

PERMIT AMENDMENT NO. 4911-233-0042-V-04-1

ISSUANCE DATE:



GEORGIA

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

Air Quality - Part 70 Operating Permit Amendment

Facility Name: Sewell Creek Energy Facility
Facility Address: 1031 Sewell Creek Road
Cedartown, Georgia 30125 Polk County
Mailing Address: 2100 East Exchange Place
Tucker, Georgia 30084
Parent/Holding Company: Smarr EMC
Facility AIRS Number: 04-13-233-00042

In accordance with the provisions of the Georgia Air Quality Act, O.C.G.A. Section 12-9-1, et seq and the Georgia Rules for Air Quality Control, Chapter 391-3-1, adopted pursuant to and in effect under the Act, the Permittee described above is issued an amendment to the Part 70 Operating Permit for:

The renewal of the Acid Rain Permit for Sewell Creek Energy Facility effective as of January 1, 2023.

This Permit Amendment is conditioned upon compliance with all provisions of The Georgia Air Quality Act, O.C.G.A. Section 12-9-1, et seq, the Rules, Chapter 391-3-1, adopted and in effect under that Act, or any other condition of this Amendment and Permit No. **4911-233-0042-V-04-0**. Unless modified or revoked, this Amendment expires simultaneously with Permit No. **4911-233-0042-V-04-0**. This Amendment may be subject to revocation, suspension, modification or amendment by the Director for cause including evidence of noncompliance with any of the above; or for any misrepresentation made in App No. **28425** dated **May 2, 2022**; any other applications upon which this Amendment or Permit No. **4911-233-0042-V-04-0** are based; supporting data entered therein or attached thereto; or any subsequent submittal or supporting data; or for any alterations affecting the emissions from this source.

This Amendment is further subject to and conditioned upon the terms, conditions, limitations, standards, or schedules contained in or specified on the attached **4** pages.



DRAFT

Richard E. Dunn, Director
Environmental Protection Division

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PART 1.0 FACILITY DESCRIPTION

1.3 Process Description of Modification

Application No. 28425 is processed as a significant modification without construction because this permit amendment renews the Acid Rain Permit for calendar years 2023 through 2027. The Acid Rain Permit Application has been included in the Appendix (Attachment D) to ensure that all applicable Acid Rain requirements are incorporated into the Title V Permit. The facility is required to comply with all the permit requirements in the Acid Rain Permit Application, including the SO₂ emissions requirements, excess emissions requirements, and the monitoring, reporting and record keeping requirements.

Title V Permit Amendment

PART 7.0 OTHER SPECIFIC REQUIREMENTS

7.9 Acid Rain Requirements Associated with this Amendment

Facility ORIS Code: 7813
 Effective: January 01, 2023 through December 31, 2027

- 7.9.1 Emissions, which exceed any allowances that the Permittee lawfully holds under Title IV of the 1990 CAAA, or the regulations promulgated there under, are expressly prohibited. [40 CFR 70.6(a)(4)]
- 7.9.2 Permit revisions are not required for increases in emissions that are authorized by SO₂ allowances acquired pursuant to the State’s Acid Rain Program, provided that such increases do not require a permit revision under any other applicable requirement. [40 CFR 70.6(a)(4)(i)]
- 7.9.3 This Permit does not place limits on the number of SO₂ allowances the Permittee may hold. However, the Permittee may not use allowances as a defense to noncompliance with any other applicable requirement. [40 CFR 70.6(a)(4)(ii)]
- 7.9.4 Any SO₂ allowances held by the Permittee shall be accounted for according to the procedures established in regulations promulgated under Title IV of the 1990 CAAA. [40 CFR 70.6(a)(4)(iii)]
- 7.9.5 Each affected unit, with the exceptions specified in 40 CFR 72.9(g)(6), operated in accordance with the Acid Rain portion of this Permit shall be deemed to be operating in compliance with the Acid Rain Program. [40 CFR 70.6(f)(3)(iii)]
- 7.9.6 Where an applicable requirement is more stringent than an applicable requirement of regulations promulgated under Title IV of the 1990 CAAA, both provisions shall be incorporated into the Permit and shall be enforceable. [40 CFR 70.6(a)(1)(ii)]
- 7.9.7 SO₂ Allowance Allocations and NO_x Requirements for each affected unit [40 CFR 73 (SO₂) and 40 CFR 76 (NO_x)]

			2023	2024	2025	2026	2027
EMISSION UNIT ID T1	EPA ID T1	SO ₂ allowances, under Tables 2, 3, or 4 of 40 CFR 73.	0	0	0	0	0
		NO _x limit	This affected unit is not subject to the NO _x requirements in 40 CFR 76.				

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			2023	2024	2025	2026	2027
EMISSION UNIT ID	EPA ID	SO ₂ allowances, under Tables 2, 3, or 4 of 40 CFR 73.	0	0	0	0	0
T2	T2	NOx limit	This affected unit is not subject to the NOx requirements in 40 CFR 76.				

			2023	2024	2025	2026	2027
EMISSION UNIT ID	EPA ID	SO ₂ allowances, under Tables 2, 3, or 4 of 40 CFR 73.	0	0	0	0	0
T3	T3	NOx limit	This affected unit is not subject to the NOx requirements in 40 CFR 76.				

			2023	2024	2025	2026	2027
EMISSION UNIT ID	EPA ID	SO ₂ allowances, under Tables 2, 3, or 4 of 40 CFR 73.	0	0	0	0	0
T4	T4	NOx limit	This affected unit is not subject to the NOx requirements in 40 CFR 76.				

Note: The number of allowances allocated to Phase II affected units by U.S. EPA may change as a result of revisions to 40 CFR 73. In addition, the number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. Neither of the aforementioned conditions necessitate a revision to the unit SO₂ allowance identified in this permit (See CFR 72.84).

7.9.8 Permit Application: The Phase II Acid Rain permit application submitted for this source, as corrected by the State of Georgia, is attached as part of this Permit. The owners and operators of the source must comply with the standard requirements and special provisions set forth in the application.
[40 CFR 72.50(a)(1)]

Attachments

D. U.S. EPA Acid Rain Program Phase II Permit Application

ATTACHMENT D

**U.S. EPA ACID RAIN PROGRAM
PHASE II PERMIT APPLICATION**

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Sewell Creek Energy Facility
Facility (Source) Name (from STEP 1)

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STEP 3

Read the standard requirements.

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 source or unit, as appropriate, 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 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
 - (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 or 72.8 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.

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Facility (Source) Name (from STEP 1)

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STEP 3, Cont'd.

Excess Emissions Requirements

- (1) The designated representative of an affected source 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 source 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.

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 or 72.8, 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.
- (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.

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Facility (Source) Name (from STEP 1)

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STEP 3, Cont'd.

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 or 72.8 shall be construed as:

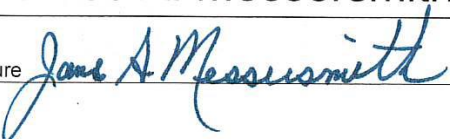
- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (2) Limiting the number of allowances a source can hold; provided, that the number of allowances held by the source 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.

STEP 4

Certification

Read the certification statement, sign, and date.

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 James A. Messersmith	
Signature 	Date 4/27/2022