You will be sent a notice approximately 18 months prior to the expiration date regarding the renewal of this permit. If you do not receive a notice, please contact the Regional Air Pollution Control Agency. If a renewal permit is not issued prior to the expiration date, the permittee may continue to operate pursuant to OAC rule 3745-77-08(E) and in accordance with the terms of this permit beyond the expiration date, if a timely renewal application is submitted. A renewal application will be considered timely if it is submitted no earlier than 18 months and no later than 6 months prior to the expiration date.

This permit is granted subject to the conditions attached hereto.

Ohio Environmental Protection Agency

Craig W. Butler  
Director



**Preliminary Proposed Title V Permit**  
DP&L, O.H. Hutchings Generating Station  
**Permit Number:** P0093906  
**Facility ID:** 0857780013  
**Effective Date:** To be entered upon final issuance

## **A. Standard Terms and Conditions**



## **1. Federally Enforceable Standard Terms and Conditions**

- a) All Standard Terms and Conditions are federally enforceable, with the exception of those listed below which are enforceable under State law only:
- (1) Standard Term and Condition A. 24., Reporting Requirements Related to Monitoring and Record Keeping Requirements of State-Only Enforceable Permit Terms and Conditions
  - (2) Standard Term and Condition A. 25., Records Retention Requirements for State-Only Enforceable Permit Terms and Conditions
  - (3) Standard Term and Condition A. 27., Scheduled Maintenance/Malfunction Reporting For State-Only Requirements
  - (4) Standard Term and Condition A. 29., Additional Reporting Requirements When There Are No Deviations of Federally Enforceable Emission Limitations, Operational Restrictions, or Control Device Operating Parameter Limitations
  - (5) Standard Term and Condition A. 30.

*(Authority for term: ORC 3704.036(A))*

## **2. Monitoring and Related Record Keeping and Reporting Requirements**

- a) Except as may otherwise be provided in the terms and conditions for a specific emissions unit (i.e., in section C. Emissions Unit Terms and Conditions of this Title V permit), the permittee shall maintain records that include the following, where applicable, for any required monitoring under this permit:
- (1) The date, place (as defined in the permit), and time of sampling or measurements.
  - (2) The date(s) analyses were performed.
  - (3) The company or entity that performed the analyses.
  - (4) The analytical techniques or methods used.
  - (5) The results of such analyses.
  - (6) The operating conditions existing at the time of sampling or measurement.

*(Authority for term: OAC rule 3745-77-07(A)(3)(b)(i))*

- b) Each record of any monitoring data, testing data, and support information required pursuant to this permit shall be retained for a period of five years from the date the record was created. Support information shall include all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. Such records may be maintained in computerized form.

*(Authority for term: OAC rule 3745-77-07(A)(3)(b)(ii))*



c) The permittee shall submit required reports in the following manner:

(1) All reporting required in accordance with OAC rule 3745-77-07(A)(3)(c) for deviations caused by malfunctions shall be submitted in the following manner:

Any malfunction, as defined in OAC rule 3745-15-06(B)(1), shall be promptly reported to the Ohio EPA in accordance with OAC rule 3745-15-06. In addition, to fulfill the OAC rule 3745-77-07(A)(3)(c) deviation reporting requirements for malfunctions, written reports that identify each malfunction that occurred during each calendar quarter (including each malfunction reported only verbally in accordance with OAC rule 3745-15-06) shall be submitted by January 31, April 30, July 31, and October 31 of each year in accordance with Standard Term and Condition A.2.c)(2) below; and each report shall cover the previous calendar quarter. An exceedance of the visible emission limitations specified in OAC rule 3745-17-07(A)(1) that is caused by a malfunction is not a violation and does not need to be reported as a deviation if the owner or operator of the affected air contaminant source or air pollution control equipment complies with the requirements of OAC rule 3745-17-07(A)(3)(c).

In accordance with OAC rule 3745-15-06, a malfunction reportable under OAC rule 3745-15-06(B) is a deviation of the federally enforceable permit requirements. Even though verbal notifications and written reports are required for malfunctions pursuant to OAC rule 3745-15-06, the written reports required pursuant to this term must be submitted quarterly to satisfy the prompt reporting provision of OAC rule 3745-77-07(A)(3)(c).

In identifying each deviation caused by a malfunction, the permittee shall specify the emission limitation(s) (or control requirement(s)) for which the deviation occurred, describe each deviation, and provide the magnitude and duration of each deviation. For a specific malfunction, if this information has been provided in a written report that was submitted in accordance with OAC rule 3745-15-06, the permittee may simply reference that written report to identify the deviation. Nevertheless, all malfunctions, including those reported only verbally in accordance with OAC rule 3745-15-06, must be reported in writing on a quarterly basis.

Any submitted scheduled maintenancerequests, as referenced in OAC rule 3745-15-06(A)(1), that results in a deviation from a federally enforceable emission limitation (or control requirement) shall be reported in the same manner as described above for malfunctions.

*(Authority for term: OAC rule 3745-77-07(A)(3)(c))*

(2) Except as may otherwise be provided in the terms and conditions for a specific emissions unit (i.e., in section C. Emissions Unit Terms and Conditions of this Title V permit or, in some cases, in section B. Facility-Wide Terms and Conditions of this Title V permit), all reporting required in accordance with OAC rule 3745-77-07(A)(3)(c) for deviations of the emission limitations, operational restrictions, and control device operating parameter limitations shall be submitted in the following manner:

Written reports of (a) any deviations from federally enforceable emission limitations, operational restrictions, and control device operating parameter limitations, (b) the



probable cause of such deviations, and (c) any corrective actions or preventive measures taken, shall be submitted promptly to the Regional Air Pollution Control Agency. Except as provided below, the written reports shall be submitted by January 31, April 30, July 31, and October 31 of each year; and each report shall cover the previous calendar quarter.

In identifying each deviation, the permittee shall specify the emission limitation(s), operational restriction(s), and/or control device operating parameter limitation(s) for which the deviation occurred, describe each deviation, and provide the estimated magnitude and duration of each deviation.

These written deviation reports shall satisfy the requirements of OAC rule 3745-77-07(A)(3)(c) pertaining to the submission of monitoring reports every six months and to the prompt reporting of all deviations. Full compliance with OAC rule 3745-77-07(A)(3)(c) requires reporting of all other deviations of the federally enforceable requirements specified in the permit as required by such rule.

If an emissions unit has a deviation reporting requirement for a specific emission limitation, operational restriction, or control device operating parameter limitation that is not on a quarterly basis (e.g., within 30 days following the end of the calendar month, or within 30 or 45 days after the exceedance occurs), that deviation reporting requirement satisfies the reporting requirements specified in this Standard Term and Condition for that specific emission limitation, operational restriction, or control device parameter limitation. Following the provisions of that non-quarterly deviation reporting requirement will also satisfy (for the deviations so reported) the requirements of OAC rule 3745-77-07(A)(3)(c) pertaining to the submission of monitoring reports every six months and to the prompt reporting of all deviations, and additional quarterly deviation reports for that specific emission limitation, operational restriction, or control device parameter limitation are not required pursuant to this Standard Term and Condition.

See A.29 below if no deviations occurred during the quarter.

*(Authority for term: OAC rule 3745-77-07(A)(3)(c))*

- (3) All reporting required in accordance with the OAC rule 3745-77-07(A)(3)(c) for other deviations of the federally enforceable permit requirements which are not reported in accordance with Standard Term and Condition A.2)c)(2) above shall be submitted in the following manner:

Unless otherwise specified by rule, written reports that identify deviations of the following federally enforceable requirements contained in this permit; Standard Terms and Conditions: A.3, A.4, A.5, A.7.e), A.8, A.13, A.15, A.19, A.20, A.21, and A.23 of this Title V permit, as well as any deviations from the requirements in section C. Emissions Unit Terms and Conditions of this Title V permit, and any monitoring, record keeping, and reporting requirements, which are not reported in accordance with Standard Term and Condition A.2.c)(2) above shall be submitted to the Regional Air Pollution Control Agency by January 31 and July 31 of each year; and each report shall cover the previous six calendar months. Unless otherwise specified by rule, all other deviations from federally enforceable requirements identified in this permit shall be submitted annually as part of the annual compliance certification, including deviations of federally



enforceable requirements not specifically addressed by permit or rule for the insignificant activities or emissions levels (IEU) identified in section B. Facility-Wide Terms and Conditions of this Title V permit. Annual reporting of deviations is deemed adequate to meet the deviation reporting requirements for IEUs unless otherwise specified by permit or rule.

In identifying each deviation, the permittee shall specify the federally enforceable requirement for which the deviation occurred, describe each deviation, and provide the magnitude and duration of each deviation.

These semi-annual and annual written reports shall satisfy the reporting requirements of OAC rule 3745-77-07(A)(3)(c) for any deviations from the federally enforceable requirements contained in this permit that are not reported in accordance with Standard Term and Condition A.2.c)(2) above.

If no such deviations occurred during a six-month period, the permittee shall submit a semi-annual report which states that no such deviations occurred during that period.

*(Authority for term: OAC rules 3745-77-07(A)(3)(c)(i) and (ii) and OAC rule 3745-77-07(A)(13)(b))*

- (4) Each written report shall be signed by a Responsible Official certifying that, "based on information and belief formed after reasonable inquiry, the statements and information in the report (including any written malfunction reports required by OAC rule 3745-15-06 that are referenced in the deviation reports) are true, accurate, and complete." Signature by the Responsible Official may be represented by entry of the personal identification number (PIN) by the Responsible Official as part of the electronic submission process or by the scanned attestation document signed by the Responsible Official that is attached to the electronically submitted written report.

*(Authority for term: OAC rule 3745-77-07(A)(3)(c)(iv))*

- (5) Consistent with A.2.c.1. above, reports of any required monitoring and/or record keeping information required to be submitted to Ohio EPA shall be submitted to Regional Air Pollution Control Agency unless otherwise specified.

*(Authority for term: OAC rule 3745-77-07(A)(3)(c))*

### **3. Reporting of Any Exceedence of a Federally Enforceable Emission Limitation or Control Requirement Resulting From Scheduled Maintenance**

Any scheduled maintenance of air pollution control equipment shall be performed in accordance with paragraph (A) of OAC rule 3745-15-06. Except as provided in OAC rule 3745-15-06(A)(3), any scheduled maintenance necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of the emissions unit(s) that is (are) served by such control system(s). Any scheduled maintenance, as defined in OAC rule 3745-15-06(A)(1), that results in a deviation from a federally enforceable emission limitation (or control requirement) shall be reported in the same manner as described for malfunctions in Standard Term and Condition A.2.c)(1) above.

*(Authority for term: OAC rule 3745-77-07(A)(3)(c))*



#### **4. Risk Management Plans**

If applicable, the permittee shall develop and register a risk management plan pursuant to section 112(r) of the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq. ("Act"); and, pursuant to 40 C.F.R. 68.215(a), the permittee shall submit either of the following:

- a) a compliance plan for meeting the requirements of 40 C.F.R. Part 68 by the date specified in 40 C.F.R. 68.10(a) and OAC 3745-104-05(A); or
- b) as part of the compliance certification submitted under 40 C.F.R. 70.6(c)(5), a certification statement that the source is in compliance with all requirements of 40 C.F.R. Part 68 and OAC Chapter 3745-104, including the registration and submission of the risk management plan.

*(Authority for term: OAC rule 3745-77-07(A)(4))*

#### **5. Title IV Provisions**

If the permittee is subject to the requirements of 40 CFR Part 72 concerning acid rain, the permittee shall ensure that any affected emissions unit complies with those requirements. Emissions exceeding any allowances that are lawfully held under Title IV of the Act, or any regulations adopted thereunder, are prohibited.

*(Authority for term: OAC rule 3745-77-07(A)(5))*

#### **6. Severability Clause**

A determination that any term or condition of this permit is invalid shall not invalidate the force or effect of any other term or condition thereof, except to the extent that any other term or condition depends in whole or in part for its operation or implementation upon the term or condition declared invalid.

*(Authority for term: OAC rule 3745-77-07(A)(6))*

#### **7. General Requirements**

- a) Any noncompliance with the federally enforceable terms and conditions of this permit constitutes a violation of the Act, and is grounds for enforcement action or for permit revocation, revocation and reissuance, or modification, or for denial of a permit renewal application.
- b) 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 federally enforceable terms and conditions of this permit except as provided pursuant to A.16 below.
- c) This permit may be modified, reopened, revoked, or revoked and reissued, for cause, in accordance with A.11 below. The filing of a request by the permittee for a permit modification, revocation and reissuance, or revocation, or of a notification of planned changes or anticipated noncompliance does not stay any term and condition of this permit.
- d) This permit does not convey any property rights of any sort, or any exclusive privilege.



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- e) The permittee shall furnish to the Director of the Ohio EPA, or an authorized representative of the Director, upon receipt of a written request and within a reasonable time, any information that may be requested to determine whether cause exists for modifying, reopening or revoking this permit or to determine compliance with this permit. Upon request, the permittee shall also furnish to the Director or an authorized representative of the Director, copies of records required to be kept by this permit. For information claimed to be confidential in the submittal to the Director, if the Administrator of the U.S. EPA requests such information, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.
  
- f) Except as otherwise indicated below, this Title V permit, or permit modification, is effective for five years from the original effective date specified in the permit. In the event that this facility becomes eligible for non-title V permits, this permit shall cease to be enforceable when:
  - (1) the permittee submits an approved facility-wide potential to emit analysis supporting a claim that the facility no longer meets the definition of a "major source" as defined in OAC rule 3745-77-01(W) based on the permanent shutdown and removal of one or more emissions units identified in this permit; or
  - (2) the permittee no longer meets the definition of a "major source" as defined in OAC rule 3745-77-01(W) based on obtaining restrictions on the facility-wide potential(s) to emit that are federally enforceable or legally and practically enforceable ; or
  - (3) a combination of (1) and (2) above.

The permittee shall continue to comply with all applicable OAC Chapter 3745-31 requirements for all regulated air contaminant sources once this permit ceases to be enforceable. The permittee shall comply with any residual requirements, such as quarterly deviation reports, semi-annual deviation reports, and annual compliance certifications covering the period during which this Title V permit was enforceable. All records relating to this permit must be maintained in accordance with law.

*(Authority for term: OAC rule 3745-77-01(W), OAC rule 3745-77-07(A)(3)(b)(ii), OAC rule 3745-77(A)(7))*

**8. Fees**

The permittee shall pay fees to the Director of the Ohio EPA in accordance with ORC section 3745.11 and OAC Chapter 3745-78.

*(Authority for term: OAC rule 3745-77-07(A)(8))*

**9. Marketable Permit Programs**

No revision of this permit is required under any approved economic incentive, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in this permit.

*(Authority for term: OAC rule 3745-77-07(A)(9))*



## **10. Reasonably Anticipated Operating Scenarios**

The permittee is hereby authorized to make changes among operating scenarios authorized in this permit without notice to the Ohio EPA, but, contemporaneous with making a change from one operating scenario to another, the permittee must record in a log at the permitted facility the scenario under which the permittee is operating. The permit shield provided in these standard terms and conditions shall apply to all operating scenarios authorized in this permit.

*(Authority for term: OAC rule 3745-77-07(A)(10))*

## **11. Reopening for Cause**

This Title V permit will be reopened prior to its expiration date under the following conditions:

- a) Additional applicable requirements under the Act become applicable to one or more emissions units covered by this permit, and this permit has a remaining term of three or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to paragraph (E)(1) of OAC rule 3745-77-08.
- b) This permit is issued to an affected source under the acid rain program and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit, and shall not require a reopening of this permit.
- c) The Director of the Ohio EPA or the Administrator of the U.S. EPA determines that the federally applicable requirements in this permit are based on a material mistake, or that inaccurate statements were made in establishing the emissions standards or other terms and conditions of this permit related to such federally applicable requirements.
- d) The Administrator of the U.S. EPA or the Director of the Ohio EPA determines that this permit must be revised or revoked to assure compliance with the applicable requirements.

*(Authority for term: OAC rules 3745-77-07(A)(12) and 3745-77-08(D))*

## **12. Federal and State Enforceability**

Only those terms and conditions designated in this permit as federally enforceable, that are required under the Act, or any of its applicable requirements, including relevant provisions designed to limit the potential to emit of a source, are enforceable by the Administrator of the U.S. EPA, the State, and citizens under the Act. All other terms and conditions of this permit shall not be federally enforceable and shall be enforceable under State law only.

*(Authority for term: OAC rule 3745-77-07(B))*

## **13. Compliance Requirements**

- a) Any document (including reports) required to be submitted and required by a federally applicable requirement in this Title V permit shall include a certification by a Responsible



Official that, based on information and belief formed after reasonable inquiry, the statements in the document are true, accurate, and complete.

- b) Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Director of the Ohio EPA or an authorized representative of the Director to:
  - (1) At reasonable times, enter upon the permittee's premises where a source is located or the emissions-related activity is conducted, or where records must be kept under the conditions of this permit.
  - (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit, subject to the protection from disclosure to the public of confidential information consistent with paragraph (E) of OAC rule 3745-77-03.
  - (3) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit.
  - (4) As authorized by the Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit and applicable requirements.
- c) The permittee shall submit progress reports to the Regional Air Pollution Control Agency concerning any schedule of compliance for meeting an applicable requirement. Progress reports shall be submitted semiannually or more frequently if specified in the applicable requirement or by the Director of the Ohio EPA. Progress reports shall contain the following:
  - (1) Dates for achieving the activities, milestones, or compliance required in any schedule of compliance, and dates when such activities, milestones, or compliance were achieved.
  - (2) An explanation of why any dates in any schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
- d) Compliance certifications concerning the terms and conditions contained in this permit that are federally enforceable emission limitations, standards, or work practices, shall be submitted to the Director (the Regional Air Pollution Control Agency) and the Administrator of the U.S. EPA in the following manner and with the following content:
  - (1) Compliance certifications shall be submitted annually on a calendar year basis. The annual certification shall be submitted on or before April 30th of each year during the permit term.
  - (2) Compliance certifications shall include the following:
    - a. Identification of each term or condition that is the basis of the certification. The identification may include a statement by the Responsible Official that every term and condition that is federally enforceable has been reviewed, and such terms and conditions with which there has been continuous compliance throughout the year are not separately identified.
    - b. The permittee's current compliance status.



- c. Whether compliance was continuous or intermittent consistent with A.13.d.2.a above.
  - d. The method(s) used for determining the compliance status of the source currently and over the required reporting period consistent with A.13.d.2.a above.
  - e. Such other facts as the Director of the Ohio EPA may require in the permit to determine the compliance status of the source.
- (3) Compliance certifications shall contain such additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the Act.

*(Authority for term: OAC rules 3745-77-07(C)(1),(2),(4) and (5) and ORC section 3704.03(L))*

#### **14. Permit Shield**

- a) Compliance with the terms and conditions of this permit (including terms and conditions established for alternate operating scenarios, emissions trading, and emissions averaging, but excluding terms and conditions for which the permit shield is expressly prohibited under OAC rule 3745-77-07) shall be deemed compliance with the applicable requirements identified and addressed in this permit as of the date of permit issuance.
- b) This permit shield provision shall apply to any requirement identified in this permit pursuant to OAC rule 3745-77-07(F)(2), as a requirement that does not apply to the source or to one or more emissions units within the source.

*(Authority for term: OAC rule 3745-77-07(F))*

#### **15. Operational Flexibility**

The permittee is authorized to make the changes identified in OAC rule 3745-77-07(H)(1)(a) to (H)(1)(c) within the permitted stationary source without obtaining a permit revision, if such change is not a modification under any provision of Title I of the Act [as defined in OAC rule 3745-77-01(JJ)], and does not result in an exceedance of the emissions allowed under this permit (whether expressed therein as a rate of emissions or in terms of total emissions), and the permittee provides the Administrator of the U.S. EPA and the Regional Air Pollution Control Agency with written notification within a minimum of seven days in advance of the proposed changes, unless the change is associated with, or in response to, emergency conditions. If less than seven days notice is provided because of a need to respond more quickly to such emergency conditions, the permittee shall provide notice to the Administrator of the U.S. EPA and the Regional Air Pollution Control Agency as soon as possible after learning of the need to make the change. The notification shall contain the items required under OAC rule 3745-77-07(H)(2)(d).

*(Authority for term: OAC rules 3745-77-07(H)(1) and (2))*



## **16. Emergencies**

The permittee shall have an affirmative defense of emergency to an action brought for noncompliance with technology-based emission limitations if the conditions of OAC rule 3745-77-07(G)(3) are met. This emergency defense provision is in addition to any emergency or upset provision contained in any applicable requirement.

*(Authority for term: OAC rule 3745-77-07(G))*

## **17. Off-Permit Changes**

The owner or operator of a Title V source may make any change in its operations or emissions at the source that is not specifically addressed or prohibited in the Title V permit, without obtaining an amendment or modification of the permit, provided that the following conditions are met:

- a) The change does not result in conditions that violate any applicable requirements or that violate any existing federally enforceable permit term or condition.
- b) The permittee provides contemporaneous written notice of the change to the Director and the Administrator of the U.S. EPA, except that no such notice shall be required for changes that qualify as insignificant emissions levels or activities as defined in OAC rule 3745-77-01(U). Such written notice shall describe each such change, the date of such change, any change in emissions or pollutants emitted, and any federally applicable requirement that would apply as a result of the change.
- c) The change shall not qualify for the permit shield under OAC rule 3745-77-07(F).
- d) The permittee shall keep a record describing all changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.
- e) The change is not subject to any applicable requirement under Title IV of the Act or is not a modification under any provision of Title I of the Act.

Paragraph (I) of rule 3745-77-07 of the Administrative Code applies only to modification or amendment of the permittee's Title V permit. The change made may require a permit-to-install under Chapter 3745-31 of the Administrative Code if the change constitutes a modification as defined in that Chapter. Nothing in paragraph (I) of rule 3745-77-07 of the Administrative Code shall affect any applicable obligation under Chapter 3745-31 of the Administrative Code.

*(Authority for term: OAC rule 3745-77-07(I))*

## **18. Compliance Method Requirements**

Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee, including but not limited to, any challenge to the Credible Evidence Rule (see 62 Federal Register 8314, Feb. 24, 1997), in the context of any future proceeding.

*(This term is provided for informational purposes only.)*



**19. Insignificant Activities or Emissions Levels**

Each IEU that is subject to one or more applicable requirements shall comply with those applicable requirements.

*(Authority for term: OAC rule 3745-77-07(A)(1))*

**20. Permit to Install Requirement**

Prior to the "installation" or "modification" of any "air contaminant source," as those terms are defined in OAC rule 3745-31-01, a permit to install must be obtained from the Ohio EPA pursuant to OAC Chapter 3745-31.

*(Authority for term: OAC rule 3745-77-07(A)(1))*

**21. Air Pollution Nuisance**

The air contaminants emitted by the emissions units covered by this permit shall not cause a public nuisance, in violation of OAC rule 3745-15-07.

*(Authority for term: OAC rule 3745-77-07(A)(1))*

**22. Permanent Shutdown of an Emissions Unit**

The permittee may notify Ohio EPA of any emissions unit that is permanently shut down by submitting a certification from the Responsible Official that identifies the date on which the emissions unit was permanently shut down. Authorization to operate the affected emissions unit shall cease upon the date certified by the Responsible Official that the emissions unit was permanently shut down.

After the date on which an emissions unit is permanently shut down (i.e., that has been physically removed from service or has been altered in such a way that it can no longer operate without a subsequent "modification" or "installation" as defined in OAC Chapter 3745-31 and therefore ceases to meet the definition of an "emissions unit" as defined in OAC rule 3745-77-01(O)), rendering existing permit terms and conditions irrelevant, the permittee shall not be required, after the date of the certification and submission to Ohio EPA, to meet any Title V permit requirements applicable to that emissions unit, except for any residual requirements, such as the quarterly deviation reports, semi-annual deviation reports and annual compliance certification covering the period during which the emissions unit last operated. All records relating to the shutdown emissions unit, generated while the emissions unit was in operation, must be maintained in accordance with law.

Unless otherwise exempted, no emissions unit identified in this permit that has been certified by the Responsible Official as being permanently shut down may resume operation without first applying for and obtaining a permit to install pursuant to OAC Chapter 3745-31.

*(Authority for term: OAC rule 3745-77-01)*

**23. Title VI Provisions**

If applicable, the permittee shall comply with the standards for recycling and reducing emissions of ozone depleting substances pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners in Subpart B of 40 CFR Part 82:



- a) Persons operating appliances for maintenance, service, repair, or disposal must comply with the required practices specified in 40 CFR 82.156.
- b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment specified in 40 CFR 82.158.
- c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.

*(Authority for term: OAC rule 3745-77-01(H)(11))*

**24. Reporting Requirements Related to Monitoring and Record Keeping Requirements Under State Law Only**

The permittee shall submit required reports in the following manner:

- a) Reports of any required monitoring and/or record keeping information shall be submitted to the Regional Air Pollution Control Agency.
- b) Except as otherwise may be provided in the terms and conditions for a specific emissions unit, quarterly written reports of (i) any deviations (excursions) from emission limitations, operational restrictions, and control device operating parameter limitations that have been detected by the testing, monitoring, and record keeping requirements specified in this permit, (ii) the probable cause of such deviations, and (iii) any corrective actions or preventive measures which have been or will be taken, shall be submitted to the Regional Air Pollution Control Agency. In identifying each deviation, the permittee shall specify the applicable requirement for which the deviation occurred, describe each deviation, and provide the magnitude and duration of each deviation. If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted quarterly, by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters. (These quarterly reports shall exclude deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06.)

**25. Records Retention Requirements Under State Law Only**

Each record of any monitoring data, testing data, and support information required pursuant to this permit shall be retained for a period of five years from the date the record was created. Support information shall include, but not be limited to, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. Such records may be maintained in computerized form.

**26. Inspections and Information Requests**

The Director of the Ohio EPA, or an authorized representative of the Director, may, subject to the safety requirements of the permittee and without undue delay, enter upon the premises of this source at any reasonable time for purposes of making inspections, conducting tests, examining records or reports pertaining to any emission of air contaminants, and determining compliance with any applicable State air pollution laws and regulations and the terms and conditions of this permit. The permittee shall furnish to the Director of the Ohio EPA, or an authorized representative of the Director, upon receipt of a written request and within a reasonable time, any information that may be requested to determine



whether cause exists for modifying, reopening or revoking this permit or to determine compliance with this permit. Upon verbal or written request, the permittee shall also furnish to the Director of the Ohio EPA, or an authorized representative of the Director, copies of records required to be kept by this permit.

*(Authority for term: OAC rule 3745-77-07(C))*

**27. Scheduled Maintenance/Malfunction Reporting For State-Only Requirements**

Any scheduled maintenance of air pollution control equipment shall be performed in accordance with paragraph (A) of OAC rule 3745-15-06. The malfunction of any emissions units or any associated air pollution control system(s) shall be reported to the Regional Air Pollution Control Agency in accordance with paragraph (B) of OAC rule 3745-15-06. Except as provided in that rule, any scheduled maintenance or malfunction necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of the emissions unit(s) that is (are) served by such control system(s).

**28. Permit Transfers**

Any transferee of this permit shall assume the responsibilities of the prior permit holder. The Regional Air Pollution Control Agency must be notified in writing of any transfer of this permit.

*(Authority for term: OAC rule 3745-77-01(C))*

**29. Additional Reporting Requirements When There Are No Deviations of Federally Enforceable Emission Limitations, Operational Restrictions, or Control Device Operating Parameter Limitations**

If no emission limitation (or control requirement), operational restriction and/or control device parameter limitation deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted by January 31, April 30, July 31, and October 31 of each year; and each report shall cover the previous calendar quarter.

The permittee is not required to submit a quarterly report which states that no deviations occurred during that quarter for the following situations:

- a) where an emissions unit has deviation reporting requirements for a specific emission limitation, operational restriction, or control device parameter limitation that override the deviation reporting requirements specified in Standard Term and Condition A.2.c)(2); or
- b) where an uncontrolled emissions unit has no monitoring, record keeping, or reporting requirements and the emissions unit's applicable emission limitations are established at the potential to emit; or
- c) where the company's Responsible Official has certified that an emissions unit has been permanently shut down.



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**30. Submitting Documents Required by this Permit**

All applications, notifications or reports required by terms and conditions in this permit to be submitted or "reported in writing" are to be submitted to Ohio EPA through the Ohio EPA's eBusiness Center: Air Services web service ("Air Services"). Ohio EPA will accept hard copy submittals on an as-needed basis if the permittee cannot submit the required documents through the Ohio EPA eBusiness Center. In the event of an alternative hard copy submission in lieu of the eBusiness Center, the post-marked date or the date the document is delivered in person will be recognized as the date submitted. Electronic submission of applications, notifications, or reports required to be submitted to Ohio EPA fulfills the requirement to submit the required information to the Director, the Regional Air Pollution Control Agency, and/or any other individual or organization specifically identified as an additional recipient identified in this permit unless otherwise specified. Consistent with OAC rule 3745-15-03, the required application, notification or report is considered to be "submitted" on the date the submission is successful using a valid electronic signature. Signature by the Responsible Official may be represented as provided through procedures established in Air Services.



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## **B. Facility-Wide Terms and Conditions**



1. All the following facility-wide terms and conditions are federally enforceable with the exception of those listed below which are enforceable under state law only:

a) None.

2. All asbestos renovation and demolition activities conducted at this facility shall be performed in accordance with the applicable requirements specified in 40 CFR Part 61 and OAC Chapter 3745-20.

[Authority for term OAC rule 3745-20]

3. The permittee shall ensure that any CAIR NO<sub>x</sub>, SO<sub>2</sub>, or NO<sub>x</sub> ozone season units complies with the requirements of OAC chapter 3745-109, which includes submitting timely permit applications. The permittee shall ensure that the affected emissions units comply with those requirements as outlined in the permit application submitted as required by OAC rules 3745-109-03, 3745-109-10 and 3745-109-16 for the affected emissions units.

The permittee shall also comply with any subsequent federally mandated programs that may replace the CAIR program affecting electric generating facilities.

Note: Ohio EPA DAPC has completed proposed rule amendments for OAC chapter 3745-14, specifically, OAC rule 3745-14-01 and OAC rule 3745-14-06, which facilitated the transition of the affected units from OAC chapter 3745-14 into the federal Clean Air Interstate Rule (CAIR) program which began with the 2009 control periods. This began the process of “sunsetting” the parts of OAC chapter 3745-14 which were no longer needed as a result of Ohio’s CAIR rules (OAC chapter 3745-109).

On April 29th, 2014, the United States Supreme Court upheld EPA’s Cross-State Air Pollution Rule (CSAPR) regulations commonly known as the “Transport Rule” and reversed the 2012 decision by the U.S. Court of Appeals for the District of Columbia invalidating the rules. As of this writing, EPA is still reviewing the decision and will decide how to proceed. At this time, CAIR remains in place and no immediate action from States or affected sources is expected. The CAIR allowances for affected units and requirements of the CAIR rule will continue pending further guidance from USEPA on implementing the “Transport Rule”.

[Authority for term: OAC rules 3745-109 and 3745-77-07(A)(5)]

4. The following insignificant emissions units are located at this facility:

- B700- Black start generator for B007, 300 kw diesel fired generator;
- F001 - roadways and parking areas;
- F002 - Coal Unloading and Handling Facilities
- F003 - ash handling system;
- F004 - Coal Storage Pile
- G001 – gasoline and diesel fuel dispensing, PTI 08-2705
- T700 - fuel oil storage tank - Tank No. 1;
- T701 - fuel oil storage tank - Tank No. 2;
- T702 - fuel oil storage tank - Tank No. 3;
- L700 – machine shop parts washer
- L701 – maintenance parts washers



Each insignificant emissions unit at this facility must comply with all applicable State and federal regulations, as well as any emission limitation and/or control requirements contained within a Permit to Install (PTI) for the emissions unit. The insignificant emissions units listed above that are not subject to PTI requirements are subject to one or more applicable requirements contained in the federally-approved versions of OAC chapters 3745-17, 3745-18, and/or 3745-21.

5. The emergency black start stationary compression ignition (CI) reciprocating internal combustion engine (RICE) B701, is subject to and shall be operated in compliance with the applicable requirements of 40 CFR Part 63, Subpart ZZZZ, the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines.

[40 CFR 63.6585], [40 CFR 63.6590(a)(1)(ii)], [40 CFR 63.6595(a)(1)], and [40 CFR 63.6603]

- a) The permittee shall comply with the following applicable requirements identified in 40 CFR Part 63, Subpart ZZZZ:

Applicable Rule	Requirement
40 CFR 63.6604(b)	Beginning January 1, 2015, if you own or operate an existing emergency CI stationary RICE with a site rating of more than 100 brake HP and a displacement of less than 30 liters per cylinder that uses diesel fuel and operates or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii) or that operates for the purpose specified in §63.6640(f)(4)(ii), you must use diesel fuel that meets the requirements in 40 CFR 80.510(b) for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to January 1, 2015, may be used until depleted.
40 CFR 63.6625(e)(3)	If you own or operate any of the following stationary RICE, you must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions
40 CFR 63.6640(f)	If you own or operate an emergency stationary RICE, you must operate the emergency stationary RICE according to the requirements in paragraphs (f)(1) through (4) of this section. In order for the engine to be considered an emergency stationary RICE under this subpart, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (f)(1) through (4) of this section, is prohibited. If you do not operate the engine according to the requirements in paragraphs (f)(1)



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	through (4) of this section, the engine will not be considered an emergency engine under this subpart and must meet all requirements for non-emergency engines.
40 CFR 63.6650(h)	If you own or operate an emergency stationary RICE with a site rating of more than 100 brake HP that operates or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii) or that operates for the purpose specified in §63.6640(f)(4)(ii), you must submit an annual report according to the requirements in paragraphs (h)(1) through (3) of this section.
40 CFR 63.6655(f)	If you own or operate any of the stationary RICE in paragraphs (f)(1) through (2) of this section, you must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engine is used for the purposes specified in §63.6640(f)(2)(ii) or (iii) or §63.6640(f)(4)(ii), the owner or operator must keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for these purposes.
40 CFR Part 63 Subpart ZZZZ Table 2d #4	<p>a. Change oil and filter every 500 hours of operation or annually, whichever comes first;</p> <p>b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and</p> <p>c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary</p>
40 CFR Part 63 Subpart ZZZZ Table 6 #9	<p>Work or Management practices</p> <p>i. Operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions; or</p> <p>ii. Develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.</p>
40 CFR Part 63 Subpart ZZZZ Table 8	Applicability of General Provisions to Subpart ZZZZ.



**Preliminary Proposed Title V Permit**  
DP&L, O.H. Hutchings Generating Station  
**Permit Number:** P0093906  
**Facility ID:** 0857780013  
**Effective Date:** To be entered upon final issuance

## **C. Emissions Unit Terms and Conditions**



**1. B007, Turbine No. 7, Unit H-7**

**Operations, Property and/or Equipment Description:**

Natural gas and No. 2 fuel oil-fired stationary combustion turbine (Westinghouse Model W-301-G) with diesel-fired starter engine; 558 MMBtu/hour nominal heat input

a) The following emissions unit terms and conditions are federally enforceable with the exception of those listed below which are enforceable under state law only.

(1) None.

b) Applicable Emissions Limitations and/or Control Requirements

(1) The specific operations(s), property, and/or equipment that constitute each emissions unit along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from each unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
a.	OAC rule 3745-17-07(A)	The visible particulate emissions (PE) from this emissions unit shall not exceed 20% opacity as a 6-minute average, except as provided by rule.
b.	OAC rule 3745-17-11(B)(4)	The PE from this emissions unit shall not exceed 0.040 pound/mmBtu actual heat input.
c.	OAC rule 3745-18-63(M)(2)	The sulfur dioxide emissions from this emissions unit shall not exceed 0.5 pound/mmBtu actual heat input.

(2) Additional Terms and Conditions

a. None.

c) Operational Restrictions

(1) The permittee shall burn only natural gas and/or No. 2 fuel oil in this emissions unit.

[Authority for term OAC rule 3745-77-07(A)(3)]

(2) The quality of oil burned in this emissions unit shall meet a sulfur content that is sufficient to comply with the allowable sulfur dioxide emission limitation specified in b)(1)c. above.

[Authority for term OAC rule 3745-77-07(A)(3)]



d) Monitoring and/or Recordkeeping Requirements

- (1) For each day during which the permittee burns fuel other than natural gas and/or No. 2 fuel oil, the permittee shall maintain a record of the type and quantity of the fuel burned in this emissions unit.

[Authority for term OAC rule 3745-77-07(A)(3)]

- (2) For each shipment of oil received for burning in this emissions unit, the permittee shall maintain records of the total quantity of oil received, the permittee's or oil supplier's analyses for sulfur content and heat content, and the calculated sulfur dioxide emission rate (in lbs/mmBtu). (The sulfur dioxide emission rate shall be calculated in accordance with the formula specified in OAC rule 3745-18-04(F).) A shipment may be comprised of multiple tank truck loads from the same supplier's batch, or may be represented by a single or multiple pipeline deliveries from the same supplier's batch, and the quality of the oil for those loads or pipeline deliveries may be represented by a single batch analysis from the supplier.

[Authority for term OAC rule 3745-77-07(A)(3)]

- (3) The permittee shall perform or require the supplier to perform the analyses for sulfur content and heat content in accordance with 40 CFR Part 60, Appendix A, Method 19, or the appropriate ASTM methods (such as, ASTM methods D240 and D4294), or equivalent methods as approved by the Director.

[Authority for term OAC rule 3745-77-07(A)(3)]

e) Reporting Requirements

- (1) The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than natural gas and/or No. 2 fuel oil was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs.

[Authority for term OAC rule 3745-77-07(A)(3)]

- (2) The permittee shall notify the appropriate Ohio EPA District Office or local air agency in writing of any record which shows a deviation of the allowable sulfur dioxide emission limitation based upon the calculated sulfur dioxide emission rates from d)(2) above. The notification shall include a copy of such record and shall be sent to the appropriate Ohio EPA District Office or local air agency within 45 days after the deviation occurs.

[Authority for term OAC rule 3745-77-07(A)(3)]

f) Testing Requirements

- (1) Compliance with the emission limitations in b)(1) shall be determined in accordance with the following methods:



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a. Emission Limitation -

The visible PE from this emissions unit shall not exceed 20% opacity as a 6-minute average, except as provided by rule.

Applicable Compliance Method -

Compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(1).

[Authority for term OAC rule 3745-77-07(C)(1)]

b. Emission Limitation -

The PE from this emissions unit shall not exceed 0.040 pound/mmBtu actual heat input.

Applicable Compliance Method-

When firing fuel oil, compliance shall be based upon an emission factor of 0.0043 lb/mmBtu. When firing natural gas, compliance shall be based upon an emission factor of 0.0019 lb/mmBtu. These emission factors are specified in U.S. EPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Section 3.1, Table 3.1-2a (04/00). If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in OAC rule 3745-17-03(B)(10).

[Authority for term OAC rule 3745-77-07(C)(1)]

c. Emission Limitation-

The sulfur dioxide emissions from this emissions unit shall not exceed 0.5 pound/mmBtu actual heat input.

Applicable Compliance Method-

When firing fuel oil, compliance with the allowable sulfur dioxide emission limitation shall be demonstrated by documenting that the sulfur content of each shipment of oil received during a calendar month meets the limitation.

When firing natural gas, compliance with this limitation will be assumed due to the negligible percent sulfur, by weight, in the fuel.

[Authority for term OAC rule 3745-77-07(C)(1)]

g) Miscellaneous Requirements

(1) None.