

Fact Sheet Language, CP Condition II

Air Quality Construction Permit General Condition II

All conditions listed in General Condition II are included in all Air Quality Construction 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) When a source undertakes a program of construction, reconstruction, or modification they are required to notify the NDEQ when they begin construction/reconstruction/modification and when the source or modification becomes operational. These notifications help the NDEQ and source determine when an operating permit application (or revision to an existing operating permit) may be necessary and also whether some emission increases or decreases are within the contemporaneous period. This notification is either for initial operation of the source as a whole (if constructing a new source) or initial operation of the completed project (if modifying an existing source), not individual emission units. Individual emission units subject to specific NSPS or NESHAP standards may have additional notification requirements specific to those federal standards that are independent of this requirement. Startup of individual emission units (such as a boiler subject to an NSPS) does not necessarily mean the source or project has begun operations. (Title 129, Chapter 17, Section 012)
- (3) This condition requires any emissions resulting from equipment failures, malfunctions, or other variations in control or process equipment performance that are, or may be, in excess of the applicable emission control regulations to be reported to the NDEQ in accordance with Title 129, Chapter 35, Section 005. The NDEQ must be notified when excess emissions have, or may have occurred along with the cause of the emissions. (Title 129, Chapter 35, Section 005)
- II.(H) This condition requires that stack heights be built in accordance with how the source was modeled. Modeling was conducted based on the information about stack parameters and ambient air boundaries as identified in the application. The source must also restrict public access to the site. Should this information change from the values specified in this condition, the source should make notification to the NDEQ in accordance with General Condition II.(E). ***{DELETE IF THIS CONDITION IS NOT IN THE PERMIT}***