

Fact Sheet Language, Class I OP Condition II

Air Quality Class I Operating Permit General Condition II

All conditions listed in General Condition II are included in all Class I Air Quality Operating Permits issued by NDEQ and are required by Title 129. These conditions are all regulatory with each Title 129 requirement listed, except for the following conditions. The basis from Title 129 for each of the following conditions is referenced with each condition if applicable.

- II.(A) This condition specifies general submittal and reporting requirements. The reports required by this condition include semi-annual deviation reports, reports of all deviations from permit requirements, the annual emissions inventory report, a submission of emissions fees, annual certification of compliance, and excess emissions reports. Unit-specific reporting requirements are provided in Condition III of the permit (Title 129, Chapter 1, Section 135; Chapter 7, Section 008; and Chapter 8, Section 012.01).
- II.(L)(1) This condition allows the permittee to make changes in the configuration of equipment at the source, defined as “Section 502(b)(10)” changes (Title 129, Chapter 1, Section 139), without a permit revision, provided that the change is not a modification under the NSPS or NESHAP programs, the change does not require a construction permit, and the change does not result in emissions allowable under the permit being exceeded. If these types of changes are made at the source, a notification must be sent to the NDEQ in accordance with Condition II.(L)(1). A permit shield does not apply to Section 502(b)(10) changes (Title 129, Chapter 15, Section 007.01).
- II.(L)(2) This condition allows the permittee to make changes in equipment configuration at the source that are not defined as Section 502(b)(10) changes. These types of changes are commonly referred to as “off-permit” changes. Off-permit changes can be made without an operating permit revision if the change is not a modification under the NSPS or NESHAP programs and the change does not require a construction permit. All off-permit changes must meet all applicable requirements and cannot violate any existing permit terms or conditions. The source is required to notify both the NDEQ and the USEPA of off-permit changes. The notification must be made in accordance with Condition II.(L)(2). A permit shield does not apply to off-permit changes (Title 129, Chapter 15, Section 007.02).

For purposes of Condition II.(L), notification is not required for changes that are deemed to be routine maintenance, repair, or replacement (except when defined as reconstruction), unless the change results in an exceedance in emissions allowable under this permit; the change violates the terms of this permit as related to monitoring, recordkeeping, testing, and compliance certification; or the change violates an applicable requirement.

- II.(M) A permit shield was not requested and is therefore not granted (Title 129, Chapter 8, Section 014).

OR

- II.(M)(1) A permit shield is granted (Title 129, Chapter 8, Section 014).
- II.(M)(2) This condition identifies the requirements, authorities, and liability that are not affected by a permit shield.
- II.(M)(3) The permittee also requested a permit shield for requirements that appear to be applicable to **{source name}** but are not. The NDEQ has determined the requirements specifically identified in the following table are not applicable to this source. Therefore a permit shield for these requirements is being granted as allowed under Title 129, Chapter 8, Section 014.02B:

Requirement	Shield Request Basis and Determination
Summary of the requirement and the emissions unit(s) covered.	

OR

II.(M)(3) The source did not request to be shielded from requirements that appear to apply to an emissions unit, but do not, in their application.