State of Ohio Environmental Protection Agency

STREET ADDRESS:
Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

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MAILING ADDRESS:
P.O. Box 1049
Columbus, OH 43216-1049

3/8/2010

Certified Mail
Facility ID: 0387000377
Permit Number: P0104712
County: Wood

Greg Ball
Troy Energy, LLC
22379 Pemberville Road
Luckey, OH 43443

RE: PRELIMINARY PROPOSED AIR POLLUTION CONTROL TITLE IV ACID RAIN PERMIT
Permit Type: Renewal

Dear Permit Holder:

Enclosed is the Ohio EPA Preliminary Proposed Title IV permit that was issued in draft form on 1/28/2010. 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 IV permit as written, you now have the opportunity to raise your concerns. This permit has been posted to the Division of Air Pollution Control (DAPC) Web page http://www.epa.ohio.gov/dapc in Microsoft Word and Adobe Acrobat format. 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:

Dana Thompson
State Implementation Plan Section
Ohio EPA, DAPC
P.O. Box 1049
Columbus, Ohio 43216-1049

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,

Michael W. Ahern

Michael W. Ahern, Manager
Permit Issuance and Data Management Section, DAPC

Cc: Ohio EPA DAPC, Northwest District Office

# Response to Comments

Response to comments for: Title IV Acid Rain Permit

| | |
|---|---|
| Facility ID: | 0387000377 |
| Facility Name: | Troy Energy, LLC |
| Facility Description: | 670 MW Peaking Station Consisting of four Natural Gas/#2 Oil fired turbines and (2) 2,200,000 gallon storage tank. |
| Facility Address: | 22379 Pemberville Road<br>Luckey, OH 43443<br>Wood County |
| Permit #: | P0104712, Renewal |
| A public notice for the draft permit issuance was published in the Ohio EPA Weekly Review and appeared in the The Sentinel-Tribune on 05/20/2003. The comment period ended on 06/19/2003. | |
| 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: **None**
    a. Comment: **None**
    b. Response: **None**
2. Topic: **None**
    a. Comment: **None**
    b. Response: **None**

**State of Ohio Environmental Protection Agency**
**Division of Air Pollution Control**

# PRELIMINARY PROPOSED

# Title IV Acid Rain Permit
# OAC Chapter 3745-103

Troy Energy, LLC

Facility ID: 0387000377
Permit Number: P0104712
Permit Type: Renewal
Issued: 3/8/2010
Effective: To be entered upon final issuance
Expiration: To be entered upon final issuance

State of Ohio Environmental Protection Agency
Division of Air Pollution Control

**Title IV Acid Rain Permit**
**OAC Chapter 3745-103**
Troy Energy, LLC

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# Authorization

Facility ID: 0387000377
Facility Description: 670 MW Peaking Station Consisting of four Natural Gas/#2 Oil fired turbines and (2) 2,200,000 gallon storage tank.
Application Number(s): A0036914
Permit Number: P0104712
Permit Description: Renewal of Title IV Acid Rain Permit
Permit Type: Renewal
Issue Date: 3/8/2010
Effective Date: To be entered upon final issuance
Expiration Date: To be entered upon final issuance

This document constitutes issuance of an OAC Chapter 3745-103 Title V permit to:

Troy Energy, LLC
22379 Pemberville Road
Luckey, OH 43443

The above named entity is hereby granted a Title IV acid rain permit pursuant to Chapter 3745-103 of the Ohio Administrative Code. This permit shall expire at midnight on the expiration date shown above. You will be sent a notice approximately 6 months prior to the expiration date regarding the renewal of this permit. It is the permittee's responsibility to renew this permit even if no notice of its expiration is received. If a renewal permit is not issued prior to the expiration date, the permittee may continue to follow the terms and conditions 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 by the expiration date.

This permit is granted subject to the conditions attached hereto.

Ohio Environmental Protection Agency

Chris Korleski
Director

# A. Standard Terms and Conditions

## 1. Statement of Basis

a) In accordance with Ohio Revised Code Section 3704 and Titles IV and V of the Clean Air Act, the Ohio Environmental Protection Agency issues this permit pursuant to Ohio Administrative Code (OAC) Chapters 3745-103 and 3745-77.

## 2. Permit Application

a) Attached as part of this permit is the permittee's Title IV Acid Rain Permit Application (See Appendix A). The application contains additional conditions, terms and limitations that must be met and that are a part of this permit. The application identifies the affected source, affected units, and specifies standard requirements (Permit Requirements, Monitoring Requirements, Sulfur Dioxide Requirements, Nitrogen Oxides Requirements, Excess Emissions Requirements, Record keeping and Reporting Requirements, Liability, and Effect on Other Authorities).

# B. Emissions Unit Terms and Conditions

**1. P001**

**ORIS Code: 55348**

**Acid Rain Program Description:**

Unit 1

a) Sulfur Dioxide (SO2) Allowance Allocations

The owners and operators of each source and each affected unit at the sources shall:

(1) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and

(2) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.

b) Nitrogen Oxides (NOx) Requirements

(1) The requirements in this permit are designed to meet Title IV of the Clean Air Act and the corresponding regulations of U.S. EPA and Ohio EPA. This source is also required to meet any applicable requirements of OAC rules 3745-14-01 through 3745-14-12.

c) Comments, Notes, and Justifications

(1) None.

**2. P002**

**ORIS Code: 55348**

**Acid Rain Program Description:**

Unit 2

a) Sulfur Dioxide (SO2) Allowance Allocations

The owners and operators of each source and each affected unit at the sources shall:

(1) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and

(2) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.

b) Nitrogen Oxides (NOx) Requirements

(1) The requirements in this permit are designed to meet Title IV of the Clean Air Act and the corresponding regulations of U.S. EPA and Ohio EPA. This source is also required to meet any applicable requirements of OAC rules 3745-14-01 through 3745-14-12.

c) Comments, Notes, and Justifications

(1) None.

**3. P003**

**ORIS Code: 55348**

**Acid Rain Program Description:**

Unit 3

a) Sulfur Dioxide (SO2) Allowance Allocations

The owners and operators of each source and each affected unit at the sources shall:

(1) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and

(2) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.

b) Nitrogen Oxides (NOx) Requirements

(1) The requirements in this permit are designed to meet Title IV of the Clean Air Act and the corresponding regulations of U.S. EPA and Ohio EPA. This source is also required to meet any applicable requirements of OAC rules 3745-14-01 through 3745-14-12.

c) Comments, Notes, and Justifications

(1) None.

**4. P004**

**ORIS Code: 55348**

**Acid Rain Program Description:**

Unit 4

a) Sulfur Dioxide (SO2) Allowance Allocations

The owners and operators of each source and each affected unit at the sources shall:

(1) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and

(2) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.

b) Nitrogen Oxides (NOx) Requirements

(1) The requirements in this permit are designed to meet Title IV of the Clean Air Act and the corresponding regulations of U.S. EPA and Ohio EPA. This source is also required to meet any applicable requirements of OAC rules 3745-14-01 through 3745-14-12.

c) Comments, Notes, and Justifications

(1) None.

United States
Environmental Protection Agency
Acid Rain Program

OMB No. 2060-0258

EPA

# Phase II Permit Application



For more information, see instructions and refer to 40 CFR 72.30 and 72.31

This submission is: ☐ New ☒ Revised

**STEP 1**
Identify the source by plant name, State, and ORIS code.

| Plant Name | State | ORIS Code |
|---|---|---|
| Troy Energy, LLC | OH | 55348 |

**STEP 2**
Enter the unit ID # for each affected unit, and indicate whether a unit is being repowered and the repowering plan being renewed by entering "yes" or "no" at column c. For new units, enter the requested information in columns d and e.

| a | b | c | d | e |
|---|---|---|---|---|
| Unit ID # | Compliance Plan: Unit Will Hold Allowances in Accordance with 40 CFR 72.9(c)(1) | Compliance Plan: Repowering Plan | New Units: Commence Operation Date | New Units: Monitor Certification Deadline |
| 1 | Yes | | Mar. 2002 | Sep. 2002 |
| 2 | Yes | | Mar. 2002 | Sep. 2002 |
| 3 | Yes | | Mar. 2002 | Sep. 2002 |
| 4 | Yes | | Mar. 2002 | Sep. 2002 |
| | Yes | | | |
| | Yes | | | |
| | Yes | | | |
| | Yes | | | |
| | Yes | | | |
| | Yes | | | |
| | Yes | | | |
| | Yes | | | |

**STEP 3**
Check the box if the response in column c of Step 2 is "Yes" for any unit.

☐ For each unit that is being repowered, the Repowering Extension Plan form is included.

| Plant Name (from Step 1) |
|---|
| Troy Energy, LLC |

**STEP 4**
**Read the standard requirements and certification, enter the name of the designated representative, and sign and date**



Permit Requirements.

(1) The designated representative of each affected source and each affected unit at the source shall:
(i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
(ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
(2) The owners and operators of each affected source and each affected unit at the source shall:
(i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
(ii) Have an Acid Rain Permit.

Monitoring Requirements.

(1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
(2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
(3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements.

(1) The owners and operators of each source and each affected unit at the source shall:
(i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)) not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
(ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
(2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
(3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
(i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
(ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).
(4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
(5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
(6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7, 72.8 or 72.14 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
(7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements. The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements.

(1) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
(2) The owners and operators of an affected unit that has excess emissions in any calendar year shall:
(i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
(ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements.

(1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
(i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
(ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
(iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.

(2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

| Plant Name (from Step 1) |
| --- |
| Troy Energy, LLC |

Liability.

(1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7, 72.8, or 72.14, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
(2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
(3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
(4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
(5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
(6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 ($NO_x$ averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
(7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities. No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7, 72.8, or 72.14 shall be construed as:

(1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
(2) Limiting the number of allowances a unit can hold; *provided*, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;
(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

**Certification**

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

| | |
|---|---|
| Name David Faison | |
| Signature | Date 2/5/02 |