

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AIR QUALITY OPERATING PERMIT

Permit No. AQ0406TVP02
Revision 1: December 26, 2019

Issue Date: Final Permit: June 6, 2017
Expiration Date: June 6, 2022

The Alaska Department of Environmental Conservation, under the authority of AS 46.14 and 18 AAC 50, issues an operating permit to the Permittee, **Northern Star (Pogo) LLC**, for the operation of the **Pogo Mine**.

This permit satisfies the obligation of the owner and operator to obtain an operating permit as set out in AS 46.14.130(b).

As set out in AS 46.14.120(c), the Permittee shall comply with the terms and conditions of this operating permit.

Citations listed herein are contained within the effective version of 18 AAC 50 dated December 29, 2016, Register 220. All federal regulation citations are from those sections adopted by reference in this version of regulation in 18 AAC 50.040 unless otherwise specified.

Upon effective date of this permit, Operating Permit No. AQ0406TVP02 Revision 2 expires.

This Operating Permit became effective July 6, 2017.

Revision 1 becomes effective January 25, 2020.



James R. Plosay, Manager
Air Permits Program

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Abbreviations and Acronyms

AAC.....	Alaska Administrative Code	MR&R.....	Monitoring, Recordkeeping, and Reporting
ADEC.....	Alaska Department of Environmental Conservation	NAICS.....	North American Industrial Classification System
AS.....	Alaska Statutes	NESHAPs.....	National Emission Standards for Hazardous Air Pollutants
BACT.....	Best Available Control Technology	NOx.....	nitrogen oxides
CAA (The Act)	Clean Air Act	NSPS.....	New Source Performance Standards
CDX.....	Central Data Exchange	pH.....	Potential of Hydrogen
CEDRI.....	Compliance and Emissions Data Reporting Interface	PM.....	particulate matter
C.F.R.....	Code of Federal Regulations	PM ₁₀	particulate matter less than or equal to a nominal 10 microns in diameter
CISWI.....	Commercial & Industrial Solid Waste Incinerator	PM _{2.5}	particulate matter less than or equal to a nominal 2.5 microns in diameter
CO.....	carbon monoxide	PTE.....	potential to emit
Department.....	Alaska Department of Environmental Conservation	SIC.....	Standard Industrial Classification
EPA.....	US Environmental Protection Agency	SIP.....	State Implementation Plan
EU ID.....	Emissions Unit Identification	SPC.....	Standard Permit Condition
HAPs.....	hazardous air pollutants	SO ₂	sulfur dioxide
lb/hr.....	Pounds per hour	SSM.....	Startup, shutdown, and malfunction
kW.....	Kilowatt	ton/batch.....	tons per batch
LAER.....	Lowest Achievable Emission Rate	VOC.....	volatile organic compound
MACT.....	Maximum Achievable Control Technology		

Section 1. Stationary Source Information

Identification

Permittee:	Northern Star (Pogo) LLC P.O. Box 145 Delta Junction, Alaska 99737	
Stationary Source Name:	Pogo Mine	
Location:	Latitude: 64° 27' 13.2" N; Longitude: 144° 54' 14.6" W	
Physical Address:	38 miles Northeast of Delta Junction, Alaska	
Owner:	Norther Star (Pogo) LLC P.O. Box 145 Delta Junction, Alaska 99737	
Operator:	Northern Star (Pogo) LLC P.O. Box 145 Delta Junction, Alaska 99737	
Permittee's Responsible Official:	Keri DePalma, Environmental Manager P.O. Box 145 Delta Junction, Alaska 99737 (907) 895-2879; keri.depalma@smpmpogo.com	
Stationary Source and Building Contact:	Keri DePalma, Environmental Manager P.O. Box 145 Delta Junction, Alaska 99737 (907) 895-2879; keri.depalma@smpmpogo.com	
Fee Contact:	Keri DePalma, Environmental Manager P.O. Box 145 Delta Junction, Alaska 99737 (907) 895-2879; keri.depalma@smpmpogo.com	
Permit Contact:	Keri DePalma, Environmental Manager P.O. Box 145 Delta Junction, Alaska 99737 (907) 895-2879; keri.depalma@smpmpogo.com	
Process Description:	SIC Code	1041: Metal Mining, Gold Ore
	NAICS Code:	212221: Gold Ore Mining

[18 AAC 50.040(j)(3) & 50.326(a)]
[40 C.F.R. 71.5(c)(1) & (2)]

Section 2. Emissions Unit Inventory and Description

Emissions units listed in Table A have specific monitoring, recordkeeping, or reporting conditions in this permit. Unless noted elsewhere in the permit, emissions unit descriptions and ratings are given for identification purposes only.

Table A - Emissions Unit Inventory

EU ID	Emissions Unit Name	Emissions Unit Description	Rating/Size	Installation or Construction Date
1	600-1 Electrowinning Cell	Electrowinning Cell	0.10 ton/batch	Each constructed 10/28/2005
2	600-2 Electrowinning Cell	Electrowinning Cell		
3	600-3 Electrowinning Cell	Electrowinning Cell		
5	602 Induction Furnace	Refinery Electric Induction Furnace with Wet Scrubber 540	125 kW	Constructed 10/28/2005
6	603 Carbon Regeneration Kiln	Carbon Regeneration Kiln with Wet Scrubber 541	2.2 tons/batch	Constructed 10/28/2005
412	Incinerator	Permanent Camp Propane-fired Incinerator	340 lb/hr	Constructed 12/8/2010
412A	Wet Acid Gas Scrubber System	Control for incinerator emissions	Not applicable	Installed 9/25/2014

Notes:

EU ID 4 (unheated pregnant tank) in AQ0406TVP01 Rev 2 located in the mill building has been deleted from the permit because it does not generate emissions nor perform a process subject to NESHAP Subpart EEEEEEE.

[18 AAC 50.326(a)]
[40 C.F.R. 71.5(c)(3)]

Section 3. Federal Requirements

The Department defines “the Administrator” to mean “the Administrator and the Department” for conditions implementing the federal emission standards.

40 C.F.R. Part 60 New Source Performance Standards (NSPS)

Subpart A – General Provisions

- 1. NSPS Subpart A Notification.** For any affected facility¹ or existing facility² regulated under NSPS requirements in 40 C.F.R. 60, the Permittee shall furnish the Department and US Environmental Protection Agency (EPA) written notification or, if acceptable to both the EPA and the Permittee, electronic notification, as follows:

[18 AAC 50.035 & 50.040(a)(1)]
[40 C.F.R. 60.7(a) & 60.15(d), Subpart A]

- 1.1. A notification of the date construction (or reconstruction as defined under 40 C.F.R. 60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.

[40 C.F.R. 60.7(a)(1), Subpart A]

- 1.2. A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 40 C.F.R. 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include:

- a. information describing the precise nature of the change,
- b. present and proposed emission control systems,
- c. productive capacity of the facility before and after the change, and
- d. the expected completion date of the change.

[40 C.F.R. 60.7(a)(4), Subpart A]

- 1.3. A notification of any proposed replacement of an existing facility, for which the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, postmarked as soon as practicable, but no less than 60 days before commencement of replacement, and including the following information:

[40 C.F.R. 60.15(d), Subpart A]

- a. the name and address of owner or operator,

¹ *Affected facility* means, with reference to a stationary source, any apparatus to which a standard applies, as defined in 40 C.F.R. 60.2.

² *Existing facility* means, with reference to a stationary source, any apparatus of the type for which a standard is promulgated in this part, and the construction or modification of which was commenced before the date of proposal of that standard; or any apparatus which could be altered in such a way as to be of that type, as defined in 40 C.F.R. 60.2.

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- b. the location of the existing facility,
 - c. a brief description of the existing facility and the components that are to be replaced,
 - d. a description of the existing and proposed air pollution control equipment,
 - e. an estimate of the fixed capital cost of the replacements, and of constructing a comparable entirely new facility,
 - f. the estimated life of the existing facility after the replacements, and
 - g. a discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.

2. **NSPS Subpart A Startup, Shutdown, & Malfunction Requirements (SSM).** The Permittee shall maintain records of the occurrence and duration of any start-up, shutdown, or malfunction in the operation of EU ID 412, any malfunction of the air-pollution control equipment (EU ID 412A), or any periods during which a continuous monitoring system or monitoring device for EU IDs 412 and 412A is inoperative.

[18 AAC 50.040(a)(1)]
[40 C.F.R. 60.7(b), Subpart A]
[40 C.F.R. 60.7(c)(3), Subpart A]

3. **NSPS Subpart A Performance Tests.** The Permittee shall conduct performance tests according to Section 5 and as required in Conditions 3.1 - 3.6 on any affected facility.

[18 AAC 50.040(a)(1)]

- 3.1. Except as specified in paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of 40 C.F.R. 60.8, within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, or at such other times specified by 40 C.F.R. Part 60, and at such other times as may be required by EPA, the Permittee shall conduct performance test(s) and furnish EPA and the Department a written report of the results of such performance test(s).

[40 C.F.R. 60.8(a), Subpart A]

- 3.2. Conduct performance tests and reduce data as set out in 40 C.F.R. 60.8(b), and provide the Department copies of any EPA waivers or approvals of alternative methods.

[40 C.F.R. 60.8(b), Subpart A]

- 3.3. Conduct performance tests under conditions specified by EPA to be based on representative performance of EU ID 412. Operations during periods of SSM shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of SSM be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

[40 C.F.R. 60.8(c), Subpart A]

- 3.4. Provide the EPA and the Department at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the EPA and the Department the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc). in conducting the scheduled performance test, the Permittee shall notify the EPA and the Department as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the EPA and the Department by mutual agreement.

[40 C.F.R. 60.8(d), Subpart A]

- 3.5. Provide or cause to be provided, performance testing facilities as follows:
- a. Sampling ports adequate for test methods applicable to EU ID 412. This includes (i) constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures and (ii) providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.
 - b. Safe sampling platform(s),
 - c. Safe access to sampling platform(s), and
 - d. Utilities for sampling and testing equipment.

[40 C.F.R. 60.8(e), Subpart A]

- 3.6. Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the EPA's approval, be determined using the arithmetic mean of the results of the two other runs.

[40 C.F.R. 60.8(f), Subpart A]

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4. **NSPS Subpart A Good Air Pollution Control Practice.** At all times, including periods of startup, shutdown, and malfunction, the Permittee shall, to the extent practicable, maintain and operate EU ID 412 including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. The Administrator will determine whether acceptable operating and maintenance procedures are being used based on information available, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance records, and inspections of EU ID 412.

[18 AAC 50.040(a)(1)]
[40 C.F.R. 60.11(d), Subpart A]

5. **NSPS Subpart A Credible Evidence.** For the purpose of submitting compliance certifications or establishing whether or not the Permittee has violated or is in violation of the standards set forth in Condition 7, nothing in 40 C.F.R. 60 shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether EU ID 412 would have been in compliance with applicable requirements of 40 C.F.R. 60 if the appropriate performance or compliance test or procedure had been performed.

[18 AAC 50.040(a)(1)]
[40 C.F.R. 60.11(g), Subpart A]

6. **NSPS Subpart A Concealment of Emissions.** The Permittee shall not build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of a standard set forth in Condition 7. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard that is based on the concentration of a pollutant in the gases discharged to the atmosphere.

[18 AAC 50.040(a)(1)]
[40 C.F.R. 60.12, Subpart A]

Incinerator Subject to NSPS Subpart CCCC, EU 412

7. For EU ID 412, the Permittee shall comply with Conditions 7.1 through 7.10.

[18 AAC 50.040(a)(2)(JJ), 50.040(j)(4), & 50.326(j)]
[40 C.F.R. 60.2010, 60.2015, Subpart CCCC]

NSPS Subpart CCCC Operator Training and Qualification Requirements

- 7.1. Except as provided in Conditions 7.1.a and 7.1.b, comply with the operator training and qualification requirements of 40 C.F.R. 60.2070 through 60.2090.

[40 C.F.R. 60.2070 - 2090, 60.2100, & 60.2225]

- a. If all qualified operators are not accessible for more than 8 hours, but less than 2 weeks,
- (i) EU ID 412 may be operated by other plant personnel familiar with the operation of the unit who have completed a review of the information specified in Condition 7.2 within the past 12 months; and

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- (ii) the Permittee must record the period when all qualified operators were not accessible and include this deviation in the annual report as specified under Condition 7.10.

[40 C.F.R. 60.2100(a), Subpart CCCC]

- b. If all qualified operators are not accessible for 2 weeks or more, the Permittee must:

[40 C.F.R. 60.2100(b), Subpart CCCC]

- (i) notify the EPA and the Department of this deviation in writing within 10 days. In the notice, state what caused this deviation, what the Permittee is doing to ensure that a qualified operator is accessible, and when the Permittee anticipates that a qualified operator will be accessible; and

- (ii) submit a status report to the EPA and the Department every 4 weeks outlining what the Permittee is doing to ensure that a qualified operator is accessible, stating when the Permittee anticipates that a qualified operator will be accessible and requesting approval from the EPA to continue operation of EU ID 412;

- (A) submit the first status report 4 weeks after notifying the EPA of the deviation under Condition 7.1.b(i);

- (B) if the EPA gives notification that the request to continue operation of EU ID 412 is disapproved, the unit may continue operation for 90 days, then must cease operation. Operation of EU ID 412 may resume if

[40 C.F.R. 60.2100(b)(1) & (2), Subpart CCCC]

- (1) a qualified operator is accessible as required under 40 C.F.R. 60.2070(a); and

- (2) the Permittee notifies the EPA that a qualified operator is accessible and that the Permittee is resuming operation.

[40 C.F.R. 60.2100(b)(2)(i) & (ii), Subpart CCCC]

- 7.2. Documentation must be available at the facility and readily accessible for all commercial and industrial solid waste incineration (CISWI) unit operators that addresses the ten topics described in this Conditions 7.2.a through 7.2.j. The Permittee must maintain this information in a manner suitable for inspection upon request.

[40 C.F.R. 60.2095(a), Subpart CCCC]

- a. Summary of the standards in Conditions 7.5 and 7.6.
- b. Procedures for receiving, handling, and charging waste.
- c. Incinerator startup, shutdown, and malfunction procedures.

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- d. Procedures for maintaining proper combustion air supply levels.
 - e. Procedures for operating the incinerator and associated air pollution control systems within the established standards.
 - f. Monitoring procedures for demonstrating compliance with the incinerator operating limits.
 - g. Reporting and record keeping procedures.
 - h. The waste management plan required under 40 C.F.R. 60.2055 through 60.2065.
 - i. Procedures for handling ash.
 - j. A list of wastes burned during the performance test.
[40 C.F.R. 60.2095(a)(1) through (10), Subpart CCCC]
- 7.3. The Permittee must establish a program for reviewing the information listed in Condition 7.2 with each incinerator operator.
[40 C.F.R. 60.2095(b), Subpart CCCC]
- a. The initial review must be conducted prior to an employee's assumption of responsibilities for operation of EU ID 412.
 - b. Subsequent annual reviews must be conducted no later than 12 months following the previous review.
[40 C.F.R. 60.2095(a) & (b), 60.2055-60.2065]
- 7.4. The Permittee must also maintain the following training records in a manner that they can be readily accessed and are suitable for inspection upon request:
[40 C.F.R. 60.2095(c), Subpart CCCC]
- a. The names of CISWI unit operators who have completed review of the information in Condition 7.2, including the date of the initial review and all subsequent annual reviews.
 - b. The names of CISWI operators who have completed the operator training requirements under 40 C.F.R. 60.2070, met the criteria for qualification under 40 C.F.R. 60.2080, and maintained or renewed their qualification under 40 C.F.R. 60.2085 or 60.2090. Records must include documentation of training, the dates of initial and refresher training, and the dates of operator qualification and all subsequent renewals of such qualifications.
 - c. The phone and/or pager number at which each qualified operator can be reached during operating hours.
[40 C.F.R. 60.2095(c)(1) through (3), Subpart CCCC]
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NSPS Subpart CCCC Emission Limitations and Operating Limits

- 7.5. For EU ID 412, comply with the emission limitations of 40 C.F.R. 60, Subpart CCCC, Table 8. The Permittee shall comply at all times, consistent with 40 C.F.R. 60.2145(a). For an exceedance of these standards caused by a malfunction, the Permittee may assert an affirmative defense consistent with 40 C.F.R. 60.2120.

[40 C.F.R. 60.2105(a), 60.2120, 60.2145(a), & Table 8, Subpart CCCC]

- 7.6. Operating limitations of Condition 7.6.a apply at all times.

[40 C.F.R. 60.2110 & 60.2145]

- a. Establish operating limits (specified in 40 C.F.R. 60, Subpart CCCC, Table 2), as described in Conditions 7.6.a(i) through 7.6.a(iii) and measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

[40 C.F.R. 60.2110(a), Subpart CCCC]

- (i) **Maximum charge rate**, which is calculated as 110 percent of the average charge rate.
- (ii) **Minimum scrubber liquid flow rate**, which is calculated as the lowest 1-hour average liquid flow rate at the inlet to the wet acid gas scrubber.
- (iii) **Minimum scrubber liquor potential of hydrogen (pH)**, which is calculated as the lowest 1-hour average liquor pH at the inlet to the wet acid gas scrubber.

[40 C.F.R. 60.2110(a)(1) through (4), Subpart CCCC]

NSPS Subpart CCCC Continuous Compliance Requirements

- 7.7. Conduct an annual performance test for the pollutants listed in table 8 of NSPS Subpart CCCC as required under 40 C.F.R. 60.2125. The annual performance test must be conducted using the test methods listed in table 8 of NSPS Subpart CCCC and the procedures in 40 C.F.R. 60.2125(a) through (h) and (j).

[40 C.F.R. 60.2145(b), Subpart CCCC]

- a. Conduct annual performance tests to determine compliance with emission limitations in Condition 7.5 and to confirm or reestablish the operating limitations of Condition 7.6 using the procedures in 40 C.F.R. 60.2110.

[40 C.F.R. 60.2130, 60.2145(a) & (c), & Table 8, Subpart CCCC]

- b. The performance tests must be conducted between 11 and 13 months of the previous performance test, or on a different schedule according to 40 C.F.R. 60.2155 or 60.2160.

[40 C.F.R. 60.2150 & 60.2155]

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- 7.8. Continuously monitor the operating parameters of Condition 7.6.a as specified in 40 C.F.R. 60.2170. Use 3-hour block average values to determine compliance. Operation above the established maximum, below the established minimum, or outside the allowable range of operating limits constitutes a deviation from your operating limits established under 40 C.F.R. 60 Subpart CCCC, except during performance tests conducted to determine compliance with the emission and operating limits or to establish new operating limits. Operating limits are confirmed or reestablished during performance tests.

[40 C.F.R. 60.2145(c), Subpart CCCC]

- a. Install, calibrate (to manufacturers' specifications), maintain, and operate devices (or establish methods) for monitoring the value of the operating parameters used to determine compliance with the operating limits of Condition 7.6.a. These devices (or methods) must measure and record the values for these operating parameters at the frequencies indicated in 40 C.F.R. 60, Subpart CCCC, Table 2 at all times except as specified in 40 C.F.R. 60.2170(a).

[40 C.F.R. 60.2165(a)]

- b. For each required continuous monitoring system, develop and submit to the EPA for approval, a site-specific monitoring plan according to the requirements of 40 C.F.R. 60.2145(l)(1) through (3).

[40 C.F.R. 60.2145(l), Subpart CCCC]

- c. Burn only the same types of wastes and fuels used to establish operating limits during the performance test.

[40 C.F.R. 60.2145(d)]

- d. Perform an annual visual emissions test for ash handling or on a different schedule according to 40 C.F.R. 60.2155(a). Method 22 at 40 C.F.R. 60, Appendix A-7 must be used to determine compliance with the fugitive ash emission limit. The three, 1-hour observation periods shall include periods when the facility transfers ash from EU ID 412 to where the ash is stored or loaded into containers or trucks.

[40 C.F.R. 60.2145(e), 60.2125(h) & 60.2155(a)]

- e. Conduct annual inspections of the air pollution control device. The inspection must include, at a minimum, the following:

[40 C.F.R. 60.2145(k) & 60.2151]

- (i) Inspect air pollution control device(s) for proper operation no more than 12 months following the previous air pollution control device inspection.

- (ii) Develop a site-specific monitoring plan according to the requirements in Condition 7.8.b.

[40 C.F.R. 60.2145(k)(1) & (2), Subpart CCCC]

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- f. Within 10 operating days following an air pollution control device inspection, all necessary repairs must be completed unless the Permittee obtains written approval from the Department establishing a date whereby all necessary repairs must be completed.
[40 C.F.R. 60.2141(b)]
- g. For flow monitoring systems, meet the requirements of Condition 7.8.b and 40 C.F.R. 60.2145(m)(1) through (4).
[40 C.F.R. 60.2145(m), Subpart CCCC]
- h. For pH monitoring systems, meet the requirements of Condition 7.8.b and 40 C.F.R. 60.2145(o)(1) through (4).
[40 C.F.R. 60.2145(o), Subpart CCCC]
- i. Use of the bypass stack at any time is an emissions standards deviation for PM, Hydrogen Chloride, Lead, Cadmium, Mercury, NO_x, SO₂, and dioxin/furans.
[40 C.F.R. 60.2145(v), Subpart CCCC]
- j. Install, calibrate (to manufacturers' specifications), maintain, and operate a device or method for measuring the use of the bypass stack including date, time, and duration.
[40 C.F.R. 60.2165(p), Subpart CCCC]
- k. If you cease combusting solid waste but continues to operate EU ID 412, provide 30 days prior notice of the effective date of the waste-to-fuel switch, consistent with 40 C.F.R. 60.2145(a). The notification must identify the items listed in 40 C.F.R. 60.2230(b)(1)-(5).
[40 C.F.R. 60.2230(b), Subpart CCCC]

NSPS Subpart CCCC Recordkeeping and Reporting Requirements

- 7.9. Maintain the records as specified in 40 C.F.R. 60.2175(a), (b)(1) through (4), (e) through (o), and (q) through (v) for at least 5 years. All records must be available onsite in either paper copy or computer-readable format that can be printed upon request, unless an alternative format is approved by the EPA.
[40 C.F.R. 60.2175, 60.2180]
- 7.10. Submit the following reports to the Department consistent with Condition 38, and to the EPA in a format consistent with 40 C.F.R. 60.2235.
[40 C.F.R. 60.2185 & Table 4, Subpart CCCC]
- a. The annual report required under 40 C.F.R. 60 Subpart CCCC, Table 4.
- (i) The annual report must include the information described in 40 C.F.R. 60.2210.
[40 C.F.R. 60.2210, Subpart CCCC]

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- (ii) You must submit an annual report no later than 12 months following the submission of the information in 40 C.F.R. 60.2200. You must submit subsequent reports no more than 12 months following the previous report. The annual report may be submitted as part of the operating report required under Condition 41.

[40 C.F.R. 60.2205, Subpart CCCC]

- b. If there is a deviation from the operating limits or the emission limitations, the Permittee must also submit deviation reports under Condition 40 and as specified in 60.2215, 60.2220, and 60.2225.

[40 C.F.R. 60.2210, Subpart CCCC]

- 7.11. The Permittee shall combust 3 tons per day or less of solid waste in EU ID 412.

[18 AAC 50.040(j) & 50.326(j)]

[40 C.F.R. 71.6(a)(1) & (c)(6)]

[40 C.F.R. 60.2265, Subpart CCCC]

- a. The Permittee shall weigh and record the daily amount of solid waste combusted in EU ID 412
- b. The Permittee shall include copies of the records required under Condition 7.11.a in the operating report required under Condition 41.
- c. If the solid waste combusted in EU ID 412 exceeds the limit in Condition 7.11, the Permittee shall:
- (i) Report in accordance with Condition 40, and
 - (ii) Request a permit modification to include the applicable requirements of NSPS Subpart CCCC for incinerators other than small, remote incinerators.

[40 C.F.R. 71.6(a)(3)(i) through (iii)]

Emission Units Subject to Federal NESHAP Subpart A (EU IDs 1 – 3, 5 and 6)

- 8. NESHAP Subpart A and EEEEEEE Requirements.** The Permittee shall comply with the applicable requirements of 40 C.F.R. 63 Subpart A in accordance with the provisions for applicability of Subpart A in Table 1 to Subpart EEEEEEE for EU IDs 1 – 3, 5 and 6.

Table B - Applicability of Subpart A to 40 C.F.R. 63, Subpart EEEEEEE

Citation 40 C.F.R. 63	Subject	Applies to Subpart EEEEEEE	Explanation
§63.1(a)(1) - (a)(4), (a)(6), (a)(10)–(a)(12), (b)(1), (b)(3), (c)(1), (c)(2), (c)(5), (e)	Applicability	Yes	
§63.1(a)(5), (a)(7)–(a)(9), (b)(2), (c)(3), (c)(4), (d)	Reserved	No	
§63.2	Definitions	Yes	
§63.3	Units and Abbreviations	Yes	
§63.4	Prohibited Activities and Circumvention	Yes	
§63.5	Preconstruction Review and Notification Requirements	Yes	
§63.6(a), (b)(1)–(b)(5), (b)(7), (c)(1), (c)(2), (c)(5), (e)(1)(iii), (f)(2), (f)(3), (g), (i), (j)	Compliance with Standards and Maintenance Requirements	Yes	
§63.6(e)(1)(i) and (ii), (e)(3), and (f)(1)	Startup, Shutdown and Malfunction Requirements (SSM)	No	Subpart EEEEEEE standards apply at all times.
§63.6(h)(1), (h)(2), (h)(4), (h)(5)(i), (ii), (iii) and (v), (h)(6)–(h)(9)	Compliance with Opacity and Visible Emission Limits	No	Subpart EEEEEEE does not contain opacity or visible emission limits.
§63.6(b)(6), (c)(3), (c)(4), (d), (e)(2), (e)(3)(ii), (h)(3), (h)(5)(iv)	Reserved	No	
§63.7, except (e)(1)	Applicability and Performance Test Dates	Yes	
§63.7(e)(1)	Performance Testing Requirements Related to SSM	No	
§63.8(a)(1), (b)(1), (f)(1)–(5), (g)	Monitoring Requirements	Yes	
§63.8(a)(2), (a)(4), (b)(2)–(3), (c), (d), (e), (f)(6), (g)	Continuous Monitoring Systems	Yes	Except cross references to SSM, requirements in §63.6(e)(1) and (3) do not apply.
§63.8(a)(3)	Reserved	No	
§63.9(a), (b)(1), (b)(2)(i)–(v), (b)(4), (b)(5), (c), (d), (e), (g), (h)(1)–(h)(3), (h)(5), (h)(6), (i), (j)	Notification Requirements	Yes	
§63.9(f)	Notification of opacity and visible emission observations	No	
§63.9(b)(3), (h)(4)	Reserved	No	

Citation 40 C.F.R. 63	Subject	Applies to Subpart EEEEEEE	Explanation
§63.10(a), (b)(1), (b)(2)(vi)–(xiv), (b)(3), (c), (d)(1)–(4), (e), (f)	Recordkeeping and Reporting Requirements	Yes	
§63.10(b)(2)(i)–(v), (d)(5)	Recordkeeping and Reporting associated with SSM	No	
§63.10(c)(2)–(c)(4), (c)(9)	Reserved	No	
§63.11	Control Device Requirements	No	
§63.12	State Authority and Delegations	Yes	
§63.13–63.16	Addresses, Incorporation by Reference, Availability of Information, Performance Track Provisions	Yes	

[18 AAC 50.040(j); 18 AAC 50.326(j)]
 [40 C.F.R. 71.6(a)(1)]

[40 C.F.R. 63.1-15, Subpart A]

[40 C.F.R. 63.11235 & Table 1, Subpart EEEEEEE]

Sources Subject to NESHAP Subpart EEEEEEE (EU IDs 1 – 3, 5 and 6)

9. NESHAP Subpart EEEEEEE Applicability and General Requirements. The Permittee shall comply with the applicable requirements for existing³ gold mine ore processing and production emission units, EU IDs 1 – 3, 5 and 6 listed in Table A, located at an area source of HAP emissions.

[18 AAC 50.040(j); 18 AAC 50.326(j)]
 [40 C.F.R. 71.6(a)(1)]

[40 C.F.R. 63.11640(a) & (b)(1); 63.11641(a), Subpart EEEEEEE]

9.1. At all times operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

[40 C.F.R. 63.11646(b), Subpart EEEEEEE]

10. NESHAP Subpart EEEEEEE Mercury Emission Standards. For EU IDs 1 – 3, 5 and 6 listed in Table A, the Permittee shall comply with the following mercury emission standards:

[18 AAC 50.040(j) & 50.326(j)]
 [40 C.F.R. 71.6(a)(1)]

[40 C.F.R. 63.11645(c) & (i); 63.11641(a), Subpart EEEEEEE]

³ Per 40 C.F.R. 63.11640(b)(1), an affected source is “existing” if construction or reconstruction of the affected source commenced on or before April 28, 2010.

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- 10.1. For existing carbon processes without mercury retorts, the Permittee shall emit no more than 0.17 pounds of mercury per ton of concentrate processed.

[40 C.F.R. 63.11645(c), Subpart EEEEEEE]

11. NESHAP Subpart EEEEEEE Compliance Demonstration and Monitoring

Requirements. The Permittee shall conduct a mercury compliance emission test of each of EU IDs 1 – 3, 5 and 6 according to Condition 11.1. This compliance testing must be repeated annually thereafter, with no two consecutive annual compliance tests occurring less than 3 months apart or more than 15 months apart.

[18 AAC 50.040(j) & 50.326(j)]

[40 C.F.R. 71.6(a)(3)(i)]

[40 C.F.R. 63.11646(a), Subpart EEEEEEE]

- 11.1. Conduct a mercury emissions test in accordance with the applicable procedures in 40 C.F.R. 63.11646(a)(1) through (a)(13), as follows:

- a. Determine the concentration of mercury and the volumetric flow rate of the stack gas according to the test methods and procedures described in 40 C.F.R. 63.11646(a)(1)(i) through (vii).

[40 C.F.R. 63.11646(a)(1)(i) – (vii), Subpart EEEEEEE]

- b. Conduct a minimum of three test runs for each performance test in accordance with the procedures described in 40 C.F.R. 63.11646(a)(2).

[40 C.F.R. 63.11646(a)(2), Subpart EEEEEEE]

- c. Conduct performance tests under such conditions as the Administrator specifies to the owner or operator based on representative performance of the affected source for the period being tested, as set out in 40 C.F.R. 63.11646(a)(3).

- d. Keep necessary records of operating conditions (including process or production throughputs) to determine the conditions of performance tests.

[40 C.F.R. 63.11646(a)(3), Subpart EEEEEEE]

- e. Calculate the mercury emission rate in pounds per hour (lb/hr), based on the average of 3 test run values, for each process unit (or combination of units that are ducted to a common stack and are tested when all affected sources are operating pursuant to 40 C.F.R. 63.11646(a)(4) using the following equation:

Equation 1: $E = C_s * Q_s * K$

Where:

E = mercury emissions in lb/hr;

C_s = concentration of mercury in the stack gas, in grains per dry standard cubic foot

Q_s = volumetric flow rate of the stack gas, in dry standard cubic feet per hour;
and

K = conversion factor for grains to pounds (lb), 1.43×10^{-4} .

[40 C.F.R. 63.11646(a)(4), Subpart EEEEEEE]

f. Monitor and record the number of one-hour periods each process unit operates during each month.

[40 C.F.R. 63.11646(a)(5), Subpart EEEEEEE]

g. For the initial compliance determination, determine the total mercury emissions following the procedures described in 40 C.F.R. 63.11646(a)(6).

[40 C.F.R. 63.11646(a)(6), Subpart EEEEEEE]

h. For compliance determinations following the initial compliance test, determine the total mercury mass emissions following the procedures described in 40 C.F.R. 63.11646(a)(7).

[40 C.F.R. 63.11646(a)(7), Subpart EEEEEEE]

i. Measure the weight of concentrate (produced by electrowinning, Merrill Crowe process, gravity feed, or other methods) using weigh scales for each batch prior to processing in melt furnaces. For facilities without mercury retorts, the concentrate must be weighed prior to being fed to the melt furnace before drying in any ovens. Keep accurate records of the weights of each batch of concentrate processed and calculate, and record the total weight of concentrate processed each month.

[40 C.F.R. 63.11646(a)(9), Subpart EEEEEEE]

j. Maintain the systems for measuring density, volumetric flow rate, and weight within ± 5 percent accuracy.

(i) Describe the specific equipment used to make measurements at your facility and how that equipment is periodically calibrated.

(ii) Explain, document, and maintain written procedures for determining the accuracy of the measurements and make these written procedures available to the Department upon request.

(iii) Determine, record, and maintain a record of the accuracy of the measuring systems before the beginning of initial compliance test and during each subsequent quarter of affected source operation.

[40 C.F.R. 63.11646(a)(10), Subpart EEEEEEE]

- k. Record the weight in tons of concentrate for carbon processes without mercury retorts on a daily and monthly basis.

[40 C.F.R. 63.11646(a)(11), Subpart EEEEEEE]

- l. Calculate the emissions from each of EU IDs 1 – 3, 5 and 6 for the sum of all full months between the compliance date and the date of the initial compliance test in pounds of mercury per ton of process input using the procedures in Condition 11.1.l(i) to determine initial compliance with the emission standards in Condition 10. This must include at least 1 full month of data. Or, if a previous test is used pursuant to Condition 11.1.g for the initial compliance test, use a period of time pursuant to 40 C.F.R. 63.11646(a)(6) to calculate the emissions for the affected source. After this initial compliance test period, determine annual compliance using the procedures in Condition 11.1.m for EU IDs 1 – 3, 5 and 6.

- (i) For carbon processes without mercury retorts, divide the sum of mercury mass emissions (in pounds) from all carbon kilns, preg tanks, electrowinning, and melt furnaces, EU IDs 1 – 3, 5 and 6, during the initial number of full months between the compliance date and the initial compliance tests by the total amount of concentrate (in tons) processed in these process units during those same full months following the compliance date. If a previous test is used to determine initial compliance, pursuant to Condition 11.1.g, then the same 3 to 12 full months of production data (i.e., tons of concentrate) and hours of operation referred to in 40 C.F.R. 63.11646(a)(6), must be used to determine the emissions in pounds of mercury per tons of concentrate.

[40 C.F.R. 63.11646(a)(12)(iii), Subpart EEEEEEE]

- m. After the initial compliance test, calculate the emissions from each existing affected source EU IDs 1-3, 5 and 6 for each 12-month period preceding each subsequent compliance test in pounds of mercury per ton of process input using the procedures in Condition 11.1.m(i) to determine compliance with the emission standards in Condition 10.

- (i) For carbon processes without mercury retorts, divide the sum of mercury mass emissions (in pounds) from all carbon kilns, preg tanks, electrowinning, and melt furnaces, EU IDs 1 – 3, 5 and 6, in the 12-month period preceding a compliance test by the total amount of concentrate (in tons) processed in these process units in that 12-month period.

[40 C.F.R. 63.11646(a)(13)(iii), Subpart EEEEEEE]

- 12. NESHAP Subpart EEEEEEE Notification Requirements.** The Permittee shall submit to the Department and EPA the following notifications:

[18 AAC 50.040(j) & 50.326(j)]
[40 C.F.R. 71.6(c)(3)(iii)]

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- 12.1. **Notification of Compliance Status.** Submit an initial and subsequent⁴ Notification of Compliance Status in accordance with 40 C.F.R. 63.9(h) signed by the responsible official who shall certify its accuracy, attesting to whether the source has complied with the requirements of 40 C.F.R. 63 Subpart EEEEEEE. Submit initial and subsequent notifications as set out by 40 C.F.R. 63.9(h)(2) and (h)(3) and before the close of business on the 60th day following the completion of the initial and subsequent compliance demonstration activity specified in Condition 11.

[40 C.F.R. 63.11648(b), Subpart EEEEEEE]
[40 C.F.R. 63.9(h), Subpart A]

13. **NESHAP Subpart EEEEEEE Recordkeeping Requirements.** For EU IDs 1 – 3, 5 and 6, the Permittee shall keep records as follows:

[18 AAC 50.040(j) & 50.326(j)]
[40 C.F.R. 71.6(c)(3)(ii)]

- 13.1. As required in 40 C.F.R. 63.10(b)(2)(xiv), keep a copy of each notification and report submitted to comply with Subpart EEEEEEE and all documentation supporting any Initial Notification, Notification of Compliance Status, and semiannual operating reports submitted.

[40 C.F.R. 63.11648(e)(1), Subpart EEEEEEE]
[40 C.F.R. 63.10(b)(2)(xiv), Subpart A]

- 13.2. Keep all records required under Conditions 9.1 and 11.1, and the following information:

- a. The date, place, and time of the monitoring event requiring corrective action;
- b. Technique or method used for monitoring;
- c. Operating conditions during the activity;
- d. Results, including the date, time, and duration of the period from the time the monitoring indicated a problem to the time that monitoring indicated proper operation; and
- e. Maintenance or corrective action taken (if applicable).

[40 C.F.R. 63.11648(e)(2), Subpart EEEEEEE]

- 13.3. Keep records of operating hours for each process as required by Condition 11.1.f and records of the monthly quantity of concentrate processed or produced as required by Condition 11.1.k.

[40 C.F.R. 63.11648(e)(3), Subpart EEEEEEE]

⁴ 40 C.F.R. 63.11648(b) requires submittal of an initial Notification of Compliance Status as required by §63.9(h). However Condition 12.1 includes both initial and subsequent notifications of compliance status inasmuch as §63.9(h) covers both initial and subsequent notifications and because initial and subsequent annual compliance demonstrations are required in 40 C.F.R. 63.11646(a) (see Condition 11).

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- 13.4. According to 40 C.F.R. 63.10(b)(1), the Permittee shall keep records
- a. in a form suitable and readily available for expeditious review;
 - b. for 5 years following the date of each recorded action, and
 - c. onsite for at least 2 years after the date of each recorded action. The Permittee may keep the records off site for the remaining 3 years.

[40 C.F.R. 63.11648(f), Subpart EEEEEEE]
[40 C.F.R. 63.10(b)(1), Subpart A]

14. NESHAP Subpart EEEEEEE Reporting Requirements. For EU IDs 1 – 3, 5 and 6, the Permittee shall report, as follows:

[18 AAC 50.040(j) & 50.326(j)]
[40 C.F.R. 71.6(c)(3)(iii)]

- 14.1. If a deviation occurs during a semiannual reporting period, submit a deviation report to the Department with the operating report required in Condition 41, and according to the following:
- a. Each reporting period covers the semiannual period from January 1 through June 30 or from July 1 through December 31.
 - b. Include with the deviation report the following information:
 - (i) Company name and address.
 - (ii) Statement by a responsible official, with the official's name, title, and signature, certifying the truth, accuracy and completeness of the content of the report.
 - (iii) Date of the report and beginning and ending dates of the reporting period.
 - (iv) Identification of the affected source, the pollutant being monitored, applicable requirement, description of deviation, and corrective action taken.

[40 C.F.R. 63.11648(c), Subpart EEEEEEE]

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- 14.2. If a malfunction occurs during the reporting period, the operating report⁵ required in Condition 41 must include the number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with Condition 9.1, including actions taken to correct a malfunction.
[40 C.F.R. 63.11648(d), Subpart EEEEEEE]
- 14.3. Within 60 days after the date of completing each performance evaluation conducted to demonstrate compliance with Subpart EEEEEEE as required in Condition 11, submit the test data to EPA by entering the data electronically into EPA's WebFIRE data base through EPA's Central Data Exchange (CDX). The Permittee shall enter the test data into EPA's data base using the Electronic Reporting Tool or other compatible electronic spreadsheet. Only performance evaluation data collected using methods compatible with the Electronic Reporting Tool are subject to this requirement to be submitted electronically into EPA's WebFIRE database.
[40 C.F.R. 63.11648(g), Subpart EEEEEEE]
- 14.4. Include with the performance test report required in Condition 35 the records required in Condition 11.1.d.
[40 C.F.R. 63.11646(a)(3), Subpart EEEEEEE]
- 14.5. Report in accordance Condition 40 should the Permittee deviate from or fail to comply with any of the requirements in Conditions 8 through 14.
[18 AAC 50.040(j) & 50.326(j)(4)]
[40 C.F.R. 71.6(a)(3) & (c)(6)]

40 C.F.R. Part 61 NESHAP

Subpart A – General Provisions & Subpart M – Asbestos

15. The Permittee shall comply with the applicable requirements set forth in 40 C.F.R. 61.145, 61.150, and 61.152 of Subpart M, and the applicable sections set forth in 40 C.F.R. 61, Subpart A and Appendix A.
[18 AAC 50.040(b)(1) & (2)(F), & 50.326(j)]
[40 C.F.R. 61, Subparts A & M, and Appendix A]

⁵ 40 C.F.R. 63.11648(d) references “the compliance report required in 40 C.F.R. 63.11648(b)”, which requires submittal of an initial Notification of Compliance Status, and not semiannual operating report. However, the Department interpreted this reporting requirement as applicable to semiannual operating report because subsequent annual compliance demonstrations are also required in 40 C.F.R. 63.11646(a) (see Condition 11 and Footnote 4.)

40 C.F.R. Part 82 Protection of Stratospheric Ozone

16. **Subpart F – Recycling, Emission Reduction, and Disposal.** The Permittee shall comply with the applicable standards for recycling and emission reduction of refrigerants set forth in 40 C.F.R. 82, Subpart F.

[18 AAC 50.040(d) & 50.326(j)]
[40 C.F.R. 82, Subpart F]

17. **Subpart G – Significant New Alternatives.** The Permittee shall comply with the applicable prohibitions set out in 40 C.F.R. 82.174 (Protection of Stratospheric Ozone Subpart G – Significant New Alternatives Policy Program).

[18 AAC 50.040(d) & 50.326(j)]
[40 C.F.R. 82.174(b) through (d), Subpart G]

18. **Subpart H – Halons Emissions Reduction.** The Permittee shall comply with the applicable prohibitions set out in 40 C.F.R. 82.270 (Protection of Stratospheric Ozone Subpart H – Halon Emission Reduction).

[18 AAC 50.040(d) & 50.326(j)]
[40 C.F.R. 82.270(b) through (f), Subpart H]

General NSPS and NESHAP Requirements

19. **NESHAP Applicability Determinations.** The Permittee shall determine rule applicability and designation of affected sources under NESHAPs for Source Categories (40 C.F.R. 63) in accordance with the procedures described in 40 C.F.R. 63.1(b) and 63.10(b)(3). If a source becomes affected by an applicable subpart of 40 C.F.R. 63, the Permittee shall comply with such standard by the compliance date established by the Administrator in the applicable subpart, in accordance with 40 C.F.R. 63.6(c).

- 19.1. After the effective date of any relevant standard promulgated by the Administrator under this part, an owner or operator who constructs a new affected source that is not major-emitting or reconstructs an affected source that is not major-emitting that is subject to such standard, or reconstructs a source such that the source becomes an affected source subject to the standard, must notify the Administrator and the Department of the intended construction or reconstruction. The notification must be submitted in accordance with the procedures in 40 C.F.R. 63.9(b).

[18 AAC 50.040(c)(1), 50.040(j), & 50.326(j)]
[40 C.F.R. 71.6(a)(3)(ii)]
[40 C.F.R. 63.1(b), 63.5(b)(4), 63.6(c)(1), & 63.10(b)(3), Subpart A]

20. NSPS and NESHAP Reports. The Permittee shall:

- 20.1. **Reports:** Except for federal reports and notices submitted through EPA's Central Data Exchange (CDX) and Compliance and Emissions Data Reporting Interface (CEDRI) online reporting system, attach to the operating report required by Condition 41 for the period covered by the report, a copy of any NSPS and NESHAPs reports submitted to the U.S. Environmental Protection Agency (EPA) Region 10. For reports submitted through CDX/CEDRI, state in the operating report the date and a brief description of each of the online reports submitted during the reporting period; and
- 20.2. **Waivers:** Upon request by the Department, provide a written copy of any EPA-granted alternative monitoring requirement, custom monitoring schedule or waiver of the federal emission standards, recordkeeping, monitoring, performance testing, or reporting requirements. The Permittee shall keep a copy of each U.S. EPA-issued monitoring waiver or custom monitoring schedule with the permit.

[18 AAC 50.326(j)(4) & 50.040(j)]
[40 C.F.R. 60.13, 63.10(d) & (f) & 40 C.F.R. 71.6(c)(6)]

Section 4. General Conditions

Standard Terms and Conditions

21. Each permit term and condition is independent of the permit as a whole and remains valid regardless of a challenge to any other part of the permit.
[18 AAC 50.326(j)(3), 50.345(a) & (e)]
22. The permit may be modified, reopened, revoked and reissued, or terminated for cause. A request by the Permittee for modification, revocation and re-issuance, or termination or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
[18 AAC 50.326(j)(3), 50.345(a) & (f)]
23. The permit does not convey any property rights of any sort, nor any exclusive privilege.
[18 AAC 50.326(j)(3), 50.345(a) & (g)]
24. **Administration Fees.** The Permittee shall pay to the Department all assessed permit administration fees. Administration fee rates are set out in 18 AAC 50.400-403.
[18 AAC 50.326(j)(1), 50.400, & 50.403]
[AS 37.10.052(b) & AS 46.14.240]
25. **Dilution.** The Permittee shall not dilute emissions with air to comply with this permit. Monitoring shall consist of an annual certification that the Permittee does not dilute emissions to comply with this permit.
[18 AAC 50.045(a)]
26. **Stack Injection.** The Permittee shall not release materials other than process emissions, products of combustion, or materials introduced to control pollutant emissions from a stack at a stationary source constructed or modified after November 1, 1982, except as authorized by a construction permit, Title V permit, or air quality control permit issued before October 1, 2004.
[18 AAC 50.055(g)]
27. **Technology-Based Emission Standard.** If an unavoidable emergency, malfunction (as defined in 18 AAC 50.235(d)), or non-routine repair (as defined in 18 AAC 50.990(64)), causes emissions in excess of a technology-based emission standard⁶ listed in Conditions 10 and 16 (refrigerants), the Permittee shall
- 27.1. take all reasonable steps to minimize levels of emissions that exceed the standard,
and

⁶ As defined in 18 AAC 50.990(106), the term “*technology-based emission standard*” means a best available control technology (BACT) standard; a lowest achievable emission rate (LAER) standard; a maximum achievable control technology (MACT) standard established under 40 C.F.R. 63, Subpart B, adopted by reference in 18 AAC 50.040(c); a standard adopted by reference in 18 AAC 50.040(a) or (c); and any other similar standard for which the stringency of the standard is based on determinations of what is technologically feasible, considering relevant factors.

27.2. report in accordance with Condition 40; the report must include information on the steps taken to mitigate emissions and corrective measures taken or to be taken.

[18 AAC 50.235(a), 50.326(j)(4), & 50.040(j)(4)]
[40 C.F.R. 71.6(c)(6)]

Section 5. General Source Testing and Monitoring Requirements

- 28. Requested Source Tests.** In addition to any source testing explicitly required by the permit, the Permittee shall conduct source testing as requested by the Department to determine compliance with applicable permit requirements.
[18 AAC 50.220(a) & 50.345(a) & (k)]
- 29. Operating Conditions.** Unless otherwise specified by an applicable requirement or test method, the Permittee shall conduct source testing
[18 AAC 50.220(b)]
- 29.1. at a point or points that characterize the actual discharge into the ambient air; and
- 29.2. at the maximum rated burning or operating capacity of the emissions unit or another rate determined by the Department to characterize the actual discharge into the ambient air.
- 30. Reference Test Methods.** The Permittee shall use the following test methods when conducting source testing for compliance with this permit:
- 30.1. Source testing for compliance with requirements adopted by reference in 18 AAC 50.040(a) must be conducted in accordance with the methods and procedures specified in 40 C.F.R. 60.
[18 AAC 50.220(c)(1)(A) & 50.040(a)]
[40 C.F.R. 60]
- 30.2. Source testing for compliance with requirements adopted by reference in 18 AAC 50.040(c) must be conducted in accordance with the source test methods and procedures specified in 40 C.F.R. 63.
[18 AAC 50.040(c) & 50.220(c)(1)(C)]
[40 C.F.R. 63]
- 30.3. Source testing for emissions of any pollutant may be determined using an alternative method approved by the Department in accordance with 40 C.F.R. 63 Appendix A, Method 301.
[18 AAC 50.040(c)(32) & 50.220(c)(2)]
[40 C.F.R. 63, Appendix A, Method 301]
- 31. Excess Air Requirements.** To determine compliance with this permit, standard exhaust gas volumes must include only the volume of gases formed from the theoretical combustion of the fuel, plus the excess air volume normal for the specific emissions unit type, corrected to standard conditions (dry gas at 68°F and an absolute pressure of 760 millimeters of mercury).
[18 AAC 50.220(c)(3) & 50.990(102)]

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- 32. Test Deadline Extension.** The Permittee may request an extension to a source test deadline established by the Department. The Permittee may delay a source test beyond the original deadline only if the extension is approved in writing by the Department's appropriate division director or designee.
- [18 AAC 50.345(a) & (l)]
- 33. Test Plans.** Before conducting any source tests, the Permittee shall submit a plan to the Department. The plan must include the methods and procedures to be used for sampling, testing, and quality assurance and must specify how the emissions unit will operate during the test and how the Permittee will document that operation. The Permittee shall submit a complete plan within 60 days after receiving a request under Condition 28 and at least 30 days before the scheduled date of any test unless the Department agrees in writing to some other time period. Retesting may be done without resubmitting the plan.
- [18 AAC 50.345(a) & (m)]
- 34. Test Notification.** At least 10 days before conducting a source test, the Permittee shall give the Department written notice of the date and the time the source test will begin.
- [18 AAC 50.345(a) & (n)]
- 35. Test Reports.** Within 60 days after completing a source test, the Permittee shall submit one certified copy of the results in the format set out in the *Source Test Report Outline*, adopted by reference in 18 AAC 50.030. The Permittee shall certify the results in the manner set out in Condition 37. If requested in writing by the Department, the Permittee must provide preliminary results in a shorter period of time specified by the Department.
- [18 AAC 50.345(a) & (o)]

Section 6. General Recordkeeping and Reporting Requirements

Recordkeeping Requirements

- 36.** The Permittee shall keep all records required by this permit for at least five years after the date of collection, including:

[18 AAC 50.040(a)(1) & 50.326(j)]
[40 C.F.R 60.7(f), Subpart A, 40 C.F.R 71.6(a)(3)(ii)(B)]

- 36.1. Copies of all reports and certifications submitted pursuant to this section of the permit; and
- 36.2. Records of all monitoring required by this permit, and information about the monitoring including:
- a. the date, place, and time of sampling or measurements;
 - b. the date(s) analyses were performed;
 - c. the company or entity that performed the analyses;
 - d. the analytical techniques or methods used;
 - e. the results of such analyses; and,
 - f. the operating conditions as existing at the time of sampling or measurement.

Reporting Requirements

- 37. Certification.** The Permittee shall certify any permit application, report, affirmation, or compliance certification submitted to the Department and required under the permit by including the signature of a responsible official for the permitted stationary source following the statement: *“Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.”* Excess emission reports must be certified either upon submittal or with an operating report required for the same reporting period. All other reports and other documents must be certified upon submittal.

- 37.1. The Department may accept an electronic signature on an electronic application or other electronic record required by the Department if
- a. a certifying authority registered under AS 09.80.020 verifies that the electronic signature is authentic; and
 - b. the person providing the electronic signature has made an agreement, with the certifying authority described in Condition 37.1.a, that the person accepts or agrees to be bound by an electronic record executed or adopted with that signature.

[18 AAC 50.345(a) & (j), 50.205, & 50.326(j)]
[40 C.F.R. 71.6(a)(3)(iii)(A)]

38. Submittals. Unless otherwise directed by the Department or this permit, the Permittee shall submit reports, compliance certifications, and/or other submittals required by this permit, to ADEC, Air Permits Program, 610 University Ave., Fairbanks, AK 99709-3643, ATTN: Compliance Technician. The Permittee shall submit the documents either by hard copy or electronically.

38.1. Provide electronic submittals, either by:

- a. E-mail under a cover letter using dec.aq.airreports@alaska.gov; or
- b. using the Department's Air Online Services at <http://dec.alaska.gov/applications/air/airtoolsweb/>.

[18 AAC 50.326(j)]
[40 C.F.R. 71.6(a)(3)(iii)(A)]

39. Information Requests. The Permittee shall furnish to the Department, within a reasonable time, any information the Department requests in writing to determine whether cause exists to modify, revoke and reissue, or terminate the permit or to determine compliance with the permit. Upon request, the Permittee shall furnish to the Department copies of records required to be kept by the permit. The Department may require the Permittee to furnish copies of those records directly to the Federal Administrator.

[18 AAC 50.345(a) & (i), 50.200, & 50.326(a) & (j)]
[40 C.F.R. 71.5(a)(2) & 71.6(a)(3)]

40. Excess Emissions and Permit Deviation Reports.

40.1. The Permittee shall report all emissions or operations that exceed or deviate from the requirements of this permit as follows:

- a. in accordance with 18 AAC 50.240(c), as soon as possible after the event commences or is discovered, report
 - (i) emissions that present a potential threat to human health or safety; and
 - (ii) excess emissions that the Permittee believes to be unavoidable;
- b. in accordance with 18 AAC 50.235(a), within two working days after the event commenced or was discovered, report an unavoidable emergency, malfunction, or nonroutine repair that causes emissions in excess of a technology-based emission standard;
- c. report all other excess emissions and permit deviations
 - (i) within 30 days after the end of the month during which the excess emissions or deviation occurred, except as provided in Condition 40.1.c(iii); or

-
- (ii) if a continuous or recurring excess emissions is not corrected within 48 hours of discovery, within 72 hours of discovery unless the Department provides written permission to report under Condition 40.1.c(i); and
 - (iii) for failure to monitor, as required in other applicable conditions of this permit.
- 40.2. When reporting either excess emissions or permit deviations, the Permittee shall report using either the Department's online form, which can be found at <http://dec.alaska.gov/applications/air/airtoolsweb>, <http://dec.alaska.gov/air/ap/docs/eeform.pdf>, or if the Permittee prefers, the form contained in Section 10 of this permit. The Permittee must provide all information called for by the form that is used.
- 40.3. If requested by the Department, the Permittee shall provide a more detailed written report to follow up an excess emissions report.
- [18 AAC 50.235(a)(2), 50.240(c), 50.326(j)(3), & 50.346(b)(2) & (3)]
- 41. Operating Reports.** During the life of this permit⁷, the Permittee shall submit to the Department an operating report by August 1 for the period January 1 to June 30 of the current year and by February 1 for the period July 1 to December 31 of the previous year.
- 41.1. The operating report must include all information required to be in operating reports by other conditions of this permit, for the period covered by the report.
 - 41.2. When excess emissions or permit deviations that occurred during the reporting period are not included with the operating report under Condition 41.1, the Permittee shall identify
 - a. the date of the deviation;
 - b. the equipment involved;
 - c. the permit condition affected;
 - d. a description of the excess emissions or permit deviation; and
 - e. any corrective action or preventive measures taken and the date(s) of such actions; or
 - 41.3. when excess emissions or permit deviations have already been reported under Condition 40 the Permittee shall cite the date or dates of those reports.

⁷ *Life of this permit* is defined as the permit effective dates, including any periods of reporting obligations that extend beyond the permit effective dates. For example if a permit expires prior to the end of a calendar year, there is still a reporting obligation to provide operating reports for the periods when the permit was in effect.

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- 41.4. **Transition from expired to renewed permit.** For the first period of this renewed operating permit, also provide the previous permit's operating report elements covering that partial period immediately preceding the effective date of this renewed permit.

[18 AAC 50.346(b)(6) & 50.326(j)]
[40 C.F.R. 71.6(a)(3)(iii)(A)]

42. **Annual Compliance Certification.** Each year by March 31, the Permittee shall compile and submit to the Department an annual compliance certification report according to Condition 38.

- 42.1. Certify the compliance status of the stationary source over the preceding calendar year consistent with the monitoring required by this permit, as follows:

- a. identify each term or condition set forth in Section 3 through Section 8, that is the basis of the certification;
- b. briefly describe each method used to determine the compliance status;
- c. state whether compliance is intermittent or continuous; and
- d. identify each deviation and take it into account in the compliance certification;

- 42.2. **Transition from expired to renewed permit.** For the first period of this renewed operating permit, also provide the previous permit's annual compliance certification report elements covering that partial period immediately preceding the effective date of this renewed permit.

- 42.3. In addition, submit a copy of the report directly to the Clean Air Act Compliance Manager, US EPA Region 10, Mail Stop: OCE-101, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.

[18 AAC 50.205, 50.345(a) & (j), & 50.326(j)]
[40 C.F.R. 71.6(c)(5)]

Section 7. Permit Changes and Renewal

- 43. Permit Applications and Submittals.** The Permittee shall comply with the following requirements for submitting application information to the US Environmental Protection Agency (EPA):
- 43.1. The Permittee shall provide a copy of each application for modification or renewal of this permit, including any compliance plan, or application addenda, at the time the application or addendum is submitted to the Department;
 - 43.2. The information shall be submitted to the Part 70 Operating Permit Program, US EPA Region 10, AWT-150, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.
 - 43.3. To the extent practicable, the Permittee shall provide to EPA applications in portable document format (pdf); MS Word format (.doc); or other computer-readable format compatible with EPA's national database management system; and
 - 43.4. The Permittee shall maintain records as necessary to demonstrate compliance with this condition.
- [18 AAC 50.040(j)(7), 50.326(a) & 50.346(b)(7)]
[40 C.F.R. 71.10(d)(1)]
- 44. Emissions Trading.** No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit.
- [18 AAC 50.040(j)(4) & 50.326(j)]
[40 C.F.R. 71.6(a)(8)]
- 45. Off Permit Changes.** The Permittee may make changes that are not addressed or prohibited by this permit other than those subject to the requirements of 40 C.F.R. 72 through 78 or those that are modifications under any provision of Title I of the Act to be made without a permit revision, provided that the following requirements are met:
- 45.1. Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition;
 - 45.2. Provide contemporaneous written notice to EPA and the Department of each such change, except for changes that qualify as insignificant under 18 AAC 50.326(d) – (i). Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change;
 - 45.3. The change shall not qualify for the shield under 40 C.F.R. 71.6(f);

-
- 45.4. The Permittee shall keep a record describing changes made at the stationary 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.

[18 AAC 50.040(j)(4) & 50.326(j)]
[40 C.F.R. 71.6(a)(12)]

- 46. Operational Flexibility.** The Permittee may make CAA Section 502(b)(10)⁸ changes within the permitted stationary source without requiring a permit revision if the changes are not modifications under any provision of Title I of the Act and the changes do not exceed the emissions allowable under this permit (whether expressed therein as a rate of emissions or in terms of total emissions):

- 46.1. The Permittee shall provide EPA and the Department with a written notification no less than seven days in advance of the proposed change.
- 46.2. For each such change, the notification required by Condition 46.1 shall include a brief description of the change within the permitted stationary source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.
- 46.3. The permit shield described in 40 C.F.R. 71.6(f) shall not apply to any change made pursuant to Condition 46.

[18 AAC 50.040(j)(4) & 50.326(j)]
[40 C.F.R. 71.6(a)(13)]

- 47. Permit Renewal.** To renew this permit, the Permittee shall submit to the Department⁹ an application under 18 AAC 50.326 no sooner than December 6, 2020 and no later than December 6, 2021. The renewal application shall be complete before the permit expiration date listed on the cover page of this permit. Permit expiration terminates the stationary source's right to operate unless a timely and complete renewal application has been submitted consistent with 40 C.F.R. 71.7(b) and 71.5(a)(1)(iii).

[18 AAC 50.040(j)(3), 50.326(c) & (j)(2)]
[40 C.F.R. 71.5(a)(1)(iii) & 71.7(b) & (c)(1)(ii)]

⁸ As defined in 40 C.F.R. 71.2, CAA Section 502(b)(10) changes are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

⁹ Submit permit applications to the Department's Anchorage office. The current address is: Air Permit Intake Clerk, ADEC, 555 Cordova Street, Anchorage, AK 99501.

Section 8. Compliance Requirements

General Compliance Requirements

- 48.** Compliance with permit terms and conditions is considered to be compliance with those requirements that are
- 48.1. included and specifically identified in the permit; or
 - 48.2. determined in writing in the permit to be inapplicable.
- [18 AAC 50.326(j)(3) & 50.345(a) & (b)]
- 49.** The Permittee must comply with each permit term and condition. Noncompliance with a permit term or condition constitutes a violation of AS 46.14, 18 AAC 50, and, except for those terms or conditions designated in the permit as not federally enforceable, the Clean Air Act, and is grounds for
- 49.1. an enforcement action;
 - 49.2. permit termination, revocation and reissuance, or modification in accordance with AS 46.14.280; or
 - 49.3. denial of an operating permit renewal application.
- [18 AAC 50.040(j), 50.326(j) & 50.345(a) & (c)]
- 50.** For applicable requirements with which the stationary source is in compliance, the Permittee shall continue to comply with such requirements.
- [18 AAC 50.040(j) & 50.326(j)]
[40 C.F.R. 71.6(c)(3) & 71.5(c)(8)(iii)(A)]
- 51.** It is not a defense in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with a permit term or condition.
- [18 AAC 50.326(j)(3) & 50.345(a) & (d)]
- 52.** The Permittee shall allow the Department or an inspector authorized by the Department, upon presentation of credentials and at reasonable times with the consent of the owner or operator to
- 52.1. enter upon the premises where a source subject to the permit is located or where records required by the permit are kept;
 - 52.2. have access to and copy any records required by the permit;
 - 52.3. inspect any stationary source, equipment, practices, or operations regulated by or referenced in the permit; and
 - 52.4. sample or monitor substances or parameters to assure compliance with the permit or other applicable requirements.
- [18 AAC 50.326(j)(3) & 50.345(a) & (h)]

Compliance Schedule

- 53.** For applicable requirements that will become effective during the permit term, the Permittee shall meet such requirements on a timely basis.

[18 AAC 50.040(j) & 50.326(j)]
[40 C.F.R. 71.6(c)(3) & 71.5(c)(8)(iii)(B)]

Section 9. Permit As Shield from Inapplicable Requirements

In accordance with AS 46.14.290, and based on information supplied in the permit application, this section of the permit contains the requirements determined by the Department not to be applicable to the stationary source.

54. Nothing in this permit shall alter or affect the following:

- 54.1. The provisions of Section 303 of the Act (emergency orders), including the authority of the Administrator under that section; or
- 54.2. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance.

[18 AAC 50.326(j)]
 [40 C.F.R. 71.6(f)(3)(i) & (ii)]

55. Table C identifies the emissions units that are not subject to the specified requirements at the time of permit issuance. If any of the requirements listed in Table C becomes applicable during the permit term, the Permittee shall comply with such requirements on a timely basis including, but not limited to, providing appropriate notification to EPA, obtaining a construction permit and/or an operating permit revision.

[18 AAC 50.326(j)]
 [40 C.F.R. 71.6(f)(1)(ii)]

Table C - Permit Shields Granted

EU IDs	Non-Applicable Requirements	Reason for Non-Applicability
1 – 3, 5, 6	40 C.F.R. 63.11645(a), (b), (d) through (h)	Mercury emission standards for processes which are not present at Pogo Mine: <ul style="list-style-type: none"> • new and existing pretreatment processes, • new and existing carbon processes with mercury retorts, • new carbon processes without mercury retorts, and • new and existing non-carbon concentrate processes.
1 – 3, 5, 6	40 C.F.R. 63.11646(a)(8)	Applicable to roasting and autoclave processes not present at Pogo Mine.
1 – 3, 5, 6	40 C.F.R. 63.11646(a)(12)(i), (ii), and (iv); and 40 C.F.R. 63.11646(a)(13)(i), (ii), and (iv)	Applicable to ore pretreatment processes, carbon processes with mercury retorts, and non-carbon processes not present at Pogo Mine

1 – 3, 5, 6	<p>40 C.F.R. 63.11647, Subpart EEEEEEE Monitoring Requirements:</p> <ul style="list-style-type: none"> • §63.11647(a) specifies monitoring requirements for roasters, • §63.11647(b), (c), and (d) set forth monitoring requirements and conditions for roasters with a calomel-based mercury emissions control system, • §63.11647(e) refers to the roaster-monitoring requirements of paragraph (a), • §63.11647(f) and (g) set forth monitoring requirements for carbon adsorber mercury-emissions control devices, • §63.11647(h) specifies monitoring requirements for wet scrubber mercury-emissions control devices, and • §63.11647(i) describes allowable re-testing procedures to establish monitoring limits required in paragraphs §§63.11647 (a) – (c) and (f) – (h). 	The stationary source does not operate a roaster, and no carbon adsorber or wet scrubber is used for mercury emissions control.
412	40 C.F.R. 60.2045 & 60.2050	A siting analysis has been prepared and submitted to the EPA.
412	40 C.F.R. 60.2055 through 60.2065	A waste management plan has been prepared and submitted to the EPA.
412	40 C.F.R. 60.2110(a)(2)	Incinerator is equipped with a wet acid gas scrubber not a wet particulate matter scrubber.
412	40 C.F.R. 60.2110(c) through (i)	Incinerator is equipped with a wet scrubber and does not use a PM CPMS to demonstrate compliance.
412	40 C.F.R. 60.2115	Incinerator is equipped with a wet scrubber to comply with emission limitations.
412	40 C.F.R. 60.2145(f), (h)-(j)	Incinerator is not an energy recovery unit or a kiln.
412	40 C.F.R. 60.2145(p)-(u)	Incinerator is equipped with a wet scrubber and does not use a CEMS to demonstrate compliance.
412	40 C.F.R. 60.2145(w) - (x)	Incinerator is not an energy recovery unit.
412	40 C.F.R. 60.2165(b)-(n)	Incinerator is equipped with a wet scrubber and is not an energy recovery unit. Options provided to substitute CEMS for annual performance test to demonstrate compliance with emission limitations.
412	40 C.F.R. 60.2165(o)	Federal Register Vol. 78, No. 26, Feb 7, 2013, Page. 9120: Continuous CO monitoring requirements for new CISWI units changed from mandatory to optional in the Final Rule.
412	40 C.F.R. 60.2165(q)-(s)	Incinerator is not an energy recovery unit, does not have a bypass stack, and does not use a dry scrubber.
412	40 C.F.R. 60.2175(b)(3)	Applicable onlt to PM wet scrubbers, as specified in 40 C.F.R. 60.2110(a)(2)
412	40 C.F.R. 60.2175(b)(5) & (6)	Incinerator is equipped with a wet scrubber and does not use a fabric filter.
412	40 C.F.R. 60.2175(p)	The listed parameters are not continuously monitored.

412	40 C.F.R. 60.2175(v)-(x)	Incinerator does not combust secondary materials, is not a small power production facility, and is not a cogeneration facility.
412	40 C.F.R. 60.2185, 60.2190, & 60.2195: preconstruction report & startup notification	Requirements satisfied. Incinerator became a “new” affected facility retroactively, upon publication of the amended final CISWI rule, effective 8/17/2013. The preconstruction report and startup notification were not applicable when the facility commenced construction in December 2010 and started up the unit in February 2012. Initial notification was submitted in January 2013 under the CISWI rule effective 12/20/2012.
412	40 C.F.R. 60.2185 & 60.2200: initial test report	Requirements satisfied. The initial test report was submitted to EPA in November 2013.
412	40 C.F.R. 60.2245 through 60.2260	EU ID 412 is not an air curtain incinerator

[18 AAC 50.326(j)]
[40 C.F.R. 71.6(f)(1)(ii)]

Section 10. ADEC Notification Form¹⁰

Pogo Mine

AQ0406TVP02

Stationary Source Name

Air Quality Permit Number.

Northern Star (Pogo) LLC

Company Name

When did you discover the Excess Emissions/Permit Deviation?

Date: _____ / _____ / _____

Time: _____ : / _____

When did the event/deviation occur?

Begin: Date: _____ / _____ / _____ Time: _____ : _____ (please use 24-hr clock.)

End: Date: _____ / _____ / _____ Time: _____ : _____ (please use 24-hr clock)

What was the duration of the event/deviation? _____ : _____ (hrs:min) or _____ days
 (total # of min, hr, or days, if intermittent then include only the duration of the actual emissions/deviation)

Reason for Notification: (please check only 1 box and go to the corresponding section)

- Excess Emissions – Complete Section 1 and Certify
- Deviation from Permit Condition – Complete Section 2 and Certify
- Deviations from COBC, CO, or Settlement Agreement – Complete Section 2 and Certify

Section 1. Excess Emissions

(a) **Was the exceedance** Intermittent or Continuous

(b) **Cause of Event** (Check one that applies):

- Start Up/Shut Down Natural Cause (weather/earthquake/flood)
- Control Equipment Failure Schedule Maintenance/Equipment Adjustment
- Bad Fuel/Coal/Gas Upset Condition Other _____

(c) **Description**

Describe briefly, what happened and the cause. Include the parameters/operating conditions exceeded, limits, monitoring data and exceedance.

(d) **Emissions Units Involved:**

Identify the emissions unit involved in the event, using the same identification number and name as in the permit. Identify each emission standard potentially exceeded during the event and the exceedance.

EU ID	EU Name	Permit Condition Exceeded/Limit/Potential Exceedance

¹⁰ Revised as of September 27, 2010.

(e) **Type of Incident** (please check only one):

- Opacity _____ %
 Venting _____ gas/scf
 Control Equipment Down
 Fugitive Emissions
 Emission Limit Exceeded
 Recordkeeping Failure
 Marine Vessel Opacity
 Flaring
 Other

(f) **Unavoidable Emissions:**

Do you intend to assert that these excess emissions were unavoidable? Yes No

Do you intend to assert the affirmative defense of 18 AAC 50.235? Yes No

Certify Report (go to end of form)

Section 2. Permit Deviations

(a) **Permit Deviation Type** (check only one box corresponding with the section in the permit):

- Emissions Unit-Specific Generally Applicable Requirements
 Failure to Monitor/Report Reporting/Monitoring for Diesel Engines
 General Source Test/Monitoring Requirements Insignificant Emissions Unit
 Recordkeeping/Reporting/Compliance Certification Stationary Source Wide
 Standard Conditions Not Included in the Permit
 Other Section: _____ (Title of section and section number of your permit).

(b) **Emissions Unit Involved:**

Identify the emissions units involved in the event, using the same identification number and name as in the permit. List the corresponding permit conditions and the deviation.

EU ID	EU Name	Permit Condition/ Potential Deviation

(c) **Description of Potential Deviation:**

Describe briefly what happened and the cause. Include the parameters/operating conditions and the potential deviation.

(d) **Corrective Actions:**

Describe actions taken to correct the deviation or potential deviation and to prevent future recurrence.

Certification:

Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.

Printed Name: _____ Title: _____ Date: _____
Signature: _____ Phone Number: _____

NOTE: *This document must be certified in accordance with 18 AAC 50.345(j)*

To Submit this Report:

1. Fax to: 907-451-2187
Or
2. Email to: DEC.AQ.Airreports@alaska.gov
Or
3. Mail ADEC
to: Air Permits Program
 610 University Avenue
 Fairbanks, AK 99709-3643

Or
4. Phone Notifications: 907-451-5173
Phone notifications require a written follow-up report.

A copy of the notification form can be found at the following website:
<http://dec.alaska.gov/applications/air/airtoolsweb/> or
<http://dec.alaska.gov/air/ap/docs/eeform.pdf>

[18 AAC 50.346(b)(3)]

Alaska Department of Environmental Conservation
Air Permits Program

Final Permit: June 6, 2017
Northern Star (Pogo) LLC
Pogo Mine

STATEMENT OF BASIS
for the terms and conditions of
Permit No. AQ0406TVP02

Reviewed by James Plosay
ADEC AQ/APP (Juneau)

Prepared by Kwame Agyei
ADEC AQ/APP (Juneau)

INTRODUCTION

This document sets forth the statement of basis for the terms and conditions of Operating Permit No. AQ0406TVP02.

STATIONARY SOURCE IDENTIFICATION

Section 1 of Operating Permit No. AQ0406TVP02 contains information on the stationary source as provided in the Title V permit application.

The stationary source is owned and operated by Norther Star (Pogo) LLC (Pogo). Pogo is the Permittee for the stationary source's operating permit. The Standard Industrial Classification code for this stationary source is 1041: Metal Mining, Gold Ore. The North American Industrial Classification System code is 212221: Gold Ore Mining

Pogo Mine is an underground gold mine and mill in central Alaska, located approximately 135 miles southeast of Fairbanks and 38 miles northeast of Delta Junction. The property consists of 1,281 state mining claims covering an area approximately 41,880 acres.

The permitted mine footprint is approximately 426 acres with 386 acres currently disturbed. An additional 440 acres of disturbance are associated with the Pogo access road (214 acres for public portion of the road, 221 acres for private portion of the road, and 5 acres for communication site access) and 651 acres with the Pogo transmission line.

The mine began operations in 2006. The mine utilizes a cut and fill drift method to mine sulfide ore hosted in a large quartz vein system, with low-grade gold present in quartz stockworks. The mine complex includes the mine; a surface mill; tailings preparation facilities, including cyanide detoxification and filtration to produce paste backfill for the underground mine workings and dewatered tailings directed to a surface dry-stack tailings facility; a water management system; two camps; and associated support facilities. The mill processes up to 146 tons of ore hourly, 3,500 tons of ore per day, and 1,277,500 tons of ore annually to produce approximately 380,000 to 400,000 ounces of gold annually. The milling operation includes grinding, gravity recovery, froth flotation of gold and sulfide minerals, and cyanide leaching of the flotation concentrate. The cyanide slurry is detoxified, and the residual cyanide-contacted material is contained underground in the paste backfill.

The Pogo Mine currently operates under Minor Permit No. AQ0406MSS07 and has potential emissions for criteria pollutants less than the thresholds for a Title V major source. However, the existing gold mine ore processing and production facility at the stationary source meets the applicability criteria for NESHAP Subpart EEEEEEE for an area source of HAP emissions. Per 40 C.F.R. 63.11640(d), the owner or operator of a source subject to Subpart EEEEEEE must obtain a Title V permit under 40 C.F.R. 70 or 40 C.F.R. 71.

EU ID 412 was retroactively defined as a new CISWI unit with the February 2013 publication of the final CISWI standards. Per 40 C.F.R. 60.2242, the owner or operator of a source subject to NSPS Subpart CCCC must obtain a Title V permit under 40 C.F.R. 70 or 40 C.F.R. 71.

Pursuant to 40 C.F.R. 71.3(c)(2), this Title V permit addresses only the requirements applicable to the emission units that cause the source to be subject to the Part 71 program. The affected emission units at the Pogo Mine are three electrowinning cells (EU IDs 1 – 3), one refinery

induction furnace (EU ID 5), one carbon regeneration kiln (EU ID 6), and one solid waste incinerator (EU ID 412).

The stationary source operates only carbon processes without mercury retorts and does not have any ore pretreatment processes, carbon processes with mercury retorts, or non-carbon concentrate processes.

EMISSIONS UNIT INVENTORY AND DESCRIPTION

Under 18 AAC 50.326(a), the Department requires operating permit applications to include identification of all emissions-related information, as described under 40 C.F.R. 71.5(c)(3).

The emissions units at the Pogo Mine that have specific monitoring, recordkeeping, and reporting (MR&R) requirements are listed in Table A of Operating Permit No. AQ0406TVP02.

Table A of Operating Permit No. AQ0406TVP02 contains information on the emissions units regulated by this permit as provided in the application. The table is provided for informational and identification purposes only. Specifically, the emissions unit rating/size provided in the table is not intended to create an enforceable limit.

Each of the emission units listed in Table A has potential emissions less than the significant emissions thresholds in 18 AAC 50.326(e). However, they are included in Table A because they are subject to the requirements of NSPS Subparts A and CCCC as well as NESHAP Subparts A and EEEEEEE.

EMISSIONS

A summary of the potential to emit (PTE)¹¹ and assessable PTE from the NESHAP Subpart EEEEEEE and NSPS Subpart CCCC affected emission units at the Pogo Mine as provided in Form D2 of the application is shown in Table D

Table D - Emissions Summary, in Tons Per Year from Units Related to Gold Production

Emissions	NOx	CO	PM _{2.5}	PM ₁₀	PM	SO ₂	VOC	HAPs	Total
PTE	1.70	0.04	0.44	0.44	0.44	0.83	1.60	0.25	4.86
Assessable	0	0	Included in PM		0	0	0	0	0

The PTE listed is the sum of the emissions of each individual regulated air pollutant from the NSPS and MACT-affected emission units. Emission estimates for all regulated pollutants under this operating permit are less than the 10 tons per year threshold listed for assessable emissions regulation under 18 AAC 50.410. Therefore, the Permittee is not subject to assessable emissions under the Title V operating permit program. The emissions listed in Table D are estimates and for informational use only.

¹¹ *Potential to Emit* or *PTE* means the maximum capacity of a stationary source to emit a pollutant under its physical or operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source, as defined in AS 46.14.990(22).

Pogo Mine activities covered under Minor Permit No. AQ0406MSS07 have PTE but are outside the scope of this application request. As the stationary source has an operating permit only because of the NSPS and MACT-specific requirements of the NSPS and MACT-affected emission units, the Department did not address PTE for criteria pollutants from these activities covered under Minor Permit No. AQ0406MSS07. The listing of the emissions does not create an enforceable limit to the stationary source.

For EU IDs 1 – 6, the NO_x, CO, PM₁₀, SO₂, and VOC PTE's are as provided in the Technical Analysis Report (TAR) for Minor Permit No. AQ0406MSS06 issued May 12, 2011. For mercury (HAP), the PTE for EU IDs 1-6 is calculated using the August 2013 source test result for mercury. For EU ID 412, the NO_x, CO, PM₁₀, SO₂, and mercury emissions are calculated using the December 2014 source test results. The rated capacity and the VOC emission factor from AP-42 Table 2.1-12 were used to calculate the potential VOC emissions.

BASIS FOR REQUIRING AN OPERATING PERMIT

In accordance with AS 46.14.130(b), an owner or operator of a Title V source¹² must obtain a Title V permit consistent with 40 C.F.R. Part 71, as adopted by reference in 18 AAC 50.040.

Except for sources exempted or deferred by AS 46.14.120(e) or (f), AS 46.14.130(b) lists the following categories of sources that require an operating permit:

- A major source;
- A stationary source, including an area source, subject to NSPS under Section 111 of the Clean Air Act or NESHAP under Section 112 of the Clean Air Act;
- Another stationary source designated by the Federal Administrator by regulation.

The Permittee is required to obtain an operating permit for the Pogo Mine as specified under 18 AAC 50.326(a) and 40 C.F.R. 71.3(a), because the stationary source is:

- A source, including an area source, subject to a standard, limitation or other requirement under Section 111 and 112 of the Act (NSPS and NESHAP) not exempted or deferred under AS 46.14.120(e) or (f).

AIR QUALITY PERMITS

Permits to Operate

No previous air quality control permit-to-operate exists for this stationary source.

Title I (Construction and Minor) Permits

The Department issued Construction Permit No. 406CP01 on January 30 2004, to authorize construction of the Pogo Mine and avoid classification as a project subject to pre-construction review under the Prevention of Significant Deterioration provisions of the Department's Air Permits Program.

The Department issued Minor Permit No. AQ0406MSS01 on April 21, 2005 with additional enforceable limits to enable the Pogo Mine to avoid triggering Title V major thresholds.

¹² *Title V source* means a stationary source classified as needing a permit under AS 46.14.130(b) [ref. 18 AAC 50.990(111)].

Northern Star (Pogo) LLC proposed to purchase power from Golden Valley Electric Association and provide back-up power during electric utility service disruption.

The Department issued Minor Permit No. AQ0406MSS02 on July 17, 2006 to authorize changes in emission units at the stationary source while continuing to enable the Pogo Mine to avoid triggering Title V major thresholds. This permit rescinded Construction Permit No. 406CP01 and Minor Permit No. AQ0406MSS01.

The Department issued Minor Permit No. AQ0406MSS03 on December 13, 2006 to rescind AQ0406MSS02 while continuing to enable the Pogo Mine to avoid triggering Title V major thresholds.

The Department issued Permit No. AQ0406MSS04 on March 15, 2010 to authorize a December 28, 2009 transfer of ownership from Teck-Pogo, Inc. to Sumitomo Metal Mining Pogo LLC, while continuing to enable the Pogo Mine to avoid triggering Title V major thresholds. This permit rescinded Permit No. AQ0406MSS03.

The Department issued Minor Permit No. AQ0406MSS05 on September 29, 2010 to authorize the addition of three new emission units at the stationary source while continuing to enable the Pogo Mine to avoid triggering Title V major thresholds. This permit rescinded Minor Permit No. AQ0406MSS04.

The Department issued Minor Permit No. AQ0406MSS06 on May 12, 2011 to authorize the addition of two new emission units at the stationary source while continuing to enable the Pogo Mine to avoid triggering Title V major thresholds. This permit rescinded Minor Permit No. AQ0406MSS05.

The Department issued Minor Permit No. AQ0406MSS07 on July 9, 2014 to authorize the installation of a new underground mine heater and two associated vaporizers while continuing to enable the Pogo Mine to avoid classification as a Title V major source. This permit rescinded Minor Permit No. AQ0406MSS06. Although Minor Permit No. AQ0406MSS07 is still in effect, it is not incorporated into this Title V permit. Pursuant to 40 C.F.R. 71.3(c)(2), the Title V permit addresses only the requirements applicable to the emission units that cause the source to be subject to the Part 71 program. The affected emission units at the Pogo Mine are three electrowinning cells, a refinery induction furnace, a carbon regeneration kiln, and a solid waste incinerator. Minor Permit AQ0406MSS07, Revision 1 updates the corporate name change of the minor the permit.

Title V Operating Permits

The owner or operator submitted a permit application for Operating Permit No. AQ0406TVP01 on December 16, 2011. The application was deemed timely and complete on February 16, 2012. The Department issued Permit No. AQ0406TVP01 on September 4, 2012.

AQ0406TVP01 Revision No. 1: The Permittee requested a minor operating permit modification on July 28, 2014 to include requirements of the Standards of Performance for CISWI Units (40 C.F.R. 60 Subpart CCCC) for EU ID 412. An addendum to the application was received on April 17, 2015 to correct information contained in the original submittal that was no longer applicable. A spreadsheet of revised emission calculations was provided on May 29, 2015. The Department established an operational limitation in Revision 1 to allow the Permittee's incinerator to be classified as small and remote. This allows the Permittee to avoid an applicable requirement of

more stringent emission limits under NSPS Subpart CCCC. Therefore the Department considered Revision 1 a significant modification.

AQ0406TVP01 Revision No. 2: The Permittee notified the Department on September 8, 2016 that the dates identified in Condition 47 for submittal of the renewal application were incorrect. The Department issued Revision 2 as an administrative amendment to correct the submittal dates.

AQ0406TVP02: The owner or operator submitted a complete permit application for renewal Operating Permit No. AQ0406TVP02 on March 2, 2017.

AQ0406TVP02 Revision No. 1: New Permittee, Northern Star (Pogo) LLC, notified the Department on October 1, 2018 that they acquired the Pogo Gold Mine from Sumitomo Metal Mining Pogo LLC and would like the corporate name change to be reflected in its minor and operating permit.

COMPLIANCE HISTORY

The stationary source has operated at its current location since construction was completed in February 2006. A review of the permit files for this stationary source for the MACT-affected facilities indicates a stationary source generally operating in compliance with its minor and operating permit as it pertains to the MACT-specific emission units.

An October 2014 source test for EU ID 412 reported an exceedance of the NSPS Subpart CCCC NOx emission standard for small, remote incinerators. Pogo completed additional source testing in June 2015. The Department completed review of the source test results on February 1, 2016 and determined EU ID 412 to be in compliance with the NSPS Subpart CCCC NOx emission standards.

On August 12, 2016, the Permittee submitted results of source tests performed on EU IDs 1 – 3, 5, and 6 to demonstrate compliance with the mercury emission limit in NESHAP Subpart EEEEEEE. The Department determined that the emissions units complied with the mercury emission standards.

APPLICABLE REQUIREMENTS FROM PRECONSTRUCTION PERMITS

Incorporated by reference at 18 AAC 50.326(j), 40 C.F.R. Part 71.2 defines “applicable requirement” to include the terms and conditions of any applicable preconstruction permit issued under rules approved in Alaska’s State Implementation Plan (SIP).

Alaska’s SIP includes the following types of preconstruction permits:

- Permit to Operate issued on or before January 17, 1997 (these permits cover both construction and operations);
- Construction permits issued on or after January 18, 1997; and
- Minor permits issued on or after October 1, 2004.

Preconstruction permit terms and conditions include both source-specific conditions and conditions derived from regulatory applicable requirements such as standard conditions,

generally applicable conditions, and conditions that quote or paraphrase requirements in regulation.

These requirements include each emissions unit- or source-specific requirement established in these permits issued under 18 AAC 50 that relate to NSPS Subpart CCCC and NESHAP Subpart EEEEEEE that are still in effect at the time of issuance of Operating Permit No. AQ0406TVP02. Table E lists the requirements carried from Permit No. AQ0406TVP01 Revision 2 into Permit No. AQ0406TVP02 to ensure compliance with the permit requirements.

Table E - Comparison of Operating Permit AQ0406TVP01 Revision 2 Conditions to Operating Permit No. AQ0406TVP02 Conditions¹

AQ0406TVP01 Rev 2 Condition	Description of Requirement	AQ0406TVP02 Condition No.	How Condition was Revised
Table A	Emission Unit Inventory	Table A	Deleted EU ID 4. Not subject to NESHAP Subpart EEEEEEE; does not emit anything
No equivalent	Bypass stack requirements	7.8.i and 7.8.j	Added omitted requirements
7.8.i	Fuel switching notice	7.8.k	Revised to match federal rule language
7.9	Maintaining records	7.9	Included 40 C.F.R. 60.2175(q) in list
8, 11	Compliance date	8, 10	Deleted 2/17/2014 compliance date
9	NESHAP applicability determination	19	Moved location; no change
15.1.a	Reporting period	14.1.a	Deleted obsolete first sentence
26	Open burning requirements	No equivalent	Deleted. Not applicable because this TV permit concerns only the gold producing units and the incinerator
Table C	Permit Shield	Table C	Deleted EU ID 4. Does not emit anything
Table C	Permit Shield	Table C	Deleted 40 C.F.R. 60.2145(v); 2175(q)
Table C	Permit Shield	Table C	Included 40 C.F.R. 60.2175(b)(3)

Note:

This table does not include all general conditions and conditions that did not change.

NON-APPLICABLE REQUIREMENTS

This section discusses requirements that are not included in the permit for specific reasons.

- MR&R requirements for 18 AAC 50.055(a), (b), and (c). The industrial processing emission units (EU IDs 1 – 6) have potential emissions less than the significant emissions thresholds listed under 18 AAC 50.326(e). No visible emissions or PM monitoring is required for these “insignificant” emission units, in accordance with Department Policy 04.02.103, Topic #3, dated June 21, 2012. EU IDs 1-6 are industrial processing equipment that use electricity as heat source. They do not emit sulfur compounds. The solid waste incinerator (EU ID 412) is rated at 340 lb/hr. For incinerators rated less than 1,000 lb/hr, the Permittee is not required to monitor PM because there is no standard set for such incinerators.
- Standard Permit Condition (SPC) I (Emission Fees). Potential emissions from the NSPS Subpart CCCC and NESHAP Subpart EEEEEEE affected emission units are less than the 10 ton per year assessable emission threshold.

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- SPCs II (Air Pollution Prohibited) and X (Reasonable Precaution to Prevent Fugitive Dust). These are stationary source-wide conditions already included in the stationary source's Minor Permit No. AQ0406MSS07 as Conditions 40 and 38, respectively.
 - SPC V (Insignificant Emission Units). This operating permit only includes the NSPS Subpart CCCC and NESHAP Subpart EEEEEEE requirements that cause the source to be subject to the Part 71 (Title V operating permit) program. None of the emission units that are affected by these subparts qualify as insignificant emission units.
 - SPC VI (Good Air Pollution Control Practice). All the emission units covered under this operating permit are already subject to NSPS Subpart A good air pollution control practices as provided in Condition 4 or NESHAP Subpart EEEEEEE good air pollution control practices as provided in Condition 9.1.
 - SPCs XV and XVI (Emission Inventory Reporting and Form). Potential emissions from the NSPS Subpart CCCC and NESHAP Subpart EEEEEEE affected emission units are less than the national emission inventory reporting thresholds.
 - 40 C.F.R. 64 Compliance Assurance Monitoring. Per 40 C.F.R. 64.2(a), the requirements of Compliance Assurance Monitoring apply to a pollutant-specific emissions unit at a major source. The Pogo Mine is not a major source and therefore no emission units are subject to this rule.

STATEMENT OF BASIS FOR THE PERMIT CONDITIONS

Each statement of basis should contain a discussion of all applicable requirements as set forth in 40 C.F.R. 71.11(b) adopted in 18 AAC 50.040(j). The Statement of Basis briefly describes the derivation of the conditions of the permit and the reasons for them. As required by 40 C.F.R. 71.6(a)(1)(i), the state and federal regulations for each permit condition are cited in the permit.

Conditions 1 through 6, NSPS Subpart A Requirements

Legal Basis: The Permittee must comply with applicable NSPS provisions¹³. NSPS requirements are included in the applicable requirement definition under 40 C.F.R. 71.2, which has been adopted by the Department under 18 AAC 50.040(j)(1).

Most affected facilities (with the exception of some storage tanks) subject to an NSPS are subject to Subpart A. At this stationary source, EU ID 412 is subject to NSPS Subpart CCCC and therefore subject to Subpart A.

Conditions 1.1 - 1.2 - The Permittee has already complied with the notification requirements in 40 C.F.R. 60.7 (a)(1) and (3) for EU ID 412. However, the Permittee is still subject to

¹³ EPA has not delegated to the Department the authority to administer the NSPS program as of the issue date of this permit

these requirements in the event of a new NSPS affected facility¹⁴ or in the event of a modification or reconstruction of an existing facility¹⁵ into an affected facility.

Condition 1.3 - The requirements to notify the EPA and the Department of any proposed replacement of components of an existing facility (40 C.F.R. 60.15) apply in the event that the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility.

Condition 2 – The requirements in 40 C.F.R. 60.7(b) to maintain start-up, shutdown, or malfunction records are applicable to EU ID 412.

Condition 3 - The Permittee has already complied with the initial performance test requirements in 40 C.F.R. 60.8 for EU ID 412. However, the Permittee is still subject to these requirements in the event of a new NSPS affected facility, in the event of a modification or reconstruction of an existing facility into an affected facility or at such other times as may be required by EPA.

Condition 4 - Good air pollution control practices in 40 C.F.R. 60.11 are applicable to EU ID 412.

Condition 5 - states that any credible evidence may be used to demonstrate compliance or to establish violations of relevant NSPS standards for EU ID 412.

Condition 6 - Concealment of emissions prohibitions in 40 C.F.R. 60.12 are applicable to EU ID 412.

Factual Basis: Subpart A contains general requirements applicable to EU ID 412. In general, the intent of NSPS is to provide technology-based emission control standards for new, modified and reconstructed affected facilities.

Condition 7, NSPS Subpart CCCC Requirements

Legal Basis: NSPS Subpart CCCC applies to new CISWI, as defined in 40 C.F.R. 60.2265. A CISWI is new if it is constructed after June 4, 2010. EU ID 412 is a new CISWI and therefore subject to this rule.

Factual Basis: Incinerators subject to this subpart must comply with requirements for:

- a siting analysis [60.2045, 60.2050],
- a waste management plan [60.2055 - 2065],
- operator training and qualification [60.2070 - 2100],
- emission limitations and operating limits [60.2105 - 2120 and Subpart CCCC, Table 8],
- performance testing [60.2125 - 2130 and Subpart CCCC, Table 8],
- initial compliance requirements [60.2135, 60.2140, 60.2141, 60.2125],

¹⁴ *Affected facility* means, with reference to a stationary source, any apparatus to which a standard applies, as defined in 40 C.F.R. 60.2.

¹⁵ *Existing facility* means, with reference to a stationary source, any apparatus of the type for which a standard is promulgated in this part, and the construction or modification of which was commenced before the date of proposal of that standard; or any apparatus which could be altered in such a way as to be of that type, as defined in 40 C.F.R. 60.2.

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- continuous compliance requirements [60.2145 - 2160],
 - monitoring [60.2165 - 2170],
 - recordkeeping and reporting [60.2175 - 2240],

The Permittee has already complied with the siting analysis, waste management plan and initial compliance requirements and has established operating limits for EU ID 412 and the wet scrubber. The remaining requirements are included under Condition 7.

The Permittee identified EU ID 412 as a small, remote incinerator. To meet the definition of small, remote incinerator in 40 C.F.R. 60.2265, it must combust 3 tons per day or less of solid waste and be located more than 25 miles driving distance to the nearest municipal solid waste landfill. Because EU ID 412 is rated to combust a maximum of 340 pounds/hour (4 tons/day), the Department has included requirements for the operator to report the daily quantity of waste combusted [Condition 7.11]. Under 40 C.F.R. 71.6(a)(1), the conditions of the permit must include “...those operational requirements and limitations that ensure compliance with all applicable requirements...”. Because EU ID 412 can only comply with the definition of a small remote incinerator by limiting the amount of waste combusted, the Department believes a requirement to limit the amount of waste combusted is an operational limitation that ensures compliance with CCCC and can therefore be established directly in the Title V permit. The Pogo Mine is also more than 25 miles from a municipal landfill, so the emission limitations in Table 8 to NSPS Subpart CCCC are appropriate.

Condition 8, NESHAP Subpart A Requirements

Legal Basis: Most sources subject to a NESHAP requirement are subject to Subpart A. This stationary source is subject to NESHAP Subpart EEEEEEE and therefore is subject to the general provisions of Subpart A as specified in the provisions for applicability of Subpart A in the corresponding NESHAP subpart (Table 1 to Subpart EEEEEEE).

Factual Basis: Subpart A contains the general requirements applicable to all affected facilities (sources) subject to NESHAPs. In general, the intent of NESHAPs is to regulate specific categories of stationary sources that emit or have the potential to emit one or more HAPs. Condition 8 requires compliance with the applicable provisions of Table 1 to Subpart EEEEEEE, which address the portions of 40 C.F.R. 63 Subpart A that could apply to emission units affected by Subpart EEEEEEE.

Conditions 9 - 14, NESHAP Subpart EEEEEEE Requirements

Legal Basis: NESHAP Subpart EEEEEEE took effect on February 17, 2011. The subpart applies to owners and operators of Gold Mine Ore Processing and Production facilities as defined in 40 C.F.R. 63.11651 located at, or are part of, an area source of HAP emissions. The Pogo Mine is an area source that operates carbon processes without mercury retorts at a gold mine ore processing and production facility, EU IDs 1 – 3, 5 and 6, subject to the provisions of NESHAP Subpart EEEEEEE. The affected source is “existing” since construction or reconstruction commenced on or before April 28, 2010.

Factual Basis: Conditions 9 through 14 include all applicable requirements for carbon processes without mercury retorts at a gold mine ore processing and production facility. EU IDs 1 – 3, 5 and 6 are subject to the applicable standard for mercury emissions and the

associated MR&R requirements. Compliance with the emission limit is monitored by annual source testing and emissions calculations. Applicable notifications, recordkeeping, and reporting requirements are as provided in Conditions 12 through 14. The Department added the reporting requirements in Condition 14.5 to gap-fill the excess emissions and permit deviation reports required in a Title V operating permit.

Condition 15, Asbestos NESHAP

Legal Basis: The requirements of 40 C.F.R. 61 are applicable requirements for Title V permitting purposes, as stated in Item 4 of the “applicable requirement” definition under 40 C.F.R. 71.2. The condition requires the Permittee to comply with asbestos demolition or renovation requirements in 40 C.F.R. 61, Subpart M, as adopted by reference under 18 AAC 50.040(b)(2)(F). The asbestos demolition and renovation requirements apply if the Permittee engages in asbestos demolition or renovation.

Factual Basis: Because these regulations include adequate monitoring and reporting requirements and because the Permittee is not currently engaged in such activity, simply citing the regulatory requirements is sufficient to ensure compliance with these federal regulations.

Conditions 16 through 18, Protection of Stratospheric Ozone, 40 C.F.R. 82

Legal Basis: The requirements of 40 C.F.R. 82 are applicable requirements for Title V permitting purposes, as stated in item 12 of the “applicable requirement” definition under 40 C.F.R. 71.2. Condition 16 requires compliance with the applicable requirements in 40 C.F.R. 82, as adopted by reference under 18 AAC 50.040(d). The requirements apply if the Permittee engages in the recycling or disposal of certain refrigerants. The condition requires the Permittee to comply with the standards for recycling and emission reduction of refrigerants in 40 C.F.R. 82, Subpart F.

Conditions 17 and 18 also require compliance with the applicable requirement adopted under 18 AAC 50.040(d). Condition 17 prohibitions apply to all stationary sources that use substitutes for ozone-depleting compounds. Condition 18 prohibitions apply to all stationary sources that use halon for extinguishing fires and inert gas to reduce explosion risk. These conditions prohibit the Permittee from causing or allowing violations of these requirements. The Pogo Mine uses halon and is therefore subject to the federal regulations contained in 40 C.F.R. 82.

Factual Basis: Because these regulations include adequate monitoring and reporting requirements and because the Permittee is not currently engaged in such activity, simply citing the regulatory requirements is sufficient to ensure compliance with this federal regulation. These conditions also incorporate applicable 40 C.F.R. 82 requirements.

Condition 19, NESHAPs Applicability Determinations

Legal Basis: This condition requires the Permittee to determine rule applicability of NESHAPs, and requires record keeping for those determinations if required by the source classification.

Factual Basis: The Permittee has conducted an analysis of the stationary source and determined that it is not a major HAPs stationary source based on emissions. This condition

requires the Permittee to notify the Department and Administrator if the stationary source becomes an affected source subject to a standard promulgated by EPA under 40 C.F.R. 63 and to keep records of applicability determinations and make those records available to the Department.

Condition 20, NSPS and NESHAP Reports

Legal Basis: The Permittee is required to provide the Federal Administrator and Department a copy of each emissions unit report for units subject to NSPS or NESHAP federal regulations under 18 AAC 50.326(j)(4). 40 C.F.R. 70 Appendix A documents that EPA fully approved the Alaska operating permit program effective November 30, 2001.

Factual Basis: The condition supplements the specific reporting requirements in 40 C.F.R. 60, 40 C.F.R. 61, and 40 C.F.R. 63. The reports themselves provide monitoring for compliance with this condition.

Conditions 21 through 23, Standard Terms and Conditions

Legal Basis: These are standard conditions required for all operating permits under 18 AAC 50.345(a) and (e)-(g). As stated in 18 AAC 50.326(j)(3), the standard permit conditions of 18 AAC 50.345 replace the provisions of 40 C.F.R. 71.6(a)(5) – (7).

Factual Basis: These are standard conditions that apply to all permits.

Condition 24, Administration Fees

Legal Basis: This condition requires compliance with the applicable fee requirements in 18 AAC 50.400-403. Paying administration fees is required as part of obtaining and holding a permit with the Department or as a fee for a Department action. As stated in 18 AAC 50.326(j)(1), the provisions of 18 AAC 50.400 through 50.430 are applicable and 40 C.F.R. 71.9 is not applicable.

Factual Basis: The regulations in 18 AAC 50.400-403 specify the amount, payment period, and the frequency of fees applicable to a permit action.

Condition 25, Dilution

Legal Basis: 18 AAC 50.045 is included in the SIP approved by EPA. It is therefore an applicable requirement, per 40 C.F.R. 71.2. This condition reiterates 18 AAC 50.045(a), which prohibits the Permittee from using dilution as an emission control strategy.

Factual Basis: The condition prohibits the Permittee from diluting emissions as a means of compliance with any standard in 18 AAC 50.

Condition 26, Stack Injection

Legal Basis: 18 AAC 50.055 is included in the SIP approved by EPA. It is therefore an applicable requirement per 40 C.F.R. 71.2.

This condition requires compliance with the applicable requirement in 18 AAC 50.055(g). It prohibits the Permittee from releasing materials other than process emissions, products of combustion, or materials introduced to control pollutant emissions from a stack (i.e. disposing of material by injecting it into a stack). Stack injection requirements apply to

stacks of emissions units at a stationary source constructed or modified after November 1, 1982.

Factual Basis: No specific monitoring for this condition is practical. Compliance is ensured by inspections, because the unit or stack would need to be modified to accommodate stack injection.

Condition 27, Technology-Based Emission Standard

Legal Basis: The Permittee is required to take reasonable steps to minimize emissions if certain activities cause an exceedance of any technology-based emission standard in this permit. This condition requires compliance with the requirement in 18 AAC 50.235. Technology-Based Emission Standard requirements apply because the stationary source contains equipment subject to a technology-based emission standard, such as BACT, MACT, LAER, NSPS or any other similar standard for which the stringency of the standard is based on determinations of what is technologically feasible, considering relevant factors.

Factual Basis: The conditions of this permit list applicable technology-based emission standards and require excess emission reporting for each standard in accordance with Condition 40. Excess emission reporting under Condition 40 requires information on the steps taken to minimize emissions. Monitoring of compliance for this condition consists of the report required under Condition 40.

Condition 28, Requested Source Tests

Legal Basis: The Permittee is required to conduct source tests as requested by the Department. This requirement is under 18 AAC 50.220(a) and 50.345(k), which are included in the SIP approved by EPA.

Factual Basis: This condition applies because this is a standard condition to be included in all operating permits, as specified in 18 AAC 50.345(a). Compliance is demonstrated through the submission of the required source test plan and report.

Conditions 29 through 31, Operating Conditions, Reference Test Methods, Excess Air Requirements

Legal Basis: Conditions 29 and 31 require compliance with the applicable requirements in 18 AAC 50.220(b) and (c)(3), which are included in the SIP approved by EPA. Condition 30 specifies source test methods, as required by 40 C.F.R. 71.6(a)(3)(i) and 71.6(c)(1). These requirements apply because the Permittee is required by the permit to conduct source tests or a source test may be requested by the Department. The Permittee is required to conduct source tests in the manner set out in Conditions 29 through 31.

Factual Basis: These conditions supplement the specific monitoring requirements stated elsewhere in this permit.

Conditions 32 through 35, Test Deadline Extension, Test Plans, Notifications and Reports

Legal Basis: Conditions 33 through 35 require compliance with the applicable requirements in 18 AAC 50.345(m) through (o), which are included in the SIP approved by EPA. Condition 32 contains the requirement in 18 AAC 50.345(l). The requirements in 18 AAC 50.345(l) through (o) constitute standard conditions that must be included in each

operating permit, as specified in 18 AAC 345(a). These requirements apply because the Permittee is required to conduct source tests as set out by this permit or as requested by the Department.

Factual Basis: These standard conditions supplement specific monitoring requirements stated elsewhere in this permit.

Condition 36, Recordkeeping Requirements

Legal Basis: This condition requires the Permittee to keep records in accordance with 40 C.F.R. 71.6(a)(3)(ii), which the Department adopted by reference under 18 AAC 50.040(j)(4).

Factual Basis: The condition restates the regulatory requirements for recordkeeping, and supplements the recordkeeping defined for specific conditions in the permit. The records being kept provide evidence of compliance with this requirement.

Condition 37, Certification

Legal Basis: All operating permits must contain a requirement to certify any permit application, report, affirmation, or compliance certification, per 18 AAC 50.345(j) and with the certification requirement in 18 AAC 50.205. Both requirements are part of the SIP approved by EPA.

Factual Basis: The requirement in 18 AAC 50.345(j) is a standard condition that must be included in each operating permit, as specified in 18 AAC 50.345(a). This condition requires the Permittee to certify any permit application, report, affirmation, or compliance certification submitted to the Department. To ease the certification burden on the Permittee, the condition allows the excess emission reports to be certified with the operating report, even though it must still be submitted more frequently than the stationary source operating report. This condition supplements the reporting requirements of this permit.

Condition 38, Submittals

Legal Basis: This condition requires the Permittee to comply with the standardized reporting requirements in 18 AAC 50.326(j) and applies because the Permittee is required to send reports to the Department.

Factual Basis: This condition lists the Department's appropriate address for reports and written notices. The Permittee is required to submit reports, compliance certifications, and other submittals required by this permit, either electronically or by hard copy. This condition supplements the standard reporting and notification requirements of this permit.

Condition 39, Information Requests

Legal Basis: All operating permits must include a condition that requires the Permittee to furnish certain information upon request, per 18 AAC 50.345(i). The requirement is part of the SIP approved by EPA.

Factual Basis: The requirement in 18 AAC 50.345(i) is a standard condition that must be included in each operating permit, as specified in 18 AAC 345(a). This condition requires the Permittee to submit information requested by the Department.

Condition 40, Excess Emission and Permit Deviation Reports

Legal Basis: This condition requires the Permittee to comply with the requirements in 18 AAC 50.235(a)(2) and 18 AAC 50.240(c). The condition specifies reporting requirements as required by 40 C.F.R. 71.6(a)(3)(iii) and 71.6(c)(1). Also, the Permittee is required to notify the Department when emissions or operations deviate from the requirements of the permit.

Factual Basis: This condition satisfies two state regulations related to excess emissions - the technology-based emission standard regulation and the excess emission regulation. Although there are some differences between the regulations, the condition satisfies the requirements of each regulation.

The Department used the language in Standard Permit Condition III for the permit condition. The Department used the notification form in Standard Permit Condition IV for the notification requirements.

Condition 41, Operating Reports

Legal Basis: This condition requires compliance with the applicable requirement in 18 AAC 50.346(b)(6). The condition specifies reporting requirements as required by 40 C.F.R. 71.6(a)(3)(iii)(A) and 71.6(c)(1).

Factual Basis: The Department used the language in Standard Permit Condition VII for the permit condition. The condition restates the requirements for reports listed in regulation. The condition supplements the specific reporting requirements elsewhere in the permit. The reports themselves provide monitoring for compliance with this condition.

The condition is SPC VII as adopted into regulation pursuant to AS 46.14.010(e).

For renewal permits, the condition specifies that for the transition periods between an expiring permit and a renewal permit, the Permittee shall ensure that there is date-to-date continuity between the expired permit and the renewal permit such that the Permittee reports against the permit terms and conditions of the permit that was in effect during those partial date periods of the transition. No format is specified. The Permittee may provide one report accounting for each permit term or condition and the effective permit at that time. Alternatively, the Permittee may choose to provide two reports – one accounting for reporting elements of permit terms and conditions from the end date of the previous operating report until the date of expiration of the old permit, and a second operating report accounting for reporting elements of terms and conditions in effect from the effective date of the renewal permit until the end of the reporting period.

Condition 42, Annual Compliance Certification

Legal Basis: This condition requires compliance with the requirements in 40 C.F.R. 71.6(c)(5), which the Department adopted by reference under 18 AAC 50.040(j).

Factual Basis: This condition specifies the periodic compliance certification requirements, and specifies a due date for the annual compliance certification.

Condition 42.2 provides clarification of transition periods between an expiring permit and a renewal permit to ensure that the Permittee certifies compliance with the permit terms and

conditions of the permit that was in effect during those partial date periods involved in the transition. No format is specified: the Permittee may provide one report certifying compliance with each permit term or condition for each of the effective permits during the certification period, or may choose to provide two reports – one certifying compliance with permit terms and conditions from January 1 until the date of expiration of the old permit, and a second report certifying compliance with terms and conditions in effect from the effective date of the renewal permit until December 31.

The Permittee is required to submit to the Department an annual compliance certification report. The Permittee may submit the required report electronically at their discretion.

Condition 43, Permit Applications and Submittals

Legal Basis: 40 C.F.R. 71.10(d)(1), adopted by the Department under 18 AAC 50.040(j)(7), requires submission of a copy of each permit application to EPA.

Factual Basis: With one minor exception, the Department used the language in SPC XIV for the permit. SPC XIV directs the applicant to send copies of all application materials required to be submitted to the Department directly to the EPA, in electronic format, if practicable. This condition shifts the burden of compliance from the Department to ensure that copies of application materials are submitted to EPA by transferring that responsibility to the Permittee. The Department revised the standard condition language to provide the current address provided by EPA.

Conditions 44 - 46, Permit Changes and Revisions Requirements

Legal Basis: 40 C.F.R. 71.6(a)(8), (12), and (13) incorporated by reference under 18 AAC 50.040(j) require that these provisions be included in operating permits.

Factual Basis: 40 C.F.R. 71.6(a)(12) and (13) specify changes that may be made without a permit revision, and 40 C.F.R. 71.6(a)(8) states permit revisions are not required for some emissions trading and similar programs.

The Permittee did not request trading of emission increases and decreases as described in 40 C.F.R. 71.6(a)(13)(iii).

Condition 47, Permit Renewal

Legal Basis: The Permittee must submit a timely and complete operating permit renewal application if the Permittee intends to continue source operations in accordance with the operating permit program. The obligations for a timely and complete operating permit application are in 40 C.F.R. 71.5(a) – (c), adopted by reference in 18 AAC 50.040(j)(3), and 18 AAC 50.326(c).

Factual Basis: In accordance with AS 46.14.230(a), this operating permit is issued for a fixed term of five years after the date of issuance, unless a shorter term is requested by the permit applicant. The Permittee is required to submit an application for permit renewal by the specific dates applicable to the stationary source as listed in this condition. As stated in 40 C.F.R. 71.5(a)(1)(iii), submission for a permit renewal application is considered timely if it is submitted at least six months but no more than eighteen months prior to expiration of the operating permit. According to 40 C.F.R. 71.5(a)(2), a complete renewal application is one that provides all information required pursuant to 40 C.F.R. 71.5(c) and remits payment

of fees owed under the fee schedule established pursuant to 18 AAC 50.400. 40 C.F.R. 71.7(b) states that if a source submits a timely and complete application for permit issuance (including renewal), the source’s failure to have a permit is not a violation until the permitting authority takes final action on the permit application.

Therefore, as long as an application has been submitted within the timeframe specified under 40 C.F.R. 71.5(a)(1)(iii), and is complete before the expiration date of the existing permit, then the expiration of the existing permit is extended and the Permittee has the right to operate under that permit until the effective date of the new permit. However, this protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit by the deadline specified in writing by the Department any additional information needed to process the application.

Conditions 48 through 53, General Compliance Requirements and Schedule

Legal Basis: These conditions require compliance with the applicable requirements in 18 AAC 50.345(b) through (d) and (h) and 40 C.F.R. 71.6(c)(3). As stated in 18 AAC 50.345(a), the requirements in 18 AAC 50.345(b) through (d) and (h) are standard conditions that must be included in all operating permits issued by the Department.

Factual Basis: These are standard conditions for compliance required for all operating permits.

Conditions 54 and 55, Permit Shield

Legal Basis: These conditions require compliance with the requirements in 40 C.F.R. 71.6(f), which the Department has adopted by reference under 18 AAC 50.040(j)(4). These requirements apply because the Permittee has requested that the Department shield the stationary source from specific non-applicable requirements listed under this condition.

Factual Basis: Table C of Operating Permit No. AQ0406TVP02 shows the permit shield that the Department granted to the Permittee. The permit conditions set forth the requirements that the Department determined were not applicable to the stationary source.

Table F describes permit application shield requests that have been denied and the Department’s rationale for the decision.

Table F - Permit Shields Denied

Shield Requested for:	Reason for Shield Request:	Reason for Denial
40 C.F.R. 60.2145(a)	Incinerator functions only as a waste incinerator (no waste-to-fuel or fuel-to-waste unitization); incinerator is not an energy-recovery unit or a kiln.	Compliance with standards, including emission standards and operating requirements, apply at all times to emission units subject to Subpart CCCC.
40 C.F.R. 60.2145(e)	Incinerator functions only as a waste incinerator (no waste-to-fuel or fuel-to-waste unitization); incinerator is not an energy-recovery unit or a kiln.	For incinerators and small remote units, an annual visual emissions test for ash handling is required.