INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • Fax (317) 233-6647 • www.idem.IN.gov

**Mike Braun**
*Governor*

**Clint Woods**
*Commissioner*

| | |
|---|---|
| To: | Interested Parties |
| Date: | September 25, 2026 |
| From: | Jenny Acker, Chief<br>Permits Branch<br>Office of Air Quality |
| Source Name: | Orla LLC |
| Permit Level: | TV New Source Construction (Minor PSD/EO) |
| Permit Number: | 011-50034-00093 |
| Source Location: | 3062 W SR 32, Lebanon, IN 46052 |
| Type of Action Taken: | Initial Permit |

# Notice of Decision: Approval - Effective Immediately

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the matter referenced above.

The final decision is available on the IDEM website at: https://www.in.gov/apps/idem/caats/. To view the document, choose Search Option by **Permit Number**, then enter permit 50034

The final decision is also available via IDEM's Virtual File Cabinet (VFC) located at https://www.in.gov/idem/legal/public-records/virtual-file-cabinet/. Click on the Virtual File Cabinet button. Click on the "Search" dropdown menu in the upper left corner and select "OAQ Permit" from the list of options. Select "Public" in the "Security group" dropdown menu. Type the five-digit permit number 50034 in the Permit # search field, select "Final" in the "Permit Type" dropdown menu, then click the search button at the top or bottom of the webpage. The search will return the final issued permit and any applicable mailing list.

If you would like to request a paper copy of the permit document, please contact IDEM's Office of Records Management:

IDEM - Office of Records Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204-2251
Phone: (317) 232-8667
Fax: (317) 233-6647
Email: IDEMFILEROOM@idem.in.gov

Pursuant to IC 13-15-5-3, this permit is effective immediately, unless a petition for stay of effectiveness is filed and granted according to IC 13-15-6-3, and may be revoked or modified in accordance with the provisions of IC 13-15-7-1.

If you wish to challenge this decision, IC 4-21.5-3-7 and IC 13-15-6-1(b) or IC 13-15-6-1(a) require that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Indiana Office of Administrative Law Proceedings, 100 N. Senate Avenue Suite N802, Indianapolis, IN 46204.

For an **initial Title V Operating Permit**, a petition for administrative review must be submitted to the Office of Administrative Law Proceedings (OALP) within **thirty (30)** days from the receipt of this notice provided under IC 13-15-5-3, pursuant to IC 13-15-6-1(b).

For a **Title V Operating Permit renewal**, a petition for administrative review must be submitted to the Office of Administrative Law Proceedings (OALP) within **fifteen (15)** days from the receipt of this notice provided under IC 13-15-5-3, pursuant to IC 13-15-6-1(a).

The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

(1) the date the document is delivered to the Indiana Office of Administrative Law Proceedings (OALP); or
(2) the date of the postmark on the envelope containing the document, if the document is mailed to OALP by U.S. mail; or
(3) The date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OALP by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

(1) the name and address of the person making the request;
(2) the interest of the person making the request;
(3) identification of any persons represented by the person making the request;
(4) the reasons, with particularity, for the request;
(5) the issues, with particularity, proposed for considerations at any hearing; and
(6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

Pursuant to 326 IAC 2-7-18(d), any person may petition the U.S. EPA to object to the issuance of an initial Title V operating permit, permit renewal, or permit modification within sixty (60) days of the end of the forty-five (45) day EPA review period. Such an objection must be based only on issues that were raised with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impractible to raise such issues, or if the grounds for such objection arose after the comment period.

The EPA requests that you file title V petitions electronically through the Central Data Exchange. To do so, please go to: https://cdx.epa.gov/ .

EPA 45 Day Review Concurrent Review Start Date: June 30, 2026
EPA 45 Day Review Concurrent End Date: August 14, 2026

EPA 45 Day Review Sequential Review Start Date: September 22, 2026
EPA 45 Day Review Sequential End Date: September 24, 2026

If you tried but you are unable to use the Central Data Exchange to file your petition, the EPA requests that you send your petition and associated attachments via email to: titleVpetitions@epa.gov.

If you have made every effort to electronically submit your petition but are simply unable to successfully do so, please submit a hardcopy of your petition to the following address:

US EPA
Office of Air Quality Planning and Standards
Air Quality Policy Division
Operating Permits Group Leader
109 T.W. Alexander Dr. (C-504-01)
Research Triangle Park, NC 27711

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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**Mike Braun**
*Governor*

**Clint Woods**
*Commissioner*

# New Source Construction and Part 70 Operating Permit

# OFFICE OF AIR QUALITY

## Orla, LLC
## 3062 West SR 32
## Lebanon, Indiana 46052

(herein known as the Permittee) is hereby authorized to construct and operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this permit.

**The Permittee must comply with all conditions of this permit. Noncompliance with any provisions of this permit is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Noncompliance with any provision of this permit, except any provision specifically designated as not federally enforceable, constitutes a violation of the Clean Air Act. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.**

This permit is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-7 as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15 and IC 13-17.

| | |
|---|---|
| Operation Permit No.: T 011-50034-00093<br>Master Agency Interest ID: 136155 | |
| Issued by:<br><br>Madhuvina Das for<br>Heath Hartley, Section Chief<br>Permits Branch<br>Office of Air Quality | Issuance Date: September 25, 2026<br><br>Expiration Date: September 25, 2031 |

Visit **on.IN.gov/survey** or scan the QR code to provide feedback.

*We appreciate your input!*

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## SECTION A SOURCE SUMMARY

This permit is based on information requested by the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ). The information describing the source contained in conditions A.1 through A.4 is descriptive information and does not constitute enforceable conditions. However, the Permittee should be aware that a physical change or a change in the method of operation that may render this descriptive information obsolete or inaccurate may trigger requirements for the Permittee to obtain additional permits or seek modification of this permit pursuant to 326 IAC 2, or change other applicable requirements presented in the permit application.

### A.1 General Information [326 IAC 2-7-4(c)][326 IAC 2-7-5(14)][326 IAC 2-7-1(20)]

The Permittee owns and operates a stationary data center.

| | |
|---|---|
| Source Address: | 3062 West SR 32, Lebanon, Indiana 46052 |
| General Source Phone Number: | (302) 421-6523 |
| SIC Code: | 7374 (Computer Processing, Data Preparation, and Processing Services) |
| County Location: | Boone |
| Source Location Status: | Attainment for all criteria pollutants |
| Source Status: | Part 70 Operating Permit Program<br>Minor Source, under PSD Rules<br>Major Source, Section 112 of the Clean Air Act<br>Not 1 of 28 Source Categories |

### A.2 Part 70 Source Definition [326 IAC 2-7-1(22)]

The source consists of two (2) plants:

(a) Orla, LLC (011-00093), 3062 West SR 32, Lebanon, IN 46052 - This source owns and operates a stationary Data Center.

(b) Life Cycle Power (011-00094), 3602 West SR 32, Lebanon, IN 46052 - This source is a stationary greenfield power generating facility.

IDEM has determined that Orla, LLC and Life Cycle Power are considered one source because they are located on the same property, are under common control, and have a support facility relationship.

A separate Part 70 permit has been issued to Life Cycle Power, solely for administrative purposes.

### A.3 Emission Units and Pollution Control Equipment Summary [326 IAC 2-7-4(c)(3)][326 IAC 2-7-5(14)]

This stationary source consists of the following emission units and pollution control devices:

(a) Twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, approved in 2026 for construction, each with a rated maximum capacity of 4,376 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency generators are affected sources. Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency generators are affected sources.

### A.4 Insignificant Activities [326 IAC 2-7-1(19)][326 IAC 2-7-4(c)][326 IAC 2-7-5(14)]

This stationary source also includes the following insignificant activities, as defined in 326 IAC 2-7-1(19):

(a) Two (2) diesel-fired emergency fire pumps, identified as DFP-1 and DFP-2, approved in 2026 for construction, each with a rated maximum capacity of 224 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency fire pumps are affected sources. Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency fire pumps are affected sources.

(b) Twelve (12) diesel belly tanks, identified as DBT-1 through DBT-12, approved in 2026 for construction, each with a maximum capacity of 7,185 gallons, and exhausting outdoors.

(c) Paved roads

## A.5 Part 70 Permit Applicability [326 IAC 2-7-2]

This stationary source is required to have a Part 70 permit by 326 IAC 2-7-2 (Applicability) because:

(a) It is a major source, as defined in 326 IAC 2-7-1(20);

(b) It is a source in a source category designated by the United States Environmental Protection Agency (U.S. EPA) under 40 CFR 70.3 (Part 70 - Applicability).

## SECTION B GENERAL CONDITIONS

B.1 Definitions [326 IAC 2-7-1]

Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, the applicable definitions found in the statutes or regulations (IC 13-11, 326 IAC 1-2 and 326 IAC 2-7) shall prevail.

B.2 Revocation of Permits [326 IAC 2-1.1-9(5)]

Pursuant to 326 IAC 2-1.1-9(5)(Revocation of Permits), the Commissioner may revoke this permit if construction is not commenced within eighteen (18) months after receipt of this approval or if construction is suspended for a continuous period of one (1) year or more.

B.3 Affidavit of Construction [326 IAC 2-5.1-3(h)] [326 IAC 2-5.1-4]

This document shall also become the approval to operate pursuant to 326 IAC 2-5.1-4 when prior to the start of operation, the following requirements are met:

(a) The attached Affidavit of Construction shall be submitted to the Office of Air Quality (OAQ), verifying that the emission units were constructed as proposed in the application or the permit. The emission units covered in this permit may begin operating on the date the Affidavit of Construction is postmarked or hand delivered to IDEM if constructed as proposed.

(b) If actual construction of the emission units differs from the construction proposed in the application, the source may not begin operation until the permit has been revised pursuant to 326 IAC 2 and an Operation Permit Validation Letter is issued.

(c) The Permittee shall attach the Operation Permit Validation Letter received from the Office of Air Quality (OAQ) to this permit.

B.4 Permit Term [326 IAC 2-7-5(2)][326 IAC 2-1.1-9.5][326 IAC 2-7-4(a)(1)(D)][IC 13-15-3-6(a)]

(a) This permit, T 011-50034-00093, is issued for a fixed term of five (5) years from the issuance date of this permit, as determined in accordance with IC 4-21.5-3-5(f) and IC 13-15-5-3. Subsequent revisions, modifications, or amendments of this permit do not affect the expiration date of this permit.

(b) If IDEM, OAQ, upon receiving a timely and complete renewal permit application, fails to issue or deny the permit renewal prior to the expiration date of this permit, this existing permit shall not expire and all terms and conditions shall continue in effect, including any permit shield provided in 326 IAC 2-7-15, until the renewal permit has been issued or denied.

B.5 Term of Conditions [326 IAC 2-1.1-9.5]

Notwithstanding the permit term of a permit to construct, a permit to operate, or a permit modification, any condition established in a permit issued pursuant to a permitting program approved in the state implementation plan shall remain in effect until:

(a) the condition is modified in a subsequent permit action pursuant to Title I of the Clean Air Act; or

(b) the emission unit to which the condition pertains permanently ceases operation.

B.6 Enforceability [326 IAC 2-7-7] [IC 13-17-12]

Unless otherwise stated, all terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM, the United States Environmental Protection Agency (U.S. EPA) and by citizens in accordance with the Clean Air Act.

B.7 Severability [326 IAC 2-7-5(5)]

The provisions of this permit are severable; a determination that any portion of this permit is invalid shall not affect the validity of the remainder of the permit.

B.8 Property Rights or Exclusive Privilege [326 IAC 2-7-5(6)(D)]

This permit does not convey any property rights of any sort or any exclusive privilege.

B.9 Duty to Provide Information [326 IAC 2-7-5(6)(E)]

(a) The Permittee shall furnish to IDEM, OAQ, within a reasonable time, any information that IDEM, OAQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. Upon request, the Permittee shall also furnish to IDEM, OAQ copies of records required to be kept by this permit.

(b) For information furnished by the Permittee to IDEM, OAQ, the Permittee may include a claim of confidentiality in accordance with 326 IAC 17.1. When furnishing copies of requested records directly to U. S. EPA, the Permittee may assert a claim of confidentiality in accordance with 40 CFR 2, Subpart B.

B.10 Certification [326 IAC 2-7-4(f)][326 IAC 2-7-6(1)][326 IAC 2-7-5(3)(C)]

(a) A certification required by this permit meets the requirements of 326 IAC 2-7-6(1) if:

(1) it contains a certification by a "responsible official" as defined by 326 IAC 2-7-1(33), and

(2) the certification states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(b) The Permittee may use the attached Certification Form, or its equivalent with each submittal requiring certification. One (1) certification may cover multiple forms in one (1) submittal.

(c) A "responsible official" is defined at 326 IAC 2-7-1(33).

B.11 Annual Compliance Certification [326 IAC 2-7-6(5)]

(a) The Permittee shall annually submit a compliance certification report which addresses the status of the source’s compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. The initial certification shall cover the time period from the date of final permit issuance through December 31 of the same year. All subsequent certifications shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted no later than July 1 of each year to:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, Indiana 46204-2251

and

United States Environmental Protection Agency, Region 5
Air and Radiation Division, Air Enforcement Branch - Indiana (AE-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

(b) The annual compliance certification report required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.

(c) The annual compliance certification report shall include the following:

(1) The appropriate identification of each term or condition of this permit that is the basis of the certification;

(2) The compliance status;

(3) Whether compliance was continuous or intermittent;

(4) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-7-5(3); and

(5) Such other facts, as specified in Sections D of this permit, as IDEM, OAQ may require to determine the compliance status of the source.

The submittal by the Permittee does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(33).

B.12 Preventive Maintenance Plan [326 IAC 2-7-5(12)][326 IAC 1-6-3]

(a) If required by specific condition(s) in Section D of this permit, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMPs) no later than ninety (90) days after issuance of this permit or ninety (90) days after initial start-up, whichever is later, including the following information on each facility:

(1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;

(2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and

(3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

If, due to circumstances beyond the Permittee’s control, the PMPs cannot be prepared and maintained within the above time frame, the Permittee may extend the date an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, Indiana 46204-2251

The PMP extension notification does not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(33).

The Permittee shall implement the PMPs.

(b) A copy of the PMPs shall be submitted to IDEM, OAQ upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ. IDEM, OAQ may require the Permittee to revise its PMPs whenever lack of proper maintenance causes or is the primary contributor to an exceedance of any limitation on emissions. The PMPs and their submittal do not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(33).

(c) To the extent the Permittee is required by 40 CFR Part 60/63 to have an Operation Maintenance, and Monitoring (OMM) Plan for a unit, such Plan is deemed to satisfy the PMP requirements of 326 IAC 1-6-3 for that unit.

B.13 Permit Shield [326 IAC 2-7-15][326 IAC 2-7-20][326 IAC 2-7-12]

(a) Pursuant to 326 IAC 2-7-15, the Permittee has been granted a permit shield. The permit shield provides that compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that either the applicable requirements are included and specifically identified in this permit or the permit contains an explicit determination or concise summary of a determination that other specifically identified requirements are not applicable. The Indiana statutes from IC 13 and rules from 326 IAC, referenced in conditions in this permit, are those applicable at the time the permit was issued. The issuance or possession of this permit shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except for the requirement to obtain a Part 70 permit under 326 IAC 2-7 or for applicable requirements for which a permit shield has been granted.

This permit shield does not extend to applicable requirements which are promulgated after the date of issuance of this permit unless this permit has been modified to reflect such new requirements.

(b) If, after issuance of this permit, it is determined that the permit is in nonconformance with an applicable requirement that applied to the source on the date of permit issuance, IDEM, OAQ shall immediately take steps to reopen and revise this permit and issue a compliance order to the Permittee to ensure expeditious compliance with the applicable requirement until the permit is reissued. The permit shield shall continue in effect so long as the Permittee is in compliance with the compliance order.

(c) No permit shield shall apply to any permit term or condition that is determined after issuance of this permit to have been based on erroneous information supplied in the permit application. Erroneous information means information that the Permittee knew to be false, or in the exercise of reasonable care should have been known to be false, at the time the information was submitted.

(d) Nothing in 326 IAC 2-7-15 or in this permit shall alter or affect the following:

(1) The provisions of Section 303 of the Clean Air Act (emergency orders), including the authority of the U.S. EPA under Section 303 of the Clean Air Act;

(2) The liability of the Permittee for any violation of applicable requirements prior to or at the time of this permit's issuance;

(3) The applicable requirements of the acid rain program, consistent with Section 408(a) of the Clean Air Act; and

(4) The ability of U.S. EPA to obtain information from the Permittee under Section 114 of the Clean Air Act.

(e) This permit shield is not applicable to any change made under 326 IAC 2-7-20(b)(2) (Sections 502(b)(10) of the Clean Air Act changes) and 326 IAC 2-7-20(c)(2) (trading based on State Implementation Plan (SIP) provisions).

(f) This permit shield is not applicable to modifications eligible for group processing until after IDEM, OAQ, has issued the modifications. [326 IAC 2-7-12(c)(7)]

(g) This permit shield is not applicable to minor Part 70 permit modifications until after IDEM, OAQ, has issued the modification. [326 IAC 2-7-12(b)(8)]

B.14 Prior Permits Superseded [326 IAC 2-1.1-9.5][326 IAC 2-7-10.5]

(a) All terms and conditions of permits established prior to T 011-50034-00093 and issued pursuant to permitting programs approved into the state implementation plan have been either:

(1) incorporated as originally stated,

(2) revised under 326 IAC 2-7-10.5, or

(3) deleted under 326 IAC 2-7-10.5.

(b) Provided that all terms and conditions are accurately reflected in this combined permit, all previous registrations and permits are superseded by this combined new source review and part 70 operating permit.

B.15 Termination of Right to Operate [326 IAC 2-7-10][326 IAC 2-7-4(a)]

The Permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least nine (9) months prior to the date of expiration of the source's existing permit, consistent with 326 IAC 2-7-3 and 326 IAC 2-7-4(a).

B.16 Permit Modification, Reopening, Revocation and Reissuance, or Termination [326 IAC 2-7-5(6)(C)][326 IAC 2-7-8(a)][326 IAC 2-7-9]

(a) This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Part 70 Operating Permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of this permit. [326 IAC 2-7-5(6)(C)] The notification by the Permittee does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(33).

(b) This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAQ determines any of the following:

(1) That this permit contains a material mistake.

(2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions.

(3) That this permit must be revised or revoked to assure compliance with an applicable requirement. [326 IAC 2-7-9(a)(3)]

(c) Proceedings by IDEM, OAQ to reopen and revise this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable. [326 IAC 2-7-9(b)]

(d) The reopening and revision of this permit, under 326 IAC 2-7-9(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAQ at least thirty (30) days in advance of the date this permit is to be reopened, except that IDEM, OAQ may provide a shorter time period in the case of an emergency. [326 IAC 2-7-9(c)]

B.17 Permit Renewal [326 IAC 2-7-3][326 IAC 2-7-4][326 IAC 2-7-8(e)]

(a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAQ and shall include the information specified in 326 IAC 2-7-4. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(19) and 326 IAC 2-7-1(39). The renewal application does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(33).

Request for renewal shall be submitted to:

Indiana Department of Environmental Management
Permit Administration and Support Section, Office of Air Quality
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, Indiana 46204-2251

(b) A timely renewal application is one that is:

(1) Submitted at least nine (9) months prior to the date of the expiration of this permit; and

(2) If the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.

(c) If the Permittee submits a timely and complete application for renewal of this permit, the source's failure to have a permit is not a violation of 326 IAC 2-7 until IDEM, OAQ takes final action on the renewal application, except that this protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit by the deadline specified, pursuant to 326 IAC 2-7-4(a)(2)(D), in writing by IDEM, OAQ any additional information identified as being needed to process the application.

B.18 Permit Amendment or Modification [326 IAC 2-7-11][326 IAC 2-7-12]

(a) Permit amendments and modifications are governed by the requirements of 326 IAC 2-7-11 or 326 IAC 2-7-12 whenever the Permittee seeks to amend or modify this permit.

(b) Any application requesting an amendment or modification of this permit shall be submitted to:

Indiana Department of Environmental Management
Permit Administration and Support Section, Office of Air Quality
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, Indiana 46204-2251

Any such application does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(33).

(c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-7-11(c)(3)]

B.19 Permit Revision Under Economic Incentives and Other Programs [326 IAC 2-7-5(8)][326 IAC 2-7-12(b)(2)]

(a) No Part 70 permit revision or notice shall be required under any approved economic incentives, marketable Part 70 permits, emissions trading, and other similar programs or processes for changes that are provided for in a Part 70 permit.

(b) Notwithstanding 326 IAC 2-7-12(b)(1) and 326 IAC 2-7-12(c)(1), minor Part 70 permit modification procedures may be used for Part 70 modifications involving the use of economic incentives, marketable Part 70 permits, emissions trading, and other similar approaches to the extent that such minor Part 70 permit modification procedures are explicitly provided for in the applicable State Implementation Plan (SIP) or in applicable requirements promulgated or approved by the U.S. EPA.

B.20 Operational Flexibility [326 IAC 2-7-20][326 IAC 2-7-10.5]

(a) The Permittee may make any change or changes at the source that are described in 326 IAC 2-7-20(b) or (c) without a prior permit revision, if each of the following conditions is met:

(1) The changes are not modifications under any provision of Title I of the Clean Air Act;

(2) Any preconstruction approval required by 326 IAC 2-7-10.5 has been obtained;

(3) The changes do not result in emissions which exceed the limitations provided in this permit (whether expressed herein as a rate of emissions or in terms of total emissions);

(4) The Permittee notifies the:

Indiana Department of Environmental Management
Permit Administration and Support Section, Office of Air Quality
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, Indiana 46204-2251

and

United States Environmental Protection Agency, Region 5
Air and Radiation Division, Regulation Development Branch - Indiana (AR-18J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

in advance of the change by written notification at least ten (10) days in advance of the proposed change. The Permittee shall attach every such notice to the Permittee's copy of this permit; and

(5) The Permittee maintains records on-site, on a rolling five (5) year basis, which document all such changes and emission trades that are subject to 326 IAC 2-7-20(b)(1) and (c)(1). The Permittee shall make such records available, upon reasonable request, for public review.

Such records shall consist of all information required to be submitted to IDEM, OAQ in the notices specified in 326 IAC 2-7-20(b)(1) and (c)(1).

(b) The Permittee may make Section 502(b)(10) of the Clean Air Act changes (this term is defined at 326 IAC 2-7-1(35)) without a permit revision, subject to the constraint of 326 IAC 2-7-20(a). For each such Section 502(b)(10) of the Clean Air Act change, the required written notification shall include the following:

(1) A brief description of the change within the source;

(2) The date on which the change will occur;

(3) Any change in emissions; and

(4) Any permit term or condition that is no longer applicable as a result of the change.

The notification which shall be submitted is not considered an application form, report or compliance certification. Therefore, the notification by the Permittee does not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(33).

(c) Emission Trades [326 IAC 2-7-20(c)]
The Permittee may trade emissions increases and decreases at the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-7-20(c).

(d) Alternative Operating Scenarios [326 IAC 2-7-20(d)]
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-7-5(9). No prior notification of IDEM, OAQ or U.S. EPA is required.

(e) Backup fuel switches specifically addressed in, and limited under, Section D of this permit shall not be considered alternative operating scenarios. Therefore, the notification requirements of part (a) of this condition do not apply.

B.21 Source Modification Requirement [326 IAC 2-7-10.5]

A modification, construction, or reconstruction is governed by the requirements of 326 IAC 2.

B.22 Inspection and Entry [326 IAC 2-7-6][IC 13-14-2-2][IC 13-30-3-1][IC 13-17-3-2]

Upon presentation of proper identification cards, credentials, and other documents as may be required by law, and subject to the Permittee's right under all applicable laws and regulations to assert that the information collected by the agency is confidential and entitled to be treated as such, the Permittee shall allow IDEM, OAQ, U.S. EPA, or an authorized representative to perform the following:

(a) Enter upon the Permittee's premises where a Part 70 source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;

(b) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, have access to and copy any records that must be kept under the conditions of this permit;

(c) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;

(d) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, sample or monitor substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and

(e) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.

B.23 Transfer of Ownership or Operational Control [326 IAC 2-7-11]

(a) The Permittee must comply with the requirements of 326 IAC 2-7-11 whenever the Permittee seeks to change the ownership or operational control of the source and no other change in the permit is necessary.

(b) Any application requesting a change in the ownership or operational control of the source shall contain a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new Permittee. The application shall be submitted to:

Indiana Department of Environmental Management
Permit Administration and Support Section, Office of Air Quality
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, Indiana 46204-2251

Any such application does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(33).

(c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-7-11(c)(3)]

B.24 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-7-5(7)][326 IAC 2-1.1-7]

(a) The Permittee shall pay annual fees to IDEM, OAQ within thirty (30) calendar days of receipt of a billing. Pursuant to 326 IAC 2-7-19(b), if the Permittee does not receive a bill from IDEM, OAQ the applicable fee is due April 1 of each year.

(b) Except as provided in 326 IAC 2-7-19(e), failure to pay may result in administrative enforcement action or revocation of this permit.

(c) The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-8590 (ask for OAQ, Billing, Licensing, and Training Section), to determine the appropriate permit fee.

B.25 Credible Evidence [326 IAC 2-7-5(3)][326 IAC 2-7-6][62 FR 8314] [326 IAC 1-1-6]

For the purpose of submitting compliance certifications or establishing whether or not the Permittee has violated or is in violation of any condition of this permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether the Permittee would have been in compliance with the condition of this permit if the appropriate performance or compliance test or procedure had been performed.

**SECTION C SOURCE OPERATION CONDITIONS**

Entire Source

**Emission Limitations and Standards [326 IAC 2-7-5(1)]**

C.1 Particulate Emission Limitations For Processes with Process Weight Rates Less Than One Hundred (100) Pounds per Hour [326 IAC 6-3-2]

Pursuant to 326 IAC 6-3-2(e)(2), particulate emissions from any process not exempt under 326 IAC 6-3-1(b) or (c) which has a maximum process weight rate less than 100 pounds per hour and the methods in 326 IAC 6-3-2(b) through (d) do not apply shall not exceed 0.551 pounds per hour.

C.2 Opacity [326 IAC 5-1]

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-1 (Applicability) and 326 IAC 5-1-3 (Temporary Alternative Opacity Limitations), opacity shall meet the following, unless otherwise stated in this permit:

(a) Opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.

(b) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

C.3 Open Burning [326 IAC 4-1] [IC 13-17-9]

The Permittee shall not open burn any material except as provided in 326 IAC 4-1-3, 326 IAC 4-1-4 or 326 IAC 4-1-6. The previous sentence notwithstanding, the Permittee may open burn in accordance with an open burning approval issued by the Commissioner under 326 IAC 4-1-4.1.

C.4 Incineration [326 IAC 4-2] [326 IAC 9-1-2]

The Permittee shall not operate an incinerator except as provided in 326 IAC 4-2 or in this permit. The Permittee shall not operate a refuse incinerator or refuse burning equipment except as provided in 326 IAC 9-1-2 or in this permit.

C.5 Fugitive Dust Emissions [326 IAC 6-4]

The Permittee shall not allow fugitive dust to escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, in a manner that would violate 326 IAC 6-4 (Fugitive Dust Emissions). 326 IAC 6-4-2(4) is not federally enforceable.

C.6 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61, Subpart M]

(a) Notification requirements apply to each owner or operator. If the combined amount of regulated asbestos containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty-five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos is present.

(b) The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:

(1) When the amount of affected asbestos containing material increases or decreases by at least twenty percent (20%); or

(2) If there is a change in the following:

(A) Asbestos removal or demolition start date;

(B) Removal or demolition contractor; or

(C) Waste disposal site.

(c) The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(c).

(d) The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(d).

All required notifications shall be submitted to:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, Indiana 46204-2251

The notice shall include a signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement the asbestos removal project. The notifications do not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(33).

(e) Procedures for Asbestos Emission Control
The Permittee shall comply with the applicable emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-1, emission control requirements are applicable for any removal or disturbance of RACM greater than three (3) linear feet on pipes or three (3) square feet on any other facility components or a total of at least 0.75 cubic feet on all facility components.

(f) Demolition and Renovation
The Permittee shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation will occur for the presence of asbestos pursuant to 40 CFR 61.145(a).

(g) Indiana Licensed Asbestos Inspector
The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Licensed Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos. The requirement to use an Indiana Licensed Asbestos inspector is not federally enforceable.

**Testing Requirements [326 IAC 2-7-6(1)]**

C.7 Performance Testing [326 IAC 3-6]

(a) For performance testing required by this permit, a test protocol, except as provided elsewhere in this permit, shall be submitted to:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, Indiana 46204-2251

no later than thirty-five (35) days prior to the intended test date. The protocol submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(33).

(b) The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(33).

(c) Pursuant to 326 IAC 3-6-4(b), all test reports must be received by IDEM, OAQ not later than forty-five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ if the Permittee submits to IDEM, OAQ a reasonable written explanation not later than five (5) days prior to the end of the initial forty-five (45) day period.

**Compliance Requirements [326 IAC 2-1.1-11]**

C.8 Compliance Requirements [326 IAC 2-1.1-11]

The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements by issuing an order under 326 IAC 2-1.1-11. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner or the U. S. EPA.

**Compliance Monitoring Requirements [326 IAC 2-7-5(1)][326 IAC 2-7-6(1)]**

C.9 Compliance Monitoring [326 IAC 2-7-5(3)][326 IAC 2-7-6(1)]

(a) For new units:
Unless otherwise specified in the approval for the new emission unit(s), compliance monitoring for new emission units shall be implemented on and after the date of initial start-up.

(b) For existing units:
Unless otherwise specified in this permit, for all monitoring requirements not already legally required, the Permittee shall be allowed up to ninety (90) days from the date of permit issuance to begin such monitoring. If, due to circumstances beyond the Permittee's control, any monitoring equipment required by this permit cannot be installed and operated no later than ninety (90) days after permit issuance, the Permittee may extend the compliance schedule related to the equipment for an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, Indiana 46204-2251

in writing, prior to the end of the initial ninety (90) day compliance schedule, with full justification of the reasons for the inability to meet this date.

The notification which shall be submitted by the Permittee does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(33).

C.10 Instrument Specifications [326 IAC 2-1.1-11] [326 IAC 2-7-5(3)] [326 IAC 2-7-6(1)]

(a) When required by any condition of this permit, an analog instrument used to measure a parameter related to the operation of an air pollution control device shall have a scale such that the expected maximum reading for the normal range shall be no less than twenty percent (20%) of full scale. The analog instrument shall be capable of measuring values outside of the normal range.

(b) The Permittee may request that the IDEM, OAQ approve the use of an instrument that does not meet the above specifications provided the Permittee can demonstrate that an alternative instrument specification will adequately ensure compliance with permit conditions requiring the measurement of the parameters.

**Corrective Actions and Response Steps [326 IAC 2-7-5][326 IAC 2-7-6]**

C.11 Emergency Reduction Plans [326 IAC 1-5-2] [326 IAC 1-5-3]

Pursuant to 326 IAC 1-5-2 (Emergency Reduction Plans; Submission):

(a) The Permittee shall prepare written emergency reduction plans (ERPs) consistent with safe operating procedures.

(b) These ERPs shall be submitted for approval to:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, Indiana 46204-2251

no later than 180 days from the date on which this source commences operation.

The ERP does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(33).

(c) If the ERP is disapproved by IDEM, OAQ, the Permittee shall have an additional thirty (30) days to resolve the differences and submit an approvable ERP.

(d) These ERPs shall state those actions that will be taken, when each episode level is declared, to reduce or eliminate emissions of the appropriate air pollutants.

(e) Said ERPs shall also identify the sources of air pollutants, the approximate amount of reduction of the pollutants, and a brief description of the manner in which the reduction will be achieved.

(f) Upon direct notification by IDEM, OAQ that a specific air pollution episode level is in effect, the Permittee shall immediately put into effect the actions stipulated in the approved ERP for the appropriate episode level. [326 IAC 1-5-3]

C.12 Risk Management Plan [326 IAC 2-7-5(11)] [40 CFR 68]

If a regulated substance, as defined in 40 CFR 68, is present at a source in more than a threshold quantity, the Permittee must comply with the applicable requirements of 40 CFR 68.

C.13 Response to Excursions or Exceedances [326 IAC 2-7-5] [326 IAC 2-7-6]

Upon detecting an excursion where a response step is required by the D Section or an exceedance of a limitation in this permit:

(a) The Permittee shall take reasonable response steps to restore operation of the emissions unit (including any control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing excess emissions.

(b) The response shall include minimizing the period of any startup, shutdown or malfunction. The response may include, but is not limited to, the following:

(1) initial inspection and evaluation;

(2) recording that operations returned or are returning to normal without operator action (such as through response by a computerized distribution control system); or

(3) any necessary follow-up actions to return operation to normal or usual manner of operation.

(c) A determination of whether the Permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include, but is not limited to, the following:

(1) monitoring results;

(2) review of operation and maintenance procedures and records; and/or

(3) inspection of the control device, associated capture system, and the process.

(d) Failure to take reasonable response steps shall be considered a deviation from the permit.

(e) The Permittee shall record the reasonable response steps taken.

C.14 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-7-5][326 IAC 2-7-6]

(a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall submit a description of its response actions to IDEM, OAQ no later than seventy-five (75) days after the date of the test.

(b) A retest to demonstrate compliance shall be performed no later than one hundred eighty (180) days after the date of the test. Should the Permittee demonstrate to IDEM, OAQ that retesting in one hundred eighty (180) days is not practicable, IDEM, OAQ may extend the retesting deadline.

(c) IDEM, OAQ reserves the authority to take any actions allowed under law in response to noncompliant stack tests.

The response action documents submitted pursuant to this condition do require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(33).

**Record Keeping and Reporting Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-19]**

C.15 Malfunctions Report [326 IAC 1-6-2]

Pursuant to 326 IAC 1-6-2 (Records; Notice of Malfunction):

(a) A record of all malfunctions, startups, or shutdowns of any emission unit or emission control equipment, that result in violations of applicable air pollution control regulations or applicable emission limitations must be kept and retained for a period of three (3) years and shall be made available to the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ) or appointed representative upon request.

(b) When a malfunction of any emission unit or emission control equipment: 1) results in violations of applicable air pollution control regulations or applicable emissions limitations and 2) lasts more than one (1) hour, the condition shall be reported to OAQ, using the Malfunction Report Forms (2 pages) or its equivalent. Notification must be made by telephone or other electronic means, as soon as practicable, but in no event later than four (4) daytime business hours after the beginning of the occurrence.

(c) Failure to report a malfunction under subsection (b) of this condition of any emission unit or emission control equipment shall constitute a violation of 326 IAC 1-6, and any other applicable rules. Information of the scope and expected duration of the malfunction must be provided, including the items specified in 326 IAC 1-6-2(c)(3)(A) through (E).

(d) Malfunction is defined as any sudden, unavoidable failure of any air pollution control equipment, process, or combustion or process equipment to operate in a normal and usual manner. [326 IAC 1-2-39]

C.16 Emission Statement [326 IAC 2-7-5(3)(C)(iii)][326 IAC 2-7-5(7)][326 IAC 2-7-19(c)][326 IAC 2-6]

Pursuant to 326 IAC 2-6-3(b)(2), starting in 2005 and every three (3) years thereafter, the Permittee shall submit by July 1 an emission statement covering the previous calendar year. The emission statement shall contain, at a minimum, the information specified in 326 IAC 2-6-4(c) and shall meet the following requirements:

(1) Indicate estimated actual emissions of all pollutants listed in 326 IAC 2-6-4(a);

(2) Indicate estimated actual emissions of regulated pollutants as defined by 326 IAC 2-7-1(31) (“Regulated pollutant, which is used only for purposes of Section 19 of this rule”) from the source, for purpose of fee assessment.

The statement must be submitted to:

Indiana Department of Environmental Management
Technical Support and Modeling Section, Office of Air Quality
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, Indiana 46204-2251

The emission statement does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(33).

C.17 General Record Keeping Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-6]

(a) Records of all required monitoring data, reports and support information required by this permit shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. Support information includes the following, where applicable:

(AA) All calibration and maintenance records.
(BB) All original strip chart recordings for continuous monitoring instrumentation.
(CC) Copies of all reports required by the Part 70 permit.

Records of required monitoring information include the following, where applicable:

(AA) The date, place, as defined in this permit, and time of sampling or measurements.
(BB) The dates analyses were performed.
(CC) The company or entity that performed the analyses.
(DD) The analytical techniques or methods used.
(EE) The results of such analyses.
(FF) The operating conditions as existing at the time of sampling or measurement.

These records shall be physically present or electronically accessible at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.

(b) Unless otherwise specified in this permit, for all record keeping requirements not already legally required, the Permittee shall be allowed up to ninety (90) days from the date of permit issuance or the date of initial start-up, whichever is later, to begin such record keeping.

C.18 General Reporting Requirements [326 IAC 2-7-5(3)(C)] [326 IAC 2-1.1-11]

(a) The Permittee shall submit the attached Quarterly Deviation and Compliance Monitoring Report or its equivalent. Proper notice submittal under Section C - Malfunctions Report satisfies the reporting requirements of this paragraph. Any deviation from permit requirements, the date(s) of each deviation, the cause of the deviation, and the response steps taken must be reported except that a deviation required to be reported pursuant to an applicable requirement that exists independent of this permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report. This report shall be submitted not later than thirty (30) days after the end of the reporting period. The Quarterly Deviation and Compliance Monitoring Report shall include a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(33). A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit.

(b) The address for report submittal is:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, Indiana 46204-2251

(c) Unless otherwise specified in this permit, any notice, report, or other submission required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or

before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.

(d) The first report shall cover the period commencing on the date of issuance of this permit or the date of initial start-up, whichever is later, and ending on the last day of the reporting period. Reporting periods are based on calendar years, unless otherwise specified in this permit. For the purpose of this permit, "calendar year" means the twelve (12) month period from January 1 to December 31 inclusive.

**Stratospheric Ozone Protection**

C.19 Compliance with 40 CFR 82 and 326 IAC 22-1

Pursuant to 40 CFR 82 (Protection of Stratospheric Ozone), Subpart F, except as provided for motor vehicle air conditioners in Subpart B, the Permittee shall comply with applicable standards for recycling and emissions reduction.

## SECTION D.1 EMISSIONS UNIT OPERATION CONDITIONS

**Emissions Unit Description:**

(a) Twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, approved in 2026 for construction, each with a rated maximum capacity of 4,376 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency generators are affected sources.
Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency generators are affected sources.

(The information describing the process contained in this emissions unit description box is descriptive information and does not constitute enforceable conditions.)

**Emission Limitations and Standards [326 IAC 2-7-5(1)]**

D.1.1 NOx and CO PSD Minor Limits [326 IAC 2-2]

In order to render the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) not applicable, the Permittee shall comply with the following:

(a) The total NOx emissions from the emergency generators, identified as EG-1 through EG-12, shall not exceed 25.4 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.

(b) The total CO emissions from the emergency generators, identified as EG-1 through EG-12, shall not exceed 17.2 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.

Compliance with these limits, combined with the potential to emit NOx and CO from all other emission units at this source, shall limit the source-wide total potential to emit of NOx and CO to less than 250 tons per twelve (12) consecutive month period, each, and shall render the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) not applicable to the construction of this source.

D.1.2 Preventive Maintenance Plan [326 IAC 2-7-5(12)]

A Preventive Maintenance Plan is required for these facilities and any associated control devices. Section B - Preventive Maintenance Plan contains the Permittee's obligation with regard to the preventive maintenance plan required by this condition.

**Compliance Determination Requirements [326 IAC 2-7-5(1)]**

D.1.3 NOx Compliance Determination

In order to determine compliance with Condition D.1.1(a), NOx emissions from EG-1 through EG-12, shall be calculated using the following equation:

NOx emissions in tons/month = $\sum_{n=1}^{12} \frac{kw-hr}{month} * (5.64 * 10^{-6} \frac{tons}{kw-hr})$

Where:

i = Each individual emergency generator (EG-1 through EG-12)
kw-hr/month = total kw hours per each month

D.1.4 CO Compliance Determination

In order to determine compliance with Condition D.1.1(b), CO emissions from EG-1 through EG-12, shall be calculated using the following equation:

CO emissions in tons/month = $\sum_{n=1}^{12} \frac{kw-hr}{month} * (3.86 * 10^{-6} \frac{tons}{kw-hr})$

Where:

i = Each individual emergency generator (EG-1 through EG-12)
kw-hr/month = total kw hours per each month

**Record Keeping and Reporting Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-19]**

D.1.5 Record Keeping Requirement

(a) To document the compliance status with Conditions D.1.1(a), D.1.1(b), D.1.3, and D.1.4, the Permittee shall maintain monthly records of the total kw-hr produced by the emergency generators.

(b) NOx emissions, and calculations performed using the equation found in Condition D.1.3, for each month, and each compliance period.

(c) CO emissions, and calculations performed using the equation found in Condition D.1.4 for each month, and each compliance period.

(d) Section C - General Record Keeping Requirements contains the Permittee's obligations with regard to the records required by this condition.

D.1.6 Reporting Requirements

A quarterly summary of the information to document the compliance status with Conditions D.1.1(a) and D.1.1(b) shall be submitted, using the reporting forms located at the end of this permit, or their equivalent, not later than thirty (30) days following the end of each calendar quarter. Section C - General Reporting Requirements contains the Permittee's obligation with regard to the reporting required by this condition. The report submitted by the Permittee does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a “responsible official” as defined by 326 IAC 2-7-1(33).

**SECTION E.1 NSPS**

**Emissions Unit Description:**

(a) Twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, approved in 2026 for construction, each with a rated maximum capacity of 4,376 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency generators are affected sources because these units are stationary compression ignition internal combustion engines, have a displacement of less than 10 liters per cylinder, and were manufactured after April 1, 2006.

Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency generators are affected sources because these units are stationary internal combustion engines, have a displacement of less than 10 liters per cylinder, and were manufactured after June 12, 2006.

Insignificant Units:

(a) Two (2) diesel-fired emergency fire pumps, identified as DFP-1 and DFP-2, approved in 2026 for construction, each with a rated maximum capacity of 224 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency fire pumps are affected sources because these units are stationary compression ignition internal combustion engines, have a displacement of less than 10 liters per cylinder, and were manufactured after April 1, 2006.

Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency fire pumps are affected sources because these units are stationary internal combustion engines, have a displacement of less than 10 liters per cylinder, and were manufactured after June 12, 2006.

(The information describing the process contained in this emissions unit description box is descriptive information and does not constitute enforceable conditions.)

**New Source Performance Standards (NSPS) [40 CFR 60][326 IAC 2-7-5(1)]**

E.1.1 General Provisions Relating to New Source Performance Standards for Stationary Compression Ignition Internal Combustion Engines [326 IAC 12-1][40 CFR Part 60, Subpart A]

(a) Pursuant to 40 CFR 60.1, the Permittee shall comply with the provisions of 40 CFR Part 60, Subpart A - General Provisions, which are incorporated by reference as 326 IAC 12-1, for the emission units listed above, except as otherwise specified in 40 CFR Part 60, Subpart IIII.

(b) Pursuant to 40 CFR 60.4, the Permittee shall submit all required notifications and reports to:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, Indiana 46204-2251

E.1.2 Stationary Compression Ignition Internal Combustion Engines NSPS [40 CFR Part 60, Subpart IIII]

The Permittee shall comply with the following provisions of 40 CFR Part 60, Subpart IIII (included as Attachment A to the operating permit), which are incorporated by reference as 326 IAC 12, for the emission units listed above:

| | |
|---|---|
| 60.4200 (a)(2)(i), (a)(2)(ii), and (a)(4) | Am I subject to this subpart? |
| 60.4205 (b) and (c) | What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine? |
| 60.4206 | How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine? |
| 60.4207 (b) | What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart? |
| 60.4208 | What is the deadline for importing or installing stationary CI ICE produced in previous model years? |
| 60.4209 (a) | What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine? |
| 60.4211 (a), (c), (f) | What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine? |
| 60.4214 (b) and (d) | What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine? |
| 60.4218 | What General Provisions and confidential information provisions apply to me? |
| 60.4219 | What definitions apply to this subpart? |
| Tables to Subpart IIII of Part 60 | |
| Table 3 | Certification Requirements for Stationary Fire Pump Engines |
| Table 4 | Emission Standards for Stationary Fire Pump Engines |
| Table 5 | Labeling and Recordkeeping Requirements for New Stationary Emergency Engines |
| Table 8 | Applicability of General Provisions to Subpart IIII |

**SECTION E.2 NESHAP**

**Emissions Unit Description:**

(a) Twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, approved in 2026 for construction, each with a rated maximum capacity of 4,376 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency generators are affected sources because these units are stationary compression ignition internal combustion engines, have a displacement of less than 10 liters per cylinder, and were manufactured after April 1, 2006.

Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency generators are affected sources because these units are stationary internal combustion engines, have a displacement of less than 10 liters per cylinder, and were manufactured after June 12, 2006.

Insignificant Units:

(a) Two (2) diesel-fired emergency fire pumps, identified as DFP-1 and DFP-2, approved in 2026 for construction, each with a rated maximum capacity of 224 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency fire pumps are affected sources because these units are stationary compression ignition internal combustion engines, have a displacement of less than 10 liters per cylinder, and were manufactured after April 1, 2006.

Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency fire pumps are affected sources because these units are stationary internal combustion engines, have a displacement of less than 10 liters per cylinder, and were manufactured after June 12, 2006.

(The information describing the process contained in this emissions unit description box is descriptive information and does not constitute enforceable conditions.)

**National Emission Standards for Hazardous Air Pollutants (NESHAP) [40 CFR 63][326 IAC 2-7-5(1)]**

E.2.1 General Provisions Relating to National Emissions Standard for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines [326 IAC 20-1][40 CFR Part 63, Subpart A]

(a) Pursuant to 40 CFR 63.1 the Permittee shall comply with the provisions of 40 CFR Part 63, Subpart A – General Provisions, which are incorporated by reference as 326 IAC 20-1, for the emission unit(s) listed above, except as otherwise specified in 40 CFR Part 63, Subpart ZZZZ.

(b) Pursuant to 40 CFR 63.10, the Permittee shall submit all required notifications and reports to:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, Indiana 46204-2251

E.2.2 Stationary Reciprocating Internal Combustion Engines NESHAP [40 CFR Part 63, Subpart ZZZZ]

(a) The Permittee shall comply with the following provisions of 40 CFR Part 63, Subpart ZZZZ (included as Attachment B to the operating permit), which are incorporated by reference as 326 IAC 20-82, for the emission units listed above.

| | |
|---|---|
| 63.6585(a) and (b) | Am I subject to this subpart? |
| 63.6590(a)(2), (b), and (c) | What parts of my plant does this subpart cover? |
| 63.6660 | In what form and how long must I keep my records? |
| 63.6665 | What parts of the General Provisions apply to me? |
| 63.6670 | Who implements and enforces this subpart? |
| 63.6675 | What definitions apply to this subpart? |

# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
# OFFICE OF AIR QUALITY
# COMPLIANCE AND ENFORCEMENT BRANCH
# PART 70 OPERATING PERMIT
# CERTIFICATION

Source Name: Orla, LLC
Source Address: 3062 West SR 32, Lebanon, Indiana 46052
Part 70 Permit No.: T 011-50034-00093

**This certification shall be included when submitting monitoring, testing reports/results or other documents as required by this permit.**

Please check what document is being certified:

☐ Annual Compliance Certification Letter

☐ Test Result (specify) _____

☐ Report (specify) _____

☐ Notification (specify) _____

☐ Affidavit (specify) _____

☐ Other (specify) _____

| I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. | |
|---|---|
| Signature: | |
| Printed Name: | |
| Title/Position: | |
| Email Address: | Phone: |
| Date: | |

## MALFUNCTION REPORT

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**
**OFFICE OF AIR QUALITY**
**COMPLIANCE AND ENFORCEMENT BRANCH**
**FAX NUMBER: (317) 233-6865**
**EMAIL: AirCompl@idem.in.gov**

Source Name: Orla, LLC
Source Address: 3062 West SR 32, Lebanon, Indiana 46052
Part 70 Permit No.: T 011-50034-00093

For any malfunction lasting one (1) hour or longer, the Permittee must submit this form to the Office of Air Quality (OAQ), within four (4) daytime business hours of malfunction start.

If any of the following are not applicable, mark N/A. This form consists of two (2) pages.

Page 1 of 2

| |
|---|
| This malfunction resulted in a violation of the following Indiana Administrative Code, permit condition, and/or permit limit and meets the definition of "malfunction" as listed on reverse side (e.g., 326 IAC 5-1, Permit Condition D.1.1, 40 CFR 60.62, etc.): |

| |
|---|
| Describe affected facility/equipment/operation (e.g., Coating Line #2, Boiler D, Diesel engine, No. 3 smelter, etc.): |
| Control equipment (e.g., Baghouse B4, Thermal oxidizer for Paint Line #1, etc.): |
| Description of the malfunction and cause: |

| | |
|---|---|
| When the malfunction started: | Date (MM/DD/YYYY): |
| | Time (HH:MM): |
| When the malfunction was corrected or is expected to be corrected: | Date (MM/DD/YYYY): |
| | Time (HH:MM): |

| |
|---|
| Type of pollutant(s) emitted (e.g., PM, PM10, PM2.5, VOC, etc.): |
| Estimated amount of pollutant(s) emitted during malfunction (e.g., VOC at 35 lbs/hr, 5 tons of PM, etc.): |
| Describe the corrective actions and interim control measures taken to minimize emissions (e.g., shut coating line down, isolated failing baghouse compartment, idled furnace operations until repairs completed, etc.): |

Form completed by: _____

Title/position: _____

Signature:_____

Date:_____

Phone: _____

Email: _____

**326 IAC 1-6-1 Applicability of rule**

Sec. 1. This rule applies to the owner or operator of any facility required to obtain a permit under 326 IAC 2-5.1, 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8.

**326 IAC 1-2-39 "Malfunction" definition**

Sec. 39. Any sudden, unavoidable failure of any air pollution control equipment, process, or combustion or process equipment to operate in a normal and usual manner.

# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
# OFFICE OF AIR QUALITY
# COMPLIANCE AND ENFORCEMENT BRANCH

## Part 70 Quarterly Report

Source Name: Orla, LLC
Source Address: 3062 West SR 32, Lebanon, Indiana 46052
Part 70 Permit No.: T 011-50034-00093
Facility: EG-1 through EG-12
Parameter: Total NOx Emissions
Limit: Shall not exceed 25.4 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.

QUARTER:_____ YEAR:_____

| Month | Column 1 | Column 2 | Column 1 + Column 2 |
|---|---|---|---|
| | (*NOx Emissions*) (*tons*) | (*NOx Emissions*) (*tons*) | (*NOx Emissions*) (*tons*) |
| | This Month | Previous 11 Months | 12 Month Total |
| | | | |
| | | | |
| | | | |

☐ No deviation occurred in this quarter.
☐ Deviation/s occurred in this quarter.
Deviation has been reported on: _____

Submitted by: _____

Title / Position: _____

Signature: _____

Date: _____

Phone:_____

# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
# OFFICE OF AIR QUALITY
# COMPLIANCE AND ENFORCEMENT BRANCH

## Part 70 Quarterly Report

Source Name: Orla, LLC
Source Address: 3062 West SR 32, Lebanon, Indiana 46052
Part 70 Permit No.: T 011-50034-00093
Facility: EG-1 through EG-12
Parameter: Total CO Emissions
Limit: Shall not exceed 17.2 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.

QUARTER:_____ YEAR:_____

| Month | Column 1 | Column 2 | Column 1 + Column 2 |
|---|---|---|---|
| | (*CO Emissions*) (*tons*) | (*CO Emissions*) (*tons*) | (*CO Emissions*) (*tons*) |
| | This Month | Previous 11 Months | 12 Month Total |
| | | | |
| | | | |
| | | | |

☐ No deviation occurred in this quarter.
☐ Deviation/s occurred in this quarter.
Deviation has been reported on: _____

Submitted by: _____

Title / Position: _____

Signature: _____

Date: _____

Phone:_____

# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

## OFFICE OF AIR QUALITY
## COMPLIANCE AND ENFORCEMENT BRANCH
## PART 70 OPERATING PERMIT
## QUARTERLY DEVIATION AND COMPLIANCE MONITORING REPORT

Source Name: Orla, LLC
Source Address: 3062 West SR 32, Lebanon, Indiana 46052
Part 70 Permit No.: T 011-50034-00093

**Months: _____ to _____ Year: _____**



This report shall be submitted quarterly based on a calendar year. Proper notice submittal under Section C - Malfunctions Report satisfies the reporting requirements of paragraph (a) of Section C - General Reporting. Any deviation from the requirements of this permit, the date(s) of each deviation, the probable cause of the deviation, and the response steps taken must be reported. A deviation required to be reported pursuant to an applicable requirement that exists independent of the permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report. Additional pages may be attached if necessary. If no deviations occurred, please specify in the box marked "No deviations occurred this reporting period".

□ NO DEVIATIONS OCCURRED THIS REPORTING PERIOD.

□ THE FOLLOWING DEVIATIONS OCCURRED THIS REPORTING PERIOD

| | |
|---|---|
| **Permit Requirement** (specify permit condition #) | |
| **Date of Deviation:** | **Duration of Deviation:** |
| **Number of Deviations:** | |
| **Probable Cause of Deviation:** | |
| **Response Steps Taken:** | |

| | |
|---|---|
| **Permit Requirement** (specify permit condition #) | |
| **Date of Deviation:** | **Duration of Deviation:** |
| **Number of Deviations:** | |
| **Probable Cause of Deviation:** | |
| **Response Steps Taken:** | |

| | |
|---|---|
| **Permit Requirement** (specify permit condition #) | |
| **Date of Deviation:** | **Duration of Deviation:** |
| **Number of Deviations:** | |
| **Probable Cause of Deviation:** | |
| **Response Steps Taken:** | |
| **Permit Requirement** (specify permit condition #) | |
| **Date of Deviation:** | **Duration of Deviation:** |
| **Number of Deviations:** | |
| **Probable Cause of Deviation:** | |
| **Response Steps Taken:** | |
| **Permit Requirement** (specify permit condition #) | |
| **Date of Deviation:** | **Duration of Deviation:** |
| **Number of Deviations:** | |
| **Probable Cause of Deviation:** | |
| **Response Steps Taken:** | |

Form Completed by:_____

Title / Position: _____

Date:_____

Phone: _____

Mail to: Permit Administration and Support Section
Office of Air Quality
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, Indiana 46204-2251

Orla, LLC
3062 West SR 32
Lebanon, Indiana 46052

Affidavit of Construction

I, _____, being duly sworn upon my oath, depose and say:
(Name of the Authorized Representative)

1. I live in _____ County, Indiana and being of sound mind and over twenty-one (21) years of age, I am competent to give this affidavit.

2. I hold the position of _____ for _____.
(Title) (Company Name)

3. By virtue of my position with _____, I have personal
(Company Name)
knowledge of the representations contained in this affidavit and am authorized to make these representations on behalf of _____.
(Company Name)

4. I hereby certify that Orla, LLC, 3062 West SR 32, Lebanon, Indiana 46052, completed construction of the data center on _____ in conformity with the requirements and intent of the construction permit application received by the Office of Air Quality on ***February 4, 2025*** and as permitted pursuant to New Source Construction Permit and Part 70 Operating Permit No. T 011-50034-00093, Plant ID No. 011-00093 issued on _____.

5. **Permittee, please cross out the following statement if it does not apply:** Additional (operations/facilities) were constructed/substituted as described in the attachment to this document and were not made in accordance with the construction permit.

Further Affiant said not.

I affirm under penalties of perjury that the representations contained in this affidavit are true, to the best of my information and belief.

Signature_____
Date_____

STATE OF INDIANA)
)SS
COUNTY OF _____)

Subscribed and sworn to me, a notary public in and for _____ County and State of Indiana on this _____ day of _____, 20_____. My Commission expires: _____.

Signature_____
Name_____ (typed or printed)

If the source location has been given an Enhanced 911 service address that is different than the source location address specified in the current permit, please provide the Enhanced 911 service address in the space below and please submit a permit application to modify the permit to specify the Enhanced 911 service address.

| _____ | _____ | _____ | _____ |
|---|---|---|---|
| *(Location* Address*)* | *(City)* | *(State)* | *(ZIP Code)* |

## Attachment A

## Part 70 Operating Permit No: T 011-50034-00093

[Downloaded from the eCFR on September 5, 2024]

**Electronic Code of Federal Regulations**

**Title 40: Protection of Environment**

**PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES**

**Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines**

Source: 71 FR 39172, July 11, 2006, unless otherwise noted.

**What This Subpart Covers**

**§ 60.4200 Am I subject to this subpart?**

(a) The provisions of this subpart are applicable to manufacturers, owners, and operators of stationary compression ignition (CI) internal combustion engines (ICE) and other persons as specified in paragraphs (a)(1) through (4) of this section. For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.

(1) Manufacturers of stationary CI ICE with a displacement of less than 30 liters per cylinder where the model year is:

(i) 2007 or later, for engines that are not fire pump engines;

(ii) The model year listed in Table 3 to this subpart or later model year, for fire pump engines.

(2) Owners and operators of stationary CI ICE that commence construction after July 11, 2005, where the stationary CI ICE are:

(i) Manufactured after April 1, 2006, and are not fire pump engines, or

(ii) Manufactured as a certified National Fire Protection Association (NFPA) fire pump engine after July 1, 2006.

(3) Owners and operators of any stationary CI ICE that are modified or reconstructed after July 11, 2005 and any person that modifies or reconstructs any stationary CI ICE after July 11, 2005.

(4) The provisions of § 60.4208 of this subpart are applicable to all owners and operators of stationary CI ICE that commence construction after July 11, 2005.

(b) The provisions of this subpart are not applicable to stationary CI ICE being tested at a stationary CI ICE test cell/stand.

(c) If you are an owner or operator of an area source subject to this subpart, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart applicable to area sources.

(d) Stationary CI ICE may be eligible for exemption from the requirements of this subpart as described in 40 CFR part 1068, subpart C, except that owners and operators, as well as manufacturers, may be eligible to request an exemption for national security.

(e) Owners and operators of facilities with CI ICE that are acting as temporary replacement units and that are located at a stationary source for less than 1 year and that have been properly certified as meeting the standards that would be applicable to such engine under the appropriate nonroad engine provisions, are not required to meet any other provisions under this subpart with regard to such engines.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37967, June 28, 2011; 86 FR 34357, June 29, 2021]

**Emission Standards for Manufacturers**

**§ 60.4201 What emission standards must I meet for non-emergency engines if I am a stationary CI internal combustion engine manufacturer?**

(a) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later non-emergency stationary CI ICE with a maximum engine power less than or equal to 2,237 kilowatt (KW) (3,000 horsepower (HP)) and a displacement of less than 10 liters per cylinder to the certification emission standards for new nonroad CI engines in 40 CFR 1039.101, 1039.102, 1039.104, 1039.105, 1039.107, and 1039.115 and 40 CFR part 1039, appendix I, as applicable, for all pollutants, for the same model year and maximum engine power.

(b) Stationary CI internal combustion engine manufacturers must certify their 2007 through 2010 model year non-emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder to the emission standards in table 1 to this subpart, for all pollutants, for the same maximum engine power.

(c) Stationary CI internal combustion engine manufacturers must certify their 2011 model year and later non-emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder to the certification emission standards for new nonroad CI engines in 40 CFR 1039.101, 40 CFR 1039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115, as applicable, for all pollutants, for the same maximum engine power.

(d) Stationary CI internal combustion engine manufacturers must certify the following non-emergency stationary CI ICE to the appropriate Tier 2 emission standards for new marine CI engines as described in 40 CFR part 1042, appendix I, for all pollutants, for the same displacement and rated power:

(1) Their 2007 model year through 2012 non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder;

(2) Their 2013 model year non-emergency stationary CI ICE with a maximum engine power greater than or equal to 3,700 KW (4,958 HP) and a displacement of greater than or equal to 10 liters per cylinder and less than 15 liters per cylinder; and

(3) Their 2013 model year non-emergency stationary CI ICE with a displacement of greater than or equal to 15 liters per cylinder and less than 30 liters per cylinder.

(e) Stationary CI internal combustion engine manufacturers must certify the following non-emergency stationary CI ICE to the certification emission standards and other requirements for new marine CI engines in 40 CFR 1042.101, 40 CFR 1042.107, 40 CFR 1042.110, 40 CFR 1042.115, 40 CFR 1042.120, and 40 CFR 1042.145, as applicable, for all pollutants, for the same displacement and maximum engine power:

(1) Their 2013 model year non-emergency stationary CI ICE with a maximum engine power less than 3,700 KW (4,958 HP) and a displacement of greater than or equal to 10 liters per cylinder and less than 15 liters per cylinder; and

(2) Their 2014 model year and later non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder.

(f) Notwithstanding the requirements in paragraphs (a) through (c) of this section, stationary non-emergency CI ICE identified in paragraphs (a) and (c) of this section may be certified to the provisions of 40 CFR part 1042 for commercial engines that are applicable for the engine's model year, displacement, power density, and maximum engine power if the engines will be used solely in either or both of the following locations:

(1) Remote areas of Alaska; and

(2) Marine offshore installations.

(g) Notwithstanding the requirements in paragraphs (a) through (f) of this section, stationary CI internal combustion engine manufacturers are not required to certify reconstructed engines; however manufacturers may elect to do so. The reconstructed engine must be certified to the emission standards specified in paragraphs (a) through (e) of this section that are applicable to the model year, maximum engine power, and displacement of the reconstructed stationary CI ICE.

(h) Stationary CI ICE certified to the standards in 40 CFR part 1039 and equipped with auxiliary emission control devices (AECDs) as specified in 40 CFR 1039.665 must meet the Tier 1 certification emission standards for new nonroad CI engines in 40 CFR part 1039, appendix I, while the AECD is activated during a qualified emergency situation. A qualified emergency situation is defined in 40 CFR 1039.665. When the qualified emergency situation has ended and the AECD is deactivated, the engine must resume meeting the otherwise applicable emission standard specified in this section.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37967, June 28, 2011; 81 FR 44219, July 7, 2016; 86 FR 34357, June 29, 2021]

**§ 60.4202 What emission standards must I meet for emergency engines if I am a stationary CI internal combustion engine manufacturer?**

(a) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a maximum engine power less than or equal to 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder that are not fire pump engines to the emission standards specified in paragraphs (a)(1) through (2) of this section.

(1) For engines with a maximum engine power less than 37 KW (50 HP):

(i) The Tier 2 emission standards for new nonroad CI engines for the appropriate rated power as described in 40 CFR part 1039, appendix I, for all pollutants and the smoke standards as specified in 40 CFR 1039.105 for model year 2007 engines; and

(ii) The certification emission standards for new nonroad CI engines in 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, 40 CFR 1039.115, and table 2 to this subpart, for 2008 model year and later engines.

(2) For engines with a rated power greater than or equal to 37 KW (50 HP), the Tier 2 or Tier 3 emission standards for new nonroad CI engines for the same rated power as described in 40 CFR part 1039, appendix I, for all pollutants and the smoke standards as specified in 40 CFR 1039.105 beginning in model year 2007.

(b) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder that are not fire pump engines to the emission standards specified in paragraphs (b)(1) through (2) of this section.

(1) For 2007 through 2010 model years, the emission standards in table 1 to this subpart, for all pollutants, for the same maximum engine power.

(2) For 2011 model year and later, the Tier 2 emission standards as described in 40 CFR part 1039, appendix I, for all pollutants and the smoke standards as specified in 40 CFR 1039.105.

(c) [Reserved]

(d) Beginning with the model years in table 3 to this subpart, stationary CI internal combustion engine manufacturers must certify their fire pump stationary CI ICE to the emission standards in table 4 to this subpart, for all pollutants, for the same model year and NFPA nameplate power.

(e) Stationary CI internal combustion engine manufacturers must certify the following emergency stationary CI ICE that are not fire pump engines to the appropriate Tier 2 emission standards for new marine CI engines as described in 40 CFR part 1042, appendix I, for all pollutants, for the same displacement and rated power:

(1) Their 2007 model year through 2012 emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder;

(2) Their 2013 model year and later emergency stationary CI ICE with a maximum engine power greater than or equal to 3,700 KW (4,958 HP) and a displacement of greater than or equal to 10 liters per cylinder and less than 15 liters per cylinder;

(3) Their 2013 model year emergency stationary CI ICE with a displacement of greater than or equal to 15 liters per cylinder and less than 30 liters per cylinder; and

(4) Their 2014 model year and later emergency stationary CI ICE with a maximum engine power greater than or equal to 2,000 KW (2,682 HP) and a displacement of greater than or equal to 15 liters per cylinder and less than 30 liters per cylinder.

(f) Stationary CI internal combustion engine manufacturers must certify the following emergency stationary CI ICE to the certification emission standards and other requirements applicable to Tier 3 new marine CI engines in 40 CFR 1042.101, 40 CFR 1042.107, 40 CFR 1042.115, 40 CFR 1042.120, and 40 CFR 1042.145, for all pollutants, for the same displacement and maximum engine power:

(1) Their 2013 model year and later emergency stationary CI ICE with a maximum engine power less than 3,700 KW (4,958 HP) and a displacement of greater than or equal to 10 liters per cylinder and less than 15 liters per cylinder; and

(2) Their 2014 model year and later emergency stationary CI ICE with a maximum engine power less than 2,000 KW (2,682 HP) and a displacement of greater than or equal to 15 liters per cylinder and less than 30 liters per cylinder.

(g) Notwithstanding the requirements in paragraphs (a) through (d) of this section, stationary emergency CI ICE identified in paragraphs (a) and (c) of this section may be certified to the provisions of 40 CFR part 1042 for commercial engines that are applicable for the engine's model year, displacement, power density, and maximum engine power if the engines will be used solely in either or both of the locations identified in paragraphs (g)(1) and (2) of this section. Engines that would be subject to the Tier 4 standards in 40 CFR part 1042 that are used solely in either or both of the locations identified in paragraphs (g)(1) and (2) of this section may instead continue to be certified to the previous tier of standards in 40 CFR part 1042. The previous tier is Tier 3 in most cases; however, the previous tier is Tier 2 if there are no Tier 3 standards specified for engines of a certain size or power rating.

(1) Remote areas of Alaska; and

(2) Marine offshore installations.

(h) Notwithstanding the requirements in paragraphs (a) through (f) of this section, stationary CI internal combustion engine manufacturers are not required to certify reconstructed engines; however manufacturers may elect to do so. The reconstructed engine must be certified to the emission standards specified in paragraphs (a) through (f) of this

section that are applicable to the model year, maximum engine power and displacement of the reconstructed emergency stationary CI ICE.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37968, June 28, 2011; 81 FR 44219, July 7, 2016; 86 FR 34358, June 29, 2021; 88 FR 4471, Jan. 24, 2023]

**§ 60.4203 How long must my engines meet the emission standards if I am a manufacturer of stationary CI internal combustion engines?**

Engines manufactured by stationary CI internal combustion engine manufacturers must meet the emission standards as required in §§ 60.4201 and 60.4202 during the certified emissions life of the engines.

[76 FR 37968, June 28, 2011]

**Emission Standards for Owners and Operators**

**§ 60.4204 What emission standards must I meet for non-emergency engines if I am an owner or operator of a stationary CI internal combustion engine?**

(a) Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of less than 10 liters per cylinder must comply with the emission standards in table 1 to this subpart. Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder must comply with the Tier 1 emission standards in 40 CFR part 1042, appendix I.

(b) Owners and operators of 2007 model year and later non-emergency stationary CI ICE with a displacement of less than 30 liters per cylinder must comply with the emission standards for new CI engines in § 60.4201 for their 2007 model year and later stationary CI ICE, as applicable.

(c) Owners and operators of non-emergency stationary CI engines with a displacement of greater than or equal to 30 liters per cylinder must meet the following requirements:

(1) For engines installed prior to January 1, 2012, limit the emissions of $NO_X$ in the stationary CI internal combustion engine exhaust to the following:

(i) 17.0 grams per kilowatt-hour (g/KW-hr) (12.7 grams per horsepower-hr (g/HP-hr)) when maximum engine speed is less than 130 revolutions per minute (rpm);

(ii) $45 \cdot n^{-0.2}$ g/KW-hr ($34 \cdot n^{-0.2}$ g/HP-hr) when maximum engine speed is 130 or more but less than 2,000 rpm, where n is maximum engine speed; and

(iii) 9.8 g/KW-hr (7.3 g/HP-hr) when maximum engine speed is 2,000 rpm or more.

(2) For engines installed on or after January 1, 2012 and before January 1, 2016, limit the emissions of $NO_X$ in the stationary CI internal combustion engine exhaust to the following:

(i) 14.4 g/KW-hr (10.7 g/HP-hr) when maximum engine speed is less than 130 rpm;

(ii) $44 \cdot n^{-0.23}$ g/KW-hr ($33 \cdot n^{-0.23}$ g/HP-hr) when maximum engine speed is greater than or equal to 130 but less than 2,000 rpm and where n is maximum engine speed; and

(iii) 7.7 g/KW-hr (5.7 g/HP-hr) when maximum engine speed is greater than or equal to 2,000 rpm.

(3) For engines installed on or after January 1, 2016, limit the emissions of $NO_X$ in the stationary CI internal combustion engine exhaust to the following:

(i) 3.4 g/KW-hr (2.5 g/HP-hr) when maximum engine speed is less than 130 rpm;

(ii) $9.0 \cdot n^{-0.20}$ g/KW-hr ($6.7 \cdot n^{-0.20}$ g/HP-hr) where n (maximum engine speed) is 130 or more but less than 2,000 rpm; and

(iii) 2.0 g/KW-hr (1.5 g/HP-hr) where maximum engine speed is greater than or equal to 2,000 rpm.

(4) Reduce particulate matter (PM) emissions by 60 percent or more, or limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.15 g/KW-hr (0.11 g/HP-hr).

(d) Owners and operators of non-emergency stationary CI ICE with a displacement of less than 30 liters per cylinder who conduct performance tests in-use must meet the not-to-exceed (NTE) standards as indicated in § 60.4212.

(e) Owners and operators of any modified or reconstructed non-emergency stationary CI ICE subject to this subpart must meet the emission standards applicable to the model year, maximum engine power, and displacement of the modified or reconstructed non-emergency stationary CI ICE that are specified in paragraphs (a) through (d) of this section.

(f) Owners and operators of stationary CI ICE certified to the standards in 40 CFR part 1039 and equipped with AECDs as specified in 40 CFR 1039.665 must meet the Tier 1 certification emission standards for new nonroad CI engines in 40 CFR part 1039, appendix I, while the AECD is activated during a qualified emergency situation. A qualified emergency situation is defined in 40 CFR 1039.665. When the qualified emergency situation has ended and the AECD is deactivated, the engine must resume meeting the otherwise applicable emission standard specified in this section.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37968, June 28, 2011; 81 FR 44219, July 7, 2016; 86 FR 34358, June 29, 2021]

**§ 60.4205 What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine?**

(a) Owners and operators of pre-2007 model year emergency stationary CI ICE with a displacement of less than 10 liters per cylinder that are not fire pump engines must comply with the emission standards in Table 1 to this subpart. Owners and operators of pre-2007 model year emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder that are not fire pump engines must comply with the Tier 1 emission standards in 40 CFR part 1042, appendix I.

(b) Owners and operators of 2007 model year and later emergency stationary CI ICE with a displacement of less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards for new nonroad CI engines in § 60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary CI ICE.

(c) Owners and operators of fire pump engines with a displacement of less than 30 liters per cylinder must comply with the emission standards in table 4 to this subpart, for all pollutants.

(d) Owners and operators of emergency stationary CI engines with a displacement of greater than or equal to 30 liters per cylinder must meet the requirements in this section.

(1) For engines installed prior to January 1, 2012, limit the emissions of $NO_X$ in the stationary CI internal combustion engine exhaust to the following:

(i) 17.0 g/KW-hr (12.7 g/HP-hr) when maximum engine speed is less than 130 rpm;

(ii) $45 \cdot n^{-0.2}$ g/KW-hr ($34 \cdot n^{-0.2}$ g/HP-hr) when maximum engine speed is 130 or more but less than 2,000 rpm, where n is maximum engine speed; and

(iii) 9.8 g/kW-hr (7.3 g/HP-hr) when maximum engine speed is 2,000 rpm or more.

(2) For engines installed on or after January 1, 2012, limit the emissions of $NO_X$ in the stationary CI internal combustion engine exhaust to the following:

(i) 14.4 g/KW-hr (10.7 g/HP-hr) when maximum engine speed is less than 130 rpm;

(ii) $44 \cdot n^{-0.23}$ g/KW-hr ($33 \cdot n^{-0.23}$ g/HP-hr) when maximum engine speed is greater than or equal to 130 but less than 2,000 rpm and where n is maximum engine speed; and

(iii) 7.7 g/KW-hr (5.7 g/HP-hr) when maximum engine speed is greater than or equal to 2,000 rpm.

(3) Limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.40 g/KW-hr (0.30 g/HP-hr).

(e) Owners and operators of emergency stationary CI ICE with a displacement of less than 30 liters per cylinder who conduct performance tests in-use must meet the NTE standards as indicated in § 60.4212.

(f) Owners and operators of any modified or reconstructed emergency stationary CI ICE subject to this subpart must meet the emission standards applicable to the model year, maximum engine power, and displacement of the modified or reconstructed CI ICE that are specified in paragraphs (a) through (e) of this section.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37969, June 28, 2011; 86 FR 34358, June 29, 2021]

**§ 60.4206 How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine?**

Owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in §§ 60.4204 and 60.4205 over the entire life of the engine.

[76 FR 37969, June 28, 2011]

**Fuel Requirements for Owners and Operators**

**§ 60.4207 What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart?**

(a) [Reserved]

(b) Beginning October 1, 2010, owners and operators of stationary CI ICE subject to this subpart with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 1090.305 for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to October 1, 2010, may be used until depleted.

(c) [Reserved]

(d) Beginning June 1, 2012, owners and operators of stationary CI ICE subject to this subpart with a displacement of greater than or equal to 30 liters per cylinder must use diesel fuel that meets a maximum per-gallon sulfur content of 1,000 parts per million (ppm).

(e) Stationary CI ICE that have a national security exemption under § 60.4200(d) are also exempt from the fuel requirements in this section.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37969, June 28, 2011; 78 FR 6695, Jan. 30, 2013; 85 FR 78463, Dec. 4, 2020]

**Other Requirements for Owners and Operators**

**§ 60.4208 What is the deadline for importing or installing stationary CI ICE produced in previous model years?**

(a) After December 31, 2008, owners and operators may not install stationary CI ICE (excluding fire pump engines) that do not meet the applicable requirements for 2007 model year engines.

(b) After December 31, 2009, owners and operators may not install stationary CI ICE with a maximum engine power of less than 19 KW (25 HP) (excluding fire pump engines) that do not meet the applicable requirements for 2008 model year engines.

(c) After December 31, 2014, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 19 KW (25 HP) and less than 56 KW (75 HP) that do not meet the applicable requirements for 2013 model year non-emergency engines.

(d) After December 31, 2013, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 56 KW (75 HP) and less than 130 KW (175 HP) that do not meet the applicable requirements for 2012 model year non-emergency engines.

(e) After December 31, 2012, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 130 KW (175 HP), including those above 560 KW (750 HP), that do not meet the applicable requirements for 2011 model year non-emergency engines.

(f) After December 31, 2016, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 560 KW (750 HP) that do not meet the applicable requirements for 2015 model year non-emergency engines.

(g) After December 31, 2018, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power greater than or equal to 600 KW (804 HP) and less than 2,000 KW (2,680 HP) and a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder that do not meet the applicable requirements for 2017 model year non-emergency engines.

(h) In addition to the requirements specified in §§ 60.4201, 60.4202, 60.4204, and 60.4205, it is prohibited to import stationary CI ICE with a displacement of less than 30 liters per cylinder that do not meet the applicable requirements specified in paragraphs (a) through (g) of this section after the dates specified in paragraphs (a) through (g) of this section.

(i) The requirements of this section do not apply to owners or operators of stationary CI ICE that have been modified, reconstructed, and do not apply to engines that were removed from one existing location and reinstalled at a new location.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37969, June 28, 2011]

**§ 60.4209 What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine?**

If you are an owner or operator, you must meet the monitoring requirements of this section. In addition, you must also meet the monitoring requirements specified in § 60.4211.

(a) If you are an owner or operator of an emergency stationary CI internal combustion engine that does not meet the standards applicable to non-emergency engines, you must install a non-resettable hour meter prior to startup of the engine.

(b) If you are an owner or operator of a stationary CI internal combustion engine equipped with a diesel particulate filter to comply with the emission standards in § 60.4204, the diesel particulate filter must be installed with a

backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37969, June 28, 2011]

**Compliance Requirements**

**§ 60.4210 What are my compliance requirements if I am a stationary CI internal combustion engine manufacturer?**

(a) Stationary CI internal combustion engine manufacturers must certify their stationary CI ICE with a displacement of less than 10 liters per cylinder to the emission standards specified in §§ 60.4201(a) through (c) and 60.4202(a), (b), and (d) using the certification procedures required in 40 CFR part 1039, subpart C, and must test their engines as specified in 40 CFR part 1039. For the purposes of this subpart, engines certified to the standards in Table 1 to this subpart shall be subject to the same certification procedures required for engines certified to the Tier 1 standards in 40 CFR part 1039, appendix I. For the purposes of this subpart, engines certified to the standards in Table 4 to this subpart shall be subject to the same certification procedures required for engines certified to the Tier 1 standards in 40 CFR part 1039, appendix I, except that engines with NFPA nameplate power of less than 37 KW (50 HP) certified to model year 2011 or later standards shall be subject to the same requirements as engines certified to the standards in 40 CFR part 1039.

(b) Stationary CI internal combustion engine manufacturers must certify their stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder to the emission standards specified in §§ 60.4201(d) and (e) and 60.4202(e) and (f) using the certification procedures required in 40 CFR part 1042, subpart C, and must test their engines as specified in 40 CFR part 1042.

(c) Stationary CI internal combustion engine manufacturers must meet the requirements of 40 CFR 1039.120, 1039.125, 1039.130, and 1039.135 and 40 CFR part 1068 for engines that are certified to the emission standards in 40 CFR part 1039. Stationary CI internal combustion engine manufacturers must meet the corresponding provisions of 40 CFR part 1042 for engines that would be covered by that part if they were nonroad (including marine) engines. Labels on such engines must refer to stationary engines, rather than or in addition to nonroad or marine engines, as appropriate. Stationary CI internal combustion engine manufacturers must label their engines according to paragraphs (c)(1) through (3) of this section.

(1) Stationary CI internal combustion engines manufactured from January 1, 2006 to March 31, 2006 (January 1, 2006 to June 30, 2006 for fire pump engines), other than those that are part of certified engine families under the nonroad CI engine regulations, must be labeled according to 40 CFR 1039.20.

(2) Stationary CI internal combustion engines manufactured from April 1, 2006 to December 31, 2006 (or, for fire pump engines, July 1, 2006 to December 31 of the year preceding the year listed in table 3 to this subpart) must be labeled according to paragraphs (c)(2)(i) through (iii) of this section:

(i) Stationary CI internal combustion engines that are part of certified engine families under the nonroad regulations must meet the labeling requirements for nonroad CI engines, but do not have to meet the labeling requirements in 40 CFR 1039.20.

(ii) Stationary CI internal combustion engines that meet Tier 1 requirements (or requirements for fire pumps) under this subpart, but do not meet the requirements applicable to nonroad CI engines must be labeled according to 40 CFR 1039.20. The engine manufacturer may add language to the label clarifying that the engine meets Tier 1 requirements (or requirements for fire pumps) of this subpart.

(iii) Stationary CI internal combustion engines manufactured after April 1, 2006 that do not meet Tier 1 requirements of this subpart, or fire pumps engines manufactured after July 1, 2006 that do not meet the requirements for fire pumps under this subpart, may not be used in the U.S. If any such engines are manufactured in the U.S. after April 1, 2006 (July 1, 2006 for fire pump engines), they must be exported or must be brought into compliance with the appropriate standards prior to initial operation. The export provisions of 40 CFR 1068.230 would apply to engines for export and the manufacturers must label such engines according to 40 CFR 1068.230.

(3) Stationary CI internal combustion engines manufactured after January 1, 2007 (for fire pump engines, after January 1 of the year listed in table 3 to this subpart, as applicable) must be labeled according to paragraphs (c)(3)(i) through (iii) of this section.

(i) Stationary CI internal combustion engines that meet the requirements of this subpart and the corresponding requirements for nonroad (including marine) engines of the same model year and HP must be labeled according to the provisions in 40 CFR part 1039 or 1042, as appropriate.

(ii) Stationary CI internal combustion engines that meet the requirements of this subpart, but are not certified to the standards applicable to nonroad (including marine) engines of the same model year and HP must be labeled according to the provisions in 40 CFR part 1039 or 1042, as appropriate, but the words “stationary” must be included instead of “nonroad” or “marine” on the label. In addition, such engines must be labeled according to 40 CFR 1039.20.

(iii) Stationary CI internal combustion engines that do not meet the requirements of this subpart must be labeled according to 40 CFR 1068.230 and must be exported under the provisions of 40 CFR 1068.230.

(d) An engine manufacturer certifying an engine family or families to standards under this subpart that are identical to standards applicable under 40 CFR part 1039 or 1042 for that model year may certify any such family that contains both nonroad (including marine) and stationary engines as a single engine family and/or may include any such family containing stationary engines in the averaging, banking, and trading provisions applicable for such engines under those parts.

(e) Manufacturers of engine families discussed in paragraph (d) of this section may meet the labeling requirements referred to in paragraph (c) of this section for stationary CI ICE by either adding a separate label containing the information required in paragraph (c) of this section or by adding the words “and stationary” after the word “nonroad” or “marine,” as appropriate, to the label.

(f) Starting with the model years shown in table 5 to this subpart, stationary CI internal combustion engine manufacturers must add a permanent label stating that the engine is for stationary emergency use only to each new emergency stationary CI internal combustion engine greater than or equal to 19 KW (25 HP) that meets all the emission standards for emergency engines in § 60.4202 but does not meet all the emission standards for non-emergency engines in § 60.4201. The label must be added according to the labeling requirements specified in 40 CFR 1039.135(b). Engine manufacturers must specify in the owner's manual that operation of emergency engines is limited to emergency operations and required maintenance and testing.

(g) Manufacturers of fire pump engines may use the test cycle in table 6 to this subpart for testing fire pump engines and may test at the NFPA certified nameplate HP, provided that the engine is labeled as “Fire Pump Applications Only”.

(h) Engine manufacturers, including importers, may introduce into commerce uncertified engines or engines certified to earlier standards that were manufactured before the new or changed standards took effect until inventories are depleted, as long as such engines are part of normal inventory. For example, if the engine manufacturers' normal industry practice is to keep on hand a one-month supply of engines based on its projected sales, and a new tier of standards starts to apply for the 2009 model year, the engine manufacturer may manufacture engines based on the normal inventory requirements late in the 2008 model year, and sell those engines for installation. The engine manufacturer may not circumvent the provisions of § 60.4201 or § 60.4202 by stockpiling engines that are built before new or changed standards take effect. Stockpiling of such engines beyond normal industry practice is a violation of this subpart.

(i) The replacement engine provisions of 40 CFR 1068.240 are applicable to stationary CI engines replacing existing equipment that is less than 15 years old.

(j) Stationary CI ICE manufacturers may equip their stationary CI internal combustion engines certified to the emission standards in 40 CFR part 1039 with AECDs for qualified emergency situations according to the requirements of 40 CFR 1039.665. Manufacturers of stationary CI ICE equipped with AECDs as allowed by 40 CFR 1039.665 must meet all the requirements in 40 CFR 1039.665 that apply to manufacturers. Manufacturers must document that the engine complies with the Tier 1 standard in 40 CFR part 1039, appendix I, when the AECD is activated. Manufacturers must provide any relevant testing, engineering analysis, or other information in

sufficient detail to support such statement when applying for certification (including amending an existing certificate) of an engine equipped with an AECD as allowed by 40 CFR 1039.665.

(k) Manufacturers of any size may certify their emergency stationary CI internal combustion engines under this section using assigned deterioration factors established by EPA, consistent with 40 CFR 1039.240 and 1042.240.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37969, June 28, 2011; 81 FR 44219, July 7, 2016; 86 FR 34358, June 29, 2021]

**§ 60.4211 What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine?**

(a) If you are an owner or operator and must comply with the emission standards specified in this subpart, you must do all of the following, except as permitted under paragraph (g) of this section:

(1) Operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's emission-related written instructions;

(2) Change only those emission-related settings that are permitted by the manufacturer; and

(3) Meet the requirements of 40 CFR part 1068, as they apply to you.

(b) If you are an owner or operator of a pre-2007 model year stationary CI internal combustion engine and must comply with the emission standards specified in § 60.4204(a) or § 60.4205(a), or if you are an owner or operator of a CI fire pump engine that is manufactured prior to the model years in table 3 to this subpart and must comply with the emission standards specified in § 60.4205(c), you must demonstrate compliance according to one of the methods specified in paragraphs (b)(1) through (5) of this section.

(1) Purchasing an engine certified to emission standards for the same model year and maximum engine power as described in 40 CFR parts 1039 and 1042, as applicable. The engine must be installed and configured according to the manufacturer's specifications.

(2) Keeping records of performance test results for each pollutant for a test conducted on a similar engine. The test must have been conducted using the same methods specified in this subpart and these methods must have been followed correctly.

(3) Keeping records of engine manufacturer data indicating compliance with the standards.

(4) Keeping records of control device vendor data indicating compliance with the standards.

(5) Conducting an initial performance test to demonstrate compliance with the emission standards according to the requirements specified in § 60.4212, as applicable.

(c) If you are an owner or operator of a 2007 model year and later stationary CI internal combustion engine and must comply with the emission standards specified in § 60.4204(b) or § 60.4205(b), or if you are an owner or operator of a CI fire pump engine that is manufactured during or after the model year that applies to your fire pump engine power rating in table 3 to this subpart and must comply with the emission standards specified in § 60.4205(c), you must comply by purchasing an engine certified to the emission standards in § 60.4204(b), or § 60.4205(b) or (c), as applicable, for the same model year and maximum (or in the case of fire pumps, NFPA nameplate) engine power. The engine must be installed and configured according to the manufacturer's emission-related specifications, except as permitted in paragraph (g) of this section.

(d) If you are an owner or operator and must comply with the emission standards specified in § 60.4204(c) or § 60.4205(d), you must demonstrate compliance according to the requirements specified in paragraphs (d)(1) through (3) of this section.

(1) Conducting an initial performance test to demonstrate initial compliance with the emission standards as specified in § 60.4213.

(2) Establishing operating parameters to be monitored continuously to ensure the stationary internal combustion engine continues to meet the emission standards. The owner or operator must petition the Administrator for approval of operating parameters to be monitored continuously. The petition must include the information described in paragraphs (d)(2)(i) through (v) of this section.

(i) Identification of the specific parameters you propose to monitor continuously;

(ii) A discussion of the relationship between these parameters and $NO_X$ and PM emissions, identifying how the emissions of these pollutants change with changes in these parameters, and how limitations on these parameters will serve to limit $NO_X$ and PM emissions;

(iii) A discussion of how you will establish the upper and/or lower values for these parameters which will establish the limits on these parameters in the operating limitations;

(iv) A discussion identifying the methods and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments; and

(v) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.

(3) For non-emergency engines with a displacement of greater than or equal to 30 liters per cylinder, conducting annual performance tests to demonstrate continuous compliance with the emission standards as specified in § 60.4213.

(e) If you are an owner or operator of a modified or reconstructed stationary CI internal combustion engine and must comply with the emission standards specified in § 60.4204(e) or § 60.4205(f), you must demonstrate compliance according to one of the methods specified in paragraphs (e)(1) or (2) of this section.

(1) Purchasing, or otherwise owning or operating, an engine certified to the emission standards in § 60.4204(e) or § 60.4205(f), as applicable.

(2) Conducting a performance test to demonstrate initial compliance with the emission standards according to the requirements specified in § 60.4212 or § 60.4213, as appropriate. The test must be conducted within 60 days after the engine commences operation after the modification or reconstruction.

(f) If you own or operate an emergency stationary ICE, you must operate the emergency stationary ICE according to the requirements in paragraphs (f)(1) through (3) of this section. In order for the engine to be considered an emergency stationary ICE under this subpart, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (f)(1) through (3), is prohibited. If you do not operate the engine according to the requirements in paragraphs (f)(1) through (3), the engine will not be considered an emergency engine under this subpart and must meet all requirements for non-emergency engines.

(1) There is no time limit on the use of emergency stationary ICE in emergency situations.

(2) You may operate your emergency stationary ICE for the purpose specified in paragraph (f)(2)(i) of this section for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph (f)(3) of this section counts as part of the 100 hours per calendar year allowed by this paragraph (f)(2).

(i) Emergency stationary ICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the

owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency ICE beyond 100 hours per calendar year.

(ii)-(iii) [Reserved]

(3) Emergency stationary ICE may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing provided in paragraph (f)(2) of this section. Except as provided in paragraph (f)(3)(i) of this section, the 50 hours per calendar year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

(i) The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:

(A) The engine is dispatched by the local balancing authority or local transmission and distribution system operator;

(B) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.

(C) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.

(D) The power is provided only to the facility itself or to support the local transmission and distribution system.

(E) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

(ii) [Reserved]

(g) If you do not install, configure, operate, and maintain your engine and control device according to the manufacturer's emission-related written instructions, or you change emission-related settings in a way that is not permitted by the manufacturer, you must demonstrate compliance as follows:

(1) If you are an owner or operator of a stationary CI internal combustion engine with maximum engine power less than 100 HP, you must keep a maintenance plan and records of conducted maintenance to demonstrate compliance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, if you do not install and configure the engine and control device according to the manufacturer's emission-related written instructions, or you change the emission-related settings in a way that is not permitted by the manufacturer, you must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of such action.

(2) If you are an owner or operator of a stationary CI internal combustion engine greater than or equal to 100 HP and less than or equal to 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of startup, or within 1 year after an engine and control device is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1 year after you change emission-related settings in a way that is not permitted by the manufacturer.

(3) If you are an owner or operator of a stationary CI internal combustion engine greater than 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain

and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of startup, or within 1 year after an engine and control device is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1 year after you change emission-related settings in a way that is not permitted by the manufacturer. You must conduct subsequent performance testing every 8,760 hours of engine operation or 3 years, whichever comes first, thereafter to demonstrate compliance with the applicable emission standards.

(h) The requirements for operators and prohibited acts specified in 40 CFR 1039.665 apply to owners or operators of stationary CI ICE equipped with AECDs for qualified emergency situations as allowed by 40 CFR 1039.665.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37970, June 28, 2011; 78 FR 6695, Jan. 30, 2013; 81 FR 44219, July 7, 2016; 86 FR 34359, June 29, 2021; 87 FR 48605, Aug. 10, 2022]

**Testing Requirements for Owners and Operators**

**§ 60.4212 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of less than 30 liters per cylinder?**

Owners and operators of stationary CI ICE with a displacement of less than 30 liters per cylinder who conduct performance tests pursuant to this subpart must do so according to paragraphs (a) through (e) of this section.

(a) The performance test must be conducted according to the in-use testing procedures in 40 CFR part 1039, subpart F, for stationary CI ICE with a displacement of less than 10 liters per cylinder, and according to 40 CFR part 1042, subpart F, for stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder. Alternatively, stationary CI ICE that are complying with Tier 2 or Tier 3 emission standards as described in 40 CFR part 1039, appendix I, or with Tier 2 emission standards as described in 40 CFR part 1042, appendix I, may follow the testing procedures specified in § 60.4213, as appropriate.

(b) Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR part 1039 must not exceed the not-to-exceed (NTE) standards for the same model year and maximum engine power as required in 40 CFR 1039.101(e) and 40 CFR 1039.102(g)(1), except as specified in 40 CFR 1039.104(d). This requirement starts when NTE requirements take effect for nonroad diesel engines under 40 CFR part 1039.

(c) Exhaust emissions from stationary CI ICE subject to Tier 2 or Tier 3 emission standards as described in 40 CFR part 1039, appendix I, or Tier 2 emission standards as described in 40 CFR part 1042, appendix I, must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard, determined from the following equation:

$$\text{NTE requirement for each pollutant} = (1.25) \times (\text{STD}) \quad \text{(Eq. 1)}$$

Where:

STD = The standard specified for that pollutant in 40 CFR part 1039 or 1042, as applicable.

(d) Exhaust emissions from stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in § 60.4204(a), § 60.4205(a), or § 60.4205(c) must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in § 60.4204(a), § 60.4205(a), or § 60.4205(c), determined from the equation in paragraph (c) of this section.

Where:

STD = The standard specified for that pollutant in § 60.4204(a), § 60.4205(a), or § 60.4205(c).

Alternatively, stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in § 60.4204(a), § 60.4205(a), or § 60.4205(c) may follow the testing procedures specified in § 60.4213, as appropriate.

(e) Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR part 1042 must not exceed the NTE standards for the same model year and maximum engine power as required in 40 CFR 1042.101(c).

[71 FR 39172, July 11, 2006, as amended at 76 FR 37971, June 28, 2011; 86 FR 34359, June 29, 2021]

**§ 60.4213 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of greater than or equal to 30 liters per cylinder?**

Owners and operators of stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must conduct performance tests according to paragraphs (a) through (f) of this section.

(a) Each performance test must be conducted according to the requirements in § 60.8 and under the specific conditions that this subpart specifies in table 7. The test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load.

(b) You may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in § 60.8(c).

(c) You must conduct three separate test runs for each performance test required in this section, as specified in § 60.8(f). Each test run must last at least 1 hour.

(d) To determine compliance with the percent reduction requirement, you must follow the requirements as specified in paragraphs (d)(1) through (3) of this section.

(1) You must use Equation 2 of this section to determine compliance with the percent reduction requirement:

$$\frac{C_i - C_o}{C_i} \times 100 = R \qquad \text{(Eq. 2)}$$

Where:

$C_i$ = concentration of $NO_X$ or PM at the control device inlet,

$C_o$ = concentration of $NO_X$ or PM at the control device outlet, and

R = percent reduction of $NO_X$ or PM emissions.

(2) You must normalize the $NO_X$ or PM concentrations at the inlet and outlet of the control device to a dry basis and to 15 percent oxygen ($O_2$) using Equation 3 of this section, or an equivalent percent carbon dioxide ($CO_2$) using the procedures described in paragraph (d)(3) of this section.

$$C_{adj} = C_d \frac{5.9}{20.9 - \%\ O_2} \qquad \text{(Eq. 3)}$$

Where:

$C_{adj}$ = Calculated $NO_X$ or PM concentration adjusted to 15 percent $O_2$.

$C_d$ = Measured concentration of $NO_X$ or PM, uncorrected.

5.9 = 20.9 percent $O_2$−15 percent $O_2$, the defined $O_2$ correction value, percent.

$\%O_2$ = Measured $O_2$ concentration, dry basis, percent.

(3) If pollutant concentrations are to be corrected to 15 percent $O_2$ and $CO_2$ concentration is measured in lieu of $O_2$ concentration measurement, a $CO_2$ correction factor is needed. Calculate the $CO_2$ correction factor as described in paragraphs (d)(3)(i) through (iii) of this section.

(i) Calculate the fuel-specific $F_o$ value for the fuel burned during the test using values obtained from Method 19, Section 5.2, and the following equation:

$$F_o = \frac{0.209_{F_d}}{F_c} \qquad \text{(Eq. 4)}$$

Where:

$F_o$ = Fuel factor based on the ratio of $O_2$ volume to the ultimate $CO_2$ volume produced by the fuel at zero percent excess air.

0.209 = Fraction of air that is $O_2$, percent/100.

$F_d$ = Ratio of the volume of dry effluent gas to the gross calorific value of the fuel from Method 19, $dsm^3/J$ ($dscf/10^6$ Btu).

$F_c$ = Ratio of the volume of $CO_2$ produced to the gross calorific value of the fuel from Method 19, $dsm^3/J$ ($dscf/10^6$ Btu).

(ii) Calculate the $CO_2$ correction factor for correcting measurement data to 15 percent $O_2$, as follows:

$$X_{CO_2} = \frac{5.9}{F_o} \qquad \text{(Eq. 5)}$$

Where:

$X_{CO2}$ = $CO_2$ correction factor, percent.

5.9 = 20.9 percent $O_2$−15 percent $O_2$, the defined $O_2$ correction value, percent.

(iii) Calculate the $NO_X$ and PM gas concentrations adjusted to 15 percent $O_2$ using $CO_2$ as follows:

$$C_{adj} = C_d \frac{X_{CO_2}}{\%CO_2} \qquad \text{(Eq. 6)}$$

Where:

$C_{adj}$ = Calculated $NO_X$ or PM concentration adjusted to 15 percent $O_2$.

$C_d$ = Measured concentration of $NO_X$ or PM, uncorrected.

$\%CO_2$ = Measured $CO_2$ concentration, dry basis, percent.

(e) To determine compliance with the $NO_X$ mass per unit output emission limitation, convert the concentration of $NO_X$ in the engine exhaust using Equation 7 of this section:

$$ER = \frac{C_d \times 1.912 \times 10^{-3} \times Q \times T}{\text{KW-hour}} \qquad \text{(Eq. 7)}$$

Where:

ER = Emission rate in grams per KW-hour.

$C_d$ = Measured $NO_X$ concentration in ppm.

$1.912 \times 10^{-3}$ = Conversion constant for ppm $NO_X$ to grams per standard cubic meter at 25 degrees Celsius.

Q = Stack gas volumetric flow rate, in standard cubic meter per hour.

T = Time of test run, in hours.

KW-hour = Brake work of the engine, in KW-hour.

(f) To determine compliance with the PM mass per unit output emission limitation, convert the concentration of PM in the engine exhaust using Equation 8 of this section:

$$ER = \frac{C_{adj} \times Q \times T}{\text{KW-hour}} \qquad \text{(Eq. 8)}$$

Where:

ER = Emission rate in grams per KW-hour.

$C_{adj}$ = Calculated PM concentration in grams per standard cubic meter.

Q = Stack gas volumetric flow rate, in standard cubic meter per hour.

T = Time of test run, in hours.

KW-hour = Energy output of the engine, in KW.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37971, June 28, 2011]

**Notification, Reports, and Records for Owners and Operators**

**§ 60.4214 What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?**

Owners and operators of non-emergency stationary CI ICE that are greater than 2,237 KW (3,000 HP), or have a displacement of greater than or equal to 10 liters per cylinder, or are pre-2007 model year engines that are greater than 130 KW (175 HP) and not certified, must meet the requirements of paragraphs (a)(1) and (2) of this section.

(1) Submit an initial notification as required in § 60.7(a)(1). The notification must include the information in paragraphs (a)(1)(i) through (v) of this section. Beginning on February 26, 2025, submit the notification electronically according to paragraph (g) of this section.

(i) Name and address of the owner or operator;

(ii) The address of the affected source;

(iii) Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;

(iv) Emission control equipment; and

(v) Fuel used.

(2) Keep records of the information in paragraphs (a)(2)(i) through (iv) of this section.

(i) All notifications submitted to comply with this subpart and all documentation supporting any notification.

(ii) Maintenance conducted on the engine.

(iii) If the stationary CI internal combustion is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards.

(iv) If the stationary CI internal combustion is not a certified engine, documentation that the engine meets the emission standards.

(b) If the stationary CI internal combustion engine is an emergency stationary internal combustion engine, the owner or operator is not required to submit an initial notification. Starting with the model years in table 5 to this subpart, if the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time.

(c) If the stationary CI internal combustion engine is equipped with a diesel particulate filter, the owner or operator must keep records of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit of the engine is approached.

(d) If you own or operate an emergency stationary CI ICE with a maximum engine power more than 100 HP that operates for the purpose specified in § 60.4211(f)(3)(i), you must submit an annual report according to the requirements in paragraphs (d)(1) through (3) of this section.

(1) The report must contain the following information:

(i) Company name and address where the engine is located.

(ii) Date of the report and beginning and ending dates of the reporting period.

(iii) Engine site rating and model year.

(iv) Latitude and longitude of the engine in decimal degrees reported to the fifth decimal place.

(v)-(vi) [Reserved]

(vii) Hours spent for operation for the purposes specified in § 60.4211(f)(3)(i), including the date, start time, and end time for engine operation for the purposes specified in § 60.4211(f)(3)(i). The report must also identify the entity that dispatched the engine and the situation that necessitated the dispatch of the engine.

(2) The first annual report must cover the calendar year 2015 and must be submitted no later than March 31, 2016. Subsequent annual reports for each calendar year must be submitted no later than March 31 of the following calendar year.

(3) The annual report must be submitted electronically using the subpart specific reporting form in the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*). However, if the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, the written report must be submitted to the Administrator at the appropriate address listed in § 60.4. Beginning on February 26, 2025, submit annual report electronically according to paragraph (g) of this section.

(e) Owners or operators of stationary CI ICE equipped with AECDs pursuant to the requirements of 40 CFR 1039.665 must report the use of AECDs as required by 40 CFR 1039.665(e).

(f) Beginning on February 26, 2025, within 60 days after the date of completing each performance test required by this subpart, you must submit the results of the performance test required under this section following the procedures specified in paragraphs (f)(1) and (2) of this section.

(1) ***Data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert) at the time of the test.*** Submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), according to paragraph (g) of this section. The data must be submitted in a file format generated using the EPA's ERT. Alternatively, you may submit an electronic file consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

(2) ***Data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test.*** The results of the performance test must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI according to paragraph (g) of this section.

(g) If you are required to submit notifications or reports following the procedure specified in this paragraph (g), you must submit notifications or reports to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*). The EPA will make all the information submitted through CEDRI available to the public without further notice to you. Do not use CEDRI to submit information you claim as CBI. Although we do not expect persons to assert a claim of CBI, if you wish to assert a CBI claim for some of the information in the report or notification, you must submit a complete file in the format specified in this subpart, including information claimed to be CBI, to the EPA following the procedures in paragraphs (g)(1) and (2) of this section. Clearly mark the part or all of the information that you claim to be CBI. Information not marked as CBI may be authorized for public release without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. All CBI claims must be asserted at the time of submission. Anything submitted using CEDRI cannot later be claimed CBI. Furthermore, under CAA section 114(c), emissions data is not entitled to confidential treatment, and the EPA is

required to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available. You must submit the same file submitted to the CBI office with the CBI omitted to the EPA via the EPA's CDX as described earlier in this paragraph (g).

(1) The preferred method to receive CBI is for it to be transmitted electronically using email attachments, File Transfer Protocol, or other online file sharing services. Electronic submissions must be transmitted directly to the OAQPS CBI Office at the email address *oaqpscbi@epa.gov,* and as described in paragraph (g) of this section, should include clear CBI markings. ERT files should be flagged to the attention of the Group Leader, Measurement Policy Group; all other files should be flagged to the attention of the Stationary Compression Ignition Internal Combustion Engine Sector Lead. If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please email *oaqpscbi@epa.gov* to request a file transfer link.

(2) If you cannot transmit the file electronically, you may send CBI information through the postal service to the following address: OAQPS Document Control Officer (C404-02), OAQPS, U.S. Environmental Protection Agency, 109 T.W. Alexander Drive, P.O. Box 12055, Research Triangle Park, North Carolina 27711. ERT files should be sent to the attention of the Group Leader, Measurement Policy Group, and all other files should be sent to the attention of the Stationary Compression Ignition Internal Combustion Engine Sector Lead. The mailed CBI material should be double wrapped and clearly marked. Any CBI markings should not show through the outer envelope.

(h) If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of EPA system outage for failure to timely comply with that reporting requirement. To assert a claim of EPA system outage, you must meet the requirements outlined in paragraphs (h)(1) through (7) of this section.

(1) You must have been or will be precluded from accessing CEDRI and submitting a required report within the time prescribed due to an outage of either the EPA's CEDRI or CDX systems.

(2) The outage must have occurred within the period of time beginning five business days prior to the date that the submission is due.

(3) The outage may be planned or unplanned.

(4) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(5) You must provide to the Administrator a written description identifying:

(i) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to EPA system outage;

(iii) A description of measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(6) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(7) In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved.

(i) If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of force majeure for failure to timely comply with that reporting requirement. To assert a claim of force majeure, you must meet the requirements outlined in paragraphs (i)(1) through (5) of this section.

(1) You may submit a claim if a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (*e.g.,* hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (*e.g.,* large scale power outage).

(2) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(3) You must provide to the Administrator:

(i) A written description of the force majeure event;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event;

(iii) A description of measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(4) The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(5) In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs.

(j) Any records required to be maintained by this subpart that are submitted electronically via the EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation.

[71 FR 39172, July 11, 2006, as amended at 78 FR 6696, Jan. 30, 2013; 81 FR 44219, July 7, 2016; 87 FR 48606, Aug. 10, 2022; 89 FR 70512, Aug. 30, 2024]

**Special Requirements**

**§ 60.4215 What requirements must I meet for engines used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands?**

(a) Stationary CI ICE with a displacement of less than 30 liters per cylinder that are used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands are required to meet the applicable emission standards in §§ 60.4202 and 60.4205.

(b) Stationary CI ICE that are used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands are not required to meet the fuel requirements in § 60.4207.

(c) Stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder that are used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands are required to meet the following emission standards:

(1) For engines installed prior to January 1, 2012, limit the emissions of $NO_X$ in the stationary CI internal combustion engine exhaust to the following:

(i) 17.0 g/KW-hr (12.7 g/HP-hr) when maximum engine speed is less than 130 rpm;

(ii) $45 \cdot n^{-0.2}$ g/KW-hr ($34 \cdot n^{-0.2}$ g/HP-hr) when maximum engine speed is 130 or more but less than 2,000 rpm, where n is maximum engine speed; and

(iii) 9.8 g/KW-hr (7.3 g/HP-hr) when maximum engine speed is 2,000 rpm or more.

(2) For engines installed on or after January 1, 2012, limit the emissions of $NO_X$ in the stationary CI internal combustion engine exhaust to the following:

(i) 14.4 g/KW-hr (10.7 g/HP-hr) when maximum engine speed is less than 130 rpm;

(ii) $44 \cdot n^{-0.23}$ g/KW-hr ($33 \cdot n^{-0.23}$ g/HP-hr) when maximum engine speed is greater than or equal to 130 but less than 2,000 rpm and where n is maximum engine speed; and

(iii) 7.7 g/KW-hr (5.7 g/HP-hr) when maximum engine speed is greater than or equal to 2,000 rpm.

(3) Limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.40 g/KW-hr (0.30 g/HP-hr).

[71 FR 39172, July 11, 2006, as amended at 76 FR 37971, June 28, 2011]

**§ 60.4216 What requirements must I meet for engines used in Alaska?**

(a) Prior to December 1, 2010, owners and operators of stationary CI ICE with a displacement of less than 30 liters per cylinder located in areas of Alaska not accessible by the FAHS should refer to 40 CFR part 69 to determine the diesel fuel requirements applicable to such engines.

(b) Except as indicated in paragraph (c) of this section, manufacturers, owners and operators of stationary CI ICE with a displacement of less than 10 liters per cylinder located in remote areas of Alaska may meet the requirements of this subpart by manufacturing and installing engines meeting the Tier 2 or Tier 3 emission standards described in 40 CFR part 1042 for the same model year, displacement, and maximum engine power, as appropriate, rather than the otherwise applicable requirements of 40 CFR part 1039, as indicated in §§ 60.4201(f) and 60.4202(g).

(c) Manufacturers, owners, and operators of stationary CI ICE that are located in remote areas of Alaska may choose to meet the applicable emission standards for emergency engines in §§ 60.4202 and 60.4205, and not those for non-emergency engines in §§ 60.4201 and 60.4204, except that for 2014 model year and later nonemergency CI ICE, the owner or operator of any such engine must have that engine certified as meeting at least the Tier 3 PM standards identified in appendix I of 40 CFR part 1039 or in 40 CFR 1042.101.

(d) The provisions of § 60.4207 do not apply to owners and operators of pre-2014 model year stationary CI ICE subject to this subpart that are located in remote areas of Alaska.

(e) The provisions of § 60.4208(a) do not apply to owners and operators of stationary CI ICE subject to this subpart that are located in areas of Alaska not accessible by the FAHS until after December 31, 2009.

(f) The provisions of this section and § 60.4207 do not prevent owners and operators of stationary CI ICE subject to this subpart that are located in remote areas of Alaska from using fuels mixed with used lubricating oil, in volumes of up to 1.75 percent of the total fuel. The sulfur content of the used lubricating oil must be less than 200 parts per million. The used lubricating oil must meet the on-specification levels and properties for used oil in 40 CFR 279.11.

[76 FR 37971, June 28, 2011, as amended at 81 FR 44219, July 7, 2016; 86 FR 34359, June 29, 2021]

**§ 60.4217 What emission standards must I meet if I am an owner or operator of a stationary internal combustion engine using special fuels?**

Owners and operators of stationary CI ICE that do not use diesel fuel may petition the Administrator for approval of alternative emission standards, if they can demonstrate that they use a fuel that is not the fuel on which the manufacturer of the engine certified the engine and that the engine cannot meet the applicable standards required in § 60.4204 or § 60.4205 using such fuels and that use of such fuel is appropriate and reasonably necessary, considering cost, energy, technical feasibility, human health and environmental, and other factors, for the operation of the engine.

[76 FR 37972, June 28, 2011]

**General Provisions**

**§ 60.4218 What General Provisions and confidential information provisions apply to me?**

(a) Table 8 to this subpart shows which parts of the General Provisions in §§ 60.1 through 60.19 apply to you.

(b) The provisions of 40 CFR 1068.10 and 1068.11 apply for engine manufacturers. For others, the general confidential business information (CBI) provisions apply as described in 40 CFR part 2.

[88 FR 4471, Jan. 24, 2023]

**Definitions**

**§ 60.4219 What definitions apply to this subpart?**

As used in this subpart, all terms not defined herein shall have the meaning given them in the CAA and in subpart A of this part.

*Alaska Railbelt Grid* means the service areas of the six regulated public utilities that extend from Fairbanks to Anchorage and the Kenai Peninsula. These utilities are Golden Valley Electric Association; Chugach Electric Association; Matanuska Electric Association; Homer Electric Association; Anchorage Municipal Light & Power; and the City of Seward Electric System.

*Certified emissions life* means the period during which the engine is designed to properly function in terms of reliability and fuel consumption, without being remanufactured, specified as a number of hours of operation or calendar years, whichever comes first. The values for certified emissions life for stationary CI ICE with a displacement of less than 10 liters per cylinder are given in 40 CFR 1039.101(g). The values for certified emissions life for stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder are given in 40 CFR 1042.101(e).

*Combustion turbine* means all equipment, including but not limited to the turbine, the fuel, air, lubrication and exhaust gas systems, control systems (except emissions control equipment), and any ancillary components and sub-components comprising any simple cycle combustion turbine, any regenerative/recuperative cycle combustion turbine, the combustion turbine portion of any cogeneration cycle combustion system, or the combustion turbine portion of any combined cycle steam/electric generating system.

*Compression ignition* means relating to a type of stationary internal combustion engine that is not a spark ignition engine.

*Date of manufacture* means one of the following things:

(1) For freshly manufactured engines and modified engines, date of manufacture means the date the engine is originally produced.

(2) For reconstructed engines, date of manufacture means the date the engine was originally produced, except as specified in paragraph (3) of this definition.

(3) Reconstructed engines are assigned a new date of manufacture if the fixed capital cost of the new and refurbished components exceeds 75 percent of the fixed capital cost of a comparable entirely new facility. An engine that is produced from a previously used engine block does not retain the date of manufacture of the engine in which the engine block was previously used if the engine is produced using all new components except for the engine block. In these cases, the date of manufacture is the date of reconstruction or the date the new engine is produced.

*Diesel fuel* means any liquid obtained from the distillation of petroleum with a boiling point of approximately 150 to 360 degrees Celsius. One commonly used form is number 2 distillate oil.

*Diesel particulate filter* means an emission control technology that reduces PM emissions by trapping the particles in a flow filter substrate and periodically removes the collected particles by either physical action or by oxidizing (burning off) the particles in a process called regeneration.

*Emergency stationary internal combustion engine* means any stationary reciprocating internal combustion engine that meets all of the criteria in paragraphs (1) through (3) of this definition. All emergency stationary ICE must comply with the requirements specified in § 60.4211(f) in order to be considered emergency stationary ICE. If the engine does not comply with the requirements specified in § 60.4211(f), then it is not considered to be an emergency stationary ICE under this subpart.

(1) The stationary ICE is operated to provide electrical power or mechanical work during an emergency situation. Examples include stationary ICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary ICE used to pump water in the case of fire or flood, etc.

(2) The stationary ICE is operated under limited circumstances for situations not included in paragraph (1) of this definition, as specified in § 60.4211(f).

(3) The stationary ICE operates as part of a financial arrangement with another entity in situations not included in paragraph (1) of this definition only as allowed in § 60.4211(f)(3)(i).

*Engine manufacturer* means the manufacturer of the engine. See the definition of “manufacturer” in this section.

*Fire pump engine* means an emergency stationary internal combustion engine certified to NFPA requirements that is used to provide power to pump water for fire suppression or protection.

*Freshly manufactured engine* means an engine that has not been placed into service. An engine becomes freshly manufactured when it is originally produced.

*Installed* means the engine is placed and secured at the location where it is intended to be operated.

*Manufacturer* has the meaning given in section 216(1) of the Act. In general, this term includes any person who manufactures a stationary engine for sale in the United States or otherwise introduces a new stationary engine into commerce in the United States. This includes importers who import stationary engines for sale or resale.

*Maximum engine power* means maximum engine power as defined in 40 CFR 1039.801.

*Model year* means the calendar year in which an engine is manufactured (see “date of manufacture”), except as follows:

(1) Model year means the annual new model production period of the engine manufacturer in which an engine is manufactured (see “date of manufacture”), if the annual new model production period is different than the calendar year and includes January 1 of the calendar year for which the model year is named. It may not begin before January 2 of the previous calendar year and it must end by December 31 of the named calendar year.

(2) For an engine that is converted to a stationary engine after being placed into service as a nonroad or other non-stationary engine, model year means the calendar year or new model production period in which the engine was manufactured (see “date of manufacture”).

*Other internal combustion engine* means any internal combustion engine, except combustion turbines, which is not a reciprocating internal combustion engine or rotary internal combustion engine.

*Reciprocating internal combustion engine* means any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work.

*Remote areas of Alaska* means areas of Alaska that meet either paragraph (1) or (2) of this definition.

(1) Areas of Alaska that are not accessible by the Federal Aid Highway System (FAHS).

(2) Areas of Alaska that meet all of the following criteria:

(i) The only connection to the FAHS is through the Alaska Marine Highway System, or the stationary CI ICE operation is within an isolated grid in Alaska that is not connected to the statewide electrical grid referred to as the Alaska Railbelt Grid.

(ii) At least 10 percent of the power generated by the stationary CI ICE on an annual basis is used for residential purposes.

(iii) The generating capacity of the source is less than 12 megawatts, or the stationary CI ICE is used exclusively for backup power for renewable energy.

*Rotary internal combustion engine* means any internal combustion engine which uses rotary motion to convert heat energy into mechanical work.

*Spark ignition* means relating to a gasoline, natural gas, or liquefied petroleum gas fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark ignition engines usually use a throttle to regulate intake air flow to control power during normal operation. Dual-fuel engines in which a liquid fuel (typically diesel fuel) is used for CI and gaseous fuel (typically natural gas) is used as the primary fuel at an annual average ratio of less than 2 parts diesel fuel to 100 parts total fuel on an energy equivalent basis are spark ignition engines.

*Stationary internal combustion engine* means any internal combustion engine, except combustion turbines, that converts heat energy into mechanical work and is not mobile. Stationary ICE differ from mobile ICE in that a stationary internal combustion engine is not a nonroad engine as defined at 40 CFR 1068.30 (excluding paragraph (2)(ii) of that definition), and is not used to propel a motor vehicle, aircraft, or a vehicle used solely for competition. Stationary ICE include reciprocating ICE, rotary ICE, and other ICE, except combustion turbines.

*Subpart* means 40 CFR part 60, subpart IIII.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37972, June 28, 2011; 78 FR 6696, Jan. 30, 2013; 81 FR 44219, July 7, 2016; 86 FR 34360, June 29, 2021; 87 FR 48606, Aug. 10, 2022]

**Table 1 to Subpart IIII of Part 60—Emission Standards for Stationary Pre-2007 Model Year Engines With a Displacement of <10 Liters per Cylinder and 2007-2010 Model Year Engines >2,237 KW (3,000 HP) and With a Displacement of <10 Liters per Cylinder**

[As stated in §§60.4201(b), 60.4202(b), 60.4204(a), and 60.4205(a), you must comply with the following emission standards]

| Maximum engine power | Emission standards for stationary pre-2007 model year engines with a displacement of <10 liters per cylinder and 2007-2010 model year engines >2,237 KW (3,000 HP) and with a displacement of <10 liters per cylinder in g/KW-hr (g/HP-hr) | | | | |
|---|---|---|---|---|---|
| | NMHC + $NO_X$ | HC | $NO_X$ | CO | PM |
| KW<8 (HP<11) | 10.5 (7.8) | | | 8.0 (6.0) | 1.0 (0.75) |
| 8≤KW<19 (11≤HP<25) | 9.5 (7.1) | | | 6.6 (4.9) | 0.80 (0.60) |
| 19≤KW<37 (25≤HP<50) | 9.5 (7.1) | | | 5.5 (4.1) | 0.80 (0.60) |
| 37≤KW<56 (50≤HP<75) | | | 9.2 (6.9) | | |
| 56≤KW<75 (75≤HP<100) | | | 9.2 (6.9) | | |
| 75≤KW<130 (100≤HP<175) | | | 9.2 (6.9) | | |
| 130≤KW<225 (175≤HP<300) | | 1.3 (1.0) | 9.2 (6.9) | 11.4 (8.5) | 0.54 (0.40) |
| 225≤KW<450 (300≤HP<600) | | 1.3 (1.0) | 9.2 (6.9) | 11.4 (8.5) | 0.54 (0.40) |
| 450≤KW≤560 (600≤HP≤750) | | 1.3 (1.0) | 9.2 (6.9) | 11.4 (8.5) | 0.54 (0.40) |
| KW>560 (HP>750) | | 1.3 (1.0) | 9.2 (6.9) | 11.4 (8.5) | 0.54 (0.40) |

**Table 2 to Subpart IIII of Part 60—Emission Standards for 2008 Model Year and Later Emergency Stationary CI ICE <37 KW (50 HP) With a Displacement of <10 Liters per Cylinder**

[As stated in §60.4202(a)(1), you must comply with the following emission standards]

| Engine power | Emission standards for 2008 model year and later emergency stationary CI ICE <37 KW (50 HP) with a displacement of <10 liters per cylinder in g/KW-hr (g/HP-hr) | | | |
|---|---|---|---|---|
| | Model year(s) | $NO_X$ + NMHC | CO | PM |
| KW<8 (HP<11) | 2008 + | 7.5 (5.6) | 8.0 (6.0) | 0.40 (0.30) |
| 8≤KW<19 (11≤HP<25) | 2008 + | 7.5 (5.6) | 6.6 (4.9) | 0.40 (0.30) |
| 19≤KW<37 (25≤HP<50) | 2008 + | 7.5 (5.6) | 5.5 (4.1) | 0.30 (0.22) |

**Table 3 to Subpart IIII of Part 60—Certification Requirements for Stationary Fire Pump Engines**

As stated in §60.4202(d), you must certify new stationary fire pump engines beginning with the following model years:

| Engine power | Starting model year engine manufacturers must certify new stationary fire pump engines according to §60.4202(d)[1] |
|---|---|
| KW<75 (HP<100) | 2011 |
| 75≤KW<130 (100≤HP<175) | 2010 |
| 130≤KW≤560 (175≤HP≤750) | 2009 |
| KW>560 (HP>750) | 2008 |

[1]Manufacturers of fire pump stationary CI ICE with a maximum engine power greater than or equal to 37 kW (50 HP) and less than 450 KW (600 HP) and a rated speed of greater than 2,650 revolutions per minute (rpm) are not required to certify such engines until three model years following the model year indicated in this Table 3 for engines in the applicable engine power category.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37972, June 28, 2011]

**Table 4 to Subpart IIII of Part 60—Emission Standards for Stationary Fire Pump Engines**

[As stated in §§ 60.4202(d) and 60.4205(c), you must comply with the following emission standards for stationary fire pump engines]

| Maximum engine power | Model year(s) | Emission standards for stationary fire pump engines in g/KW-hr (g/HP-hr) | | |
|---|---|---|---|---|
| | | NMHC + $NO_X$ | CO | PM |
| KW<8 (HP<11) | 2010 and earlier | 10.5 (7.8) | 8.0 (6.0) | 1.0 (0.75) |
| KW<8 (HP<11) | 2011 + | 7.5 (5.6) | 8.0 (6.0) | 0.40 (0.30) |
| 8≤KW<19 (11≤HP<25) | 2010 and earlier | 9.5 (7.1) | 6.6 (4.9) | 0.80 (0.60) |
| 8≤KW<19 (11≤HP<25) | 2011 + | 7.5 (5.6) | 6.6 (4.9) | 0.40 (0.30) |
| 19≤KW<37 (25≤HP<50) | 2010 and earlier | 9.5 (7.1) | 5.5 (4.1) | 0.80 (0.60) |
| 19≤KW<37 (25≤HP<50) | 2011 + | 7.5 (5.6) | 5.5 (4.1) | 0.30 (0.22) |
| 37≤KW<56 (50≤HP<75) | 2010 and earlier | 10.5 (7.8) | 5.0 (3.7) | 0.80 (0.60) |
| 37≤KW<56 (50≤HP<75) | 2011 +[1] | 4.7 (3.5) | 5.0 (3.7) | 0.40 (0.30) |
| 56≤KW<75 (75≤HP<100) | 2010 and earlier | 10.5 (7.8) | 5.0 (3.7) | 0.80 (0.60) |
| 56≤KW<75 (75≤HP<100) | 2011 +[1] | 4.7 (3.5) | 5.0 (3.7) | 0.40 (0.30) |
| 75≤KW<130 (100≤HP<175) | 2009 and earlier | 10.5 (7.8) | 5.0 (3.7) | 0.80 (0.60) |
| 75≤KW<130 (100≤HP<175) | 2010 +[2] | 4.0 (3.0) | 5.0 (3.7) | 0.30 (0.22) |

| | | | | |
|---|---|---|---|---|
| 130≤KW<225 (175≤HP<300) | 2008 and earlier | 10.5 (7.8) | 3.5 (2.6) | 0.54 (0.40) |
| 130≤KW<225 (175≤HP<300) | 2009 +[3] | 4.0 (3.0) | 3.5 (2.6) | 0.20 (0.15) |
| 225≤KW<450 (300≤HP<600) | 2008 and earlier | 10.5 (7.8) | 3.5 (2.6) | 0.54 (0.40) |
| 225≤KW<450 (300≤HP<600) | 2009 +[3] | 4.0 (3.0) | 3.5 (2.6) | 0.20 (0.15) |
| 450≤KW≤560 (600≤HP≤750) | 2008 and earlier | 10.5 (7.8) | 3.5 (2.6) | 0.54 (0.40) |
| 450≤KW≤560 (600≤HP≤750) | 2009 + | 4.0 (3.0) | 3.5 (2.6) | 0.20 (0.15) |
| KW>560 (HP>750) | 2007 and earlier | 10.5 (7.8) | 3.5 (2.6) | 0.54 (0.40) |
| KW>560 (HP>750) | 2008 + | 6.4 (4.8) | 3.5 (2.6) | 0.20 (0.15) |

[1] For model years 2011-2013, manufacturers, owners and operators of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 revolutions per minute (rpm) may comply with the emission limitations for 2010 model year engines.

[2] For model years 2010-2012, manufacturers, owners and operators of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 rpm may comply with the emission limitations for 2009 model year engines.

[3] In model years 2009-2011, manufacturers of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 rpm may comply with the emission limitations for 2008 model year engines.

[89 FR 70513, Aug. 30, 2024]

**Table 5 to Subpart IIII of Part 60—Labeling and Recordkeeping Requirements for New Stationary Emergency Engines**

[You must comply with the labeling requirements in §60.4210(f) and the recordkeeping requirements in §60.4214(b) for new emergency stationary CI ICE beginning in the following model years:]

| Engine power | Starting model year |
|---|---|
| 19≤KW<56 (25≤HP<75) | 2013 |
| 56≤KW<130 (75≤HP<175) | 2012 |
| KW≥130 (HP≥175) | 2011 |

**Table 6 to Subpart IIII of Part 60—Optional 3-Mode Test Cycle for Stationary Fire Pump Engines**

[As stated in §60.4210(g), manufacturers of fire pump engines may use the following test cycle for testing fire pump engines:]

| Mode No. | Engine speed[1] | Torque (percent)[2] | Weighting factors |
|---|---|---|---|
| 1 | Rated | 100 | 0.30 |
| 2 | Rated | 75 | 0.50 |
| 3 | Rated | 50 | 0.20 |

[1]Engine speed: ±2 percent of point.

[2]Torque: NFPA certified nameplate HP for 100 percent point. All points should be ±2 percent of engine percent load value.

**Table 7 to Subpart IIII of Part 60—Requirements for Performance Tests for Stationary CI ICE With a Displacement of ≥30 Liters per Cylinder**

As stated in §60.4213, you must comply with the following requirements for performance tests for stationary CI ICE with a displacement of ≥30 liters per cylinder:

| Each | Complying with the requirement to | You must | Using | According to the following requirements |
|---|---|---|---|---|
| 1. Stationary CI internal combustion engine with a displacement of ≥ 30 liters per cylinder | a. Reduce $NO_X$ emissions by 90 percent or more; | i. Select the sampling port location and number/location of traverse points at the inlet and outlet of the control device; | | (a) For $NO_X$, $O_2$, and moisture measurement, ducts ≤6 inches in diameter may be sampled at a single point located at the duct centroid and ducts >6 and ≤12 inches in diameter may be sampled at 3 traverse points located at 16.7, 50.0, and 83.3% of the measurement line ('3-point long line'). If the duct is >12 inches in diameter *and* the sampling port location meets the two and half-diameter criterion of Section 11.1.1 of Method 1 of 40 CFR part 60, appendix A-1, the duct may be sampled at '3-point long line'; otherwise, conduct the stratification testing and select sampling points according to Section 8.1.2 of Method 7E of 40 CFR part 60, appendix A-4. |
| | | ii. Measure $O_2$ at the inlet and outlet of the control device; | (1) Method 3, 3A, or 3B of 40 CFR part 60, appendix A-2 | (b) Measurements to determine $O_2$ concentration must be made at the same time as the measurements for $NO_X$ concentration. |
| | | iii. If necessary, measure moisture content at the inlet and outlet of the control device; and | (2) Method 4 of 40 CFR part 60, appendix A-3, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348-03 (incorporated by reference, see §60.17) | (c) Measurements to determine moisture content must be made at the same time as the measurements for $NO_X$ concentration. |
| | | iv. Measure $NO_X$ at the inlet and outlet of the control device. | (3) Method 7E of 40 CFR part 60, appendix A-4, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348-03 (incorporated by reference, see §60.17) | (d) $NO_X$ concentration must be at 15 percent $O_2$, dry basis. Results of this test consist of the average of the three 1-hour or longer runs. |

| Each | Complying with the requirement to | You must | Using | According to the following requirements |
|---|---|---|---|---|
| | b. Limit the concentration of $NO_X$ in the stationary CI internal combustion engine exhaust. | i. Select the sampling port location and number/location of traverse points at the exhaust of the stationary internal combustion engine; | | (a) For $NO_X$, $O_2$, and moisture measurement, ducts ≤6 inches in diameter may be sampled at a single point located at the duct centroid and ducts >6 and ≤12 inches in diameter may be sampled at 3 traverse points located at 16.7, 50.0, and 83.3% of the measurement line ('3-point long line'). If the duct is >12 inches in diameter *and* the sampling port location meets the two and half-diameter criterion of Section 11.1.1 of Method 1 of 40 CFR part 60, appendix A-1, the duct may be sampled at '3-point long line'; otherwise, conduct the stratification testing and select sampling points according to Section 8.1.2 of Method 7E of 40 CFR part 60, appendix A-4. |
| | | ii. Determine the $O_2$ concentration of the stationary internal combustion engine exhaust at the sampling port location; | (1) Method 3, 3A, or 3B of 40 CFR part 60, appendix A-2 | (b) Measurements to determine $O_2$ concentration must be made at the same time as the measurement for $NO_X$ concentration. |
| | | iii. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and | (2) Method 4 of 40 CFR part 60, appendix A-3, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348-03 (incorporated by reference, see §60.17) | (c) Measurements to determine moisture content must be made at the same time as the measurement for $NO_X$ concentration. |
| | | iv. Measure $NO_X$ at the exhaust of the stationary internal combustion engine; if using a control device, the sampling site must be located at the outlet of the control device. | (3) Method 7E of 40 CFR part 60, appendix A-4, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348-03 (incorporated by reference, see §60.17) | (d) $NO_X$ concentration must be at 15 percent $O_2$, dry basis. Results of this test consist of the average of the three 1-hour or longer runs. |
| | c. Reduce PM emissions by 60 percent or more | i. Select the sampling port location and the number of traverse points; | (1) Method 1 or 1A of 40 CFR part 60, appendix A-1 | (a) Sampling sites must be located at the inlet and outlet of the control device. |

| Each | Complying with the requirement to | You must | Using | According to the following requirements |
|---|---|---|---|---|
| | | ii. Measure $O_2$ at the inlet and outlet of the control device; | (2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A-2 | (b) Measurements to determine $O_2$ concentration must be made at the same time as the measurements for PM concentration. |
| | | iii. If necessary, measure moisture content at the inlet and outlet of the control device; and | (3) Method 4 of 40 CFR part 60, appendix A-3 | (c) Measurements to determine and moisture content must be made at the same time as the measurements for PM concentration. |
| | | iv. Measure PM at the inlet and outlet of the control device. | (4) Method 5 of 40 CFR part 60, appendix A-3 | (d) PM concentration must be at 15 percent $O_2$, dry basis. Results of this test consist of the average of the three 1-hour or longer runs. |
| | d. Limit the concentration of PM in the stationary CI internal combustion engine exhaust | i. Select the sampling port location and the number of traverse points; | (1) Method 1 or 1A of 40 CFR part 60, appendix A-1 | (a) If using a control device, the sampling site must be located at the outlet of the control device. |
| | | ii. Determine the $O_2$ concentration of the stationary internal combustion engine exhaust at the sampling port location; | (2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A-2 | (b) Measurements to determine $O_2$ concentration must be made at the same time as the measurements for PM concentration. |
| | | iii. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and | (3) Method 4 of 40 CFR part 60, appendix A-3 | (c) Measurements to determine moisture content must be made at the same time as the measurements for PM concentration. |
| | | iv. Measure PM at the exhaust of the stationary internal combustion engine. | (4) Method 5 of 40 CFR part 60, appendix A-3 | (d) PM concentration must be at 15 percent $O_2$, dry basis. Results of this test consist of the average of the three 1-hour or longer runs. |

[79 FR 11251, Feb. 27, 2014]

**Table 8 to Subpart IIII of Part 60—Applicability of General Provisions to Subpart IIII**

[As stated in §60.4218, you must comply with the following applicable General Provisions:]

| General Provisions citation | Subject of citation | Applies to subpart | Explanation |
|---|---|---|---|
| §60.1 | General applicability of the General Provisions | Yes | |
| §60.2 | Definitions | Yes | Additional terms defined in §60.4219. |
| §60.3 | Units and abbreviations | Yes | |
| §60.4 | Address | Yes | |
| §60.5 | Determination of construction or modification | Yes | |
| §60.6 | Review of plans | Yes | |
| §60.7 | Notification and Recordkeeping | Yes | Except that §60.7 only applies as specified in §60.4214(a). |
| §60.8 | Performance tests | Yes | Except that §60.8 only applies to stationary CI ICE with a displacement of (≥30 liters per cylinder and engines that are not certified. |
| §60.9 | Availability of information | Yes | |
| §60.10 | State Authority | Yes | |
| §60.11 | Compliance with standards and maintenance requirements | No | Requirements are specified in subpart IIII. |
| §60.12 | Circumvention | Yes | |
| §60.13 | Monitoring requirements | Yes | Except that §60.13 only applies to stationary CI ICE with a displacement of (≥30 liters per cylinder. |
| §60.14 | Modification | Yes | |
| §60.15 | Reconstruction | Yes | |
| §60.16 | Priority list | Yes | |
| §60.17 | Incorporations by reference | Yes | |
| §60.18 | General control device requirements | No | |
| §60.19 | General notification and reporting requirements | Yes | |

## Attachment B

## Part 70 Operating Permit No: T 011-50034-00093

[Downloaded from the eCFR on September 5, 2024]

**Electronic Code of Federal Regulations**

**Title 40: Protection of Environment**

**PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES**

**Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines**

**Source:**69 FR 33506, June 15, 2004, unless otherwise noted.

**What This Subpart Covers**

**§ 63.6580 What is the purpose of subpart ZZZZ?**

Subpart ZZZZ establishes national emission limitations and operating limitations for hazardous air pollutants (HAP) emitted from stationary reciprocating internal combustion engines (RICE) located at major and area sources of HAP emissions. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations and operating limitations.

[73 FR 3603, Jan. 18, 2008]

**§ 63.6585 Am I subject to this subpart?**

You are subject to this subpart if you own or operate a stationary RICE at a major or area source of HAP emissions, except if the stationary RICE is being tested at a stationary RICE test cell/stand.

(a) A stationary RICE is any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile. Stationary RICE differ from mobile RICE in that a stationary RICE is not a non-road engine as defined at 40 CFR 1068.30, and is not used to propel a motor vehicle or a vehicle used solely for competition.

(b) A major source of HAP emissions is a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons (9.07 megagrams) or more per year or any combination of HAP at a rate of 25 tons (22.68 megagrams) or more per year, except that for oil and gas production facilities, a major source of HAP emissions is determined for each surface site.

(c) An area source of HAP emissions is a source that is not a major source.

(d) If you are an owner or operator of an area source subject to this subpart, your status as an entity subject to a standard or other requirements under this subpart does not subject you to the obligation to obtain a permit under 40 CFR part 70 or 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart as applicable.

(e) If you are an owner or operator of a stationary RICE used for national security purposes, you may be eligible to request an exemption from the requirements of this subpart as described in 40 CFR part 1068, subpart C.

(f) The emergency stationary RICE listed in paragraphs (f)(1) through (3) of this section are not subject to this subpart. The stationary RICE must meet the definition of an emergency stationary RICE in § 63.6675, which includes operating according to the provisions specified in § 63.6640(f).

(1) Existing residential emergency stationary RICE located at an area source of HAP emissions that do not operate for the purpose specified in § 63.6640(f)(4)(ii).

(2) Existing commercial emergency stationary RICE located at an area source of HAP emissions that do not operate for the purpose specified in § 63.6640(f)(4)(ii).

(3) Existing institutional emergency stationary RICE located at an area source of HAP emissions that do not operate for the purpose specified in § 63.6640(f)(4)(ii).

[69 FR 33506, June 15, 2004, as amended at 73 FR 3603, Jan. 18, 2008; 78 FR 6700, Jan. 30, 2013; 87 FR 48607, Aug. 10, 2022]

**§ 63.6590 What parts of my plant does this subpart cover?**

This subpart applies to each affected source.

(a) ***Affected source.*** An affected source is any existing, new, or reconstructed stationary RICE located at a major or area source of HAP emissions, excluding stationary RICE being tested at a stationary RICE test cell/stand.

(1) ***Existing stationary RICE.***

(i) For stationary RICE with a site rating of more than 500 brake horsepower (HP) located at a major source of HAP emissions, a stationary RICE is existing if you commenced construction or reconstruction of the stationary RICE before December 19, 2002.

(ii) For stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, a stationary RICE is existing if you commenced construction or reconstruction of the stationary RICE before June 12, 2006.

(iii) For stationary RICE located at an area source of HAP emissions, a stationary RICE is existing if you commenced construction or reconstruction of the stationary RICE before June 12, 2006.

(iv) A change in ownership of an existing stationary RICE does not make that stationary RICE a new or reconstructed stationary RICE.

(2) ***New stationary RICE.***

(i) A stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions is new if you commenced construction of the stationary RICE on or after December 19, 2002.

(ii) A stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions is new if you commenced construction of the stationary RICE on or after June 12, 2006.

(iii) A stationary RICE located at an area source of HAP emissions is new if you commenced construction of the stationary RICE on or after June 12, 2006.

(3) ***Reconstructed stationary RICE.***

(i) A stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions is reconstructed if you meet the definition of reconstruction in § 63.2 and reconstruction is commenced on or after December 19, 2002.

(ii) A stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions is reconstructed if you meet the definition of reconstruction in § 63.2 and reconstruction is commenced on or after June 12, 2006.

(iii) A stationary RICE located at an area source of HAP emissions is reconstructed if you meet the definition of reconstruction in § 63.2 and reconstruction is commenced on or after June 12, 2006.

(b) ***Stationary RICE subject to limited requirements.***

(1) An affected source which meets either of the criteria in paragraphs (b)(1)(i) through (ii) of this section does not have to meet the requirements of this subpart and of subpart A of this part except for the initial notification requirements of § 63.6645(f).

(i) The stationary RICE is a new or reconstructed emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.

(ii) The stationary RICE is a new or reconstructed limited use stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.

(2) A new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis must meet the initial notification requirements of § 63.6645(f) and the requirements of §§ 63.6625(c), 63.6650(g), and 63.6655(c). These stationary RICE do not have to meet the emission limitations and operating limitations of this subpart.

(3) The following stationary RICE do not have to meet the requirements of this subpart and of subpart A of this part, including initial notification requirements:

(i) Existing spark ignition 2 stroke lean burn (2SLB) stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;

(ii) Existing spark ignition 4 stroke lean burn (4SLB) stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;

(iii) Existing emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.

(iv) Existing limited use stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;

(v) Existing stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis;

(c) ***Stationary RICE subject to Regulations under 40 CFR Part 60.*** An affected source that meets any of the criteria in paragraphs (c)(1) through (7) of this section must meet the requirements of this part by meeting the requirements of 40 CFR part 60 subpart IIII, for compression ignition engines or 40 CFR part 60 subpart JJJJ, for spark ignition engines. No further requirements apply for such engines under this part.

(1) A new or reconstructed stationary RICE located at an area source;

(2) A new or reconstructed 2SLB stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions;

(3) A new or reconstructed 4SLB stationary RICE with a site rating of less than 250 brake HP located at a major source of HAP emissions;

(4) A new or reconstructed spark ignition 4 stroke rich burn (4SRB) stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions;

(5) A new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis;

(6) A new or reconstructed emergency or limited use stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions;

(7) A new or reconstructed compression ignition (CI) stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3604, Jan. 18, 2008; 75 FR 9674, Mar. 3, 2010; 75 FR 37733, June 30, 2010; 75 FR 51588, Aug. 20, 2010; 78 FR 6700, Jan. 30, 2013; 87 FR 48607, Aug. 10, 2022]

**§ 63.6595 When do I have to comply with this subpart?**

(a) ***Affected sources.***

(1) If you have an existing stationary RICE, excluding existing non-emergency CI stationary RICE, with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the applicable emission limitations, operating limitations and other requirements no later than June 15, 2007. If you have an existing non-emergency CI stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, an existing stationary CI RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, or an existing stationary CI RICE located at an area source of HAP emissions, you must comply with the applicable emission limitations, operating limitations, and other requirements no later than May 3, 2013. If you have an existing stationary SI RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, or an existing stationary SI RICE located at an area source of HAP emissions, you must comply with the applicable emission limitations, operating limitations, and other requirements no later than October 19, 2013.

(2) If you start up your new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions before August 16, 2004, you must comply with the applicable emission limitations and operating limitations in this subpart no later than August 16, 2004.

(3) If you start up your new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions after August 16, 2004, you must comply with the applicable emission limitations and operating limitations in this subpart upon startup of your affected source.

(4) If you start up your new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions before January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this subpart no later than January 18, 2008.

(5) If you start up your new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions after January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this subpart upon startup of your affected source.

(6) If you start up your new or reconstructed stationary RICE located at an area source of HAP emissions before January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this subpart no later than January 18, 2008.

(7) If you start up your new or reconstructed stationary RICE located at an area source of HAP emissions after January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this subpart upon startup of your affected source.

(b) ***Area sources that become major sources.*** If you have an area source that increases its emissions or its potential to emit such that it becomes a major source of HAP, the compliance dates in paragraphs (b)(1) and (2) of this section apply to you.

(1) Any stationary RICE for which construction or reconstruction is commenced after the date when your area source becomes a major source of HAP must be in compliance with this subpart upon startup of your affected source.

(2) Any stationary RICE for which construction or reconstruction is commenced before your area source becomes a major source of HAP must be in compliance with the provisions of this subpart that are applicable to RICE located at major sources within 3 years after your area source becomes a major source of HAP.

(c) If you own or operate an affected source, you must meet the applicable notification requirements in § 63.6645 and in 40 CFR part 63, subpart A.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3604, Jan. 18, 2008; 75 FR 9675, Mar. 3, 2010; 75 FR 51589, Aug. 20, 2010; 78 FR 6701, Jan. 30, 2013]

**Emission and Operating Limitations**

**§ 63.6600 What emission limitations and operating limitations must I meet if I own or operate a stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions?**

Compliance with the numerical emission limitations established in this subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in § 63.6620 and Table 4 to this subpart.

(a) If you own or operate an existing, new, or reconstructed spark ignition 4SRB stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations in Table 1a to this subpart and the operating limitations in Table 1b to this subpart which apply to you.

(b) If you own or operate a new or reconstructed 2SLB stationary RICE with a site rating of more than 500 brake HP located at major source of HAP emissions, a new or reconstructed 4SLB stationary RICE with a site rating of more than 500 brake HP located at major source of HAP emissions, or a new or reconstructed CI stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations in Table 2a to this subpart and the operating limitations in Table 2b to this subpart which apply to you.

(c) If you own or operate any of the following stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the emission limitations in Tables 1a, 2a, 2c, and 2d to this subpart or operating limitations in Tables 1b and 2b to this subpart: an existing 2SLB stationary RICE; an existing 4SLB stationary RICE; a stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis; an emergency stationary RICE; or a limited use stationary RICE.

(d) If you own or operate an existing non-emergency stationary CI RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations in Table 2c to this subpart and the operating limitations in Table 2b to this subpart which apply to you.

[73 FR 3605, Jan. 18, 2008, as amended at 75 FR 9675, Mar. 3, 2010]

**§ 63.6601 What emission limitations must I meet if I own or operate a new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250 brake HP and less than or equal to 500 brake HP located at a major source of HAP emissions?**

Compliance with the numerical emission limitations established in this subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in § 63.6620 and Table 4 to this subpart. If you own or operate a new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250

and less than or equal to 500 brake HP located at major source of HAP emissions manufactured on or after January 1, 2008, you must comply with the emission limitations in Table 2a to this subpart and the operating limitations in Table 2b to this subpart which apply to you.

[73 FR 3605, Jan. 18, 2008, as amended at 75 FR 9675, Mar. 3, 2010; 75 FR 51589, Aug. 20, 2010]

**§ 63.6602 What emission limitations and other requirements must I meet if I own or operate an existing stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions?**

If you own or operate an existing stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations and other requirements in Table 2c to this subpart which apply to you. Compliance with the numerical emission limitations established in this subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in § 63.6620 and Table 4 to this subpart.

[78 FR 6701, Jan. 30, 2013]

**§ 63.6603 What emission limitations, operating limitations, and other requirements must I meet if I own or operate an existing stationary RICE located at an area source of HAP emissions?**

Compliance with the numerical emission limitations established in this subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in § 63.6620 and Table 4 to this subpart.

(a) If you own or operate an existing stationary RICE located at an area source of HAP emissions, you must comply with the requirements in Table 2d to this subpart and the operating limitations in Table 2b to this subpart that apply to you.

(b) If you own or operate an existing stationary non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP that meets either paragraph (b)(1) or (2) of this section, you do not have to meet the numerical CO emission limitations specified in Table 2d of this subpart. Existing stationary non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP that meet either paragraph (b)(1) or (2) of this section must meet the management practices that are shown for stationary non-emergency CI RICE with a site rating of less than or equal to 300 HP in Table 2d of this subpart.

(1) The area source is located in an area of Alaska that is not accessible by the Federal Aid Highway System (FAHS).

(2) The stationary RICE is located at an area source that meets paragraphs (b)(2)(i), (ii), and (iii) of this section.

(i) The only connection to the FAHS is through the Alaska Marine Highway System (AMHS), or the stationary RICE operation is within an isolated grid in Alaska that is not connected to the statewide electrical grid referred to as the Alaska Railbelt Grid.

(ii) At least 10 percent of the power generated by the stationary RICE on an annual basis is used for residential purposes.

(iii) The generating capacity of the area source is less than 12 megawatts, or the stationary RICE is used exclusively for backup power for renewable energy.

(c) If you own or operate an existing stationary non-emergency CI RICE with a site rating of more than 300 HP located on an offshore vessel that is an area source of HAP and is a nonroad vehicle that is an Outer Continental Shelf (OCS) source as defined in 40 CFR 55.2, you do not have to meet the numerical CO emission limitations specified in Table 2d of this subpart. You must meet all of the following management practices:

(1) Change oil every 1,000 hours of operation or within 1 year + 30 days of the previous change, whichever comes first. Sources have the option to utilize an oil analysis program as described in § 63.6625(i) in order to extend the specified oil change requirement.

(2) Inspect and clean air filters every 750 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary.

(3) Inspect fuel filters and belts, if installed, every 750 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary.

(4) Inspect all flexible hoses every 1,000 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary.

(d) If you own or operate an existing non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP emissions that is certified to the Tier 1 or Tier 2 emission standards in Table 1 of 40 CFR 89.112 and that is subject to an enforceable state or local standard that requires the engine to be replaced no later than June 1, 2018, you may until January 1, 2015, or 12 years after the installation date of the engine (whichever is later), but not later than June 1, 2018, choose to comply with the management practices that are shown for stationary non-emergency CI RICE with a site rating of less than or equal to 300 HP in Table 2d of this subpart instead of the applicable emission limitations in Table 2d, operating limitations in Table 2b, and crankcase ventilation system requirements in § 63.6625(g). You must comply with the emission limitations in Table 2d and operating limitations in Table 2b that apply for non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP emissions by January 1, 2015, or 12 years after the installation date of the engine (whichever is later), but not later than June 1, 2018. You must also comply with the crankcase ventilation system requirements in § 63.6625(g) by January 1, 2015, or 12 years after the installation date of the engine (whichever is later), but not later than June 1, 2018.

(e) If you own or operate an existing non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP emissions that is certified to the Tier 3 (Tier 2 for engines above 560 kilowatt (kW)) emission standards in Table 1 of 40 CFR 89.112, you may comply with the requirements under this part by meeting the requirements for Tier 3 engines (Tier 2 for engines above 560 kW) in 40 CFR part 60 subpart IIII instead of the emission limitations and other requirements that would otherwise apply under this part for existing non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP emissions.

(f) An existing non-emergency SI 4SLB and 4SRB stationary RICE with a site rating of more than 500 HP located at area sources of HAP must meet the definition of remote stationary RICE in § 63.6675 on the initial compliance date for the engine, October 19, 2013, in order to be considered a remote stationary RICE under this subpart. Owners and operators of existing non-emergency SI 4SLB and 4SRB stationary RICE with a site rating of more than 500 HP located at area sources of HAP that meet the definition of remote stationary RICE in § 63.6675 of this subpart as of October 19, 2013 must evaluate the status of their stationary RICE every 12 months. Owners and operators must keep records of the initial and annual evaluation of the status of the engine. If the evaluation indicates that the stationary RICE no longer meets the definition of remote stationary RICE in § 63.6675 of this subpart, the owner or operator must comply with all of the requirements for existing non-emergency SI 4SLB and 4SRB stationary RICE with a site rating of more than 500 HP located at area sources of HAP that are not remote stationary RICE within 1 year of the evaluation.

[75 FR 9675, Mar. 3, 2010, as amended at 75 FR 51589, Aug. 20, 2010; 76 FR 12866, Mar. 9, 2011; 78 FR 6701, Jan. 30, 2013; 89 FR 70515, Aug. 30, 2024]

**§ 63.6604 What fuel requirements must I meet if I own or operate a stationary CI RICE?**

(a) If you own or operate an existing non-emergency, non-black start CI stationary RICE with a site rating of more than 300 brake HP with a displacement of less than 30 liters per cylinder that uses diesel fuel, you must use diesel fuel that meets the requirements in 40 CFR 1090.305 for nonroad diesel fuel.

(b) Beginning January 1, 2015, if you own or operate an existing emergency CI stationary RICE with a site rating of more than 100 brake HP and a displacement of less than 30 liters per cylinder that uses diesel fuel and operates for the purpose specified in § 63.6640(f)(4)(ii), you must use diesel fuel that meets the requirements in 40 CFR

1090.305 for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to January 1, 2015, may be used until depleted.

(c) [Reserved]

(d) Existing CI stationary RICE located in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, at area sources in areas of Alaska that meet either § 63.6603(b)(1) or § 63.6603(b)(2), or are on offshore vessels that meet § 63.6603(c) are exempt from the requirements of this section.

[78 FR 6702, Jan. 30, 2013, as amended at 85 FR 78463, Dec. 4, 2020; 87 FR 48607, Aug. 10, 2022]

**General Compliance Requirements**

**§ 63.6605 What are my general requirements for complying with this subpart?**

(a) You must be in compliance with the emission limitations, operating limitations, and other requirements in this subpart that apply to you at all times.

(b) At all times you must 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. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. 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.

[75 FR 9675, Mar. 3, 2010, as amended at 78 FR 6702, Jan. 30, 2013]

**Testing and Initial Compliance Requirements**

**§ 63.6610 By what date must I conduct the initial performance tests or other initial compliance demonstrations if I own or operate a stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions?**

If you own or operate a stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions you are subject to the requirements of this section.

(a) You must conduct the initial performance test or other initial compliance demonstrations in Table 4 to this subpart that apply to you within 180 days after the compliance date that is specified for your stationary RICE in § 63.6595 and according to the provisions in § 63.7(a)(2).

(b) If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004 and own or operate stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must demonstrate initial compliance with either the proposed emission limitations or the promulgated emission limitations no later than February 10, 2005 or no later than 180 days after startup of the source, whichever is later, according to § 63.7(a)(2)(ix).

(c) If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004 and own or operate stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, and you chose to comply with the proposed emission limitations when demonstrating initial compliance, you must conduct a second performance test to demonstrate compliance with the promulgated emission limitations by December 13, 2007 or after startup of the source, whichever is later, according to § 63.7(a)(2)(ix).

(d) An owner or operator is not required to conduct an initial performance test on units for which a performance test has been previously conducted, but the test must meet all of the conditions described in paragraphs (d)(1) through (5) of this section.

(1) The test must have been conducted using the same methods specified in this subpart, and these methods must have been followed correctly.

(2) The test must not be older than 2 years.

(3) The test must be reviewed and accepted by the Administrator.

(4) Either no process or equipment changes must have been made since the test was performed, or the owner or operator must be able to demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process or equipment changes.

(5) The test must be conducted at any load condition within plus or minus 10 percent of 100 percent load.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3605, Jan. 18, 2008]

**§ 63.6611 By what date must I conduct the initial performance tests or other initial compliance demonstrations if I own or operate a new or reconstructed 4SLB SI stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at a major source of HAP emissions?**

If you own or operate a new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at a major source of HAP emissions, you must conduct an initial performance test within 240 days after the compliance date that is specified for your stationary RICE in § 63.6595 and according to the provisions specified in Table 4 to this subpart, as appropriate.

[73 FR 3605, Jan. 18, 2008, as amended at 75 FR 51589, Aug. 20, 2010]

**§ 63.6612 By what date must I conduct the initial performance tests or other initial compliance demonstrations if I own or operate an existing stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing stationary RICE located at an area source of HAP emissions?**

If you own or operate an existing stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing stationary RICE located at an area source of HAP emissions you are subject to the requirements of this section.

(a) You must conduct any initial performance test or other initial compliance demonstration according to Tables 4 and 5 to this subpart that apply to you within 180 days after the compliance date that is specified for your stationary RICE in § 63.6595 and according to the provisions in § 63.7(a)(2).

(b) An owner or operator is not required to conduct an initial performance test on a unit for which a performance test has been previously conducted, but the test must meet all of the conditions described in paragraphs (b)(1) through (4) of this section.

(1) The test must have been conducted using the same methods specified in this subpart, and these methods must have been followed correctly.

(2) The test must not be older than 2 years.

(3) The test must be reviewed and accepted by the Administrator.

(4) Either no process or equipment changes must have been made since the test was performed, or the owner or operator must be able to demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process or equipment changes.

[75 FR 9676, Mar. 3, 2010, as amended at 75 FR 51589, Aug. 20, 2010]

**§ 63.6615 When must I conduct subsequent performance tests?**

If you must comply with the emission limitations and operating limitations, you must conduct subsequent performance tests as specified in Table 3 of this subpart.

**§ 63.6620 What performance tests and other procedures must I use?**

(a) You must conduct each performance test in Tables 3 and 4 of this subpart that applies to you.

(b) Each performance test must be conducted according to the requirements that this subpart specifies in Table 4 to this subpart. If you own or operate a non-operational stationary RICE that is subject to performance testing, you do not need to start up the engine solely to conduct the performance test. Owners and operators of a non-operational engine can conduct the performance test when the engine is started up again. The test must be conducted at any load condition within plus or minus 10 percent of 100 percent load for the stationary RICE listed in paragraphs (b)(1) through (4) of this section.

(1) Non-emergency 4SRB stationary RICE with a site rating of greater than 500 brake HP located at a major source of HAP emissions.

(2) New non-emergency 4SLB stationary RICE with a site rating of greater than or equal to 250 brake HP located at a major source of HAP emissions.

(3) New non-emergency 2SLB stationary RICE with a site rating of greater than 500 brake HP located at a major source of HAP emissions.

(4) New non-emergency CI stationary RICE with a site rating of greater than 500 brake HP located at a major source of HAP emissions.

(c) [Reserved]

(d) You must conduct three separate test runs for each performance test required in this section, as specified in § 63.7(e)(3). Each test run must last at least 1 hour, unless otherwise specified in this subpart.

(e)

(1) You must use Equation 1 of this section to determine compliance with the percent reduction requirement:

$$\frac{C_i - C_o}{C_i} \times 100 = R \quad (Eq.\ 1)$$

Where:

$C_i$ = concentration of carbon monoxide (CO), total hydrocarbons (THC), or formaldehyde at the control device inlet,

$C_o$ = concentration of CO, THC, or formaldehyde at the control device outlet, and

R = percent reduction of CO, THC, or formaldehyde emissions.

(2) You must normalize the CO, THC, or formaldehyde concentrations at the inlet and outlet of the control device to a dry basis and to 15 percent oxygen, or an equivalent percent carbon dioxide ($CO_2$). If pollutant concentrations are to be corrected to 15 percent oxygen and $CO_2$ concentration is measured in lieu of oxygen concentration measurement, a $CO_2$ correction factor is needed. Calculate the $CO_2$ correction factor as described in paragraphs (e)(2)(i) through (iii) of this section.

(i) Calculate the fuel-specific $F_o$ value for the fuel burned during the test using values obtained from Method 19, Section 5.2, and the following equation:

$$F_O = \frac{0.209\ F_d}{F_C} \quad (Eq.\ 2)$$

Where:

$F_o$ = Fuel factor based on the ratio of oxygen volume to the ultimate $CO_2$ volume produced by the fuel at zero percent excess air.

0.209 = Fraction of air that is oxygen, percent/100.

$F_d$ = Ratio of the volume of dry effluent gas to the gross calorific value of the fuel from Method 19, $dsm^3/J$ ($dscf/10^6$ Btu).

$F_c$ = Ratio of the volume of $CO_2$ produced to the gross calorific value of the fuel from Method 19, $dsm^3/J$ ($dscf/10^6$ Btu)

(ii) Calculate the $CO_2$ correction factor for correcting measurement data to 15 percent $O_2$, as follows:

$$X_{CO2} = \frac{5.9}{F_O} \quad (Eq.\ 3)$$

Where:

$X_{CO2}$ = $CO_2$ correction factor, percent.

5.9 = 20.9 percent $O_2$—15 percent $O_2$, the defined $O_2$ correction value, percent.

(iii) Calculate the CO, THC, and formaldehyde gas concentrations adjusted to 15 percent $O_2$ using $CO_2$ as follows:

$$C_{adj} = C_d \frac{X_{CO2}}{\%CO_2} \quad (Eq.\ 4)$$

Where:

$C_{adj}$ = Calculated concentration of CO, THC, or formaldehyde adjusted to 15 percent $O_2$.

$C_d$ = Measured concentration of CO, THC, or formaldehyde, uncorrected.

$X_{CO2}$ = $CO_2$ correction factor, percent.

$\%CO_2$ = Measured $CO_2$ concentration measured, dry basis, percent.

(f) If you comply with the emission limitation to reduce CO and you are not using an oxidation catalyst, if you comply with the emission limitation to reduce formaldehyde and you are not using NSCR, or if you comply with the emission limitation to limit the concentration of formaldehyde in the stationary RICE exhaust and you are not using an oxidation catalyst or NSCR, you must petition the Administrator for operating limitations to be established during the initial performance test and continuously monitored thereafter; or for approval of no operating limitations. You must not conduct the initial performance test until after the petition has been approved by the Administrator.

(g) If you petition the Administrator for approval of operating limitations, your petition must include the information described in paragraphs (g)(1) through (5) of this section.

(1) Identification of the specific parameters you propose to use as operating limitations;

(2) A discussion of the relationship between these parameters and HAP emissions, identifying how HAP emissions change with changes in these parameters, and how limitations on these parameters will serve to limit HAP emissions;

(3) A discussion of how you will establish the upper and/or lower values for these parameters which will establish the limits on these parameters in the operating limitations;

(4) A discussion identifying the methods you will use to measure and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments; and

(5) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.

(h) If you petition the Administrator for approval of no operating limitations, your petition must include the information described in paragraphs (h)(1) through (7) of this section.

(1) Identification of the parameters associated with operation of the stationary RICE and any emission control device which could change intentionally (*e.g.,* operator adjustment, automatic controller adjustment, etc.) or unintentionally (*e.g.,* wear and tear, error, etc.) on a routine basis or over time;

(2) A discussion of the relationship, if any, between changes in the parameters and changes in HAP emissions;

(3) For the parameters which could change in such a way as to increase HAP emissions, a discussion of whether establishing limitations on the parameters would serve to limit HAP emissions;

(4) For the parameters which could change in such a way as to increase HAP emissions, a discussion of how you could establish upper and/or lower values for the parameters which would establish limits on the parameters in operating limitations;

(5) For the parameters, a discussion identifying the methods you could use to measure them and the instruments you could use to monitor them, as well as the relative accuracy and precision of the methods and instruments;

(6) For the parameters, a discussion identifying the frequency and methods for recalibrating the instruments you could use to monitor them; and

(7) A discussion of why, from your point of view, it is infeasible or unreasonable to adopt the parameters as operating limitations.

(i) The engine percent load during a performance test must be determined by documenting the calculations, assumptions, and measurement devices used to measure or estimate the percent load in a specific application. A written report of the average percent load determination must be included in the notification of compliance status. The following information must be included in the written report: the engine model number, the engine manufacturer, the year of purchase, the manufacturer's site-rated brake horsepower, the ambient temperature, pressure, and humidity during the performance test, and all assumptions that were made to estimate or calculate percent load during the performance test must be clearly explained. If measurement devices such as flow meters,

kilowatt meters, beta analyzers, stain gauges, etc. are used, the model number of the measurement device, and an estimate of its accurate in percentage of true value must be provided.

(j) Beginning on February 26, 2025, within 60 days after the date of completing each performance test required by this subpart, you must submit the results of the performance test following the procedure specified in § 63.9(k). Data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (*https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert*) at the time of the test must be submitted in a file format generated using the EPA's ERT. Alternatively, you may submit an electronic file consistent with the extensible markup language (XML) schema listed on the EPA's ERT website. Data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test must be included as an attachment in the ERT or alternate electronic file.

[69 FR 33506, June 15, 2004, as amended at 75 FR 9676, Mar. 3, 2010; 78 FR 6702, Jan. 30, 2013; 89 FR 70516, Aug. 30, 2024]

**§ 63.6625 What are my monitoring, installation, collection, operation, and maintenance requirements?**

(a) If you elect to install a CEMS as specified in Table 5 of this subpart, you must install, operate, and maintain a CEMS to monitor CO and either $O_2$ or $CO_2$ according to the requirements in paragraphs (a)(1) through (4) of this section. If you are meeting a requirement to reduce CO emissions, the CEMS must be installed at both the inlet and outlet of the control device. If you are meeting a requirement to limit the concentration of CO, the CEMS must be installed at the outlet of the control device.

(1) Each CEMS must be installed, operated, and maintained according to the applicable performance specifications of 40 CFR part 60, appendix B.

(2) You must conduct an initial performance evaluation and an annual relative accuracy test audit (RATA) of each CEMS according to the requirements in § 63.8 and according to the applicable performance specifications of 40 CFR part 60, appendix B as well as daily and periodic data quality checks in accordance with 40 CFR part 60, appendix F, procedure 1.

(3) As specified in § 63.8(c)(4)(ii), each CEMS must complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. You must have at least two data points, with each representing a different 15-minute period, to have a valid hour of data.

(4) The CEMS data must be reduced as specified in § 63.8(g)(2) and recorded in parts per million or parts per billion (as appropriate for the applicable limitation) at 15 percent oxygen or the equivalent $CO_2$ concentration.

(5) Beginning on February 26, 2025, within 60 days after the date of completing each continuous emissions monitoring system (CEMS) performance evaluation (as defined in § 63.2) that includes a relative accuracy test audit (RATA), you must submit the results of the performance evaluation following the procedures specified in § 63.9(k). The results of performance evaluations of CEMS measuring RATA pollutants that are supported by the EPA's ERT as listed on the EPA's ERT website at the time of the evaluation must be submitted in a file format generated using the EPA's ERT. Alternatively, you may submit an electronic file consistent with the XML schema listed on the EPA's ERT website. The results of performance evaluations of CEMS measuring RATA pollutants that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the evaluation must be included as an attachment in the ERT or alternate electronic file.

(b) If you are required to install a continuous parameter monitoring system (CPMS) as specified in Table 5 of this subpart, you must install, operate, and maintain each CPMS according to the requirements in paragraphs (b)(1) through (6) of this section. For an affected source that is complying with the emission limitations and operating limitations on March 9, 2011, the requirements in paragraph (b) of this section are applicable September 6, 2011.

(1) You must prepare a site-specific monitoring plan that addresses the monitoring system design, data collection, and the quality assurance and quality control elements outlined in paragraphs (b)(1)(i) through (v) of this section and in § 63.8(d). As specified in § 63.8(f)(4), you may request approval of monitoring system quality assurance and quality control procedures alternative to those specified in paragraphs (b)(1) through (5) of this section in your site-specific monitoring plan.

(i) The performance criteria and design specifications for the monitoring system equipment, including the sample interface, detector signal analyzer, and data acquisition and calculations;

(ii) Sampling interface (*e.g.,* thermocouple) location such that the monitoring system will provide representative measurements;

(iii) Equipment performance evaluations, system accuracy audits, or other audit procedures;

(iv) Ongoing operation and maintenance procedures in accordance with provisions in § 63.8(c)(1)(ii) and (c)(3); and

(v) Ongoing reporting and recordkeeping procedures in accordance with provisions in § 63.10(c), (e)(1), and (e)(2)(i).

(2) You must install, operate, and maintain each CPMS in continuous operation according to the procedures in your site-specific monitoring plan.

(3) The CPMS must collect data at least once every 15 minutes (see also § 63.6635).

(4) For a CPMS for measuring temperature range, the temperature sensor must have a minimum tolerance of 2.8 degrees Celsius (5 degrees Fahrenheit) or 1 percent of the measurement range, whichever is larger.

(5) You must conduct the CPMS equipment performance evaluation, system accuracy audits, or other audit procedures specified in your site-specific monitoring plan at least annually.

(6) You must conduct a performance evaluation of each CPMS in accordance with your site-specific monitoring plan.

(c) If you are operating a new or reconstructed stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, you must monitor and record your fuel usage daily with separate fuel meters to measure the volumetric flow rate of each fuel. In addition, you must operate your stationary RICE in a manner which reasonably minimizes HAP emissions.

(d) If you are operating a new or reconstructed emergency 4SLB stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at a major source of HAP emissions, you must install a non-resettable hour meter prior to the startup of the engine.

(e) If you own or operate any of the following stationary RICE, you must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions:

(1) An existing stationary RICE with a site rating of less than 100 HP located at a major source of HAP emissions;

(2) An existing emergency or black start stationary RICE with a site rating of less than or equal to 500 HP located at a major source of HAP emissions;

(3) An existing emergency or black start stationary RICE located at an area source of HAP emissions;

(4) An existing non-emergency, non-black start stationary CI RICE with a site rating less than or equal to 300 HP located at an area source of HAP emissions;

(5) An existing non-emergency, non-black start 2SLB stationary RICE located at an area source of HAP emissions;

(6) An existing non-emergency, non-black start stationary RICE located at an area source of HAP emissions which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis.

(7) An existing non-emergency, non-black start 4SLB stationary RICE with a site rating less than or equal to 500 HP located at an area source of HAP emissions;

(8) An existing non-emergency, non-black start 4SRB stationary RICE with a site rating less than or equal to 500 HP located at an area source of HAP emissions;

(9) An existing, non-emergency, non-black start 4SLB stationary RICE with a site rating greater than 500 HP located at an area source of HAP emissions that is operated 24 hours or less per calendar year; and

(10) An existing, non-emergency, non-black start 4SRB stationary RICE with a site rating greater than 500 HP located at an area source of HAP emissions that is operated 24 hours or less per calendar year.

(f) If you own or operate an existing emergency stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing emergency stationary RICE located at an area source of HAP emissions, you must install a non-resettable hour meter if one is not already installed.

(g) If you own or operate an existing non-emergency, non-black start CI engine greater than or equal to 300 HP that is not equipped with a closed crankcase ventilation system, you must comply with either paragraph (g)(1) or paragraph (2) of this section. Owners and operators must follow the manufacturer's specified maintenance requirements for operating and maintaining the open or closed crankcase ventilation systems and replacing the crankcase filters, or can request the Administrator to approve different maintenance requirements that are as protective as manufacturer requirements. Existing CI engines located at area sources in areas of Alaska that meet either § 63.6603(b)(1) or § 63.6603(b)(2) do not have to meet the requirements of this paragraph (g). Existing CI engines located on offshore vessels that meet § 63.6603(c) do not have to meet the requirements of this paragraph (g).

(1) Install a closed crankcase ventilation system that prevents crankcase emissions from being emitted to the atmosphere, or

(2) Install an open crankcase filtration emission control system that reduces emissions from the crankcase by filtering the exhaust stream to remove oil mist, particulates and metals.

(h) If you operate a new, reconstructed, or existing stationary engine, you must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Tables 1a, 2a, 2c, and 2d to this subpart apply.

(i) If you own or operate a stationary CI engine that is subject to the work, operation or management practices in items 1 or 2 of table 2c to this subpart or in items 1 or 4 of table 2d to this subpart, you have the option of utilizing an oil analysis program in order to extend the specified oil and filter change requirement in tables 2c and 2d to this subpart. The oil analysis must be performed at the same frequency specified for changing the oil and filter in table 2c or 2d to this subpart. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil and filter. If any of the limits are exceeded, the engine owner or operator must change the oil and filter within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil and filter within 2 business days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil and filter changes for the engine. The analysis program must be part of the maintenance plan for the engine.

(j) If you own or operate a stationary SI engine that is subject to the work, operation or management practices in items 6, 7, or 8 of table 2c to this subpart or in items 5, 6, 7, 8, 10, 11, or 13 of table 2d to this subpart, you have the option of utilizing an oil analysis program in order to extend the specified oil and filter change requirement in tables 2c and 2d to this subpart. The oil analysis must be performed at the same frequency specified for changing the oil and filter in table 2c or 2d to this subpart. The analysis program must at a minimum analyze the following three parameters: Total Acid Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Acid Number increases by more than 3.0 milligrams of potassium hydroxide (KOH) per gram from Total Acid Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil and filter. If any of the limits are exceeded, the engine owner or operator must change the oil and filter within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil and filter within 2 business days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil and filter changes for the engine. The analysis program must be part of the maintenance plan for the engine.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3606, Jan. 18, 2008; 75 FR 9676, Mar. 3, 2010; 75 FR 51589, Aug. 20, 2010; 76 FR 12866, Mar. 9, 2011; 78 FR 6703, Jan. 30, 2013; 89 FR 70516, Aug. 30, 2024]

**§ 63.6630 How do I demonstrate initial compliance with the emission limitations, operating limitations, and other requirements?**

(a) You must demonstrate initial compliance with each emission limitation, operating limitation, and other requirement that applies to you according to Table 5 of this subpart.

(b) During the initial performance test, you must establish each operating limitation in Tables 1b and 2b of this subpart that applies to you.

(c) You must submit the Notification of Compliance Status containing the results of the initial compliance demonstration according to the requirements in § 63.6645.

(d) Non-emergency 4SRB stationary RICE complying with the requirement to reduce formaldehyde emissions by 76 percent or more can demonstrate initial compliance with the formaldehyde emission limit by testing for THC instead of formaldehyde. The testing must be conducted according to the requirements in Table 4 of this subpart. The average reduction of emissions of THC determined from the performance test must be equal to or greater than 30 percent.

(e) The initial compliance demonstration required for existing non-emergency 4SLB and 4SRB stationary RICE with a site rating of more than 500 HP located at an area source of HAP that are not remote stationary RICE and that are operated more than 24 hours per calendar year must be conducted according to the following requirements:

(1) The compliance demonstration must consist of at least three test runs.

(2) Each test run must be of at least 15 minute duration, except that each test conducted using the method in appendix A to this subpart must consist of at least one measurement cycle and include at least 2 minutes of test data phase measurement.

(3) If you are demonstrating compliance with the CO concentration or CO percent reduction requirement, you must measure CO emissions using one of the CO measurement methods specified in Table 4 of this subpart, or using appendix A to this subpart.

(4) If you are demonstrating compliance with the THC percent reduction requirement, you must measure THC emissions using Method 25A, reported as propane, of 40 CFR part 60, appendix A.

(5) You must measure $O_2$ using one of the $O_2$ measurement methods specified in Table 4 of this subpart. Measurements to determine $O_2$ concentration must be made at the same time as the measurements for CO or THC concentration.

(6) If you are demonstrating compliance with the CO or THC percent reduction requirement, you must measure CO or THC emissions and $O_2$ emissions simultaneously at the inlet and outlet of the control device.

[69 FR 33506, June 15, 2004, as amended at 78 FR 6704, Jan. 30, 2013]

**Continuous Compliance Requirements**

**§ 63.6635 How do I monitor and collect data to demonstrate continuous compliance?**

(a) If you must comply with emission and operating limitations, you must monitor and collect data according to this section.

(b) Except for monitor malfunctions, associated repairs, required performance evaluations, and required quality assurance or control activities, you must monitor continuously at all times that the stationary RICE is operating. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

(c) You may not use data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities in data averages and calculations used to report emission or operating levels. You must, however, use all the valid data collected during all other periods.

[69 FR 33506, June 15, 2004, as amended at 76 FR 12867, Mar. 9, 2011]

**§ 63.6640 How do I demonstrate continuous compliance with the emission limitations, operating limitations, and other requirements?**

(a) You must demonstrate continuous compliance with each emission limitation, operating limitation, and other requirements in Tables 1a and 1b, Tables 2a and 2b, Table 2c, and Table 2d to this subpart that apply to you according to methods specified in Table 6 to this subpart.

(b) You must report each instance in which you did not meet each emission limitation or operating limitation in Tables 1a and 1b, Tables 2a and 2b, Table 2c, and Table 2d to this subpart that apply to you. These instances are deviations from the emission and operating limitations in this subpart. These deviations must be reported according to the requirements in § 63.6650. If you change your catalyst, you must reestablish the values of the operating parameters measured during the initial performance test. When you reestablish the values of your operating parameters, you must also conduct a performance test to demonstrate that you are meeting the required emission limitation applicable to your stationary RICE.

(c) The annual compliance demonstration required for existing non-emergency 4SLB and 4SRB stationary RICE with a site rating of more than 500 HP located at an area source of HAP that are not remote stationary RICE and that are operated more than 24 hours per calendar year must be conducted according to the following requirements:

(1) The compliance demonstration must consist of at least one test run.

(2) Each test run must be of at least 15 minute duration, except that each test conducted using the method in appendix A to this subpart must consist of at least one measurement cycle and include at least 2 minutes of test data phase measurement.

(3) If you are demonstrating compliance with the CO concentration or CO percent reduction requirement, you must measure CO emissions using one of the CO measurement methods specified in Table 4 of this subpart, or using appendix A to this subpart.

(4) If you are demonstrating compliance with the THC percent reduction requirement, you must measure THC emissions using Method 25A, reported as propane, of 40 CFR part 60, appendix A.

(5) You must measure $O_2$ using one of the $O_2$ measurement methods specified in Table 4 of this subpart. Measurements to determine $O_2$ concentration must be made at the same time as the measurements for CO or THC concentration.

(6) If you are demonstrating compliance with the CO or THC percent reduction requirement, you must measure CO or THC emissions and $O_2$ emissions simultaneously at the inlet and outlet of the control device.

(7) If the results of the annual compliance demonstration show that the emissions exceed the levels specified in Table 6 of this subpart, the stationary RICE must be shut down as soon as safely possible, and appropriate corrective action must be taken (e.g., repairs, catalyst cleaning, catalyst replacement). The stationary RICE must be retested within 7 days of being restarted and the emissions must meet the levels specified in Table 6 of this subpart. If the retest shows that the emissions continue to exceed the specified levels, the stationary RICE must again be shut down as soon as safely possible, and the stationary RICE may not operate, except for purposes of startup and testing, until the owner/operator demonstrates through testing that the emissions do not exceed the levels specified in Table 6 of this subpart.

(d) For new, reconstructed, and rebuilt stationary RICE, deviations from the emission or operating limitations that occur during the first 200 hours of operation from engine startup (engine burn-in period) are not violations. Rebuilt stationary RICE means a stationary RICE that has been rebuilt as that term is defined in 40 CFR 94.11(a).

(e) You must also report each instance in which you did not meet the requirements in Table 8 to this subpart that apply to you. If you own or operate a new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions (except new or reconstructed 4SLB engines greater than or equal to 250 and less than or equal to 500 brake HP), a new or reconstructed stationary RICE located at an area source of HAP emissions, or any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the requirements in Table 8 to this subpart: An existing 2SLB stationary RICE, an existing 4SLB stationary RICE, an existing emergency stationary RICE, an existing limited use stationary RICE, or an existing stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis. If you own or operate any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the requirements in Table 8 to this subpart, except for the initial notification requirements: a new or reconstructed stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, a new or reconstructed emergency stationary RICE, or a new or reconstructed limited use stationary RICE.

(f) If you own or operate an emergency stationary RICE, you must operate the emergency stationary RICE according to the requirements in paragraphs (f)(1) through (4) of this section. In order for the engine to be considered an emergency stationary RICE under this subpart, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (f)(1) through (4), is prohibited. If you do not operate the engine according to the requirements in paragraphs (f)(1) through (4), the engine will not be considered an emergency engine under this subpart and must meet all requirements for non-emergency engines.

(1) There is no time limit on the use of emergency stationary RICE in emergency situations.

(2) You may operate your emergency stationary RICE for the purpose specified in paragraph (f)(2)(i) of this section for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraphs (f)(3) and (4) of this section counts as part of the 100 hours per calendar year allowed by this paragraph (f)(2).

(i) Emergency stationary RICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year.

(ii)-(iii) [Reserved]

(3) Emergency stationary RICE located at major sources of HAP may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing provided in paragraph (f)(2) of this section. The 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

(4) Emergency stationary RICE located at area sources of HAP may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing provided in paragraph (f)(2) of this section. Except as provided in paragraphs (f)(4)(i) and (ii) of this section, the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

(i) Prior to May 3, 2014, the 50 hours per year for non-emergency situations can be used for peak shaving or non-emergency demand response to generate income for a facility, or to otherwise supply power as part of a financial arrangement with another entity if the engine is operated as part of a peak shaving (load management program) with the local distribution system operator and the power is provided only to the facility itself or to support the local distribution system.

(ii) The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:

(A) The engine is dispatched by the local balancing authority or local transmission and distribution system operator.

(B) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.

(C) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.

(D) The power is provided only to the facility itself or to support the local transmission and distribution system.

(E) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

[69 FR 33506, June 15, 2004, as amended at 71 FR 20467, Apr. 20, 2006; 73 FR 3606, Jan. 18, 2008; 75 FR 9676, Mar. 3, 2010; 75 FR 51591, Aug. 20, 2010; 78 FR 6704, Jan. 30, 2013; 87 FR 48607, Aug. 10, 2022]

**Notifications, Reports, and Records**

**§ 63.6645 What notifications must I submit and when?**

(a) You must submit all of the notifications in §§ 63.7(b) and (c), 63.8(e), (f)(4) and (f)(6), 63.9(b) through (e), and (g) and (h) that apply to you by the dates specified if you own or operate any of the following;

(1) An existing stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions.

(2) An existing stationary RICE located at an area source of HAP emissions.

(3) A stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.

(4) A new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250 HP located at a major source of HAP emissions.

(5) This requirement does not apply if you own or operate an existing stationary RICE less than 100 HP, an existing stationary emergency RICE, or an existing stationary RICE that is not subject to any numerical emission standards.

(b) As specified in § 63.9(b)(2), if you start up your stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions before the effective date of this subpart, you must submit an initial notification not later than December 13, 2004, or no later than 120 days after the source becomes subject to this subpart, whichever is later. Beginning on February 26, 2025, submit the notification electronically in portable document format (PDF) consistent with § 63.9(k).

(c) If you start up your new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions on or after August 16, 2004, you must submit an initial notification not later than 120 days after you become subject to this subpart. Beginning on February 26, 2025, submit the notification electronically in PDF consistent with § 63.9(k).

(d) As specified in § 63.9(b)(2), if you start up your stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions before the effective date of this subpart and you are required to submit an initial notification, you must submit an initial notification not later than July 16, 2008, or no later than 120 days after the source becomes subject to this subpart, whichever is later. Beginning on February 26, 2025, submit the notification electronically in PDF consistent with § 63.9(k).

(e) If you start up your new or reconstructed stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions on or after March 18, 2008, and you are required to submit an initial notification, you must submit an initial notification not later than 120 days after you become subject to this subpart. Beginning on February 26, 2025, submit the notification electronically in PDF consistent with § 63.9(k).

(f) If you are required to submit an Initial Notification but are otherwise not affected by the requirements of this subpart, in accordance with § 63.6590(b), your notification should include the information in § 63.9(b)(2)(i) through (v), and a statement that your stationary RICE has no additional requirements and explain the basis of the exclusion (for example, that it operates exclusively as an emergency stationary RICE if it has a site rating of more than 500 brake HP located at a major source of HAP emissions).

(g) If you are required to conduct a performance test, you must submit a Notification of Intent to conduct a performance test at least 60 days before the performance test is scheduled to begin as required in § 63.7(b)(1).

(h) If you are required to conduct a performance test or other initial compliance demonstration as specified in Tables 4 and 5 to this subpart, you must submit a Notification of Compliance Status according to § 63.9(h)(2)(ii).

(1) For each initial compliance demonstration required in Table 5 to this subpart that does not include a performance test, you must submit the Notification of Compliance Status before the close of business on the 30th day following the completion of the initial compliance demonstration.

(2) Before February 26, 2025, for each initial compliance demonstration required in table 5 to this subpart that includes a performance test conducted according to the requirements in table 3 to this subpart, you must submit the Notification of Compliance Status, including the performance test results, before the close of business on the 60th day following the completion of the performance test according to § 63.10(d)(2). Beginning on February 26, 2025, for each initial compliance demonstration required in table 5 to this subpart that includes a performance test conducted according to the requirements in table 3 to this subpart, you must submit the Notification of Compliance Status, including a summary of the performance test results, in PDF to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), before the close of business on the 60th day following the completion of the performance test following the procedure specified in § 63.9(k), except any Confidential Business Information (CBI) is to be submitted according to paragraphs (h)(2)(i) and (ii) of this section. Do not use CEDRI to submit information you claim as CBI. Although we do not expect persons to assert a claim of CBI, if you wish to assert a CBI claim for some of the information in the report, you must submit a complete file, including information claimed to be CBI, to the EPA following the procedures in paragraphs (h)(2)(i) and (ii) of this section. Clearly mark the part or all of the information that you claim to be CBI. Information not marked as

CBI may be authorized for public release without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. All CBI claims must be asserted at the time of submission. Anything submitted using CEDRI cannot later be claimed CBI. Furthermore, under CAA section 114(c), emissions data is not entitled to confidential treatment, and the EPA is required to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available. You must submit the same file submitted to the CBI office with the CBI omitted to the EPA via the EPA's CDX as described earlier in this paragraph (h)(2).

(i) The preferred method to receive CBI is for it to be transmitted electronically using email attachments, File Transfer Protocol, or other online file sharing services. Electronic submissions must be transmitted directly to the OAQPS CBI Office at the email address *oaqpscbi@epa.gov,* and as described in paragraph (h)(2) of this section, should include clear CBI markings and be flagged to the attention of the Reciprocating Internal Combustion Engine Sector Lead. If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please email *oaqpscbi@epa.gov* to request a file transfer link.

(ii) If you cannot transmit the file electronically, you may send CBI information through the postal service to the following address: OAQPS Document Control Officer (C404-02), OAQPS, U.S. Environmental Protection Agency, 109 T.W. Alexander Drive, P.O. Box 12055, Research Triangle Park, North Carolina 27711, Attention Reciprocating Internal Combustion Engine Sector Lead. The mailed CBI material should be double wrapped and clearly marked. Any CBI markings should not show through the outer envelope.

(i) If you own or operate an existing non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP emissions that is certified to the Tier 1 or Tier 2 emission standards in Table 1 of 40 CFR 89.112 and subject to an enforceable state or local standard requiring engine replacement and you intend to meet management practices rather than emission limits, as specified in § 63.6603(d), you must submit a notification by March 3, 2013, stating that you intend to use the provision in § 63.6603(d) and identifying the state or local regulation that the engine is subject to.

[73 FR 3606, Jan. 18, 2008, as amended at 75 FR 9677, Mar. 3, 2010; 75 FR 51591, Aug. 20, 2010; 78 FR 6705, Jan. 30, 2013; 85 FR 73912, Nov. 19, 2020; 89 FR 70516, Aug. 30, 2024]

**§ 63.6650 What reports must I submit and when?**

(a) You must submit each report in Table 7 of this subpart that applies to you.

(b) Unless the Administrator has approved a different schedule for submission of reports under § 63.10(a), you must submit each report by the date in Table 7 of this subpart and according to the requirements in paragraphs (b)(1) through (b)(9) of this section.

(1) For semiannual Compliance reports, the first Compliance report must cover the period beginning on the compliance date that is specified for your affected source in § 63.6595 and ending on June 30 or December 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for your source in § 63.6595.

(2) For semiannual Compliance reports, the first Compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date follows the end of the first calendar half after the compliance date that is specified for your affected source in § 63.6595.

(3) For semiannual Compliance reports, each subsequent Compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.

(4) For semiannual Compliance reports, each subsequent Compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period.

(5) For each stationary RICE that is subject to permitting regulations pursuant to 40 CFR part 70 or 71, and if the permitting authority has established dates for submitting semiannual reports pursuant to 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6 (a)(3)(iii)(A), you may submit the first and subsequent Compliance reports according to the dates the permitting authority has established instead of according to the dates in paragraphs (b)(1) through (b)(4) of this section.

(6) For annual Compliance reports, the first Compliance report must cover the period beginning on the compliance date that is specified for your affected source in § 63.6595 and ending on December 31.

(7) For annual Compliance reports, the first Compliance report must be postmarked or delivered no later than January 31 following the end of the first calendar year after the compliance date that is specified for your affected source in § 63.6595.

(8) For annual Compliance reports, each subsequent Compliance report must cover the annual reporting period from January 1 through December 31.

(9) For annual Compliance reports, each subsequent Compliance report must be postmarked or delivered no later than January 31.

(c) The Compliance report must contain the information in paragraphs (c)(1) through (8) of this section.

(1) Company name and address.

(2) Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report.

(3) Date of report and beginning and ending dates of the reporting period.

(4) If you had a malfunction during the reporting period, the compliance report must include the starting and ending date and time, the duration (in hours), and a brief description for each 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 § 63.6605(b), including actions taken to correct a malfunction.

(5) If there are no deviations from any emission or operating limitations that apply to you, a statement that there were no deviations from the emission or operating limitations during the reporting period.

(6) If there were no periods during which the continuous monitoring system (CMS), including CEMS and CPMS, was out-of-control, as specified in § 63.8(c)(7), a statement that there were no periods during which the CMS was out-of-control during the reporting period.

(7) Engine site rating in brake HP, year construction of the engine commenced (as defined in § 63.2, where the exact year is not known, provide the best estimate), and type of engine (CI, SI 2SLB, SI 4SLB, or SI 4SRB).

(8) Latitude and longitude of the engine in decimal degrees reported to the fifth decimal place.

(9) An engine can be claimed as exempt from reporting coordinates (latitude/longitude) via CEDRI if:

(i) During the reporting period, the engine will be owned by, or operated by or for, an agency of the Federal Government responsible for national defense; and

(ii) The agency determines that disclosing the coordinates to the general public would be a threat to national security.

(d) For each deviation from an emission or operating limitation that occurs for a stationary RICE where you are not using a CMS to comply with the emission or operating limitations in this subpart, the Compliance report must contain the information in paragraphs (c)(1) through (8) of this section and the information in paragraphs (d)(1) and (2) of this section.

(1) The total operating time (in hours) of the stationary RICE at which the deviation occurred during the reporting period.

(2) Information on the number, duration (in hours), and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.

(3) A description of any changes in processes, or controls since the last reporting period.

(e) For each deviation from an emission or operating limitation occurring for a stationary RICE where you are using a CMS to comply with the emission and operating limitations in this subpart, you must include information in paragraphs (c)(1) through (8) and (e)(1) through (13) of this section.

(1) The date and time that each malfunction started and stopped.

(2) The start and end date and time and the duration (in hours) that each CMS was inoperative, except for zero (low-level) and high-level checks.

(3) The start and end date and time and the duration (in hours) that each CMS was out-of-control, including the information in § 63.8(c)(8).

(4) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of malfunction or during another period.

(5) A summary of the total duration (in hours) of the deviation during the reporting period, and the total duration as a percent of the total source operating time during that reporting period.

(6) A breakdown of the total duration (in hours) of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown causes.

(7) A summary of the total duration (in hours) of CMS downtime during the reporting period, and the total duration of CMS downtime as a percent of the total operating time of the stationary RICE at which the CMS downtime occurred during that reporting period.

(8) An identification of each parameter and pollutant (CO or formaldehyde) that was monitored at the stationary RICE.

(9) [Reserved]

(10) A brief description of the CMS.

(11) The date of the latest CMS certification or audit.

(12) A description of any changes in CMS, processes, or controls since the last reporting period.

(13) The total operating time of the stationary RICE at which the deviation occurred during the reporting period.

(f) Each affected source that has obtained a title V operating permit pursuant to 40 CFR part 70 or 71 must report all deviations as defined in this subpart in the semiannual monitoring report required by 40 CFR 70.6 (a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A). If an affected source submits a Compliance report pursuant to table 7 of this subpart along with, or as part of, the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), and the Compliance report includes all required information concerning deviations from any

emission or operating limitation in this subpart, submission of the Compliance report shall be deemed to satisfy any obligation to report the same deviations in the semiannual monitoring report. However, submission of a Compliance report shall not otherwise affect any obligation the affected source may have to report deviations from permit requirements to the permit authority. Beginning on February 26, 2025, the semiannual and annual compliance report required in table 7 of this subpart must be submitted according to paragraph (i) of this section. Only those elements required under this subpart are required to be submitted according to paragraph (i) of this section.

(g) If you are operating as a new or reconstructed stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, you must submit an annual report according to Table 7 of this subpart by the date specified unless the Administrator has approved a different schedule, according to the information described in paragraphs (b)(1) through (b)(5) of this section. You must report the data specified in (g)(1) through (g)(3) of this section.

(1) Fuel flow rate of each fuel and the heating values that were used in your calculations. You must also demonstrate that the percentage of heat input provided by landfill gas or digester gas is equivalent to 10 percent or more of the total fuel consumption on an annual basis.

(2) The operating limits provided in your federally enforceable permit, and any deviations from these limits.

(3) Any problems or errors suspected with the meters.

(h) If you own or operate an emergency stationary RICE with a site rating of more than 100 brake HP that operates for the purpose specified in § 63.6640(f)(4)(ii), you must submit an annual report according to the requirements in paragraphs (h)(1) through (3) of this section.

(1) The report must contain the following information:

(i) Company name and address where the engine is located.

(ii) Date of the report and beginning and ending dates of the reporting period.

(iii) Engine site rating in brake HP, year construction of the engine commenced (as defined in § 63.2, where the exact year is not known, provide the best estimate), and type of engine (CI, SI 2SLB, SI 4SLB, or SI 4SRB).

(iv) Latitude and longitude of the engine in decimal degrees reported to the fifth decimal place.

(v)-(vi) [Reserved]

(vii) Hours spent for operation for the purpose specified in § 63.6640(f)(4)(ii), including the date, start time, and end time for engine operation for the purposes specified in § 63.6640(f)(4)(ii). The report must also identify the entity that dispatched the engine and the situation that necessitated the dispatch of the engine.

(viii) If there were no deviations from the fuel requirements in § 63.6604 that apply to the engine (if any), a statement that there were no deviations from the fuel requirements during the reporting period.

(ix) If there were deviations from the fuel requirements in § 63.6604 that apply to the engine (if any), information on the number, duration (in hours), and cause of deviations, and the corrective action taken.

(2) The first annual report must cover the calendar year 2015 and must be submitted no later than March 31, 2016. Subsequent annual reports for each calendar year must be submitted no later than March 31 of the following calendar year.

(3) Before February 26, 2025, the annual report must be submitted electronically using the subpart specific reporting form in the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*). However, if the reporting form specific to this subpart

is not available in CEDRI at the time that the report is due, the written report must be submitted to the Administrator at the appropriate address listed in § 63.13. Beginning on February 26, 2025, the annual report must be submitted according to paragraph (i) of this section.

(i) Beginning on February 26, 2025 for the annual report specified in § 63.6650(h) and February 26, 2025 or one year after the report becomes available in CEDRI, whichever is later for all other semiannual or annual reports, submit all semiannual and annual subsequent compliance reports using the appropriate electronic report template on the CEDRI website (*https://www.epa.gov/electronic-reporting-air-emissions/cedri*) for this subpart and following the procedure specified in § 63.9(k), except any CBI must be submitted according to the procedures in § 63.6645(h). The date report templates become available will be listed on the CEDRI website. Unless the Administrator or delegated state agency or other authority has approved a different schedule for submission of reports, the report must be submitted by the deadline specified in this subpart, regardless of the method in which the report is submitted.

[69 FR 33506, June 15, 2004, as amended at 75 FR 9677, Mar. 3, 2010; 78 FR 6705, Jan. 30, 2013; 87 FR 48607, Aug. 10, 2022; 89 FR 70517, Aug. 30, 2024]

**§ 63.6655 What records must I keep?**

(a) If you must comply with the emission and operating limitations, you must keep the records described in paragraphs (a)(1) through (a)(5), (b)(1) through (b)(3) and (c) of this section.

(1) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirement in § 63.10(b)(2)(xiv).

(2) Records of the occurrence and duration (in hours) of each malfunction of operation (*i.e.,* process equipment) or the air pollution control and monitoring equipment.

(3) Records of performance tests and performance evaluations as required in § 63.10(b)(2)(viii).

(4) Records of all required maintenance performed on the air pollution control and monitoring equipment.

(5) Records of actions taken during periods of malfunction to minimize emissions in accordance with § 63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

(b) For each CEMS or CPMS, you must keep the records listed in paragraphs (b)(1) through (3) of this section.

(1) Records described in § 63.10(b)(2)(vi) through (xi).

(2) Previous (*i.e.,* superseded) versions of the performance evaluation plan as required in § 63.8(d)(3).

(3) Requests for alternatives to the relative accuracy test for CEMS or CPMS as required in § 63.8(f)(6)(i), if applicable.

(c) If you are operating a new or reconstructed stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, you must keep the records of your daily fuel usage monitors.

(d) You must keep the records required in Table 6 of this subpart to show continuous compliance with each emission or operating limitation that applies to you.

(e) You must keep records of the maintenance conducted on the stationary RICE in order to demonstrate that you operated and maintained the stationary RICE and after-treatment control device (if any) according to your own maintenance plan if you own or operate any of the following stationary RICE;

(1) An existing stationary RICE with a site rating of less than 100 brake HP located at a major source of HAP emissions.

(2) An existing stationary emergency RICE.

(3) An existing stationary RICE located at an area source of HAP emissions subject to management practices as shown in Table 2d to this subpart.

(f) If you own or operate any of the stationary RICE in paragraphs (f)(1) through (2) of this section, you must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engine is used for the purpose specified in § 63.6640(f)(4)(ii), the owner or operator must keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for these purposes.

(1) An existing emergency stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions that does not meet the standards applicable to non-emergency engines.

(2) An existing emergency stationary RICE located at an area source of HAP emissions that does not meet the standards applicable to non-emergency engines.

[69 FR 33506, June 15, 2004, as amended at 75 FR 9678, Mar. 3, 2010; 75 FR 51592, Aug. 20, 2010; 78 FR 6706, Jan. 30, 2013; 87 FR 48607, Aug. 10, 2022; 89 FR 70518, Aug. 30, 2024]

**§ 63.6660 In what form and how long must I keep my records?**

(a) Your records must be in a form suitable and readily available for expeditious review according to § 63.10(b)(1).

(b) As specified in § 63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) You must keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to § 63.10(b)(1).

[69 FR 33506, June 15, 2004, as amended at 75 FR 9678, Mar. 3, 2010]

**Other Requirements and Information**

**§ 63.6665 What parts of the General Provisions apply to me?**

Table 8 to this subpart shows which parts of the General Provisions in §§ 63.1 through 63.15 apply to you. If you own or operate a new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions (except new or reconstructed 4SLB engines greater than or equal to 250 and less than or equal to 500 brake HP), a new or reconstructed stationary RICE located at an area source of HAP emissions, or any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with any of the requirements of the General Provisions specified in Table 8: An existing 2SLB stationary RICE, an existing 4SLB stationary RICE, an existing stationary RICE that combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, an existing emergency stationary RICE, or an existing limited use stationary RICE. If you own or operate any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the requirements in the General Provisions specified in Table 8 except for the initial notification requirements: A new stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, a new emergency stationary RICE, or a new limited use stationary RICE.

[75 FR 9678, Mar. 3, 2010]

**§ 63.6670 Who implements and enforces this subpart?**

(a) This subpart is implemented and enforced by the U.S. EPA, or a delegated authority such as your State, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to your State, local, or tribal agency, then that agency (as well as the U.S. EPA) has the authority to implement and enforce this subpart. You should contact your U.S. EPA Regional Office to find out whether this subpart is delegated to your State, local, or tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under 40 CFR part 63, subpart E, the authorities contained in paragraph (c) of this section are retained by the Administrator of the U.S. EPA and are not transferred to the State, local, or tribal agency.

(c) The authorities that will not be delegated to State, local, or tribal agencies are:

(1) Approval of alternatives to the non-opacity emission limitations and operating limitations in § 63.6600 under § 63.6(g).

(2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90.

(3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90.

(4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

(5) Approval of a performance test which was conducted prior to the effective date of the rule, as specified in § 63.6610(b).

(6) Approval of an alternative to any electronic reporting to the EPA required by this subpart.

[69 FR 33506, June 15, 2004, as amended at 89 FR 70518, Aug. 30, 2024]

**§ 63.6675 What definitions apply to this subpart?**

Terms used in this subpart are defined in the Clean Air Act (CAA); in 40 CFR 63.2, the General Provisions of this part; and in this section as follows:

*Alaska Railbelt Grid* means the service areas of the six regulated public utilities that extend from Fairbanks to Anchorage and the Kenai Peninsula. These utilities are Golden Valley Electric Association; Chugach Electric Association; Matanuska Electric Association; Homer Electric Association; Anchorage Municipal Light & Power; and the City of Seward Electric System.

*Area source* means any stationary source of HAP that is not a major source as defined in part 63.

*Associated equipment* as used in this subpart and as referred to in section 112(n)(4) of the CAA, means equipment associated with an oil or natural gas exploration or production well, and includes all equipment from the well bore to the point of custody transfer, except glycol dehydration units, storage vessels with potential for flash emissions, combustion turbines, and stationary RICE.

*Backup power for renewable energy* means an engine that provides backup power to a facility that generates electricity from renewable energy resources, as that term is defined in Alaska Statute 42.45.045(l)(5) (incorporated by reference, see § 63.14).

*Black start engine* means an engine whose only purpose is to start up a combustion turbine.

*CAA* means the Clean Air Act (42 U.S.C. 7401 *et seq.,* as amended by Public Law 101-549, 104 Stat. 2399).

*Commercial emergency stationary RICE* means an emergency stationary RICE used in commercial establishments such as office buildings, hotels, stores, telecommunications facilities, restaurants, financial institutions such as banks, doctor's offices, and sports and performing arts facilities.

*Compression ignition* means relating to a type of stationary internal combustion engine that is not a spark ignition engine.

*Custody transfer* means the transfer of hydrocarbon liquids or natural gas: After processing and/or treatment in the producing operations, or from storage vessels or automatic transfer facilities or other such equipment, including product loading racks, to pipelines or any other forms of transportation. For the purposes of this subpart, the point at which such liquids or natural gas enters a natural gas processing plant is a point of custody transfer.

*Deviation* means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart, including but not limited to any emission limitation or operating limitation;

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(3) Fails to meet any emission limitation or operating limitation in this subpart during malfunction, regardless or whether or not such failure is permitted by this subpart.

(4) Fails to satisfy the general duty to minimize emissions established by § 63.6(e)(1)(i).

*Diesel engine* means any stationary RICE in which a high boiling point liquid fuel injected into the combustion chamber ignites when the air charge has been compressed to a temperature sufficiently high for auto-ignition. This process is also known as compression ignition.

*Diesel fuel* means any liquid obtained from the distillation of petroleum with a boiling point of approximately 150 to 360 degrees Celsius. One commonly used form is fuel oil number 2. Diesel fuel also includes any non-distillate fuel with comparable physical and chemical properties (*e.g.* biodiesel) that is suitable for use in compression ignition engines.

*Digester gas* means any gaseous by-product of wastewater treatment typically formed through the anaerobic decomposition of organic waste materials and composed principally of methane and $CO_2$.

*Dual-fuel engine* means any stationary RICE in which a liquid fuel (typically diesel fuel) is used for compression ignition and gaseous fuel (typically natural gas) is used as the primary fuel.

*Emergency stationary RICE* means any stationary reciprocating internal combustion engine that meets all of the criteria in paragraphs (1) through (3) of this definition. All emergency stationary RICE must comply with the requirements specified in § 63.6640(f) in order to be considered emergency stationary RICE. If the engine does not comply with the requirements specified in § 63.6640(f), then it is not considered to be an emergency stationary RICE under this subpart.

(1) The stationary RICE is operated to provide electrical power or mechanical work during an emergency situation. Examples include stationary RICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary RICE used to pump water in the case of fire or flood, etc.

(2) The stationary RICE is operated under limited circumstances for situations not included in paragraph (1) of this definition, as specified in § 63.6640(f).

(3) The stationary RICE operates as part of a financial arrangement with another entity in situations not included in paragraph (1) of this definition only as allowed in § 63.6640(f)(4)(i) or (ii).

*Engine startup* means the time from initial start until applied load and engine and associated equipment reaches steady state or normal operation. For stationary engine with catalytic controls, engine startup means the time from initial start until applied load and engine and associated equipment, including the catalyst, reaches steady state or normal operation.

*Four-stroke engine* means any type of engine which completes the power cycle in two crankshaft revolutions, with intake and compression strokes in the first revolution and power and exhaust strokes in the second revolution.

*Gaseous fuel* means a material used for combustion which is in the gaseous state at standard atmospheric temperature and pressure conditions.

*Gasoline* means any fuel sold in any State for use in motor vehicles and motor vehicle engines, or nonroad or stationary engines, and commonly or commercially known or sold as gasoline.

*Glycol dehydration unit* means a device in which a liquid glycol (including, but not limited to, ethylene glycol, diethylene glycol, or triethylene glycol) absorbent directly contacts a natural gas stream and absorbs water in a contact tower or absorption column (absorber). The glycol contacts and absorbs water vapor and other gas stream constituents from the natural gas and becomes “rich” glycol. This glycol is then regenerated in the glycol dehydration unit reboiler. The “lean” glycol is then recycled.

*Hazardous air pollutants (HAP)* means any air pollutants listed in or pursuant to section 112(b) of the CAA.

*Institutional emergency stationary RICE* means an emergency stationary RICE used in institutional establishments such as medical centers, nursing homes, research centers, institutions of higher education, correctional facilities, elementary and secondary schools, libraries, religious establishments, police stations, and fire stations.

*ISO standard day conditions* means 288 degrees Kelvin (15 degrees Celsius), 60 percent relative humidity and 101.3 kilopascals pressure.

*Landfill gas* means a gaseous by-product of the land application of municipal refuse typically formed through the anaerobic decomposition of waste materials and composed principally of methane and $CO_2$.

*Lean burn engine* means any two-stroke or four-stroke spark ignited engine that does not meet the definition of a rich burn engine.

*Limited use stationary RICE* means any stationary RICE that operates less than 100 hours per year.

*Liquefied petroleum gas* means any liquefied hydrocarbon gas obtained as a by-product in petroleum refining of natural gas production.

*Liquid fuel* means any fuel in liquid form at standard temperature and pressure, including but not limited to diesel, residual/crude oil, kerosene/naphtha (jet fuel), and gasoline.

*Major Source,* as used in this subpart, shall have the same meaning as in § 63.2, except that:

(1) Emissions from any oil or gas exploration or production well (with its associated equipment (as defined in this section)) and emissions from any pipeline compressor station or pump station shall not be aggregated with emissions from other similar units, to determine whether such emission points or stations are major sources, even when emission points are in a contiguous area or under common control;

(2) For oil and gas production facilities, emissions from processes, operations, or equipment that are not part of the same oil and gas production facility, as defined in § 63.1271 of subpart HHH of this part, shall not be aggregated;

(3) For production field facilities, only HAP emissions from glycol dehydration units, storage vessel with the potential for flash emissions, combustion turbines and reciprocating internal combustion engines shall be aggregated for a major source determination; and

(4) Emissions from processes, operations, and equipment that are not part of the same natural gas transmission and storage facility, as defined in § 63.1271 of subpart HHH of this part, shall not be aggregated.

*Malfunction* means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

*Natural gas* means a naturally occurring mixture of hydrocarbon and non-hydrocarbon gases found in geologic formations beneath the Earth's surface, of which the principal constituent is methane. Natural gas may be field or pipeline quality.

*Non-selective catalytic reduction (NSCR)* means an add-on catalytic nitrogen oxides ($NO_X$) control device for rich burn engines that, in a two-step reaction, promotes the conversion of excess oxygen, $NO_X$, CO, and volatile organic compounds (VOC) into $CO_2$, nitrogen, and water.

*Oil and gas production facility* as used in this subpart means any grouping of equipment where hydrocarbon liquids are processed, upgraded (*i.e.,* remove impurities or other constituents to meet contract specifications), or stored prior to the point of custody transfer; or where natural gas is processed, upgraded, or stored prior to entering the natural gas transmission and storage source category. For purposes of a major source determination, facility (including a building, structure, or installation) means oil and natural gas production and processing equipment that is located within the boundaries of an individual surface site as defined in this section. Equipment that is part of a facility will typically be located within close proximity to other equipment located at the same facility. Pieces of production equipment or groupings of equipment located on different oil and gas leases, mineral fee tracts, lease tracts, subsurface or surface unit areas, surface fee tracts, surface lease tracts, or separate surface sites, whether or not connected by a road, waterway, power line or pipeline, shall not be considered part of the same facility. Examples of facilities in the oil and natural gas production source category include, but are not limited to, well sites, satellite tank batteries, central tank batteries, a compressor station that transports natural gas to a natural gas processing plant, and natural gas processing plants.

*Oxidation catalyst* means an add-on catalytic control device that controls CO and VOC by oxidation.

*Peaking unit or engine* means any standby engine intended for use during periods of high demand that are not emergencies.

*Percent load* means the fractional power of an engine compared to its maximum manufacturer's design capacity at engine site conditions. Percent load may range between 0 percent to above 100 percent.

*Potential to emit* means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary 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. For oil and natural gas production facilities subject to subpart HH of this part, the potential to emit provisions in § 63.760(a) may be used. For natural gas transmission and storage facilities subject to subpart HHH of this part, the maximum annual facility gas throughput for storage facilities may be determined according to § 63.1270(a)(1) and the maximum annual throughput for transmission facilities may be determined according to § 63.1270(a)(2).

*Production field facility* means those oil and gas production facilities located prior to the point of custody transfer.

*Production well* means any hole drilled in the earth from which crude oil, condensate, or field natural gas is extracted.

*Propane* means a colorless gas derived from petroleum and natural gas, with the molecular structure $C_3H_8$.

*Remote stationary RICE* means stationary RICE meeting any of the following criteria:

(1) Stationary RICE located in an offshore area that is beyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open seas and beyond the line marking the seaward limit of inland waters.

(2) Stationary RICE located on a pipeline segment that meets both of the criteria in paragraphs (2)(i) and (ii) of this definition.

(i) A pipeline segment with 10 or fewer buildings intended for human occupancy and no buildings with four or more stories within 220 yards (200 meters) on either side of the centerline of any continuous 1-mile (1.6 kilometers) length of pipeline. Each separate dwelling unit in a multiple dwelling unit building is counted as a separate building intended for human occupancy.

(ii) The pipeline segment does not lie within 100 yards (91 meters) of either a building or a small, well-defined outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by 20 or more persons on at least 5 days a week for 10 weeks in any 12-month period. The days and weeks need not be consecutive. The building or area is considered occupied for a full day if it is occupied for any portion of the day.

(iii) For purposes of this paragraph (2), the term pipeline segment means all parts of those physical facilities through which gas moves in transportation, including but not limited to pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies. Stationary RICE located within 50 yards (46 meters) of the pipeline segment providing power for equipment on a pipeline segment are part of the pipeline segment. Transportation of gas means the gathering, transmission, or distribution of gas by pipeline, or the storage of gas. A building is intended for human occupancy if its primary use is for a purpose involving the presence of humans.

(3) Stationary RICE that are not located on gas pipelines and that have 5 or fewer buildings intended for human occupancy and no buildings with four or more stories within a 0.25 mile radius around the engine. A building is intended for human occupancy if its primary use is for a purpose involving the presence of humans.

*Residential emergency stationary RICE* means an emergency stationary RICE used in residential establishments such as homes or apartment buildings.

*Responsible official* means responsible official as defined in 40 CFR 70.2.

*Rich burn engine* means any four-stroke spark ignited engine where the manufacturer's recommended operating air/fuel ratio divided by the stoichiometric air/fuel ratio at full load conditions is less than or equal to 1.1. Engines originally manufactured as rich burn engines, but modified prior to December 19, 2002 with passive emission control technology for $NO_X$ (such as pre-combustion chambers) will be considered lean burn engines. Also, existing engines where there are no manufacturer's recommendations regarding air/fuel ratio will be considered a rich burn engine if the excess oxygen content of the exhaust at full load conditions is less than or equal to 2 percent.

*Site-rated HP* means the maximum manufacturer's design capacity at engine site conditions.

*Spark ignition* means relating to either: A gasoline-fueled engine; or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark ignition engines usually use a throttle to regulate intake air flow to control power during normal operation. Dual-fuel engines in which a liquid fuel (typically diesel fuel) is used for CI and gaseous fuel (typically natural gas) is used as the primary fuel at an annual average ratio of less than 2 parts diesel fuel to 100 parts total fuel on an energy equivalent basis are spark ignition engines.

*Stationary reciprocating internal combustion engine (RICE)* means any reciprocating internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile. Stationary RICE differ from mobile RICE in that a stationary RICE is not a non-road engine as defined at 40 CFR 1068.30, and is not used to propel a motor vehicle or a vehicle used solely for competition.

*Stationary RICE test cell/stand* means an engine test cell/stand, as defined in subpart PPPPP of this part, that tests stationary RICE.

*Stoichiometric* means the theoretical air-to-fuel ratio required for complete combustion.

*Storage vessel with the potential for flash emissions* means any storage vessel that contains a hydrocarbon liquid with a stock tank gas-to-oil ratio equal to or greater than 0.31 cubic meters per liter and an American Petroleum Institute gravity equal to or greater than 40 degrees and an actual annual average hydrocarbon liquid throughput equal to or greater than 79,500 liters per day. Flash emissions occur when dissolved hydrocarbons in the fluid evolve from solution when the fluid pressure is reduced.

*Subpart* means 40 CFR part 63, subpart ZZZZ.

*Surface site* means any combination of one or more graded pad sites, gravel pad sites, foundations, platforms, or the immediate physical location upon which equipment is physically affixed.

*Two-stroke engine* means a type of engine which completes the power cycle in single crankshaft revolution by combining the intake and compression operations into one stroke and the power and exhaust operations into a second stroke. This system requires auxiliary scavenging and inherently runs lean of stoichiometric.

[69 FR 33506, June 15, 2004, as amended at 71 FR 20467, Apr. 20, 2006; 73 FR 3607, Jan. 18, 2008; 75 FR 9679, Mar. 3, 2010; 75 FR 51592, Aug. 20, 2010; 76 FR 12867, Mar. 9, 2011; 78 FR 6706, Jan. 30, 2013; 87 FR 48608, Aug. 10, 2022]

**Table 1a to Subpart ZZZZ of Part 63—Emission Limitations for Existing, New, and Reconstructed Spark Ignition, 4SRB Stationary RICE >500 HP Located at a Major Source of HAP Emissions**

As stated in §§ 63.6600 and 63.6640, you must comply with the following emission limitations at 100 percent load plus or minus 10 percent for existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions:

| For each . . . | You must meet the following emission limitation, except during periods of startup . . . | During periods of startup you must . . . |
|---|---|---|
| 1. 4SRB stationary RICE | a. Reduce formaldehyde emissions by 76 percent or more. If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004, you may reduce formaldehyde emissions by 75 percent or more until June 15, 2007 or | Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.[1] |
| | b. Limit the concentration of formaldehyde in the stationary RICE exhaust to 350 ppbvd or less at 15 percent $O_2$ | |
| [1] Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.6(g) for alternative work practices. | | |

[75 FR 9679, Mar. 3, 2010, as amended at 75 FR 51592, Aug. 20, 2010]

**Table 1b to Subpart ZZZZ of Part 63—Operating Limitations for Existing, New, and Reconstructed SI 4SRB Stationary RICE >500 HP Located at a Major Source of HAP Emissions**

As stated in §§ 63.6600, 63.6603, 63.6630 and 63.6640, you must comply with the following operating limitations for existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions:

| For each . . . | You must meet the following operating limitation, except during periods of startup . . . |
|---|---|
| 1. existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions complying with the requirement to reduce formaldehyde emissions by 76 percent or more (or by 75 percent or more, if applicable) and using NSCR; or<br>existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust to 350 ppbvd or less at 15 percent $O_2$ and using NSCR; | a. maintain your catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water at 100 percent load plus or minus 10 percent from the pressure drop across the catalyst measured during the initial performance test; and<br>b. maintain the temperature of your stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 750 °F and less than or equal to 1250 °F.[1] |
| 2. existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions complying with the requirement to reduce formaldehyde emissions by 76 percent or more (or by 75 percent or more, if applicable) and not using NSCR; or | Comply with any operating limitations approved by the Administrator. |
| existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust to 350 ppbvd or less at 15 percent $O_2$ and not using NSCR. | |
| [1] Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.8(f) for a different temperature range. | |

[78 FR 6706, Jan. 30, 2013]

**Table 2a to Subpart ZZZZ of Part 63—Emission Limitations for New and Reconstructed 2SLB and Compression Ignition Stationary RICE >500 HP and New and Reconstructed 4SLB Stationary RICE ≥250 HP Located at a Major Source of HAP Emissions**

As stated in §§ 63.6600 and 63.6640, you must comply with the following emission limitations for new and reconstructed lean burn and new and reconstructed compression ignition stationary RICE at 100 percent load plus or minus 10 percent:

| For each . . . | You must meet the following emission limitation, except during periods of startup . . . | During periods of startup you must . . . |
|---|---|---|
| 1. 2SLB stationary RICE | a. Reduce CO emissions by 58 percent or more; or<br>b. Limit concentration of formaldehyde in the stationary RICE exhaust to 12 ppmvd or less at 15 percent $O_2$. If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004, you may limit concentration of formaldehyde to 17 ppmvd or less at 15 percent $O_2$ until June 15, 2007 | Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.[1] |
| 2. 4SLB stationary RICE | a. Reduce CO emissions by 93 percent or more; or | |
| | b. Limit concentration of formaldehyde in the stationary RICE exhaust to 14 ppmvd or less at 15 percent $O_2$ | |

| | | |
|---|---|---|
| 3. CI stationary RICE | a. Reduce CO emissions by 70 percent or more; or | |
| | b. Limit concentration of formaldehyde in the stationary RICE exhaust to 580 ppbvd or less at 15 percent $O_2$ | |
| [1] Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.6(g) for alternative work practices. | | |

[75 FR 9680, Mar. 3, 2010]

**Table 2b to Subpart ZZZZ of Part 63—Operating Limitations for New and Reconstructed 2SLB and CI Stationary RICE >500 HP Located at a Major Source of HAP Emissions, New and Reconstructed 4SLB Stationary RICE ≥250 HP Located at a Major Source of HAP Emissions, Existing CI Stationary RICE >500 HP**

As stated in §§ 63.6600, 63.6601, 63.6603, 63.6630, and 63.6640, you must comply with the following operating limitations for new and reconstructed 2SLB and CI stationary RICE >500 HP located at a major source of HAP emissions; new and reconstructed 4SLB stationary RICE ≥250 HP located at a major source of HAP emissions; and existing CI stationary RICE >500 HP:

| **For each . . .** | **You must meet the following operating limitation, except during periods of startup . . .** |
|---|---|
| 1. New and reconstructed 2SLB and CI stationary RICE >500 HP located at a major source of HAP emissions and new and reconstructed 4SLB stationary RICE ≥250 HP located at a major source of HAP emissions complying with the requirement to reduce CO emissions and using an oxidation catalyst; and<br>New and reconstructed 2SLB and CI stationary RICE >500 HP located at a major source of HAP emissions and new and reconstructed 4SLB stationary RICE ≥250 HP located at a major source of HAP emissions complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust and using an oxidation catalyst. | a. maintain your catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water at 100 percent load plus or minus 10 percent from the pressure drop across the catalyst that was measured during the initial performance test; and<br>b. maintain the temperature of your stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 450 °F and less than or equal to 1350 °F.[1] |
| 2. Existing CI stationary RICE >500 HP complying with the requirement to limit or reduce the concentration of CO in the stationary RICE exhaust and using an oxidation catalyst | a. maintain your catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water from the pressure drop across the catalyst that was measured during the initial performance test; and |
| | b. maintain the temperature of your stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 450 °F and less than or equal to 1350 °F.[1] |
| 3. New and reconstructed 2SLB and CI stationary RICE >500 HP located at a major source of HAP emissions and new and reconstructed 4SLB stationary RICE ≥250 HP located at a major source of HAP emissions complying with the requirement to reduce CO emissions and not using an oxidation catalyst; and | Comply with any operating limitations approved by the Administrator. |
| New and reconstructed 2SLB and CI stationary RICE >500 HP located at a major source of HAP emissions and new and reconstructed 4SLB stationary RICE ≥250 HP located at a major source of HAP emissions complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust and not using an oxidation catalyst; and | |

| | |
|---|---|
| existing CI stationary RICE >500 HP complying with the requirement to limit or reduce the concentration of CO in the stationary RICE exhaust and not using an oxidation catalyst. | |
| [1] Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.8(f) for a different temperature range. | |

[78 FR 6707, Jan. 30, 2013]

**Table 2c to Subpart ZZZZ of Part 63—Requirements for Existing Compression Ignition Stationary RICE Located at a Major Source of HAP Emissions and Existing Spark Ignition Stationary RICE ≤500 HP Located at a Major Source of HAP Emissions**

As stated in §§ 63.6600, 63.6602, and 63.6640, you must comply with the following requirements for existing compression ignition stationary RICE located at a major source of HAP emissions and existing spark ignition stationary RICE ≤500 HP located at a major source of HAP emissions

| For each . . . | You must meet the following requirement, except during periods of startup . . . | During periods of startup you must . . . |
|---|---|---|
| 1. Emergency stationary CI RICE and black start stationary CI RICE[1] | a. Change oil and filter every 500 hours of operation or within 1 year + 30 days of the previous change, whichever comes first[2]. b. Inspect air cleaner every 1,000 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary; | Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.[3] |
| | c. Inspect all hoses and belts every 500 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary[3] | |
| 2. Non-Emergency, non-black start stationary CI RICE <100 HP | a. Change oil and filter every 1,000 hours of operation or within 1 year + 30 days of the previous change, whichever comes first[2]. | |
| | b. Inspect air cleaner every 1,000 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary; | |
| | c. Inspect all hoses and belts every 500 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary[3] | |
| 3. Non-Emergency, non-black start CI stationary RICE 100≤HP≤300 HP | Limit concentration of CO in the stationary RICE exhaust to 230 ppmvd or less at 15 percent $O_2$ | |

| For each . . . | You must meet the following requirement, except during periods of startup . . . | During periods of startup you must . . . |
|---|---|---|
| 4. Non-Emergency, non-black start CI stationary RICE 300<HP≤500 | a. Limit concentration of CO in the stationary RICE exhaust to 49 ppmvd or less at 15 percent $O_2$; or | |
| | b. Reduce CO emissions by 70 percent or more | |
| 5. Non-Emergency, non-black start stationary CI RICE >500 HP | a. Limit concentration of CO in the stationary RICE exhaust to 23 ppmvd or less at 15 percent $O_2$; or | |
| | b. Reduce CO emissions by 70 percent or more | |
| 6. Emergency stationary SI RICE and black start stationary SI RICE.[1] | a. Change oil and filter every 500 hours of operation or within 1 year + 30 days of the previous change, whichever comes first;[2] | |
| | b. Inspect spark plugs every 1,000 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary; | |
| | c. Inspect all hoses and belts every 500 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary[3] | |
| 7. Non-Emergency, non-black start stationary SI RICE <100 HP that are not 2SLB stationary RICE | a. Change oil and filter every 1,440 hours of operation or within 1 year + 30 days of the previous change, whichever comes first;[2] | |
| | b. Inspect spark plugs every 1,440 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary | |
| | c. Inspect all hoses and belts every 1,440 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary[3] | |
| 8. Non-Emergency, non-black start 2SLB stationary SI RICE <100 HP | a. Change oil and filter every 4,320 hours of operation or within 1 year + 30 days of the previous change, whichever comes first;[2] | |

| For each . . . | You must meet the following requirement, except during periods of startup . . . | During periods of startup you must . . . |
|---|---|---|
| | b. Inspect spark plugs every 4,320 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary; | |
| | c. Inspect all hoses and belts every 4,320 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary[3] | |
| 9. Non-emergency, non-black start 2SLB stationary RICE 100≤HP≤500 | Limit concentration of CO in the stationary RICE exhaust to 225 ppmvd or less at 15 percent $O_2$ | |
| 10. Non-emergency, non-black start 4SLB stationary RICE 100≤HP≤500 | Limit concentration of CO in the stationary RICE exhaust to 47 ppmvd or less at 15 percent $O_2$ | |
| 11. Non-emergency, non-black start 4SRB stationary RICE 100≤HP≤500 | Limit concentration of formaldehyde in the stationary RICE exhaust to 10.3 ppmvd or less at 15 percent $O_2$ | |
| 12. Non-emergency, non-black start stationary RICE 100≤HP≤500 which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis | Limit concentration of CO in the stationary RICE exhaust to 177 ppmvd or less at 15 percent $O_2$ | |

[1] If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the work practice requirements on the schedule required in table 2c of this subpart, or if performing the work practice on the required schedule would otherwise pose an unacceptable risk under Federal, state, or local law, the work practice can be delayed until the emergency is over or the unacceptable risk under Federal, state, or local law has abated. The work practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under Federal, state, or local law has abated. Sources must report any failure to perform the work practice on the schedule required and the Federal, state or local law under which the risk was deemed unacceptable.

[2] Sources have the option to utilize an oil analysis program as described in § 63.6625(i) or (j) in order to extend the specified oil change requirement in table 2c of this subpart.

[3] Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.6(g) for alternative work practices.

[89 FR 70518, Aug. 30, 2024]

**Table 2d to Subpart ZZZZ of Part 63—Requirements for Existing Stationary RICE Located at Area Sources of HAP Emissions**

As stated in §§ 63.6603 and 63.6640, you must comply with the following requirements for existing stationary RICE located at area sources of HAP emissions:

| For each . . . | You must meet the following requirement, except during periods of startup . . . | During periods of startup you must . . . |
|---|---|---|
| 1. Non-Emergency, non-black start CI stationary RICE ≤300 HP | a. Change oil and filter every 1,000 hours of operation or within 1 year + 30 days of the previous change, whichever comes first;[1]<br>b. Inspect air cleaner every 1,000 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary; | Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply. |
| | c. Inspect all hoses and belts every 500 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary | |
| 2. Non-Emergency, non-black start CI stationary RICE 300<HP≤500 | a. Limit concentration of CO in the stationary RICE exhaust to 49 ppmvd at 15 percent $O_2$; or | |
| | b. Reduce CO emissions by 70 percent or more | |
| 3. Non-Emergency, non-black start CI stationary RICE >500 HP | a. Limit concentration of CO in the stationary RICE exhaust to 23 ppmvd at 15 percent $O_2$; or | |
| | b. Reduce CO emissions by 70 percent or more | |
| 4. Emergency stationary CI RICE and black start stationary CI RICE.[2] | a. Change oil and filter every 500 hours of operation or within 1 year + 30 days of the previous change, whichever comes first;[1] | |
| | b. Inspect air cleaner every 1,000 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary; and | |
| | c. Inspect all hoses and belts every 500 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary | |

| For each . . . | You must meet the following requirement, except during periods of startup . . . | During periods of startup you must . . . |
|---|---|---|
| 5. Emergency stationary SI RICE; black start stationary SI RICE; non-emergency, non-black start 4SLB stationary RICE >500 HP that operate 24 hours or less per calendar year; non-emergency, non-black start 4SRB stationary RICE >500 HP that operate 24 hours or less per calendar year.[2] | a. Change oil and filter every 500 hours of operation or within 1 year + 30 days of the previous change, whichever comes first;[1]<br>b. Inspect spark plugs every 1,000 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary; and | |
| | c. Inspect all hoses and belts every 500 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary | |
| 6. Non-emergency, non-black start 2SLB stationary RICE | a. Change oil and filter every 4,320 hours of operation or within 1 year + 30 days of the previous change, whichever comes first;[1] | |
| | b. Inspect spark plugs every 4,320 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary; and | |
| | c. Inspect all hoses and belts every 4,320 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary | |
| 7. Non-emergency, non-black start 4SLB stationary RICE ≤500 HP | a. Change oil and filter every 1,440 hours of operation or within 1 year + 30 days of the previous change, whichever comes first;[1] | |
| | b. Inspect spark plugs every 1,440 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary; and | |

| For each . . . | You must meet the following requirement, except during periods of startup . . . | During periods of startup you must . . . |
|---|---|---|
| | c. Inspect all hoses and belts every 1,440 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary | |
| 8. Non-emergency, non-black start 4SLB remote stationary RICE >500 HP | a. Change oil and filter every 2,160 hours of operation or within 1 year + 30 days of the previous change, whichever comes first;[1] | |
| | b. Inspect spark plugs every 2,160 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary; and | |
| | c. Inspect all hoses and belts every 2,160 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary | |
| 9. Non-emergency, non-black start 4SLB stationary RICE >500 HP that are not remote stationary RICE and that operate more than 24 hours per calendar year | Install an oxidation catalyst to reduce HAP emissions from the stationary RICE | |
| 10. Non-emergency, non-black start 4SRB stationary RICE ≤500 HP | a. Change oil and filter every 1,440 hours of operation or within 1 year + 30 days of the previous change, whichever comes first;[1] | |
| | b. Inspect spark plugs every 1,440 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary; and | |
| | c. Inspect all hoses and belts every 1,440 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary | |
| 11. Non-emergency, non-black start 4SRB remote stationary RICE >500 HP | a. Change oil and filter every 2,160 hours of operation or within 1 year + 30 days of the previous change, whichever comes first;[1] | |

| For each . . . | You must meet the following requirement, except during periods of startup . . . | During periods of startup you must . . . |
|---|---|---|
| | b. Inspect spark plugs every 2,160 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary; and | |
| | c. Inspect all hoses and belts every 2,160 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary | |
| 12. Non-emergency, non-black start 4SRB stationary RICE >500 HP that are not remote stationary RICE and that operate more than 24 hours per calendar year | Install NSCR to reduce HAP emissions from the stationary RICE | |
| 13. Non-emergency, non-black start stationary RICE which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis | a. Change oil and filter every 1,440 hours of operation or within 1 year + 30 days of the previous change, whichever comes first;[1]<br>b. Inspect spark plugs every 1,440 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary; and | |
| | c. Inspect all hoses and belts every 1,440 hours of operation or within 1 year + 30 days of the previous inspection, whichever comes first, and replace as necessary | |

[1] Sources have the option to utilize an oil analysis program as described in § 63.6625(i) or (j) in order to extend the specified oil change requirement in table 2d of this subpart.

[2] If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice requirements on the schedule required in table 2d of this subpart, or if performing the management practice on the required schedule would otherwise pose an unacceptable risk under Federal, state, or local law, the management practice can be delayed until the emergency is over or the unacceptable risk under Federal, state, or local law has abated. The management practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under Federal, state, or local law has abated. Sources must report any failure to perform the management practice on the schedule required and the Federal, state or local law under which the risk was deemed unacceptable.

[89 FR 70520, Aug. 30, 2024]

**Table 3 to Subpart ZZZZ of Part 63—Subsequent Performance Tests**

As stated in §§ 63.6615 and 63.6620, you must comply with the following subsequent performance test requirements:

| For each . . . | Complying with the requirement to . . . | You must . . . |
|---|---|---|
| 1. New or reconstructed 2SLB stationary RICE >500 HP located at major sources; new or reconstructed 4SLB stationary RICE ≥250 HP located at major sources; and new or reconstructed CI stationary RICE >500 HP located at major sources | Reduce CO emissions and not using a CEMS | Conduct subsequent performance tests semiannually.[1] |
| 2. 4SRB stationary RICE ≥5,000 HP located at major sources | Reduce formaldehyde emissions | Conduct subsequent performance tests semiannually.[1] |
| 3. Stationary RICE >500 HP located at major sources and new or reconstructed 4SLB stationary RICE 250≤HP≤500 located at major sources | Limit the concentration of formaldehyde in the stationary RICE exhaust | Conduct subsequent performance tests semiannually.[1] |
| 4. Existing non-emergency, non-black start CI stationary RICE >500 HP that are not limited use stationary RICE | Limit or reduce CO emissions and not using a CEMS | Conduct subsequent performance tests every 8,760 hours or 3 years, whichever comes first. |
| 5. Existing non-emergency, non-black start CI stationary RICE >500 HP that are limited use stationary RICE | Limit or reduce CO emissions and not using a CEMS | Conduct subsequent performance tests every 8,760 hours or 5 years, whichever comes first. |
| [1] After you have demonstrated compliance for two consecutive tests, you may reduce the frequency of subsequent performance tests to annually. If the results of any subsequent annual performance test indicate the stationary RICE is not in compliance with the CO or formaldehyde emission limitation, or you deviate from any of your operating limitations, you must resume semiannual performance tests. | | |

[78 FR 6711, Jan. 30, 2013]

**Table 4 to Subpart ZZZZ of Part 63—Requirements for Performance Tests**

As stated in §§ 63.6610, 63.6611, 63.6620, and 63.6640, you must comply with the following requirements for performance tests for stationary RICE:

| For each . . . | Complying with the requirement to . . . | You must . . . | Using . . . | According to the following requirements . . . |
|---|---|---|---|---|
| 1. 2SLB, 4SLB, and CI stationary RICE | a. Reduce CO emissions | i. Select the sampling port location and the number/location of traverse points at the inlet and outlet of the control device; and | | (a) For CO, $O_2$, and moisture measurement, ducts ≤6 inches in diameter may be sampled at a single point located at the duct centroid and ducts >6 and ≤12 inches in diameter may be sampled at 3 traverse points located at 16.7, 50.0, and 83.3% of the measurement line ('3-point long line'). If the duct is >12 inches in diameter *and* the sampling port location meets the two and half-diameter criterion of section 11.1.1 of method 1 of 40 CFR part 60, appendix A-1, the duct may be sampled at `3-point long line'; otherwise, conduct the stratification testing and select sampling points according to section 8.1.2 of method 7E of 40 CFR part 60, appendix A-4. |
| | | ii. Measure the $O_2$ at the inlet and outlet of the control device; and | (1) Method 3 or 3A or 3B of 40 CFR part 60, appendix A-2, or ASTM D6522-00 (Reapproved 2005)[13] (heated probe not necessary) | (b) Measurements to determine $O_2$ must be made at the same time as the measurements for CO concentration. |
| | | iii. Measure the CO at the inlet and the outlet of the control device; and | (2) ASTM D6522-00 (Reapproved 2005)[123] (heated probe not necessary) or method 10 of 40 CFR part 60, appendix A-4 | (c) The CO concentration must be at 15 percent $O_2$, dry basis. |
| | | iv. Measure moisture content at the inlet and outlet of the control device as needed to determine CO and $O_2$ concentrations on a dry basis | (3) Method 4 of 40 CFR part 60, appendix A-3, or method 320 of 40 CFR part 63, appendix A, or ASTM D6348-03[13] | (d) Measurements to determine moisture content must be made at the same time and location as the measurements for CO concentration. |

| For each . . . | Complying with the requirement to . . . | You must . . . | Using . . . | According to the following requirements . . . |
|---|---|---|---|---|
| 2. 4SRB stationary RICE | a. Reduce formaldehyde or THC emissions | i. Select the sampling port location and the number/location of traverse points at the inlet and outlet of the control device; and | | (a) For formaldehyde, THC, $O_2$, and moisture measurement, ducts ≤6 inches in diameter may be sampled at a single point located at the duct centroid and ducts >6 and ≤12 inches in diameter may be sampled at 3 traverse points located at 16.7, 50.0, and 83.3% of the measurement line (`3-point long line'). If the duct is >12 inches in diameter *and* the sampling port location meets the two and half-diameter criterion of section 11.1.1 of method 1 of 40 CFR part 60, appendix A, the duct may be sampled at `3-point long line'; otherwise, conduct the stratification testing and select sampling points according to section 8.1.2 of method 7E of 40 CFR part 60, appendix A. |
| | | ii. Measure $O_2$ at the inlet and outlet of the control device; and | (1) Method 3 or 3A or 3B of 40 CFR part 60, appendix A-2, or ASTM D6522-00 (Reapproved 2005)[13] (heated probe not necessary) | (b) Measurements to determine $O_2$ concentration must be made at the same time as the measurements for formaldehyde or THC concentration. |
| | | iii. Measure moisture content at the inlet and outlet of the control device as needed to determine formaldehyde or THC and $O_2$ concentrations on a dry basis; and | (2) Method 4 of 40 CFR part 60, appendix A-3, or method 320 of 40 CFR part 63, appendix A, or ASTM D6348-03[13] | (c) Measurements to determine moisture content must be made at the same time and location as the measurements for formaldehyde or THC concentration. |
| | | iv. If demonstrating compliance with the formaldehyde percent reduction requirement, measure formaldehyde at the inlet and the outlet of the control device | (3) Method 320 or 323 of 40 CFR part 63, appendix A; or ASTM D6348-03,[13] provided in ASTM D6348-03 Annex A5 (Analyte Spiking Technique), the percent R must be greater than or equal to 70 and less than or equal to 130 | (d) Formaldehyde concentration must be at 15 percent $O_2$, dry basis. Results of this test consist of the average of the three 1-hour or longer runs. |

| For each . . . | Complying with the requirement to . . . | You must . . . | Using . . . | According to the following requirements . . . |
|---|---|---|---|---|
| | | v. If demonstrating compliance with the THC percent reduction requirement, measure THC at the inlet and the outlet of the control device | (4) (1) Method 25A, reported as propane, of 40 CFR part 60, appendix A-7 | (e) THC concentration must be at 15 percent $O_2$, dry basis. Results of this test consist of the average of the three 1-hour or longer runs. |
| 3. Stationary RICE | a. Limit the concentration of formaldehyde or CO in the stationary RICE exhaust | i. Select the sampling port location and the number/location of traverse points at the exhaust of the stationary RICE; and | | (a) For formaldehyde, CO, $O_2$, and moisture measurement, ducts ≤6 inches in diameter may be sampled at a single point located at the duct centroid and ducts >6 and ≤12 inches in diameter may be sampled at 3 traverse points located at 16.7, 50.0, and 83.3% of the measurement line (`3-point long line'). If the duct is >12 inches in diameter *and* the sampling port location meets the two and half-diameter criterion of section 11.1.1 of method 1 of 40 CFR part 60, appendix A, the duct may be sampled at `3-point long line'; otherwise, conduct the stratification testing and select sampling points according to section 8.1.2 of method 7E of 40 CFR part 60, appendix A. If using a control device, the sampling site must be located at the outlet of the control device. |
| | | ii. Determine the $O_2$ concentration of the stationary RICE exhaust at the sampling port location; and | (1) Method 3 or 3A or 3B of 40 CFR part 60, appendix A-2, or ASTM D6522-00 (Reapproved 2005)[13] (heated probe not necessary) | (b) Measurements to determine $O_2$ concentration must be made at the same time and location as the measurements for formaldehyde or CO concentration. |
| | | iii. Measure moisture content of the stationary RICE exhaust at the sampling port location as needed to determine formaldehyde or CO and $O_2$ concentrations on a dry basis; and | (2) Method 4 of 40 CFR part 60, appendix A-3, or method 320 of 40 CFR part 63, appendix A, or ASTM D6348-03[13] | (c) Measurements to determine moisture content must be made at the same time and location as the measurements for formaldehyde or CO concentration. |

| For each . . . | Complying with the requirement to . . . | You must . . . | Using . . . | According to the following requirements . . . |
|---|---|---|---|---|
| | | iv. Measure formaldehyde at the exhaust of the stationary RICE; or | (3) Method 320 or 323 of 40 CFR part 63, appendix A; or ASTM D6348-03,[13] provided in ASTM D6348-03 Annex A5 (Analyte Spiking Technique), the percent R must be greater than or equal to 70 and less than or equal to 130 | (d) Formaldehyde concentration must be at 15 percent $O_2$, dry basis. Results of this test consist of the average of the three 1-hour or longer runs. |
| | | v. Measure CO at the exhaust of the stationary RICE | (4) Method 10 of 40 CFR part 60, appendix A-4, ASTM D6522-00 (2005),[13] method 320 of 40 CFR part 63, appendix A, or ASTM D6348-03[13] | (e) CO concentration must be at 15 percent $O_2$, dry basis. Results of this test consist of the average of the three 1-hour or longer runs. |

[1] You may also use methods 3A and 10 as options to ASTM-D6522-00 (2005).

[2] You may obtain a copy of ASTM-D6348-03 from at least one of the following addresses: American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, or University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106.

[3] Incorporated by reference, see § 63.14.

[88 FR 18413, Mar. 29, 2023]

**Table 5 to Subpart ZZZZ of Part 63—Initial Compliance With Emission Limitations, Operating Limitations, and Other Requirements**

As stated in §§ 63.6612, 63.6625 and 63.6630, you must initially comply with the emission and operating limitations as required by the following:

| For each . . . | Complying with the requirement to . . . | You have demonstrated initial compliance if . . . |
|---|---|---|
| 1. New or reconstructed non-emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, non-emergency stationary CI RICE >500 HP located at a major source of HAP, and existing non-emergency stationary CI RICE >500 HP located at an area source of HAP | a. Reduce CO emissions and using oxidation catalyst, and using a CPMS | i. The average reduction of emissions of CO determined from the initial performance test achieves the required CO percent reduction; and<br>ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in § 63.6625(b); and<br>iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test. |
| 2. Non-emergency stationary CI RICE >500 HP located at a major source of HAP, and existing non-emergency stationary CI RICE >500 HP located at an area source of HAP | a. Limit the concentration of CO, using oxidation catalyst, and using a CPMS | i. The average CO concentration determined from the initial performance test is less than or equal to the CO emission limitation; and |

| For each . . . | Complying with the requirement to . . . | You have demonstrated initial compliance if . . . |
|---|---|---|
| | | ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in § 63.6625(b); and |
| | | iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test. |
| 3. New or reconstructed non-emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, non-emergency stationary CI RICE >500 HP located at a major source of HAP, and existing non-emergency stationary CI RICE >500 HP located at an area source of HAP | a. Reduce CO emissions and not using oxidation catalyst | i. The average reduction of emissions of CO determined from the initial performance test achieves the required CO percent reduction; and<br>ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in § 63.6625(b); and<br>iii. You have recorded the approved operating parameters (if any) during the initial performance test. |
| 4. Non-emergency stationary CI RICE >500 HP located at a major source of HAP, and existing non-emergency stationary CI RICE >500 HP located at an area source of HAP | a. Limit the concentration of CO, and not using oxidation catalyst | i. The average CO concentration determined from the initial performance test is less than or equal to the CO emission limitation; and<br>ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in § 63.6625(b); and |
| | | iii. You have recorded the approved operating parameters (if any) during the initial performance test. |
| 5. New or reconstructed non-emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, non-emergency stationary CI RICE >500 HP located at a major source of HAP, and existing non-emergency stationary CI RICE >500 HP located at an area source of HAP | a. Reduce CO emissions, and using a CEMS | i. You have installed a CEMS to continuously monitor CO and either $O_2$ or $CO_2$ at both the inlet and outlet of the oxidation catalyst according to the requirements in § 63.6625(a); and<br>ii. You have conducted a performance evaluation of your CEMS using PS 3 and 4A of 40 CFR part 60, appendix B; and |
| | | iii. The average reduction of CO calculated using § 63.6620 equals or exceeds the required percent reduction. The initial test comprises the first 4-hour period after successful validation of the CEMS. Compliance is based on the average percent reduction achieved during the 4-hour period. |

| For each . . . | Complying with the requirement to . . . | You have demonstrated initial compliance if . . . |
|---|---|---|
| 6. Non-emergency stationary CI RICE >500 HP located at a major source of HAP, and existing non-emergency stationary CI RICE >500 HP located at an area source of HAP | a. Limit the concentration of CO, and using a CEMS | i. You have installed a CEMS to continuously monitor CO and either $O_2$ or $CO_2$ at the outlet of the oxidation catalyst according to the requirements in § 63.6625(a); and |
| | | ii. You have conducted a performance evaluation of your CEMS using PS 3 and 4A of 40 CFR part 60, appendix B; and |
| | | iii. The average concentration of CO calculated using § 63.6620 is less than or equal to the CO emission limitation. The initial test comprises the first 4-hour period after successful validation of the CEMS. Compliance is based on the average concentration measured during the 4-hour period. |
| 7. Non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP | a. Reduce formaldehyde emissions and using NSCR | i. The average reduction of emissions of formaldehyde determined from the initial performance test is equal to or greater than the required formaldehyde percent reduction, or the average reduction of emissions of THC determined from the initial performance test is equal to or greater than 30 percent; and |
| | | ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in § 63.6625(b); and |
| | | iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test. |
| 8. Non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP | a. Reduce formaldehyde emissions and not using NSCR | i. The average reduction of emissions of formaldehyde determined from the initial performance test is equal to or greater than the required formaldehyde percent reduction or the average reduction of emissions of THC determined from the initial performance test is equal to or greater than 30 percent; and |
| | | ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in § 63.6625(b); and |
| | | iii. You have recorded the approved operating parameters (if any) during the initial performance test. |

| For each . . . | Complying with the requirement to . . . | You have demonstrated initial compliance if . . . |
|---|---|---|
| 9. New or reconstructed non-emergency stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE 250≤HP≤500 located at a major source of HAP, and existing non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP | a. Limit the concentration of formaldehyde in the stationary RICE exhaust and using oxidation catalyst or NSCR | i. The average formaldehyde concentration, corrected to 15 percent $O_2$, dry basis, from the three test runs is less than or equal to the formaldehyde emission limitation; and<br>ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in § 63.6625(b); and |
| | | iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test. |
| 10. New or reconstructed non-emergency stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE 250≤HP≤500 located at a major source of HAP, and existing non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP | a. Limit the concentration of formaldehyde in the stationary RICE exhaust and not using oxidation catalyst or NSCR | i. The average formaldehyde concentration, corrected to 15 percent $O_2$, dry basis, from the three test runs is less than or equal to the formaldehyde emission limitation; and<br>ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in § 63.6625(b); and |
| | | iii. You have recorded the approved operating parameters (if any) during the initial performance test. |
| 11. Existing non-emergency stationary RICE 100≤HP≤500 located at a major source of HAP, and existing non-emergency stationary CI RICE 300<HP≤500 located at an area source of HAP | a. Reduce CO emissions | i. The average reduction of emissions of CO or formaldehyde, as applicable determined from the initial performance test is equal to or greater than the required CO or formaldehyde, as applicable, percent reduction. |
| 12. Existing non-emergency stationary RICE 100≤HP≤500 located at a major source of HAP, and existing non-emergency stationary CI RICE 300<HP≤500 located at an area source of HAP | a. Limit the concentration of formaldehyde or CO in the stationary RICE exhaust | i. The average formaldehyde or CO concentration, as applicable, corrected to 15 percent $O_2$, dry basis, from the three test runs is less than or equal to the formaldehyde or CO emission limitation, as applicable. |
| 13. Existing non-emergency 4SLB stationary RICE >500 HP located at an area source of HAP that are not remote stationary RICE and that are operated more than 24 hours per calendar year | a. Install an oxidation catalyst | i. You have conducted an initial compliance demonstration as specified in § 63.6630(e) to show that the average reduction of emissions of CO is 93 percent or more, or the average CO concentration is less than or equal to 47 ppmvd at 15 percent $O_2$; |
| | | ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in § 63.6625(b), or you have installed equipment to automatically shut down the engine if the catalyst inlet temperature exceeds 1350 °F. |

| For each . . . | Complying with the requirement to . . . | You have demonstrated initial compliance if . . . |
|---|---|---|
| 14. Existing non-emergency 4SRB stationary RICE >500 HP located at an area source of HAP that are not remote stationary RICE and that are operated more than 24 hours per calendar year | a. Install NSCR | i. You have conducted an initial compliance demonstration as specified in § 63.6630(e) to show that the average reduction of emissions of CO is 75 percent or more, the average CO concentration is less than or equal to 270 ppmvd at 15 percent $O_2$, or the average reduction of emissions of THC is 30 percent or more; |
| | | ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in § 63.6625(b), or you have installed equipment to automatically shut down the engine if the catalyst inlet temperature exceeds 1250 °F. |

[78 FR 6712, Jan. 30, 2013]

**Table 6 to Subpart ZZZZ of Part 63—Continuous Compliance With Emission Limitations, and Other Requirements**

As stated in § 63.6640, you must continuously comply with the emissions and operating limitations and work or management practices as required by the following:

| For each . . . | Complying with the requirement to . . . | You must demonstrate continuous compliance by . . . |
|---|---|---|
| 1. New or reconstructed non-emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, and new or reconstructed non-emergency CI stationary RICE >500 HP located at a major source of HAP | a. Reduce CO emissions and using an oxidation catalyst, and using a CPMS | i. Conducting semiannual performance tests for CO to demonstrate that the required CO percent reduction is achieved[a]; and<br>ii. Collecting the catalyst inlet temperature data according to § 63.6625(b); and<br>iii. Reducing these data to 4-hour rolling averages; and |
| | | iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and |
| | | v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test. |
| 2. New or reconstructed non-emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, and new or reconstructed non-emergency CI stationary RICE >500 HP located at a major source of HAP | a. Reduce CO emissions and not using an oxidation catalyst, and using a CPMS | i. Conducting semiannual performance tests for CO to demonstrate that the required CO percent reduction is achieved[a]; and<br>ii. Collecting the approved operating parameter (if any) data according to § 63.6625(b); and<br>iii. Reducing these data to 4-hour rolling averages; and |

| For each . . . | Complying with the requirement to . . . | You must demonstrate continuous compliance by . . . |
|---|---|---|
| | | iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test. |
| 3. New or reconstructed non-emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, new or reconstructed non-emergency stationary CI RICE >500 HP located at a major source of HAP, and existing non-emergency stationary CI RICE >500 HP | a. Reduce CO emissions or limit the concentration of CO in the stationary RICE exhaust, and using a CEMS | i. Collecting the monitoring data according to § 63.6625(a), reducing the measurements to 1-hour averages, calculating the percent reduction or concentration of CO emissions according to § 63.6620; and<br>ii. Demonstrating that the catalyst achieves the required percent reduction of CO emissions over the 4-hour averaging period, or that the emission remain at or below the CO concentration limit; and |
| | | iii. Conducting an annual RATA of your CEMS using PS 3 and 4A of 40 CFR part 60, appendix B, as well as daily and periodic data quality checks in accordance with 40 CFR part 60, appendix F, procedure 1. |
| 4. Non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP | a. Reduce formaldehyde emissions and using NSCR | i. Collecting the catalyst inlet temperature data according to § 63.6625(b); and |
| | | ii. Reducing these data to 4-hour rolling averages; and |
| | | iii. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and |
| | | iv. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test. |
| 5. Non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP | a. Reduce formaldehyde emissions and not using NSCR | i. Collecting the approved operating parameter (if any) data according to § 63.6625(b); and |
| | | ii. Reducing these data to 4-hour rolling averages; and |
| | | iii. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test. |
| 6. Non-emergency 4SRB stationary RICE with a brake HP ≥5,000 located at a major source of HAP | a. Reduce formaldehyde emissions | Conducting semiannual performance tests for formaldehyde to demonstrate that the required formaldehyde percent reduction is achieved, or to demonstrate that the average reduction of emissions of THC determined from the performance test is equal to or greater than 30 percent.[a] |

| For each . . . | Complying with the requirement to . . . | You must demonstrate continuous compliance by . . . |
|---|---|---|
| 7. New or reconstructed non-emergency stationary RICE >500 HP located at a major source of HAP and new or reconstructed non-emergency 4SLB stationary RICE 250≤HP≤500 located at a major source of HAP | a. Limit the concentration of formaldehyde in the stationary RICE exhaust and using oxidation catalyst or NSCR | i. Conducting semiannual performance tests for formaldehyde to demonstrate that your emissions remain at or below the formaldehyde concentration limit[a]; and<br>ii. Collecting the catalyst inlet temperature data according to § 63.6625(b); and |
| | | iii. Reducing these data to 4-hour rolling averages; and |
| | | iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and |
| | | v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test. |
| 8. New or reconstructed non-emergency stationary RICE >500 HP located at a major source of HAP and new or reconstructed non-emergency 4SLB stationary RICE 250≤HP≤500 located at a major source of HAP | a. Limit the concentration of formaldehyde in the stationary RICE exhaust and not using oxidation catalyst or NSCR | i. Conducting semiannual performance tests for formaldehyde to demonstrate that your emissions remain at or below the formaldehyde concentration limit[a]; and<br>ii. Collecting the approved operating parameter (if any) data according to § 63.6625(b); and |
| | | iii. Reducing these data to 4-hour rolling averages; and |
| | | iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test. |

| For each . . . | Complying with the requirement to . . . | You must demonstrate continuous compliance by . . . |
|---|---|---|
| 9. Existing emergency and black start stationary RICE ≤500 HP located at a major source of HAP, existing non-emergency stationary RICE <100 HP located at a major source of HAP, existing emergency and black start stationary RICE located at an area source of HAP, existing non-emergency stationary CI RICE ≤300 HP located at an area source of HAP, existing non-emergency 2SLB stationary RICE located at an area source of HAP, existing non-emergency stationary SI RICE located at an area source of HAP which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, existing non-emergency 4SLB and 4SRB stationary RICE ≤500 HP located at an area source of HAP, existing non-emergency 4SLB and 4SRB stationary RICE >500 HP located at an area source of HAP that operate 24 hours or less per calendar year, and existing non-emergency 4SLB and 4SRB stationary RICE >500 HP located at an area source of HAP that are remote stationary RICE | a. Work or Management practices | i. Operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions; or<br>ii. Develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. |
| 10. Existing stationary CI RICE >500 HP that are not limited use stationary RICE | a. Reduce CO emissions, or limit the concentration of CO in the stationary RICE exhaust, and using oxidation catalyst | i. Conducting performance tests every 8,760 hours or 3 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and |
| | | ii. Collecting the catalyst inlet temperature data according to § 63.6625(b); and |
| | | iii. Reducing these data to 4-hour rolling averages; and |
| | | iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and |
| | | v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test. |

| For each . . . | Complying with the requirement to . . . | You must demonstrate continuous compliance by . . . |
|---|---|---|
| 11. Existing stationary CI RICE >500 HP that are not limited use stationary RICE | a. Reduce CO emissions, or limit the concentration of CO in the stationary RICE exhaust, and not using oxidation catalyst | i. Conducting performance tests every 8,760 hours or 3 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and |
| | | ii. Collecting the approved operating parameter (if any) data according to § 63.6625(b); and |
| | | iii. Reducing these data to 4-hour rolling averages; and |
| | | iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test. |
| 12. Existing limited use CI stationary RICE >500 HP | a. Reduce CO emissions or limit the concentration of CO in the stationary RICE exhaust, and using an oxidation catalyst | i. Conducting performance tests every 8,760 hours or 5 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and |
| | | ii. Collecting the catalyst inlet temperature data according to § 63.6625(b); and |
| | | iii. Reducing these data to 4-hour rolling averages; and |
| | | iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and |
| | | v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test. |
| 13. Existing limited use CI stationary RICE >500 HP | a. Reduce CO emissions or limit the concentration of CO in the stationary RICE exhaust, and not using an oxidation catalyst | i. Conducting performance tests every 8,760 hours or 5 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and |
| | | ii. Collecting the approved operating parameter (if any) data according to § 63.6625(b); and |

| For each . . . | Complying with the requirement to . . . | You must demonstrate continuous compliance by . . . |
|---|---|---|
| | | iii. Reducing these data to 4-hour rolling averages; and |
| | | iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test. |
| 14. Existing non-emergency 4SLB stationary RICE >500 HP located at an area source of HAP that are not remote stationary RICE and that are operated more than 24 hours per calendar year | a. Install an oxidation catalyst | i. Conducting annual compliance demonstrations as specified in § 63.6640(c) to show that the average reduction of emissions of CO is 93 percent or more, or the average CO concentration is less than or equal to 47 ppmvd at 15 percent $O_2$; and either<br>ii. Collecting the catalyst inlet temperature data according to § 63.6625(b), reducing these data to 4-hour rolling averages; and maintaining the 4-hour rolling averages within the limitation of greater than 450 °F and less than or equal to 1350 °F for the catalyst inlet temperature; or<br>iii. Immediately shutting down the engine if the catalyst inlet temperature exceeds 1350 °F. |
| 15. Existing non-emergency 4SRB stationary RICE >500 HP located at an area source of HAP that are not remote stationary RICE and that are operated more than 24 hours per calendar year | a. Install NSCR | i. Conducting annual compliance demonstrations as specified in § 63.6640(c) to show that the average reduction of emissions of CO is 75 percent or more, the average CO concentration is less than or equal to 270 ppmvd at 15 percent $O_2$, or the average reduction of emissions of THC is 30 percent or more; and either<br>ii. Collecting the catalyst inlet temperature data according to § 63.6625(b), reducing these data to 4-hour rolling averages; and maintaining the 4-hour rolling averages within the limitation of greater than or equal to 750 °F and less than or equal to 1250 °F for the catalyst inlet temperature; or<br>iii. Immediately shutting down the engine if the catalyst inlet temperature exceeds 1250 °F. |
| [a] After you have demonstrated compliance for two consecutive tests, you may reduce the frequency of subsequent performance tests to annually. If the results of any subsequent annual performance test indicate the stationary RICE is not in compliance with the CO or formaldehyde emission limitation, or you deviate from any of your operating limitations, you must resume semiannual performance tests. | | |

[78 FR 6715, Jan. 30, 2013]

**Table 7 to Subpart ZZZZ of Part 63—Requirements for Reports**

As stated in § 63.6650, you must comply with the following requirements for reports:

| For each . . . | You must submit a . . . | The report must contain . . . | You must submit the report . . . |
|---|---|---|---|
| 1. Existing non-emergency, non-black start stationary RICE 100≤HP≤500 located at a major source of HAP; existing non-emergency, non-black start stationary CI RICE >500 HP located at a major source of HAP; existing non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP; existing non-emergency, non-black start stationary CI RICE >300 HP located at an area source of HAP; new or reconstructed non-emergency stationary RICE >500 HP located at a major source of HAP; and new or reconstructed non-emergency 4SLB stationary RICE 250≤HP≤500 located at a major source of HAP | Compliance report | a. If there are no deviations from any emission limitations or operating limitations that apply to you, a statement that there were no deviations from the emission limitations or operating limitations during the reporting period. If there were no periods during which the CMS, including CEMS and CPMS, was out-of-control, as specified in § 63.8(c)(7), a statement that there were not periods during which the CMS was out-of-control during the reporting period; or<br>b. If you had a deviation from any emission limitation or operating limitation during the reporting period, the information in § 63.6650(d). If there were periods during which the CMS, including CEMS and CPMS, was out-of-control, as specified in § 63.8(c)(7), the information in § 63.6650(e); or | i. Semiannually according to the requirements in § 63.6650(b)(1)-(5) and (i) for engines that are not limited use stationary RICE subject to numerical emission limitations; and ii. Annually according to the requirements in § 63.6650(b)(6)-(9) and (i) for engines that are limited use stationary RICE subject to numerical emission limitations.<br>i. Semiannually according to the requirements in § 63.6650(b) and (i). |
| | | c. If you had a malfunction during the reporting period, the information in § 63.6650(c)(4) | i. Semiannually according to the requirements in § 63.6650(b) and (i). |
| 2. New or reconstructed non-emergency stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis | Report | a. The fuel flow rate of each fuel and the heating values that were used in your calculations, and you must demonstrate that the percentage of heat input provided by landfill gas or digester gas, is equivalent to 10 percent or more of the gross heat input on an annual basis; and | i. Annually, according to the requirements in § 63.6650. |
| | | b. The operating limits provided in your federally enforceable permit, and any deviations from these limits; and | i. See item 2.a.i. |
| | | c. Any problems or errors suspected with the meters | i. See item 2.a.i. |

| For each . . . | You must submit a . . . | The report must contain . . . | You must submit the report . . . |
|---|---|---|---|
| 3. Existing non-emergency, non-black start 4SLB and 4SRB stationary RICE >500 HP located at an area source of HAP that are not remote stationary RICE and that operate more than 24 hours per calendar year | Compliance report | a. The results of the annual compliance demonstration, if conducted during the reporting period | i. Semiannually according to the requirements in § 63.6650(b)(1)-(5) and (i). |
| 4. Emergency stationary RICE that operate for the purposes specified in § 63.6640(f)(4)(ii) | Report | a. The information in § 63.6650(h)(1) | i. Annually according to the requirements in § 63.6650(h)(2)-(3) and (i). |

[89 FR 70522, Aug. 30, 2024]

**Table 8 to Subpart ZZZZ of Part 63—Applicability of General Provisions to Subpart ZZZZ**

As stated in § 63.6665, you must comply with the following applicable general provisions.

| General provisions citation | Subject of citation | Applies to subpart | Explanation |
|---|---|---|---|
| § 63.1 | General applicability of the General Provisions | Yes | |
| § 63.2 | Definitions | Yes | Additional terms defined in § 63.6675. |
| § 63.3 | Units and abbreviations | Yes | |
| § 63.4 | Prohibited activities and circumvention | Yes | |
| § 63.5 | Construction and reconstruction | Yes | |
| § 63.6(a) | Applicability | Yes | |
| § 63.6(b)(1)-(4) | Compliance dates for new and reconstructed sources | Yes | |
| § 63.6(b)(5) | Notification | Yes | |
| § 63.6(b)(6) | [Reserved] | | |
| § 63.6(b)(7) | Compliance dates for new and reconstructed area sources that become major sources | Yes | |
| § 63.6(c)(1)-(2) | Compliance dates for existing sources | Yes | |
| § 63.6(c)(3)-(4) | [Reserved] | | |
| § 63.6(c)(5) | Compliance dates for existing area sources that become major sources | Yes | |
| § 63.6(d) | [Reserved] | | |
| § 63.6(e) | Operation and maintenance | No | |
| § 63.6(f)(1) | Applicability of standards | No | |
| § 63.6(f)(2) | Methods for determining compliance | Yes | |
| § 63.6(f)(3) | Finding of compliance | Yes | |

| General provisions citation | Subject of citation | Applies to subpart | Explanation |
|---|---|---|---|
| § 63.6(g)(1)-(3) | Use of alternate standard | Yes | |
| § 63.6(h) | Opacity and visible emission standards | No | Subpart ZZZZ does not contain opacity or visible emission standards. |
| § 63.6(i) | Compliance extension procedures and criteria | Yes | |
| § 63.6(j) | Presidential compliance exemption | Yes | |
| § 63.7(a)(1)-(2) | Performance test dates | Yes | Subpart ZZZZ contains performance test dates at §§ 63.6610, 63.6611, and 63.6612. |
| § 63.7(a)(3) | CAA section 114 authority | Yes | |
| § 63.7(b)(1) | Notification of performance test | Yes | Except that § 63.7(b)(1) only applies as specified in § 63.6645. |
| § 63.7(b)(2) | Notification of rescheduling | Yes | Except that § 63.7(b)(2) only applies as specified in § 63.6645. |
| § 63.7(c) | Quality assurance/test plan | Yes | Except that § 63.7(c) only applies as specified in § 63.6645. |
| § 63.7(d) | Testing facilities | Yes | |
| § 63.7(e)(1) | Conditions for conducting performance tests | No | Subpart ZZZZ specifies conditions for conducting performance tests at § 63.6620. |
| § 63.7(e)(2) | Conduct of performance tests and reduction of data | Yes | Subpart ZZZZ specifies test methods at § 63.6620. |
| § 63.7(e)(3) | Test run duration | Yes | |
| § 63.7(e)(4) | Administrator may require other testing under section 114 of the CAA | Yes | |
| § 63.7(f) | Alternative test method provisions | Yes | |
| § 63.7(g) | Performance test data analysis, recordkeeping, and reporting | Yes | |
| § 63.7(h) | Waiver of tests | Yes | |
| § 63.8(a)(1) | Applicability of monitoring requirements | Yes | Subpart ZZZZ contains specific requirements for monitoring at § 63.6625. |
| § 63.8(a)(2) | Performance specifications | Yes | |
| § 63.8(a)(3) | [Reserved] | | |
| § 63.8(a)(4) | Monitoring for control devices | No | |
| § 63.8(b)(1) | Monitoring | Yes | |
| § 63.8(b)(2)-(3) | Multiple effluents and multiple monitoring systems | Yes | |
| § 63.8(c)(1) | Monitoring system operation and maintenance | Yes | |
| § 63.8(c)(1)(i) | Routine and predictable SSM | No | |

| General provisions citation | Subject of citation | Applies to subpart | Explanation |
|---|---|---|---|
| § 63.8(c)(1)(ii) | SSM not in Startup Shutdown Malfunction Plan | Yes | |
| § 63.8(c)(1)(iii) | Compliance with operation and maintenance requirements | No | |
| § 63.8(c)(2)-(3) | Monitoring system installation | Yes | |
| § 63.8(c)(4) | Continuous monitoring system (CMS) requirements | Yes | Except that subpart ZZZZ does not require Continuous Opacity Monitoring System (COMS). |
| § 63.8(c)(5) | COMS minimum procedures | No | Subpart ZZZZ does not require COMS. |
| § 63.8(c)(6)-(8) | CMS requirements | Yes | Except that subpart ZZZZ does not require COMS. |
| § 63.8(d) | CMS quality control | Yes | |
| § 63.8(e) | CMS performance evaluation | Yes | Except for § 63.8(e)(5)(ii), which applies to COMS. |
| | | | Except that § 63.8(e) only applies as specified in § 63.6645. |
| § 63.8(f)(1)-(5) | Alternative monitoring method | Yes | Except that § 63.8(f)(4) only applies as specified in § 63.6645. |
| § 63.8(f)(6) | Alternative to relative accuracy test | Yes | Except that § 63.8(f)(6) only applies as specified in § 63.6645. |
| § 63.8(g) | Data reduction | Yes | Except that provisions for COMS are not applicable. Averaging periods for demonstrating compliance are specified at §§ 63.6635 and 63.6640. |
| § 63.9(a) | Applicability and State delegation of notification requirements | Yes | |
| § 63.9(b)(1)-(5) | Initial notifications | Yes | Except that § 63.9(b)(3) is reserved. |
| | | | Except that § 63.9(b) only applies as specified in § 63.6645. |
| § 63.9(c) | Request for compliance extension | Yes | Except that § 63.9(c) only applies as specified in § 63.6645. |
| § 63.9(d) | Notification of special compliance requirements for new sources | Yes | Except that § 63.9(d) only applies as specified in § 63.6645. |
| § 63.9(e) | Notification of performance test | Yes | Except that § 63.9(e) only applies as specified in § 63.6645. |
| § 63.9(f) | Notification of visible emission (VE)/opacity test | No | Subpart ZZZZ does not contain opacity or VE standards. |
| § 63.9(g)(1) | Notification of performance evaluation | Yes | Except that § 63.9(g) only applies as specified in § 63.6645. |
| § 63.9(g)(2) | Notification of use of COMS data | No | Subpart ZZZZ does not contain opacity or VE standards. |
| § 63.9(g)(3) | Notification that criterion for alternative to RATA is exceeded | Yes | If alternative is in use.<br>Except that § 63.9(g) only applies as specified in § 63.6645. |

| General provisions citation | Subject of citation | Applies to subpart | Explanation |
|---|---|---|---|
| § 63.9(h)(1)-(6) | Notification of compliance status | Yes | Except that notifications for sources using a CEMS are due 30 days after completion of performance evaluations. § 63.9(h)(4) is reserved. |
| | | | Except that § 63.9(h) only applies as specified in § 63.6645. |
| § 63.9(i) | Adjustment of submittal deadlines | Yes | |
| § 63.9(j) | Change in previous information | Yes | |
| § 63.9(k) | Electronic reporting procedures | Yes | Only as specified in §§ 63.9(j), 63.6620, 63.6625, 63.6645, and 63.6650. |
| § 63.10(a) | Administrative provisions for recordkeeping/reporting | Yes | |
| § 63.10(b)(1) | Record retention | Yes | Except that the most recent 2 years of data do not have to be retained on site. |
| § 63.10(b)(2)(i)-(v) | Records related to SSM | No | |
| § 63.10(b)(2)(vi)-(xi) | Records | Yes | |
| § 63.10(b)(2)(xii) | Record when under waiver | Yes | |
| § 63.10(b)(2)(xiii) | Records when using alternative to RATA | Yes | For CO standard if using RATA alternative. |
| § 63.10(b)(2)(xiv) | Records of supporting documentation | Yes | |
| § 63.10(b)(3) | Records of applicability determination | Yes | |
| § 63.10(c) | Additional records for sources using CEMS | Yes | Except that § 63.10(c)(2)-(4) and (9) are reserved. |
| § 63.10(d)(1) | General reporting requirements | Yes | |
| § 63.10(d)(2) | Report of performance test results | Yes | |
| § 63.10(d)(3) | Reporting opacity or VE observations | No | Subpart ZZZZ does not contain opacity or VE standards. |
| § 63.10(d)(4) | Progress reports | Yes | |
| § 63.10(d)(5) | Startup, shutdown, and malfunction reports | No | |
| § 63.10(e)(1) and (2)(i) | Additional CMS Reports | Yes | |
| § 63.10(e)(2)(ii) | COMS-related report | No | Subpart ZZZZ does not require COMS. |
| § 63.10(e)(3) | Excess emission and parameter exceedances reports | No | Excess emissions and exceedance reporting is specified in § 63.6650. |
| § 63.10(e)(4) | Reporting COMS data | No | Subpart ZZZZ does not require COMS. |
| § 63.10(f) | Waiver for recordkeeping/reporting | Yes | |
| § 63.11 | Flares | No | |

| General provisions citation | Subject of citation | Applies to subpart | Explanation |
|---|---|---|---|
| § 63.12 | State authority and delegations | Yes | |
| § 63.13 | Addresses | Yes | |
| § 63.14 | Incorporation by reference | Yes | |
| § 63.15 | Availability of information | Yes | |

[89 FR 70522, Aug. 30, 2024]

**Appendix A to Subpart ZZZZ of Part 63—Protocol for Using an Electrochemical Analyzer to Determine Oxygen and Carbon Monoxide Concentrations From Certain Engines**

1.0 Scope and Application. What is this Protocol?

This protocol is a procedure for using portable electrochemical (EC) cells for measuring carbon monoxide (CO) and oxygen ($O_2$) concentrations in controlled and uncontrolled emissions from existing stationary 4-stroke lean burn and 4-stroke rich burn reciprocating internal combustion engines as specified in the applicable rule.

1.1 Analytes. What does this protocol determine?

This protocol measures the engine exhaust gas concentrations of carbon monoxide (CO) and oxygen ($O_2$).

| Analyte | CAS No. | Sensitivity |
|---|---|---|
| Carbon monoxide (CO) | 630-08-0 | Minimum detectable limit should be 2 percent of the nominal range or 1 ppm, whichever is less restrictive. |
| Oxygen ($O_2$) | *7782-44-7* | |

1.2 Applicability. When is this protocol acceptable?

This protocol is applicable to 40 CFR part 63, subpart ZZZZ. Because of inherent cross sensitivities of EC cells, you must not apply this protocol to other emissions sources without specific instruction to that effect.

1.3 Data Quality Objectives. How good must my collected data be?

Refer to Section 13 to verify and document acceptable analyzer performance.

1.4 Range. What is the targeted analytical range for this protocol?

The measurement system and EC cell design(s) conforming to this protocol will determine the analytical range for each gas component. The nominal ranges are defined by choosing up-scale calibration gas concentrations near the maximum anticipated flue gas concentrations for CO and $O_2$, or no more than twice the permitted CO level.

1.5 Sensitivity. What minimum detectable limit will this protocol yield for a particular gas component?

The minimum detectable limit depends on the nominal range and resolution of the specific EC cell used, and the signal to noise ratio of the measurement system. The minimum detectable limit should be 2 percent of the nominal range or 1 ppm, whichever is less restrictive.

2.0 Summary of Protocol

In this protocol, a gas sample is extracted from an engine exhaust system and then conveyed to a portable EC analyzer for measurement of CO and $O_2$ gas concentrations. This method provides measurement system performance specifications and sampling protocols to ensure reliable data. You may use additions to, or

modifications of vendor supplied measurement systems (e.g., heated or unheated sample lines, thermocouples, flow meters, selective gas scrubbers, etc.) to meet the design specifications of this protocol. Do not make changes to the measurement system from the as-verified configuration (Section 3.12).

3.0 Definitions

*3.1* ***Measurement System.*** The total equipment required for the measurement of CO and $O_2$ concentrations. The measurement system consists of the following major subsystems:

*3.1.1* ***Data Recorder.*** A strip chart recorder, computer or digital recorder for logging measurement data from the analyzer output. You may record measurement data from the digital data display manually or electronically.

*3.1.2* ***Electrochemical (EC) Cell.*** A device, similar to a fuel cell, used to sense the presence of a specific analyte and generate an electrical current output proportional to the analyte concentration.

*3.1.3* ***Interference Gas Scrubber.*** A device used to remove or neutralize chemical compounds that may interfere with the selective operation of an EC cell.

*3.1.4* ***Moisture Removal System.*** Any device used to reduce the concentration of moisture in the sample stream so as to protect the EC cells from the damaging effects of condensation and to minimize errors in measurements caused by the scrubbing of soluble gases.

*3.1.5* ***Sample Interface.*** The portion of the system used for one or more of the following: sample acquisition; sample transport; sample conditioning or protection of the EC cell from any degrading effects of the engine exhaust effluent; removal of particulate matter and condensed moisture.

*3.2* ***Nominal Range.*** The range of analyte concentrations over which each EC cell is operated (normally 25 percent to 150 percent of up-scale calibration gas value). Several nominal ranges can be used for any given cell so long as the calibration and repeatability checks for that range remain within specifications.

*3.3* ***Calibration Gas.*** A vendor certified concentration of a specific analyte in an appropriate balance gas.

*3.4* ***Zero Calibration Error.*** The analyte concentration output exhibited by the EC cell in response to zero-level calibration gas.

*3.5* ***Up-Scale Calibration Error.*** The mean of the difference between the analyte concentration exhibited by the EC cell and the certified concentration of the up-scale calibration gas.

*3.6* ***Interference Check.*** A procedure for quantifying analytical interference from components in the engine exhaust gas other than the targeted analytes.

*3.7* ***Repeatability Check.*** A protocol for demonstrating that an EC cell operated over a given nominal analyte concentration range provides a stable and consistent response and is not significantly affected by repeated exposure to that gas.

*3.8* ***Sample Flow Rate.*** The flow rate of the gas sample as it passes through the EC cell. In some situations, EC cells can experience drift with changes in flow rate. The flow rate must be monitored and documented during all phases of a sampling run.

*3.9* ***Sampling Run.*** A timed three-phase event whereby an EC cell's response rises and plateaus in a sample conditioning phase, remains relatively constant during a measurement data phase, then declines during a refresh phase. The sample conditioning phase exposes the EC cell to the gas sample for a length of time sufficient to reach a constant response. The measurement data phase is the time interval during which gas sample measurements can be made that meet the acceptance criteria of this protocol. The refresh phase then purges the EC cells with CO-free air. The refresh phase replenishes requisite $O_2$ and moisture in the electrolyte reserve and provides a mechanism to de-gas or desorb any interference gas scrubbers or filters so as to enable a stable CO EC cell response. There are four primary types of sampling runs: pre- sampling calibrations; stack gas sampling; post-sampling calibration checks; and measurement system repeatability checks. Stack gas sampling runs can be chained together for extended evaluations, providing all other procedural specifications are met.

*3.10* ***Sampling Day.*** A time not to exceed twelve hours from the time of the pre-sampling calibration to the post-sampling calibration check. During this time, stack gas sampling runs can be repeated without repeated recalibrations, providing all other sampling specifications have been met.

*3.11* ***Pre-Sampling Calibration/Post-Sampling Calibration Check.*** The protocols executed at the beginning and end of each sampling day to bracket measurement readings with controlled performance checks.

*3.12* ***Performance-Established Configuration.*** The EC cell and sampling system configuration that existed at the time that it initially met the performance requirements of this protocol.

4.0 Interferences.

When present in sufficient concentrations, NO and $NO_2$ are two gas species that have been reported to interfere with CO concentration measurements. In the likelihood of this occurrence, it is the protocol user's responsibility to employ and properly maintain an appropriate CO EC cell filter or scrubber for removal of these gases, as described in Section 6.2.12.

5.0 Safety. [Reserved]

6.0 Equipment and Supplies.

6.1 What equipment do I need for the measurement system?

The system must maintain the gas sample at conditions that will prevent moisture condensation in the sample transport lines, both before and as the sample gas contacts the EC cells. The essential components of the measurement system are described below.

6.2 Measurement System Components.

*6.2.1* ***Sample Probe.*** A single extraction-point probe constructed of glass, stainless steel or other non-reactive material, and of length sufficient to reach any designated sampling point. The sample probe must be designed to prevent plugging due to condensation or particulate matter.

*6.2.2* ***Sample Line.*** Non-reactive tubing to transport the effluent from the sample probe to the EC cell.

*6.2.3* ***Calibration Assembly (optional).*** A three-way valve assembly or equivalent to introduce calibration gases at ambient pressure at the exit end of the sample probe during calibration checks. The assembly must be designed such that only stack gas or calibration gas flows in the sample line and all gases flow through any gas path filters.

*6.2.4* ***Particulate Filter (optional).*** Filters before the inlet of the EC cell to prevent accumulation of particulate material in the measurement system and extend the useful life of the components. All filters must be fabricated of materials that are non-reactive to the gas mixtures being sampled.

*6.2.5* ***Sample Pump.*** A leak-free pump to provide undiluted sample gas to the system at a flow rate sufficient to minimize the response time of the measurement system. If located upstream of the EC cells, the pump must be constructed of a material that is non-reactive to the gas mixtures being sampled.

*6.2.8* ***Sample Flow Rate Monitoring.*** An adjustable rotameter or equivalent device used to adjust and maintain the sample flow rate through the analyzer as prescribed.

*6.2.9* ***Sample Gas Manifold (optional).*** A manifold to divert a portion of the sample gas stream to the analyzer and the remainder to a by-pass discharge vent. The sample gas manifold may also include provisions for introducing calibration gases directly to the analyzer. The manifold must be constructed of a material that is non-reactive to the gas mixtures being sampled.

*6.2.10* ***EC cell.*** A device containing one or more EC cells to determine the CO and $O_2$ concentrations in the sample gas stream. The EC cell(s) must meet the applicable performance specifications of Section 13 of this protocol.

*6.2.11* ***Data Recorder.*** A strip chart recorder, computer or digital recorder to make a record of analyzer output data. The data recorder resolution (i.e., readability) must be no greater than 1 ppm for CO; 0.1 percent for $O_2$; and one degree (either °C or °F) for temperature. Alternatively, you may use a digital or analog meter having the same resolution to observe and manually record the analyzer responses.

*6.2.12* ***Interference Gas Filter or Scrubber.*** A device to remove interfering compounds upstream of the CO EC cell. Specific interference gas filters or scrubbers used in the performance-established configuration of the analyzer must continue to be used. Such a filter or scrubber must have a means to determine when the removal agent is exhausted. Periodically replace or replenish it in accordance with the manufacturer's recommendations.

7.0 Reagents and Standards. What calibration gases are needed?

*7.1* ***Calibration Gases.*** CO calibration gases for the EC cell must be CO in nitrogen or CO in a mixture of nitrogen and $O_2$. Use CO calibration gases with labeled concentration values certified by the manufacturer to be within ±5 percent of the label value. Dry ambient air (20.9 percent $O_2$) is acceptable for calibration of the $O_2$ cell. If needed, any lower percentage $O_2$ calibration gas must be a mixture of $O_2$ in nitrogen.

*7.1.1* ***Up-Scale CO Calibration Gas Concentration.*** Choose one or more up-scale gas concentrations such that the average of the stack gas measurements for each stack gas sampling run are between 25 and 150 percent of those concentrations. Alternatively, choose an up-scale gas that does not exceed twice the concentration of the applicable outlet standard. If a measured gas value exceeds 150 percent of the up-scale CO calibration gas value at any time during the stack gas sampling run, the run must be discarded and repeated.

*7.1.2* ***Up-Scale $O_2$ Calibration Gas Concentration.***

Select an $O_2$ gas concentration such that the difference between the gas concentration and the average stack gas measurement or reading for each sample run is less than 15 percent $O_2$. When the average exhaust gas $O_2$ readings are above 6 percent, you may use dry ambient air (20.9 percent $O_2$) for the up-scale $O_2$ calibration gas.

*7.1.3* ***Zero Gas.*** Use an inert gas that contains less than 0.25 percent of the up-scale CO calibration gas concentration. You may use dry air that is free from ambient CO and other combustion gas products (e.g., $CO_2$).

8.0 Sample Collection and Analysis

*8.1* ***Selection of Sampling Sites.***

*8.1.1* ***Control Device Inlet.*** Select a sampling site sufficiently downstream of the engine so that the combustion gases should be well mixed. Use a single sampling extraction point near the center of the duct (e.g., within the 10 percent centroidal area), unless instructed otherwise.

*8.1.2* ***Exhaust Gas Outlet.*** Select a sampling site located at least two stack diameters downstream of any disturbance (e.g., turbocharger exhaust, crossover junction or recirculation take-off) and at least one-half stack diameter upstream of the gas discharge to the atmosphere. Use a single sampling extraction point near the center of the duct (e.g., within the 10 percent centroidal area), unless instructed otherwise.

*8.2* ***Stack Gas Collection and Analysis.*** Prior to the first stack gas sampling run, conduct that the pre-sampling calibration in accordance with Section 10.1. Use Figure 1 to record all data. Zero the analyzer with zero gas. Confirm and record that the scrubber media color is correct and not exhausted. Then position the probe at the sampling point and begin the sampling run at the same flow rate used during the up-scale calibration. Record the start time. Record all EC cell output responses and the flow rate during the “sample conditioning phase” once per minute until constant readings are obtained. Then begin the “measurement data phase” and record readings every 15 seconds for at least two minutes (or eight readings), or as otherwise required to achieve two continuous minutes of data that meet the specification given in Section 13.1. Finally, perform the “refresh phase” by introducing dry air, free from CO and other combustion gases, until several minute-to-minute readings of consistent value have been obtained. For each run use the “measurement data phase” readings to calculate the average stack gas CO and $O_2$ concentrations.

*8.3* ***EC Cell Rate.*** Maintain the EC cell sample flow rate so that it does not vary by more than ±10 percent throughout the pre-sampling calibration, stack gas sampling and post-sampling calibration check. Alternatively, the EC cell sample flow rate can be maintained within a tolerance range that does not affect the gas concentration readings by more than ±3 percent, as instructed by the EC cell manufacturer.

9.0 Quality Control (Reserved)

10.0 Calibration and Standardization

*10.1* ***Pre-Sampling Calibration.*** Conduct the following protocol once for each nominal range to be used on each EC cell before performing a stack gas sampling run on each field sampling day. Repeat the calibration if you replace an EC cell before completing all of the sampling runs. There is no prescribed order for calibration of the EC cells; however, each cell must complete the measurement data phase during calibration. Assemble the measurement system by following the manufacturer's recommended protocols including for preparing and preconditioning the EC cell. Assure the measurement system has no leaks and verify the gas scrubbing agent is not depleted. Use Figure 1 to record all data.

*10.1.1* ***Zero Calibration.*** For both the $O_2$ and CO cells, introduce zero gas to the measurement system (e.g., at the calibration assembly) and record the concentration reading every minute until readings are constant for at least two consecutive minutes. Include the time and sample flow rate. Repeat the steps in this section at least once to verify the zero calibration for each component gas.

*10.1.2* ***Zero Calibration Tolerance.*** For each zero gas introduction, the zero level output must be less than or equal to ±3 percent of the up-scale gas value or ±1 ppm, whichever is less restrictive, for the CO channel and less than or equal to ±0.3 percent $O_2$ for the $O_2$ channel.

*10.1.3* ***Up-Scale Calibration.*** Individually introduce each calibration gas to the measurement system (e.g., at the calibration assembly) and record the start time. Record all EC cell output responses and the flow rate during this “sample conditioning phase” once per minute until readings are constant for at least two minutes. Then begin the “measurement data phase” and record readings every 15 seconds for a total of two minutes, or as otherwise required. Finally, perform the “refresh phase” by introducing dry air, free from CO and other combustion gases, until readings are constant for at least two consecutive minutes. Then repeat the steps in this section at least once to verify the calibration for each component gas. Introduce all gases to flow through the entire sample handling system (i.e., at the exit end of the sampling probe or the calibration assembly).

*10.1.4* ***Up-Scale Calibration Error.*** The mean of the difference of the “measurement data phase” readings from the reported standard gas value must be less than or equal to ±5 percent or ±1 ppm for CO or ±0.5 percent $O_2$, whichever is less restrictive, respectively. The maximum allowable deviation from the mean measured value of any single “measurement data phase” reading must be less than or equal to ±2 percent or ±1 ppm for CO or ±0.5 percent $O_2$, whichever is less restrictive, respectively.

*10.2* ***Post-Sampling Calibration Check.*** Conduct a stack gas post-sampling calibration check after the stack gas sampling run or set of runs and within 12 hours of the initial calibration. Conduct up-scale and zero calibration checks using the protocol in Section 10.1. Make no changes to the sampling system or EC cell calibration until all post-sampling calibration checks have been recorded. If either the zero or up-scale calibration error exceeds the respective specification in Sections 10.1.2 and 10.1.4 then all measurement data collected since the previous successful calibrations are invalid and re-calibration and re-sampling are required. If the sampling system is disassembled or the EC cell calibration is adjusted, repeat the calibration check before conducting the next analyzer sampling run.

11.0 Analytical Procedure

The analytical procedure is fully discussed in Section 8.

12.0 Calculations and Data Analysis

Determine the CO and $O_2$ concentrations for each stack gas sampling run by calculating the mean gas concentrations of the data recorded during the “measurement data phase”.

13.0 Protocol Performance

Use the following protocols to verify consistent analyzer performance during each field sampling day.

*13.1* ***Measurement Data Phase Performance Check.*** Calculate the mean of the readings from the "measurement data phase". The maximum allowable deviation from the mean for each of the individual readings is ±2 percent, or ±1 ppm, whichever is less restrictive. Record the mean value and maximum deviation for each gas monitored. Data must conform to Section 10.1.4. The EC cell flow rate must conform to the specification in Section 8.3.

**Example:**

A measurement data phase is invalid if the maximum deviation of any single reading comprising that mean is greater than ±2 percent *or* ±1 ppm (the default criteria). For example, if the mean = 30 ppm, single readings of below 29 ppm and above 31 ppm are disallowed).

*13.2* ***Interference Check.*** Before the initial use of the EC cell and interference gas scrubber in the field, and semi-annually thereafter, challenge the interference gas scrubber with NO and $NO_2$ gas standards that are generally recognized as representative of diesel-fueled engine NO and $NO_2$ emission values. Record the responses displayed by the CO EC cell and other pertinent data on Figure 1 or a similar form.

*13.2.1* ***Interference Response.*** The combined NO and $NO_2$ interference response should be less than or equal to ±5 percent of the up-scale CO calibration gas concentration.

*13.3* ***Repeatability Check.*** Conduct the following check once for each nominal range that is to be used on the CO EC cell within 5 days prior to each field sampling program. If a field sampling program lasts longer than 5 days, repeat this check every 5 days. Immediately repeat the check if the EC cell is replaced or if the EC cell is exposed to gas concentrations greater than 150 percent of the highest up-scale gas concentration.

*13.3.1* ***Repeatability Check Procedure.*** Perform a complete EC cell sampling run (all three phases) by introducing the CO calibration gas to the measurement system and record the response. Follow Section 10.1.3. Use Figure 1 to record all data. Repeat the run three times for a total of four complete runs. During the four repeatability check runs, do not adjust the system except where necessary to achieve the correct calibration gas flow rate at the analyzer.

*13.3.2* ***Repeatability Check Calculations.*** Determine the highest and lowest average "measurement data phase" CO concentrations from the four repeatability check runs and record the results on Figure 1 or a similar form. The absolute value of the difference between the maximum and minimum average values recorded must not vary more than ±3 percent or ±1 ppm of the up-scale gas value, whichever is less restrictive.

14.0 Pollution Prevention (Reserved)

15.0 Waste Management (Reserved)

16.0 Alternative Procedures (Reserved)

17.0 References

(1) ***"Development of an Electrochemical Cell Emission Analyzer Test Protocol"*** , Topical Report, Phil Juneau, Emission Monitoring, Inc., July 1997.

(2) ***"Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Emissions from Natural Gas-Fired Engines, Boilers, and Process Heaters Using Portable Analyzers"*** , EMC Conditional Test Protocol 30 (CTM-30), Gas Research Institute Protocol GRI-96/0008, Revision 7, October 13, 1997.

(3) ***"ICAC Test Protocol for Periodic Monitoring"*** , EMC Conditional Test Protocol 34 (CTM-034), The Institute of Clean Air Companies, September 8, 1999.

(4) ***"Code of Federal Regulations"*** , Protection of Environment, 40 CFR, Part 60, Appendix A, Methods 1-4; 10.

**Table 1: Appendix A—Sampling Run Data.**

Facility_____ Engine I.D._____ Date_____

| Run Type: (X) | (_) Pre-Sample Calibration | | | | (_) Stack Gas Sample | | | | (_) Post-Sample Cal. Check | | (_) Repeatability Check |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Run # | 1 | 1 | 2 | 2 | 3 | 3 | 4 | 4 | Time | Scrub. OK | Flow- Rate |
| Gas | $O_2$ | CO | $O_2$ | CO | $O_2$ | CO | $O_2$ | CO | | | |
| Sample Cond. Phase | | | | | | | | | | | |
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| Measurement Data Phase | | | | | | | | | | | |
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[78 FR 6721, Jan. 30, 2013]

**Indiana Department of Environmental Management**
**Office of Air Quality**

# Addendum to the Technical Support Document (ATSD) for a New Source Construction and Part 70 Operating Permit

## Source Background and Description

| | |
|---|---|
| **Source Name:** | **Orla, LLC** |
| **Source Location:** | **3062 West SR 32, Lebanon, IN 46052** |
| **County:** | **Boone** |
| **SIC Code:** | **7374 (Computer Processing, Data Preparation, and Processing Services)** |
| **Operation Permit No.:** | **T 011-50034-00093** |
| **Permit Reviewer:** | **Phillip Jackson** |

On June 26, 2026, the Office of Air Quality (OAQ) had a notice posted on IDEM's website (https://www.in.gov/idem/public-notices/), stating that Orla, LLC had applied for a New Source Construction and Part 70 Operating Permit to construct and operate a new stationary data center. The notice also stated that the OAQ proposed to issue a New Source Construction and Part 70 Operating Permit for this operation and provided information on how the public could review the proposed permit and other documentation. Finally, the notice informed interested parties that there was a period of thirty (30) days to provide comments on whether or not this permit should be issued as proposed.

On June 26, 2026, OAQ also posted a notice on IDEM's website (https://www.in.gov/idem/public-notices/), stating that IDEM, OAQ would hold a virtual public hearing on August 6, 2026, to discuss the draft New Source Construction and Part 70 Operating Permit for Orla, LLC. The notice provided information on how the public could attend the virtual public hearing, provided information for citizens that needed reasonable accommodations to participate in this event, including accommodations for persons with speech or hearing difficulties, and how the public could review and provide comments on the proposed permits and other documentation. Finally, the notice informed interested parties that the public notice period would end on August 10, 2026.

On August 6, 2026, IDEM, OAQ conducted a virtual public hearing regarding the draft New Source Construction and Part 70 Operating Permit for Orla, LLC.

IDEM, OAQ thanks all of the commenters and attendees at the virtual public hearing for their interest in the proposed permits and their participation in the permit review process.

The Technical Support Document (TSD) is used by IDEM, OAQ for historical purposes. IDEM, OAQ does not make any changes to the original TSD, but the permit will have the updated changes. The comments and revised permit language are provided below with deleted language as strikeouts and new language **bolded**.

## General Statement 1 – Impact to the Environment and Public Health

Some commenters expressed concerns regarding the negative impact of the proposed source with respect to the environment and public health within the community.

**IDEM Response to General Statement 1 – Impact to the Environment and Public Health**

IDEM's Mission Goal and Authority

IDEM's mission is to implement federal and state regulations to protect human health and the environment while allowing for environmentally sound operations of industrial, agricultural, commercial, and government activities vital to a prosperous economy.

Indiana Department of Environmental Management, Office of Air Quality (IDEM, OAQ) issues air pollution permits to facilities that emit regulated levels of pollutants to the air. Permits require sources to comply with all health-based and technology-based standards established by the U.S. Environmental Protection Agency (EPA) and the Indiana Environmental Rules Board. Permit decisions made by IDEM, OAQ are based on the ability of a source to comply with air permit requirements and applicable state and federal air quality rules and regulations.

326 IAC 2-1.1-8 requires that IDEM approve or deny an application received by the department.

The proposed permit contains all health-based and technology-based standards established by the U.S. EPA and the Indiana Environmental Rules Board (ERB), which will limit the amount of air pollution emissions from the facility in accordance with all applicable requirements. Specifically, the permit contains all applicable control device operating requirements, compliance determination requirements, compliance monitoring requirements, and associated record keeping and reporting requirements to assure that all permit limitations are enforceable as a practical matter and to assure that the source can demonstrate compliance with all applicable state and federal rules on a continuous basis. These conditions work in conjunction to protect human health and the environment.

IDEM, OAQ has no authority to create any permit limits or measures that exceed what is legally required for a regulated source.

IDEM, OAQ handles all air permit applications on an objective, consistent, and impartial basis. IDEM, OAQ staff are expected to comply with all applicable state ethics rules and policies. They strive to draft air permit documents and associated calculations/analyses that are thorough, accurate, and that contain all applicable state and federal requirements. All permit limitations are federally enforceable as a practical matter and protective of human health and the environment.

Indiana's air pollution control rules are contained in Title 326 of the Indiana Administrative Code, which is available at http://www.in.gov/legislative/iac/iac_title?iact=326 on the Internet.
The Indiana air permitting requirements that are applicable to this source are part of the state implementation plan (SIP) that is approved by EPA. Environmental laws are enacted by the Indiana legislature and the legislature has delegated rulemaking authority to the Indiana Environmental Rules Board (ERB). For information on how to get involved in Indiana's Environmental Rulemaking Process, please go to https://www.in.gov/idem/legal/rulemaking/ on IDEM's website.

The information provided by the applicant in its air permit application indicates that the Permittee will be able to comply with all permit requirements; therefore, IDEM will issue the permit.

National Ambient Air Quality Standards (NAAQS)

IDEM, OAQ relies on the scientific expertise of U.S. EPA which has developed the National Ambient Air Quality Standards (NAAQS) to protect public health and the environment.

The federal Clean Air Act requires the U.S. EPA to set National Ambient Air Quality Standards (NAAQS) for six criteria pollutants. These standards are set at levels that protect human health,

including the health of sensitive persons, such as asthmatics, children, and the elderly. The NAAQS are often referred to as the federal health standards for outdoor air. More information about these pollutants is available at https://www.epa.gov/criteria-air-pollutants on U.S. EPA's website. The complete table of the NAAQS can be found at https://www.epa.gov/criteria-air-pollutants/naaqs-table.

The Clean Air Act requires that U.S. EPA conduct periodic review of the most current scientific information to determine if air quality standards are adequate to protect human health and general welfare. This review includes an integrated science assessment which is a comprehensive review of science judgments and risk and exposure assessments. An independent committee, the Clean Air Scientific Advisory Committee (CASAC), reviews all health information and makes recommendations to U.S. EPA on whether current health standards are protective of public health and welfare or should be revised. After any health standard recommendations have been approved and finalized through rulemaking, IDEM is required to follow the new standards. Additional information on the CASAC can be found at the following website: https://casac.epa.gov/.

Ambient Air at Monitoring Stations Around Indiana

IDEM conducts sampling of the ambient air at monitoring stations around Indiana. This air monitoring is conducted to measure whether the NAAQS are being met. Information about Indiana's air monitoring system and monitoring results are available at https://www.in.gov/idem/airmonitoring/. Information about current and expected air pollution levels are on IDEM's SmogWatch site at https://apps.idem.in.gov/smogwatch/Today.aspx on the internet.

The Indiana Department of Environmental Management (IDEM) regulates air quality to protect public health and the environment in the State of Indiana. Air monitoring data are required by regulation and are used to determine compliance with U.S. EPA's National Ambient Air Quality Standards (NAAQS). Other important uses of the air monitoring data include, the production of a daily Air Quality Index (AQI) report, daily air quality forecast report, support of short and long-term health risk assessments, identification of a localized health concern, and tracking long-term trends in air quality. Indiana monitors the six criteria pollutants which have NAAQS identified for them; carbon monoxide (CO), lead, nitrogen dioxide ($NO_2$), ground-level ozone ($O_3$), particulate matter ($PM_{10}$ and $PM_{2.5}$), and sulfur dioxide ($SO_2$). Other pollutants which do not have ambient standards established for them are also monitored: toxics (volatile organic compounds, VOCs), metals, carbonyls, $PM_{2.5}$ speciated compounds, ozone precursors, and carbon dioxide ($CO_2$). In addition, meteorological data are also collected to support the monitoring and aid in analysis of the data.

IDEM presents two different types of air quality data, intermittent and continuous, on IDEM's Internet website https://www.in.gov/idem/airmonitoring/. Monthly and annual summary reports of pollutants collected by manual methods are available as well as hourly values from continuous monitors. The Data Management and Display System (DMDS) provides on-line access to Indiana's continuous air quality monitoring data. It has been available to the public since July 2007. DMDS offers access to near real-time data from active air monitoring sites across Indiana. This allows anyone to track pollutant and meteorological values throughout the day. In addition, past data back to 1998 are available as raw data and canned summary reports or user specified retrievals. Site information with site photographs can be found at the following website: https://www.in.gov/idem/airmonitoring/air-quality-data/

IDEM issues Air Quality Action Day (AQAD) advisories on days when ground level ozone pollution or fine particulate matter ($PM_{2.5}$) could build to unhealthy levels in the outdoor air. IDEM issues AQAD advisories based on air quality forecasts, air quality standards, and Air Quality Index (AQI) categories. Typical conditions for ozone AQADs in Indiana are high temperatures

approaching 80° Fahrenheit or above, clear skies, dry atmosphere, calm to light southerly winds, very little air mixing, high NOx values the previous night, and/or persistent high pressure over the eastern Midwest states and East Coast. Typical conditions for $PM_{2.5}$ AQADs in Indiana are temperature inversions, light winds, clear skies, persistent high pressure, high humidity values, transport from high $PM_{2.5}$ locations (such as wildfires), and/or warm and humid air over snow cover during the winter. When AQADs are predicted, Hoosiers can take action to protect their health and protect air quality. For additional information on AQAD advisories and actions to take during AQAD advisories, please see the following website: https://www.in.gov/idem/airquality/air-quality-action-day-aqad-advisories/

The Air Quality Index (AQI) is a health index which combines the evaluation of various air pollutants in order to provide an easily understood measure of air quality. The AQI focuses on health effects that can occur within a few hours or days after breathing polluted air. Air monitoring data are used to issue health alerts to warn the public of elevated pollution levels. The index provides a scale to which air quality is compared and indicates the associated health effects of concern. IDEM issues health alerts for high air pollutant levels based on the AQI. The AQI uses index numbers, health effect levels, and colors to communicate the health levels. The higher the AQI value, the greater the level of air pollution and the greater the chance of health impacts. For example, an AQI value of 50 represents good air quality and little potential to affect public health, while an AQI value over 300 represents hazardous air quality that could cause health effects. An AQI value of 100 generally corresponds to the National Ambient Air Quality Standard (NAAQS) for the pollutant, which is the level the United States Environmental Protection Agency (U.S. EPA) has set to protect public health. AQI values below 100 are generally regarded as satisfactory. When AQI values are above 100, air quality is considered to be unhealthy, first for certain sensitive groups of people, then for everyone as AQI values get higher. The Air Quality Index (AQI) for pollutants including ozone and particulate matter (PM) can be found at the following website: https://www.in.gov/idem/airmonitoring/air-quality-data/.

Extensive information about Indiana's air monitoring system and monitoring results is available at https://www.in.gov/idem/airmonitoring/ on IDEM's website.

SmogWatch is an informational tool created by IDEM to share current air quality and air quality forecasts for each day. SmogWatch provides daily information about ground-level ozone and particulate matter air quality forecasts, health information, and monitoring data for eight regions of Indiana. Current air quality and air quality forecasts for each day are available at https://apps.idem.in.gov/smogwatch/Current.aspx.

Ambient Air Monitoring Network Plan and Public Participation

In October 2006, United States Environmental Protection Agency (U.S. EPA) issued final regulations concerning state and local agency ambient air monitoring networks. These regulations in 40 Code of Federal Regulations 58, Subpart B (40 CFR 58.10), require states to submit an annual monitoring network review to U.S. EPA. This network plan is required to provide the framework for establishment and maintenance of an air quality surveillance system and to list any changes that are proposed to take place to the current network. Indiana's current Ambient Air Monitoring Network Plan is available at https://www.in.gov/idem/airmonitoring/indianas-ambient-air-monitoring-network/ on IDEM's website.
Locations of the monitors are reviewed annually pursuant to 40 CFR 58.10 and are subject to public comment. IDEM is required to develop and submit an annual monitoring network plan to U.S. EPA that details the current air quality surveillance system and proposed changes for the coming year. IDEM must release the proposed plan to the public for inspection for 30 days prior to submission to U.S. EPA by July 1. IDEM posts the proposed plan on IDEM's website (https://www.in.gov/idem/airmonitoring/indianas-ambient-air-monitoring-network/) when it becomes available. Information on how to submit comments is located in Appendix A of the plan.

IDEM, OAQ will evaluate comments and requests on monitoring locations and act if any changes are necessary to meet the monitoring goals and monitoring projects across the state. IDEM's contact for the monitoring plan may be contacted by U.S. Mail: IDEM/OAQ/AMB, 100 North Senate Avenue, Shadeland, Indianapolis, IN 46204-2251, by FAX at 317-308-3239.

Ambient Air Monitors Near Lebanon, IN

The following table summarizes the IDEM air pollution monitors that are located near Lebanon, Indiana:

| County | City | Monitor Site Name | Site Address | Air Pollutants Monitored |
|---|---|---|---|---|
| Boon | Lebanon | Whiteston | Perry-Worth Elm School<br>3900 E. 300 S.<br>Lebanon, IN | Ozone ($O_3$) |
| Hamilton | Noblesville | Noblesville - 191st St. | Our Lady of Grace Catholic Church<br>9900 E. 191st St | Ozone ($O_3$) |
| Hendrix | Avon | Avon | 7203 E. US Highway 36 | Ozone ($O_3$) |

**General Statement 2 – Compliance Inspections and Possible Future Violations and Permitting**

Some commenters expressed concern regarding possible future violations and permitting and what penalties there would be for violating a permit term.

**IDEM Response to General Statement 2 – Compliance Inspections and Possible Future Violations and Permitting**

Possible Future Violations and Permitting

IDEM, OAQ understands that some commenters have concern that the source could have possible future violations of environmental law. However, Indiana court cases have held that an initial permit cannot be denied due to an allegation of possible future violations of environmental law. *See* Talara Lykins – CAFO, 2007 OEA 114, DeGroot Dairy CFO, 2006 OEA 1, Kyle Hall, 2008 OEA 100, which can be found at the following website: https://www.in.gov/oea/decisions/ The information provided by the applicant in its air permit application indicates that the Permittee will be able to comply with all permit requirements; therefore, IDEM will issue the permit. Orla, LLC is required to comply with all air permit requirements and applicable state and federal air quality rules and regulations. If it is determined that Orla, LLC has violated a permit term or condition, IDEM, OAQ will take appropriate action to bring the source back into compliance with applicable permit conditions, state rules, and federal regulations.

Companies can submit applications to the Indiana Department of Environmental Management (IDEM) as many times as necessary to obtain, renew, or modify permits, provided they comply with regulatory requirements and deadlines.

Compliance Inspections

IDEM, OAQ and U.S. EPA inspections are generally unannounced inspections. IDEM, OAQ normally inspects major sources on an annual basis, consistent with EPA's Clean Air Act Stationary Source Compliance Monitoring Strategy. IDEM, OAQ may make additional inspections on a case-by-case basis based on a number of factors including public complaints received. During an inspection, the IDEM, OAQ inspector will perform a records review, review operations and maintenance (O&M) plans, operation maintenance and monitoring (OMM) plans, preventative maintenance plans (PMPs), operating logs, inspect and review compliance

monitoring, and inspect the facility operations and process parameters to determine if the source is in compliance with all air permit terms and conditions. Regular inspections, regular stack testing, along with compliance monitoring, record keeping and reporting, allow IDEM, OAQ to determine if Orla, LLC is in continuous compliance with all air permit terms and conditions. If it is determined that the source has violated a permit term or condition, IDEM, OAQ will take appropriate action to bring the source back into compliance with applicable permit conditions, state rules, and federal regulations.

IDEM uses a number of enforcement tools to bring sources that are out of compliance with a permit term or condition back into compliance. If it is determined that a source has violated a permit term or condition, IDEM, OAQ will take appropriate action to bring the source back into compliance with applicable permit conditions, state rules, and federal regulations. Most violations of environmental laws are resolved informally. As part of the informal resolution, a "warning letter" or "violation letter" is sent, noting the violation and measures necessary to correct it in order to ensure the responsible party corrects the documented problem. Certain violations are referred directly to formal administrative enforcement and may receive a Notice of Violation (NOV). An NOV normally results in the assessment of civil penalties and the requirement that IDEM and the respondent sign an Agreed Order (AO). The AO ensures that the respondent achieves and maintains compliance with Indiana's environmental statutes and rules. Any civil penalties accessed as a result of a Notice of Violation (NOV) issued by IDEM, OAQ are determined based on Indiana Code 13-30 and IDEM's Nonrule Policy Document (NPD) "Civil Penalty Policy" (ENFORCEMENT-99-0002-NPD available at https://www.in.gov/idem/files/nrpd_enf-002.pdf on IDEM's website. Pursuant to IC 4-22-2-19.6, IDEM's Civil Penalty Policy will be adopted into a rule through an agency rule making.

Submitting Complaints

IDEM, OAQ encourages residents to contact IDEM, OAQ if they witness or have evidence of any compliance related concerns with this operation. An IDEM, OAQ compliance inspector will investigate complaints, perform any necessary observations or inspections of the source, determine if a violation of a permit term or condition has occurred, take appropriate action when a violation is observed, and initiate any necessary actions to bring the source back into compliance with applicable permit conditions and state and federal rules and regulations.

If a commenter or citizen has complaints and issues with the source with respect to compliance with its air permit, complaints can be submitted to IDEM three (3) different ways:

1. Online at: https://www.in.gov/idem/contact/file-a-complaint/;
2. Through the Complaint Coordinator at (800) 451-6027 ext. 24464; or
3. By printing, completing, and mailing a paper-based Complaint Submission Form (Available under Agency Forms at: https://www.in.gov/idem/forms/idem-agency-forms/).

The current compliance inspector for each county in Indiana can be found at the following website: https://www.in.gov/idem/idem-regional-staff-and-inspectors/.

**General Statement 3 – Quality of Life, Noise, Water Quality, Electrical Demand**

Several commenters expressed concerns that the proposed Orla, LLC data center would be located too close to their home (residential areas) and would result in water quality being impacted, along with increase in electrical utility prices.

**IDEM Response to General Statement 3 – Quality of Life, Noise, Water Quality, Electrical Demand**

IDEM, OAQ does not have the authority to evaluate noise as part of the air permit application review process. Noise, smells and other local level permitting decisions are made by local government bodies and officials.

IDEM, OAQ understands that several commenters have concerns that the proposed Orla, LLC data center would be located too close to their home (residential areas) and would result in water quality being impacted, along with increase in electrical utility prices. However, IDEM, OAQ does not have the authority to evaluate these types of issues as part of the air permit application review process or to deny an air permit based on concerns about these types of issues.

With respect to the issued raised about potential water and energy usage, these issues are outside the scope of this air pollution permit. Orla, LLC will be required to obtain any applicable permit(s) from IDEM's Office of Water Quality (OWQ) and/or Indiana Department of Natural Resources (DNR), which will contain all applicable state and federal rules and regulations related to water usage, discharge, and pollution. This proposed air permit only contains applicable state and federal rules and regulations related air pollution.

**General Statement 4 – Denial of the Permit**

Many commenters requested that the permit be denied.

**IDEM Response to General Statement 4 – Denial of the Permit**

IDEM, OAQ does not have the authority to deny an air permit upon request. IDEM's authority is to evaluate the proposed project and to assure the proposed permit contains all health-based and technology-based standards established by the U.S. EPA and the Indiana Environmental Rules Board (ERB). IDEM, OAQ handles all air permit applications on an objective, consistent, and impartial basis. IDEM, OAQ staff are expected to comply with all applicable state ethics rules and policies. The information provided by the applicant in its air permit application indicates that the Permittee will be able to comply with all permit requirements; therefore, IDEM will issue the permit.

See the "IDEM Response to General Statement 1 - Impact to the Environment and Public Health" section above for more information regarding how IDEM, OAQ processes air permit applications and ultimately issues air permits.

**General Statement 5 – Bridge Power**

Many commenters requested clarification regarding Bridge Power from Life Cycle Power, how long the temporary power generation station would be in operation, and to require an end date for these units to be removed by.

**IDEM Response to General Statement 5 – Bridge Power**

Bridge Power supplies interim electricity to high-demand facilities—such as large industrial sites or data centers—before permanent high-capacity connections to the local utility electrical grid can be completed.

Life Cycle Power provides Orla, LLC with bridge power from generators that will be constructed on the same property, until Orla, LLC can establish permanent connection to the electrical grid.

Although bridge power is intended only to serve as temporary power, IDEM, OAQ treats these units with the same requirements and standards as those that operate at a permanent stationary

source. No end date of these on-site generators is necessary. Permitting is not done as a temporary operation. The permit terms and requirements for Life Cycle Power are based on full-time operations. There is no state air permitting requirement to provide an end date.

**General Statement 6 – Combined Single Source Evaluation**

Many commenters requested clarification regarding why there are two separate permits being issued. This information was provided in the Source Definition section of the TSD, which was included in the public notice period.

**IDEM Response to General Statement 6 – Combined Single Source Evaluation**

IDEM, OAQ has examined whether these plants are part of the same Part 70 major source. The term "major source" is defined at 326 Indiana Administrative Code 2-7-1(20). The Indiana Administrative Code is available at http://www.in.gov/legislative/iac/iac_title?iact=326 on the Internet. In order for these plants to be considered as a major source under 326 IAC 2-7-1(20)(B) and (C), all three of the following criteria must be met:

(a) The plants must have common ownership and/or control;

(b) The plants must have the same two-digit Standard Industrial Classification (SIC) Code or one must serve as a support facility to the other; and

(c) The plants must be located on the same, contiguous or adjacent properties.

IDEM, OAQ finds that the plants meet all three criteria of the major source definition. Therefore, the plants are part of the same Part 70 major source.

The two plants are considered part of the same Part 70 major source, and permitted as one source. Permitting evaluations are based on these two plants are permitted as one source,.

They are issued separate permits since Orla, LLC and Life Cycle Power are owned and operated by two different entities. Life Cycle Power will have an administrative Title V permit, so they are accountable for any emission units that fall under their purview. The PTE calculations from all emission units found at this source are included in both permits.

**General Statement 7 – Best Available Control Technology (BACT) and PSD (326 IAC 2-2)**

Many commenters about Best Available Control Technology (BACT), PSD (326 IAC 2-2), and taking stricter limits.

**IDEM Response to General Statement 7 – Best Available Control Technology (BACT) and PSD (326 IAC 2-2)**

The proposed permit for Orla, LLC does not state that the emergency generators are allowed to operate unlimited for 500 hours per year. The permit specifies NOx, CO and VOC limits of less than 250 tons per 12 consecutive month period. This means the generators may only operate the number of hours per year in order to render the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) not applicable. The limit is based on the tons per year emitted, not on number of hours operated.

The Potential to Emit (PTE) calculations use 500 hours in order to calculate a potential to emit (PTE) for emergency units. This is based on EPA guidance for all emergency generators, and is designed to be an overestimation. The calculations are used in order to determine permit levels as well as what limits are required. The D and E sections of the permit document specify the enforceable limits that apply to the

source. The generators must comply with the requirements specified under 40 CFR 63.6640(f) in order to be considered an emergency unit.

Companies in Indiana need to use Best Available Control Technology (BACT) when building major new sources or making major modifications to existing ones, subject to PSD (326 IAC 2-2), Emission Offset (326 IAC 2-3), or new VOC facilities (326 IAC 8-1-6). Essentially, if a project significantly increases air pollution (like major modifications or large new sources) or exceeds VOC limits (25 tons/year) for each unit, a BACT analysis and application must be submitted to the Indiana Department of Environmental Management (IDEM) to ensure the best pollution controls are used. Orla, LLC has taken synthetic minor limits in order to remain under PSD major source levels, and therefore the BACT is not required.

**General Statement 8 – Formaldehyde Potential to Emit, Testing, Limits, and Controls**

Many commenters expressed concerns regarding the PTE of Formaldehyde, requesting to have modeling, testing, and stricter limits placed on the source.

**IDEM Response to General Statement 8 – Formaldehyde Potential to Emit, Testing, Limits, and Controls**

IDEM, OAQ recognizes that air pollution emissions from this source and its potential effect on human health and the environment are of great concern to the commenters.

The proposed permit contains all health-based and technology-based standards established by the U.S. EPA and the Indiana Environmental Rules Board, which will limit the amount of air pollution emissions from the facility in accordance with all applicable requirements. These standards are established to protect human health and the environment.

The Potential to Emit (PTE) of Formaldehyde after control from the source is 111.95 tons per year. The source is considered a Major Source of hazardous air pollutants (HAPs) under Section 112 of the Clean Air Act since HAP emissions are equal to or greater than ten (10) tons per year for a single HAP and equal to or greater than twenty-five (25) tons per year for a combination of HAPs. The source has agreed to abide by all rules and regulations that are required by Section 112 of the Clean Air Act.

All generators operated by the source are subject to National Emission Standards for Hazardous Air Pollutants (NESHAP) Subpart ZZZZ for Stationary Reciprocating Internal Combustion Engines, which requires the source to limit the concentration of Formaldehyde that comes from the RICE exhaust and conduct semiannual tests on the engines. The tests required by NESHAP ZZZZ are sufficient to determine compliance with the applicable Formaldehyde standards.

The Indiana air permitting requirements that are applicable to this source are part of the state implementation plan (SIP) that is approved by EPA. Environmental laws are enacted by the Indiana legislature and the legislature has delegated rulemaking authority to the Indiana Environmental Rules Board (ERB). IDEM, OAQ has no authority to create any permit limits or measures that exceed what is legally required for a regulated source. There are no applicable state or federal rules that require ambient dispersion modeling, air toxics screening, or cumulative impact analysis of the HAP emissions (e.g., Formaldehyde) from this source.

The cumulative impact of the combined emissions from all sources in the ambient air is monitored by the IDEM, OAQ, Air Monitoring Branch. Air quality monitoring is conducted at monitoring sites across the state. For additional discussion regarding ambient air monitoring, see IDEM Response to General Statement 1 – Impact to the Environment and Public Health.

**Jodi Stewart Comments and IDEM Responses**

On July 9, 2026 and August 6, 2026, Jodi Stewart submitted comments to IDEM, OAQ on the draft New

Source Construction and Part 70 Operating Permit:

**Jodi Stewart Comments**
See Appendix C and D to see the entirety of both comments.

Below are the questions posed in the comments.

(1) Question: Where in the Indiana Constitution is there a grant of authority to use public money for non-public purposes?

(2) Question: Where in the Indiana Constitution is there a grant of authority to use the People's natural resources for unauthorized purposes such as economic development funded with public money?

It is, therefore, my wish, that you provide remedy by immediately ceasing and desisting using public money for non-public purposes and by providing public notice to cease and desist such use of public money to all departments of all state and local governments within the State of Indiana.

**IDEM Response to Jodi Stewart Comments**

(1) IDEM, OAQ, has no control or decision on how monies related to this project are spent, distributed, or used with regard to this draft permit.

(2) In response to the use of natural resources see the following IDEM response at the beginning of the ATSD under the General Statements and IDEM Responses section:

IDEM Response to General Statement 1 – Impact to the Environment and Public Health

There is no record of public money being used for unauthorized purposes in relation to this project.

No changes to the draft permit were made as a result of these comments.

**Phil Graybiel Verbal Testimony and Written Comments and IDEM Responses**

On August 6, 2026 (verbal testimony during the public hearing) and on August 10, 2026, Phil Graybiel submitted written comments to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit. Both verbal testimony and written comments are identical:

**Phil Graybiel Verbal Testimony and Written Comments**

Dear Phillip Jackson

Hello my name is Phil Graybiel and I am a resident of Pike Township. When I think about this permit I am very concerned about the air quality, not only down wind in Indianapolis where my fiance has asthma, but also in Lebanon, IN where I grew up and where my aging parents still live. My family's health is most important when I think about whether this air permit should be approved. The gas engines are like having a gas power plant in my hometown. And we do not know how many more generators will be added. At other data center sites, like El Paso, TX hundreds of generators have been installed when they started with a smaller number like in this permit. I am concerned that there are no specific limits regarding how many hours, and years that these gas engines may run, and no limit on how many hours diesel generators will run in an emergency.

I am concerned about the impact of this pollution on my family, the nitrous oxide limits are at 153 tons a year and volatile organic compounds are at 185 tons, both of these can harm human health and make air

quality worse. I am concerned about the 112 tons per year of formaldehyde, a known carcinogen causing cancer in my community. Friends and family of mine have had cancer and I worry that this will only make things worse.

How will IDEM ensure that these so-called emergency generators are not running all the time, because they do not have enough power on the available grid? They should not be operating in a community that can not support such a project in the first place. Please deny these air permits for Orla and Life Cycle Power aka Meta.

These dirty gas engines can not be allowed to operate long term. Why is Meta building this project if there is not enough electricity to support it in the first place? IDEM should prevent them from running these engines for years to come.

Phil Graybiel

**IDEM Response to Phil Graybiel Verbal Testimony and Written Comments**

Please see the following IDEM responses at the beginning of the ATSD under the General Statements and IDEM Responses section:

- IDEM Response to General Statement 1 – Impact to the Environment and Public Health
- IDEM Response to General Statement 2 – Compliance Inspections and Possible Future Violations and Permitting
- IDEM Response to General Statement 3 – Quality of Life, Noise, Water Quality, Electrical Demand
- IDEM Response to General Statement 4 – Denial of the Permit
- IDEM Response to General Statement 5 – Bridge Power
- IDEM Response to General Statement 7 – Best Available Control Technology (BACT) and PSD (326 IAC 2-2)
- IDEM Response to General Statement 8 – Formaldehyde Potential to Emit, Testing, Limits, and Controls

No changes to the draft permit were made as a result of these comments.

**Sarah Goss Verbal Testimony and Written Comments and IDEM Responses**

(a) On August 6, 2026, during the public hearing, Sarah Goss provided the following verbal testimony to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit:

**Sarah Goss Verbal Testimony**

Hello. My name is Sarah Goss. I live in Lebanon, so I'm a nearby resident. These two drafts are one power system. Life Cycle Power is 65 natural gas reciprocating engines, about 134 megawatts, so this is bridge power that's not going to sustain them until the grid catches up. That is not a handful of emergency generators. There's on the order of two and half times of Lebanon's entire summer peak of about 56 megawatts.

IDEM considers the gas plant and the data center as a single source, which is great, but the draft stays under the 250 tons provision that's simply deterioration of nonstop VOC and CO only by asserting tonnage caps, hopefully 121, 155 -- or 155 tons per engines, not by eliminating how many hours they may run. For the required controls, those caps allow almost continuous boiler operation, so these smaller limited numbers do not mean nonuse, they mean continuous bridging power, engineered to stay just under major source review.

Even with those limits, formaldehyde stays enormous, on the order of about 112 tons per year. That

makes for a major source of hazardous air pollutants, reciprocating engines -- toxic -- per megawatt hours of -- turnover. This campus is designed to deliver about one gigawatt.

Phase one is not the whole story. I ask IDEM to evaluate reasonably perceivable expansion, require a clear operating public profile of our town, including many corporate -- reliability dispatch. Would greenhouse gas -- not on the record, and not treating -- running for each generation, like emergency backup.

I will also submit -- (time cutoff)

....

(Testimony during open forum)

I just wanted to also bring up that the three-year fuel map on the bridge plant alone is on the order of a half a million tons of CO2 per year, and that's -- you know, that's usually done with maps, and it's in any the current plan.

And you're sag -- Indiana is sagging -- power project, and treating a 134-megawatt possible bridge as a temporary footnote, and it should get closer scrutiny, as Rebecca was talking about. This is a continuous primary power source or private campus, and this is closer to utility-scale plans. And we need to have a cumulative air analysis, public operating assumptions, not a silent path around this PSD by permitting this.

Thank you.

(End of testimony)

(b) On August 10, 2026, Sarah Goss submitted written comments to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit:

**Sarah Goss Written Comments**

Dear Mr. Jackson, IDEM Office of Air Quality:

Please enter my comments into the public record for the draft Part 70 operating permit / new source construction for Orla, LLC, T011-50034-00093 (Public Notice; comment period ending August 10, 2026). I also spoke at the August 6, 2026 virtual public hearing. IDEM treats Orla and Life Cycle Power (T011-50087-00094) as a single source for PSD purposes. These written comments address Orla's diesel equipment only. I have separately submitted written comments on the Life Cycle Power gas-engine plant under that permit number; please cross-reference both dockets for combined campus impacts.

I am Sarah Goss, Ecoethic Creative, LLC, **Redacted**, Lebanon, Boone County, Indiana 46052. I comment as a Boone County resident and as a volunteer technical advisor supporting community education on LEAP air and water permitting. This is not legal advice. I ask IDEM not to finalize T011-50034-00093 until the issues below are addressed in the permit conditions or explained in writing in the Technical Support Document addendum / response to comments.

SCOPE

The draft authorizes twelve (12) diesel-fired emergency generators (EG-1 through EG-12), each up to about 4,376 bhp (Caterpillar option) or 4,352 bhp (Cummins option), plus two diesel emergency fire pumps and twelve diesel belly tanks (7,185 gallons each — 86,220 gallons total on-site diesel storage). Hydrotreated vegetable oil (HVO) is allowed as a secondary fuel. Condition D.1.1 caps total NOx from EG-1 through EG-12 at 25.4 tons per twelve consecutive months and total CO at 17.2 tons per twelve

consecutive months.

Those caps sit inside a combined Orla + Life Cycle Power PTE designed to stay under the 250 tpy criteria-pollutant PSD major thresholds for the single source.

SUBSTANTIVE REQUESTS

1. Emergency classification vs. tonnage caps — put the TSD's own tension on the record.

   The Technical Support Document states that with these PSD minor limits, the source cannot operate the emergency generators at the allotted 500 hours of operation per year. At full-load NSPS factors, 500 hr/yr × 12 engines would be on the order of ~110 tpy NOx — far above the 25.4 tpy fleet cap. Linearly, 25.4 tpy NOx implies on the order of only ~115 total generator-hours per year fleetwide at full load (roughly ~10 hours per engine per year if split evenly).
   I request that the RTC:

   (a) State clearly whether 25.4 / 17.2 tpy are the controlling operating limits in all circumstances, including true emergencies, maintenance, and readiness testing;

   (b) Explain how Meta / Orla will maintain data-center reliability under implied fleet-hour levels that low;

   (c) Identify whether any federal emergency-engine hour allowances (e.g., NSPS Subpart IIII maintenance / non-emergency hour provisions) are claimed in addition to, or constrained by, Condition D.1.1;

   (d) Require hour-metering and public reporting of EG-1–EG-12 run hours, purpose codes (outage, test, other), and rolling-12-month NOx/CO so the caps are enforceable in practice.

2. "Emergency" use while Life Cycle Power is offline — reasonably foreseeable dual operation.

   Life Cycle Power is permitted as continuous bridge / primary on-site gas generation for this campus. When gas engines are down for maintenance, failure, or fuel issues, these diesels may run while the data center stays online. That is reasonably foreseeable, not a once-in-a-decade blackout scenario. I request that the RTC explain how combined Orla + Life Cycle Power operation was modeled for PSD-minor and NAAQS demonstrations, and that dual-permit administration not create a gap where diesel hours during gas-plant outages are under-accounted.

3. On-site diesel storage — 86,220 gallons.

   Please place in the record why 86,220 gallons of diesel storage is sized as it is relative to the low tpy / low implied-hour operation under D.1.1; what spill, fire, and community notification protocols apply; and whether storage capacity itself indicates an operating profile beyond "rare emergency."

4. Enforceable equipment identity before construction.

   The draft allows Caterpillar or Cummins options at slightly different ratings. I request enforceable conditions fixing engine count, make/model/rating, and control configuration before construction so PTE and compliance equations cannot float between options without public notice.

5. Single-source administration with Life Cycle Power.

   IDEM finds one source but issues two Part 70 packages. I request that the RTC explain how

combined PTE and compliance are enforced across both permits and that comments on campus-wide impacts are answered with a combined table (not Orla-only figures that obscure the ~153 tpy NOx / ~180 tpy CO / ~185 tpy VOC single-source footprint after issuance).

6. Cumulative LEAP airshed and expansion.

Meta has said the Lebanon campus is designed to deliver about 1 GW. Twelve diesels here are Phase 1 backup hardware, not the full story. Please address cumulative combustion with nearby LEAP permitting (including Lilly) and how future diesel or other backup additions will be reviewed against the single-source PSD-minor demonstration.

7. Eagle Creek / water — enter the exchange; do not treat PR as the answer.

IDEM's correspondence on this docket anticipated Eagle Creek / water questions. Consultant replies citing "closed-loop / zero water" marketing do not displace the public Lebanon Utilities–Orla water/wastewater agreement (including contracted supply and on-site evaporative loss). I ask IDEM to enter the relevant applicant–IDEM water exchange in the air docket and to refer supply and discharge issues to OWQ / local pretreatment as appropriate.

CLOSING

Please confirm in the response to comments which of the above resulted in permit changes, TSD revisions, or no change, with a short reason for each. I reserve the right to pursue administrative review of a final decision under Indiana law. Thank you for entering these comments in the record.

Respectfully,

Sarah Goss
Ecoethic Creative, LLC

**IDEM Response to Sarah Goss Verbal Testimony and Written Comments**

Please see the following IDEM responses at the beginning of the ATSD under the General Statements and IDEM Responses section:

- IDEM Response to General Statement 1 – Impact to the Environment and Public Health
- IDEM Response to General Statement 2 – Compliance Inspections and Possible Future Violations and Permitting
- IDEM Response to General Statement 3 – Quality of Life, Noise, Water Quality, Electrical Demand
- IDEM Response to General Statement 5 – Bridge Power
- IDEM Response to General Statement 6 – Combined Single Source Evaluation
- IDEM Response to General Statement 7 – Best Available Control Technology (BACT) and PSD (326 IAC 2-2)

Response to Request 1d:

The source is required to keep records of all hours of operation for the emergency engines, and according to NSPS IIII 60.4214 (b), must install a non-resettable hour meter. The NOx and CO emissions are required to be monitored and reported to IDEM, OAQ every quarter. The reporting form used requires them to keep a record of a rolling 12-month period.

Response to Request 2:

Air Modeling is only required for sources that are PSD Major undergoing new construction or major modifications at existing sources or are new or modified major sources that are located in Nonattainment areas. Since this source has elected to take PSD minor limits, and are not located in a nonattainment area, Air Modeling does not need to be performed.

Response to Request 4:

IDEM, OAQ received comments from Orla, LLC requesting to remove the Cummins emergency generators from the draft permit. The aspects of the Caterpillar emergency generators will remain unchanged. The changes to the permit can be found in the Orla LLC responses and comments section.

No changes to the draft permit were made as a result of these comments.

**Lesli Bair Verbal Testimony and IDEM Responses**

On August 6, 2026, during the public hearing, Lesli Bair provided the following verbal testimony to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit.

**Lesli Bair Verbal Testimony**

Hi. I'm Lesli Bair, from Zionsville, and I am very concerned about the air pollution.

I do want to say that nobody wants these data centers, and there's many, many videos from across the country on new sites that people have released, I've got a new site opening in Union, and also videos by some of our neighbors in Lebanon, the current situation, and we've seen brown water and bacteria in water, the noise, the lights, the particulates.

One of the most recent videos is from a citizen in Abilene, Texas, who has to change her air filters every two weeks in her house, and they have -- what's nearby has fewer generators than what is proposed and being built in Lebanon.

The whole AI system is very harmful to the community. It leads to nothing but job losses. AI steals our human creative content, books, cutting spines off of books and stealing art. There's flock cameras tracking everything, they're stealing our data, they're using facial recognition.

And the police are tracking their ex-girlfriends, for example, and we're giving them a tax break for this, with very little in return. In fact, it's just harming us. Very few jobs, the NDA's, tech companies are welfare queens, and I'm very concerned about the amount of pollution.

(Time Cutoff)

...

(Testimony during open forum)

Hi. Thank you.

Indiana has some of the worst air quality in the entire country, and this is not going to help. I frequently get air quality alerts on my phone, and I would like you to deny this permit and act on behalf of the citizens of this region and not on behalf of big data.

Thank you.

(End of Testimony)

**IDEM Response to Lesli Bair Verbal Testimony**

Please see the following IDEM responses at the beginning of the ATSD under the General Statements and IDEM Responses section:

- IDEM Response to General Statement 1 – Impact to the Environment and Public Health
- IDEM Response to General Statement 3 – Quality of Life, Noise, Water Quality, Electrical Demand
- IDEM Response to General Statement 4 – Denial of the Permit

No changes to the draft permit were made as a result of these comments.

**Jeni Jenkins Verbal Testimony and Written Comments and IDEM Responses**

(a) On August 6, 2026, during the public hearing, Jeni Jenkins provided the following verbal testimony to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit:

**Jeni Jenkins Verbal Testimony**

Hi. Good evening. My name is Jeni Jenkins. I live in Zionsville, and I'm about approximately 13 miles from where this is going to be. It's been the vast majority of the -- I'm speaking on this as a citizen of Zionsville on the entity.

I would ask IDEM -- excuse me -- to address in its written response why Orla and Life Cycle Power can be one source getting divided into two permits, whose combined limits remain just under the threshold for the more rigorous federal review. This project should be evaluated cumulative -- cumulatively, not permit by permit.

I'm also concerned that it's calculation shows that 65 gas engines are to operate 8,760 hours per year, while the permit apparently contains no binding operating hour limit for permit date. That is not the means for temporary bridge power. IDEM should require a cumulative review, a combined health risk modeling, strict hour limits, and enforceable shutdown data, or substantially revise these permits.

Thank you.

(Time cutoff, no further comments)

(b) On August 9, 2026, Jeni Jenkins submitted written comments to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit:

**Jeni Jenkins Written Comments**

Dear Mr. Jackson,

I am submitting these comments as a Boone County resident who lives about 13 miles from this facility.

As a lifelong resident of Boone County, who is learning every day about other communities across the country who have been seriously damaged by data centers when consequential protections were not put in place prior to operation, I’m extremely concerned about what protections will actually be enforceable once Meta is operating?

My first concern is the use of the term “bridge power.” The 65 natural gas engines are described as temporary power until more electricity is available from the grid. But if that is really the case, I do not understand why the permit would allow them to operate essentially year-round without a firm end date.

If this is truly temporary power, I believe the permit should say so in a way that is enforceable. There should be a limit on how long the engines can run and a clear point in time when routine operation must stop once permanent power is available. Otherwise, “bridge power” seems to describe the company’s current plan rather than an actual restriction.

I am also concerned about how IDEM will know when these engines are no longer operating as “cleanly” as when they were brand new. With 65 engines running thousands of hours every year, equipment will age, parts will go bad, and pollution control components will not perform the same way they did when they were new.

I request that IDEM require regular emissions testing throughout the life of the facility, not simply relying on initial testing and company records. If certain pollution control equipment is necessary to keep emissions within permitted levels, there should be enough monitoring to catch problems when they occur, which *will* inevitably happen.

IDEM should also look carefully at the fact that Orla and Life Cycle Power are part of the same larger Meta project. If IDEM considers them one source for air permitting purposes, the public deserves a clear explanation of how pollution from both permits is being considered together, especially when determining whether additional federal review or pollution controls are required.

Finally, this is only the first phase of a much larger development. IDEM should consider additional generators, engines, boilers and other air pollution sources that are planned. A large project should not escape stronger review and oversight simply because its pollution sources are permitted a little at a time. Anything IDEM is relying on to conclude that this project will not harm public health should be written into the permit in a way that can *actually* be measured and enforced.

Additionally, I am attaching screen recordings and a screenshot that recorded issues that I encountered when attempting to participate in the Virtual Public Hearing that IDEM held on Teams in regards to these permits on August 6, 2026 at 6 pm EST.

--I wanted to speak during the hearing, but after logging in, I was not shown the opportunity to join the chat room lobby, which I understand was where I was to go to be able to sign up to speak during the hearing. If it weren't for a fellow citizen who told me this, I would have never known that was what I'd need to do to sign up. The first attachment shows that this option wasn't offered to me at all upon signing in.

--Although I was never able to enter the chat lobby, I luckily was able to text a private citizen who shared the link with me to sign up to speak. However, when opening the link on my cell phone, as you can see in the next two attachments, after filling out the form, there was no "submit" button anywhere on the page despite scrolling and resizing. Clearly the form was not set up to be mobile friendly, and considering the fact that more people use a cell phone to connect online than a personal computer, this is a huge issue when considering public participation.

Thank you for considering my comments.

Jeni Jenkins

**IDEM Response to Jeni Jenkins Verbal Testimony and Written Comments**

Please see the following IDEM responses at the beginning of the ATSD under the General Statements and IDEM Responses section:

- IDEM Response to General Statement 1 – Impact to the Environment and Public Health
- IDEM Response to General Statement 2 – Compliance Inspections and Possible Future Violations and Permitting

- IDEM Response to General Statement 3 – Quality of Life, Noise, Water Quality, Electrical Demand
- IDEM Response to General Statement 5 – Bridge Power
- IDEM Response to General Statement 6 – Combined Single Source Evaluation
- IDEM Response to General Statement 7 – Best Available Control Technology (BACT) and PSD (326 IAC 2-2)
- IDEM Response to General Statement 8 – Formaldehyde Potential to Emit, Testing, Limits, and Controls

In regards to the comments regarding the technical issues to participate in the virtual public hearing, IDEM OAQ is aware of these issues and is actively working on improving the technology related to these virtual hearings.

No changes to the draft permit were made as a result of these comments.

**Rebecca TeKolste Verbal Testimony and IDEM Responses**

On August 6, 2026, during the public hearing, Rebecca TeKolste provided the following verbal testimony to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit.

**Rebecca TeKolste Verbal Testimony**

Hi, there. My name is Rebecca TeKolste. I'm here representing Hoosier Environmental Council, and I live in Indianapolis.

I want to start by echoing the concerns raised by Sarah Goss and Jeni Jenkins, and then I think I want to raise additional concerns that we have with this project.

So, first, we're particularly concerned about the 112 tons of formaldehyde and how hazardous that will be, then we're concerned that these permits can't require any responsive modeling to determine what nearby residents could actually be exposed to.

We recommend that IDEM should require that modeling for formaldehyde and also all other hazardous air pollutants. These approvals also rely on operating functions that may not reflect how this building may actually function. The emissions analysis that they give, the 65 natural gas engines will operate almost continuously, with very few start-ups and shutdowns, but AI data centers have high variables of energy demand, and if these engines cycle on and off to follow that demand, nearby cities can experience repeated short-term spikes in air pollution, and that that has not been evaluated.

At the same time the monitoring -- 65 engines for another five years, meaning it would take more than 30 years to ensure that they have the full fleets -- full fleets. By contrast, these engine have a history of going out of service -- making them particularly vulnerable to issues -- when they're out of service.

We're also very concerned that the project -- these generators are classified by IDEM as emergency equipment, even though a data center lots of times -- will be -- gas generation system, and this could have a big effect of -- challenges. IDEM should require an opportunity to demonstrate that these generators will truly be limited to a controlled emergency use.

And last, this permit also establishes an important precedent for Indiana's -- future, and those models are going to be replicated throughout the state. Indiana will see thousands of new ones and new iterations of those outside -- planning and public oversight required for projects by the Indiana Utility Regulatory Commission. These are the -- -- things that can be done in the future -- Thank you.

(Time Cutoff)

....

(Testimony during Open Forum)

So, I just wanted to raise -- that this is the first of its kind in Indiana, when it establishes a precedent and that this model -- Indiana has been seen as a -- generation developed outside the comprehensive planning and public oversight typically required for projects regulated -- projects regulated by the IURC, the Indiana Utility Regulatory Commission.

These units -- for a records system. They should not get one permit at a time. We need to establish a transparent and statewide framework for evaluating the -- generation, especially that -- for large data centers before this modeling becomes the standard. Thank you.

(End of Testimony)

**IDEM Response to Rebecca TeKolste Verbal Testimony**

Please see the following IDEM responses at the beginning of the ATSD under the General Statements and IDEM Responses section:

- IDEM Response to General Statement 1 – Impact to the Environment and Public Health
- IDEM Response to General Statement 2 – Compliance Inspections and Possible Future Violations and Permitting
- IDEM Response to General Statement 3 – Quality of Life, Noise, Water Quality, Electrical Demand
- IDEM Response to General Statement 6 – Combined Single Source Evaluation
- IDEM Response to General Statement 8 – Formaldehyde Potential to Emit, Testing, Limits, and Controls

No changes to the draft permit were made as a result of these comments.

**Katherine Dennis Verbal Testimony and IDEM Responses**

On August 6, 2026, during the public hearing, Katherine Dennis provided the following verbal testimony to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit.

**Katherine Dennis Verbal Testimony**

I'm wondering if you can explain for us in a location downstream and downwind from this project -- of this region is truly what we're seeing here -- to manual labor -- I find it very hard to wear a mask while I'm working on a farm -- through the air quality alerts, and every time those air quality alerts occur again, I'm always left wondering, "What can -- what can be done?"

And I come to that question earnestly. I'd really like to -- to make things better, and I just don't see any benefit of what Meta is doing in any of this project. So, I just want to echo that this isn't something that I wanted to -- I feel like this air pollution, water pollution, noise, lighting, and for what benefit? There is so much at stake -- pollution of our waters. So, don't touch this.

(Time Cutoff)

...

(Testimony during Open Forum)

(First Comment)

Thank you for bringing up the point so well, and I think it's speaking to the point that this is such -- sort of a critical moment, and again, don't -- don't feel like it's not a big deal, because it is a big deal. It has huge impacts, and yeah, it could be crushing ones.

So, let's work together, you know, come up with a better solution instead of just letting Meta slap us around and let -- you know, there's a phrase of not like using technology or using technology instead of letting technology use us, yeah.

(End of First Comment)

...

(Second Comment)

I just have a question, and I'm sorry, but this is one that -- I'm just wondering if there was any time where you all would be responding at all or just letting us know, and your thoughts on this. I'm just curious.

(End of Testimony)

**IDEM Response to Katherine Dennis Verbal Testimony**

Please see the following IDEM responses at the beginning of the ATSD under the General Statements and IDEM Responses section:

- IDEM Response to General Statement 1 – Impact to the Environment and Public Health
- IDEM Response to General Statement 3 – Quality of Life, Noise, Water Quality, Electrical Demand

No changes to the draft permit were made as a result of these comments.

**Tina Oakes Verbal Testimony and Written Comments and IDEM Responses**

(a) On August 6, 2026, during the public hearing, Tina Oakes provided the following verbal testimony to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit:

**Tina Oakes Verbal Testimony**

Thank you. This is Tina Oakes, and I am a resident of Pike Township. And first off, I do want to echo what was said by everyone else.

You know, one of the things is, it seems very odd that they are allowed to approve their permits in view of the existence of the greenhouse gases and the other chemicals such a formaldehyde being released under a certain threshold and not ever put together a master plan, but saying, "Well, when it's all said and done, this is what's going to be released," because that is what is going to happen; right?

Regardless of what happens in Phase 1, Phase 2, Phase 3, at the end of it, this is all going to be combined, and there will -- at least right now, we don't have any information on how much that they said they're going to release in Phase 1.

How much is that actually going to be when they are finished with all of their phases and are up and running, particularly, for instance, how much diesel and gas is stored on-site? How many pollutants are being released to the air?

And so, I'm really -- even before you consider this, you need to ask for, for the citizens, a master plan.

(Time Cutoff)

(b) On August 10, 2026, Tina Oakes submitted written comments to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit:

**Tina Oakes Written Comments**

Dear Mr. Jackson,

This is regarding the above-mentioned air permits for the LEAP data center, specifically the Orla, LCC permit no. T 011-50034-00093 and Life Cycle Power permit no. T 011-50087-00094. I have several concerns and requests to ensure adequate safety and protection of the citizens of Indiana in the area surrounding the data center that could be impacted by the release of harmful substances, including but not limited to gases including greenhouse gases, toxic chemicals, and excessive noise.

1. As both permits are to provide energy to one data center, they should be combined such that the combined amount of harmful substances released is considered in the review (for instance, nitrous oxides, formaldehyde, volatile organic compounds, carbon monoxide, carbon dioxide, methane, etc.).

2. How much fuel will be stored onsite and consumed in phase 1 with the 12 emergency diesel generators and 65 natural gas generators and in the full ~1 GW power generating system? How many more engines will be required and what type of engines? IDEM should require the least polluting, most environmentally friendly engines, and not allow the Meta Data Center to just use the least expensive.

3. The currently proposed engines release much more formaldehyde into the air than some used by other data centers; therefore we request combined health risk modeling for the surrounding areas that could be impacted.

4. Public disclosure and appropriate safety review of the full build out of the full ~1 GW power generating system.

5. Public disclosure of how long the engine will run each day and how many engines.

Thank you,
Concerned Citizen
Tina Oakes

**IDEM Response to Tina Oakes Verbal Testimony and Written Comments**

Please see the following IDEM responses at the beginning of the ATSD under the General Statements and IDEM Responses section:

- IDEM Response to General Statement 1 – Impact to the Environment and Public Health
- IDEM Response to General Statement 2 – Compliance Inspections and Possible Future Violations
- IDEM Response to General Statement 6 – Combined Single Source Evaluation
- IDEM Response to General Statement 7 – Best Available Control Technology (BACT) and PSD (326 IAC 2-2)
- IDEM Response to General Statement 8 – Formaldehyde Potential to Emit, Testing, Limits, and Controls

No changes to the draft permit were made as a result of these comments.

**Megan Anderson Verbal Testimony and Written Comments and IDEM Responses**

(a) On August 6, 2026, during the public hearing, Megan Anderson provided the following verbal testimony to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit:

**Megan Anderson Verbal Testimony**

Hello. This is Megan Anderson. I went to -- I live in Pike Township, and my family lives in Lebanon. I just wanted to say that I am glad that this is being treated as one permitting source implementing new units that are polluting -- a pollution permitting package.

And I do think that poor planning on the part of Meta does not constitute an emergency on the part of the community, and there is no reason the community shoulder this burden of unnecessary pollution when Meta could simply slow down their production schedule or -- as they've said they were ahead and they could get back on the normal track until they have enough electricity. They clearly can't operate if there's not enough electricity, so there's some confusion there.

I also want to have IDEM please detail the adherence to the RICE rules. How, if this is operating over a hundred hours with gas engines, are they adhering to the emergency rules for RICE?

I also wanted to have an explanation of their formaldehyde emission and why they are so high on these units, and if these units are using best available control technology. I also think IDEM needs to detail all of the -- identify the air monitors and demonstrate sufficient monitoring, especially as they're one of many new air polluting sources coming to the lead industrial site.

Again, I just want to point out that, you know, they can't operate their facilities without electricity, and there's no reason that they should be operating now, and so, I encourage you all to deny the permits

Thank you.

(Time Cutoff)

(Testimony during Open Forum)

Hello. This is Megan Anderson again.

I just wanted to put on the record that I did have some issues when I logged in, which I believe I'm using the application on my work laptop. I was not able to be entered into the waiting room, and so, I was not able to get into the speaker form access, and that seems to be a recurring issue just with the way the hearings are conducted on Teams, seeing that you kind of put it on the phone where there's no chat access ahead of the hearing start time.

And so, you know, perhaps IDEM adding more instructions about that or putting the speaker form, you know, I guess with the login. I'm not sure, but there's clearly some issues that are occurring with access, and I wanted to highlight that.

Thank you.

(End of Testimony)

(b) On August 10, 2026, Megan Anderson submitted written comments to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit:

**Megan Anderson Written Comments**

Hello,

- Please detail HAPs for other emissions besides formaldehyde after pollution controls in potential to emit on an annual basis.
- Please enter my comments into public record for Orla, LLC (Meta data center) — Permit #T011-50034-00093 & Life Cycle Power — Permit #T011-50087-00094
- Please detail if IDEM anticipates ground level ozone emissions to increase due to any heat that the gas units may emit.
- Please detail how IDEM is accounting for any air emissions for the transportation or refueling of the gas units, or diesel belly tanks.
- Please detail if the RICE rules apply to the gas engines and if not, why are the gas engines exempted from the rules and will they be able to operate in the future on an emergency basis following 2027 if the current permits are granted.

**Please enter this IndyStar story into the record:**

**Meta data center in Lebanon plans temporary off-grid gas facility**
Indianapolis Star
Karl Schneider
July 16, 2026, 5:36 a.m. ET

Indiana is considering the state's first off-grid power source to provide electricity temporarily to a Meta data center being built in Lebanon. Texas-based Life Cycle Power submitted an air emissions permit to the Indiana Department of Environmental Management in February detailing plans to supply 134 megawatts of power via gas-fired generators to the data facility. The first buildings are expected to be operational by 2027, and generators would need to be in place in advance of that.

Life Cycle Power's facilities are intended to provide bridge power solely to the data center until a permanent connection to the local utility provider is made.

Geoff Bland, senior vice president with LCP, said the gas generators will be operational through the end of 2027 after which they will be demobilized and moved offsite.

"They're not going to be there indefinitely," Bland said.

LCP's permit application requests placing 65 generators on site, but Bland told IndyStar there will likely only be 32 generators because the data center is closer than anticipated to hooking up to the regional power grid. The air permits caught the attention of consumer watchdog group Citizens Action Coalition, which has called for a statewide moratorium on AI data centers until more protective state polices are in place. Currently 19 counties in the state have enacted mostly temporary moratoriums on approving new facilities.

The permits as written concern CAC's Ben Inskeep, who said he's worried about the pollution that could occur at the site.

"Natural gas power plants emit a lot of different air pollutants ... that generate ground-level ozone or smog, and that of course, is very detrimental to public health, particularly folks with respiratory illnesses, things like asthma," Inskeep said.

Bland acknowledged the generators emit pollutants but said the exhaust technology on each unit greatly diminishes what is emitted. The technology works much like a car's catalytic converter, he said, reducing greenhouse gas emissions and other pollutants.

Using natural gas rather than diesel further decreases harmful emissions, Bland said.

Still, Inskeep said there is at least one good indication that people in the surrounding area could see

poorer air quality and increased climate pollution once the generators start running.

"If it wasn't a concern, they wouldn't need to get a permit," Inskeep said.

Meta, which contracted with LCP, complies with all federal, state and local air quality requirements, a spokesperson wrote in an email to IndyStar. These requirements ensure emissions remain lower than state standards set to protect human health.

The two companies worked with IDEM prior to submitting the application to make sure the gas-fired generators remain in compliance with state regulations, the spokesperson wrote. Inskeep noted that Meta seems to favor natural gas over diesel more than do other data center operators such as Google and Amazon, which rely on diesel.

“So far, we have not seen Meta file for hundreds of backup diesel generators, so that’s an interesting nuance,” Inskeep said.

Inskeep and others noted that operations such as this create upward pressure on natural gas markets, causing potential affordability impacts for other customers.

Jeff Rissman and Brendan Pierpont, directors at the non-partisan think tank Energy Innovations, said they're seeing this phenomenon across the country. The two said U.S. data centers frequently build out these off-grid gas operations to power their facilities.

While it seems at first glance that such gas operations would not affect ratepayers, there are indirect price impacts on the natural gas market, Rissman told IndyStar.

Besides affecting market prices, the data center facilities no longer contribute to the regional grid. "That in itself could have worse impacts on utility customers because the utility cannot charge (the data centers) to help maintain grid infrastructure," Rissman said.

LCP system's fuel demand will not affect utility customers, Bland said.

"If anything, natural gas in this country is at a very low cost point," Bland said.

While Bland couldn’t provide an exact timeline of when to expect the generators to be operational in Lebanon, he said the company can likely get the site set up within a month after IDEM approves the permit application.

Karl Schneider is an IndyStar environment reporter. You can reach him at karl.schneider@indystar.com. Follow him on BlueSky or Twitter @karlstartswithkIndyStar's environmental reporting project is made possible through the generous support of the nonprofit Nina Mason Pulliam Charitable Trust

**Thank you**
**Megan Anderson**

**IDEM Response to Megan Anderson Verbal Testimony and Written Comments**

Please see the following IDEM responses at the beginning of the ATSD under the General Statements and IDEM Responses section:

- IDEM Response to General Statement 1 – Impact to the Environment and Public Health
- IDEM Response to General Statement 2 – Compliance Inspections and Possible Future Violations and Permitting
- IDEM Response to General Statement 3 – Quality of Life, Noise, Water Quality, Electrical Demand

- IDEM Response to General Statement 4 – Denial of the Permit

  In regards to the comments regarding the technical issues to participate in the virtual public hearing, IDEM OAQ is aware of these issues and is actively working on improving the technology related to these virtual hearings.

No changes to the draft permit were made as a result of these comments.

**Sam Carpenter (on behalf of Hoosier Environmental Council) Comments and IDEM Responses**

On August 6, 2026, Sam Carpenter (on behalf of Hoosier Environmental Council) submitted comments to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit:

**Sam Carpenter & Hoosier Environmental Council Comments**
See Appendix E to see the entirety of comment.

Below are the questions posed in the comments.

HEC requests that IDEM, before finalizing either permit:

(1) Require that both permits be amended in tandem whenever a change to either facility affects the combined source's potential to emit, that recordkeeping and reporting under both permits be reconciled on a common schedule, and that future permit modification proceedings for either facility provide notice referencing both permit numbers (see Comment 1, below).

(2) Require the applicant to disclose its actual anticipated startup, shutdown, and load-following dispatch pattern for the 65-engine fleet, and either limit the number of startup and shutdown events per engine consistent with the assumptions used to calculate potential to emit, or require short-term ambient air quality modeling based on a realistic cycling operating scenario (see Comment 2, below).

(3) Require a fleet-wide testing and monitoring protocol for the 65 Life Cycle Power generators adequate to assure continuous compliance, in place of the proposed protocol of testing ten of sixty five units, repeated once every five years (see Comment 3, below).

(4) Require ambient air toxics modeling for hazardous air pollutants, particularly formaldehyde, and require the permit to clearly and specifically state the applicable NESHAP-based hazardous air pollutant limits and work-practice standards (see Comment 4, below).

(5) Require the applicant to document, in the public record, the factual and legal basis for classifying the combined facility outside the twenty-eight source categories subject to the lower, 100 ton-per year Prevention of Significant Deterioration major source threshold, including the facility's total heat input in British thermal units per hour (see Comment 5, below).

(6) Require Orla to state, on the record, the specific circumstances under which its diesel generators are expected to operate, consistent with IDEM's obligation to provide the legal and factual basis for applying the emergency-generator provisions (see Comment 6, below).

(7) Require IDEM and the applicants to disclose the factual basis for the 500-hour annual operating assumption used to calculate the Orla emergency generators' potential to emit, and to explain the degradation, startup, loading, and operational assumptions underlying the 25.4-ton NOx and 17.2- ton CO limits (see Comment 7, below).

(8) Require Orla to finalize its emergency generator equipment selection before permit issuance, rather than presenting two parallel, undecided equipment options (see Comment 8, below).

(9) Require the applicant to disclose its anticipated engine cycling pattern and require short-term ambient air quality analysis capable of capturing its localized impacts (see Comment 9, below).

(10) Require the applicant to disclose what assumptions regarding expected emergency-generator operating hours were used in evaluating the facility's operating profile, and what reliability or failure-mode analysis has been performed for its anticipated duty cycle (see Comment 10, below).

**IDEM Response to Sam Carpenter & Hoosier Environmental Council Comments**

Please see the following IDEM responses at the beginning of the ATSD under the General Statements and IDEM Responses section:

- IDEM Response to General Statement 1 – Impact to the Environment and Public Health
- IDEM Response to General Statement 2 – Compliance Inspections and Possible Future Violations and Permitting
- IDEM Response to General Statement 5 – Bridge Power
- IDEM Response to General Statement 7 – Best Available Control Technology (BACT) and PSD (326 IAC 2-2)
- IDEM Response to General Statement 8 – Formaldehyde Potential to Emit, Testing, Limits, and Controls

Response to Comment 1:

Any changes to either permit will be evaluated on a case-by-case basis to determine changes needed to either or both permits. With the current limits that have been established in the permit, the only changes that would trigger the source to become PSD Major is a Significant Source Modification. During this change, IDEM OAQ would reopen and reevaluate both permits.

Response to Comment 2:

The PTE for the 65 engines anticipates startup, shutdown, and load-following dispatch patterns. Additionally, under NESHAP Subpart ZZZZ, these units are required to undergo continuous compliance, are required to minimize the number of startup and shutdown events and limit the idle time during start up to less than 30 minutes. The source still must comply with any other applicable limits during these startup and shutdown events.

Response to Comment 3:

These engines are similar and they should be operating in the same capacity, so additional testing of a larger sample size would not be necessary. Additionally, all generators operated by Life Cycle Power are subject to NESHAP Subpart ZZZZ, which requires the source to conduct semiannual tests on all engines.

Response to Comment 4:

Modeling and tonnage limits are not required for Formaldehyde. The source has accepted all limits and applicable requirements to be a major source of HAPs. All applicable NESHAP requirements for the engines are found in Section E.2 in both Orla, LLC and Life Cycle Power permits. See General Statement 8 - Formaldehyde Potential to Emit, Testing, Limits, and Controls for further information.

Response to Comment 5:

There is no unit at the facility that causes the source to be applicable to the PSD requirements found in the one of twenty-eight sources. The boilers have a MMBtu/hr of 10.80.

The EPA considers steam electric plants to use nuclear or fossil fuels (such as coal, oil and natural gas) to heat water in boilers, which generate steam. The steam is used to drive turbines connected to electric generators. The generators that are utilized by Life Cycle Power are not electric generators that utilize steam to drive turbines, as there are no turbines located at the source. Based on this definition, this source is not classified as a fossil fuel-fired steam electric plant.

Response to Comment 6:

In the initial application, Orla stated that the emergency generators will be used to "provide backup power to safety equipment and administrative office spaces during utility outages" and the fire pumps will be used to "provide power to pump water for fire suppression in the event of a fire". The uses of these generators and fire pumps are sufficient to be considered emergency equipment.

Orla, LLC does not have to justify what qualifies as an emergency to use the generators. NSPS Subpart IIII outlines what qualifies as an emergency. The source will abide by the provisions it is subject to in NSPS Subpart IIII.

Response to Comment 7:

500 hours of operation is used to calculate the potential to emit for all emergency engines. This is based on EPA guidance for units used for emergency purposes. The source requested these limits since these generators will not be used for the entire 500 hours. The source has stated that these units would be used to provide backup power, they will not be used to power the entirety of the data center during utility outages. The source cannot provide an estimate on the "anticipated frequency and duration of use" aside from routine maintenance and testing.

NSPS Subpart IIII (40 CFR 60, Subpart IIII) establishes New Source Performance Standards (NSPS) for stationary compression ignition (CI) internal combustion engines (i.e., diesel engines). This rule is used for engines to show initial and ongoing compliance. This is a common rule used for all engines of this type.

See General Statement 7 and 8 for more information.

Response to Comment 8:

IDEM, OAQ received comments from Orla, LLC requesting to remove the Cummins emergency generators from the draft permit. The aspects of the Caterpillar emergency generators will remain unchanged. The changes to the permit can be found in the Orla LLC responses and comments section.

Response to Comment 9:

The source is not required to conduct a short-term ambient air quality analysis. There are no applicable state or federal rules that require ambient dispersion modeling, air toxics screening, or cumulative impact analysis of the HAP emissions (e.g., Formaldehyde) from this source. The engine cycling for the bridge power is minimized by NESHAP Subpart ZZZZ which requires the source to minimize the startup/shutdown of the generators and limit the idle run time during startup. This sort of limit would not allow the source to engine cycle.

Response to Comment 10:

See Response to Comment 7.

No changes to the draft permit were made as a result of these comments.

**Liz Graybiel Comments and IDEM Responses**

On August 9, 2026, Liz Graybiel submitted comments to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit:

**Liz Graybiel Comments**

Regarding IDEM permit
.
Please deny the air permit. I live in Lebanon and I don't want the air quality to get worse.

My concerns the on-site gas engines. Fuel math suggests ~500,000 metric tons $CO_2$/yr at permit maximum-potential hours. It's my under That these figures are just for phase 1.

Phase 1 includes plans for 77 combustion engines.

Why two permits vs. one cumulative review?

Bridge power: How long will 65 engines run? Why 8,760 hr/yr in Appendix A with no hour caps?

Formaldehyde: 112 tpy — request combined health risk modeling. More details are needed as this is a known health risk factor.

**IDEM Response to Liz Graybiel Comments**

Please see the following IDEM responses at the beginning of the ATSD under the General Statements and IDEM Responses section:

- IDEM Response to General Statement 1 – Impact to the Environment and Public Health
- IDEM Response to General Statement 2 – Compliance Inspections and Possible Future Violations and Permitting
- IDEM Response to General Statement 3 – Quality of Life, Noise, Water Quality, Electrical Demand
- IDEM Response to General Statement 4 – Denial of the Permit
- IDEM Response to General Statement 5 – Bridge Power
- IDEM Response to General Statement 6 – Combined Single Source Evaluation
- IDEM Response to General Statement 7 – Best Available Control Technology (BACT) and PSD (326 IAC 2-2)
- IDEM Response to General Statement 8 – Formaldehyde Potential to Emit, Testing, Limits, and Controls

No changes to the draft permit were made as a result of these comments.

**Sean Strawmyer Comments and IDEM Responses**

On August 9, 2026, Sean Strawmyer submitted comments to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit:

**Sean Strawmyer Comments**

Mr. Jackson,

I am writing to speak out unquestionably against approval of the large number of generators Meta is wanting to use at its data center site in Lebanon, IN. I am concerned about the environmental impacts of this project at a whole, having seen the effects similar projects have had in over communities. I grew up in this area and have lived here my entire life save the years away for college and grad school. My current residence is about 3.5 miles from the Meta site. If we do not have clean air and water, the community is lost: just another tale of undrinkable water, unbreathable air, and cancer at rates far beyond national averages.

I find the idea that no studies are required to get baselines for air and water quality before any actions are taken to be ridiculous. If they are ultimately going to be ramping this up in stages, then the entire project should be considered when determining what studies are needed, instead of allowing them to keep each individual phase below thresholds to sneak through unchecked. Its just a game of technicalities, and an insulting one to the members of this community. Representatives for these companies like to talk about how great these projects (that no one asked for) are going to be for the community and how minimal their impact will be on utility rates, light and noise levels, and air and water quality. Then I say let them prove it. If these projects are going to continue to be forced upon us, let them pay for all of the proper baselines studies to see where we are starting now. Our electric rates have already increased. It is already never truly dark at our place, anymore, due to all of this industrial development: at least allow us to continue breathing clean air. Please do what is right for the people of this community when making your decisions.

Best regards,
Sean Strawmyer

**IDEM Response to Sean Strawmyer Comments**

Please see the following IDEM responses at the beginning of the ATSD under the General Statements and IDEM Responses section:

- IDEM Response to General Statement 1 – Impact to the Environment and Public Health
- IDEM Response to General Statement 2 – Compliance Inspections and Possible Future Violations and Permitting
- IDEM Response to General Statement 3 – Quality of Life, Noise, Water Quality, Electrical Demand
- IDEM Response to General Statement 4 – Denial of the Permit

No changes to the draft permit were made as a result of these comments.

**Sean Crinnigan Comments and IDEM Responses**

On August 10, 2026, Sean Crinnigan submitted comments to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit:

**Sean Crinnigan Comments**

Greetings:

As a resident of the state of Indiana, I respectfully request both Orla LLC Data Center Permit Number 011-50034-00093 and Life Cycle Power Permit Number 011-50087-00094 NOT be approved due to concerns for air quality and health of Indiana residents.

Thank you.

Sean Crinnigan

**IDEM Response to Sean Crinnigan Comments**

Please see the following IDEM responses at the beginning of the ATSD under the General Statements and IDEM Responses section:

- IDEM Response to General Statement 1 – Impact to the Environment and Public Health
- IDEM Response to General Statement 4 – Denial of the Permit

No changes to the draft permit were made as a result of these comments.

**Jane Rapinchuk Comments and IDEM Responses**

On August 10, 2026, Jane Rapinchuk submitted comments to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit:

**Jane Rapinchuk Comments**

Dear Sir,

I am writing to comment on permits T011-50034-00093 and T0-50087-00094 for the Orla/ Life Cycle Power facilities in Lebanon, Boone county. Please enter them into the public record.

I am very concerned about the plan to use gas and diesel generators to power the Meta Data Center, either partially or fully. As a physician, I am always concerned about air quality. The air in Boone County is rarely in the healthy range as it is (usually between 50-70), with our reliance on coal for power, and these permits threaten to make our air quality significantly worse. This causes increased morbidity and mortality for Boone County residents. The research is clear. Increased air pollution causes increased sickness and death, and earlier death for our population. I encourage you to look at the American Lung Association data regarding this.

Additionally, I suffer from asthma, and I expect that increased air pollution will worsen my asthma and those in the county around me, especially vulnerable children and seniors.

Climate change is accelerating, and with increased heating the effects on the toxicity of pollutants goes up substantially. We already have too many days when it is dangerous to go outside for sensitive groups, and we should be working to improve our air quality, not degrade it further. Your job should be to protect our citizens, not make it easy for large companies to make more money at the expense of citizens' health. Please say no to further air pollution and ask Meta to find other clean ways to provide energy for their Data Center needs.

Thank you.

Jane Rapinchuk, MD

**IDEM Response to Jane Rapinchuk Comments**

Please see the following IDEM responses at the beginning of the ATSD under the General Statements and IDEM Responses section:

- IDEM Response to General Statement 1 – Impact to the Environment and Public Health
- IDEM Response to General Statement 3 – Quality of Life, Noise, Water Quality, Electrical Demand

No changes to the draft permit were made as a result of these comments.

**Orla LLC Comments and IDEM Responses**

On August 12, 2026, the source submitted comments to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit:

**Orla, LLC Comments**

The source has requested that the Option 2 emergency generators be removed from the draft permit, as agreed when the application was initially provided.

**IDEM Response to Orla, LLC Comments**

IDEM, OAQ has agreed to the above changes. Revisions to the permit as described below, with deleted language as ~~strikeouts~~ and new language **bolded.**

A.3 Emission Units and Pollution Control Equipment Summary
[326 IAC 2-7-4(c)(3)][326 IAC 2-7-5(14)]

This stationary source consists of the following emission units and pollution control devices:

~~*Option 1: Caterpillar C175-16 Diesel Generator*~~

(a) Twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, approved in 2026 for construction, each with a rated maximum capacity of 4,376 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency generators are affected sources. Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency generators are affected sources.

~~*Option 2: Cummins C3000 D6e Diesel Generator*~~

~~(a) Twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, approved in 2026 for construction, each with a rated maximum capacity of 4,352 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.~~

~~Under NSPS 40 CFR 60, Subpart IIII, these emergency generators are affected sources. Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency generators are affected sources.~~

...

**SECTION D.1 EMISSIONS UNIT OPERATION CONDITIONS**

**Emissions Unit Description:**

~~*Option 1: Caterpillar C175-16 Diesel Generator*~~

(a) Twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, approved in 2026 for construction, each with a rated maximum capacity of 4,376 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency generators are affected sources.
Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency generators are affected sources.

~~*Option 2: Cummins C3000 D6e Diesel Generator*~~

~~(a) Twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, approved in 2026 for construction, each with a rated maximum capacity of 4,352 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.~~

~~Under NSPS 40 CFR 60, Subpart IIII, these emergency generators are affected sources.~~
~~Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency generators are affected sources.~~

(The information describing the process contained in this emissions unit description box is descriptive information and does not constitute enforceable conditions.)

....

**SECTION E.1 NSPS**

**Emissions Unit Description:**

~~*Option 1: Caterpillar C175-16 Diesel Generator*~~

(a) Twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, approved in 2026 for construction, each with a rated maximum capacity of 4,376 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency generators are affected sources because these units are stationary compression ignition internal combustion engines, have a displacement of less than 10 liters per cylinder, and were manufactured after April 1, 2006.

Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency generators are affected sources because these units are stationary internal combustion engines, have a displacement of less than 10 liters per cylinder, and were manufactured after June 12, 2006.

~~*Option 2: Cummins C3000 D6e Diesel Generator*~~

~~(a) Twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, approved in 2026 for construction, each with a rated maximum capacity of 4,352 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.~~

~~Under NSPS 40 CFR 60, Subpart IIII, these emergency generators are affected sources because these units are stationary compression ignition internal combustion engines, have a displacement of less than 10 liters per cylinder, and were manufactured after April 1, 2006.~~

~~Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency generators are affected sources because these units are stationary internal combustion engines, have a displacement of less than 10 liters per cylinder, and were manufactured after June 12, 2006.~~

(The information describing the process contained in this emissions unit description box is descriptive information and does not constitute enforceable conditions.)

...

**SECTION E.2 NESHAP**

**Emissions Unit Description:**

~~*Option 1: Caterpillar C175-16 Diesel Generator*~~

(a) Twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, approved in 2026 for construction, each with a rated maximum capacity of 4,376 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency generators are affected sources because these units are stationary compression ignition internal combustion engines, have a displacement of less than 10 liters per cylinder, and were manufactured after April 1, 2006.

Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency generators are affected sources because these units are stationary internal combustion engines, have a displacement of less than 10 liters per cylinder, and were manufactured after June 12, 2006.

~~*Option 2: Cummins C3000 D6e Diesel Generator*~~

~~(a) Twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, approved in 2026 for construction, each with a rated maximum capacity of 4,352 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.~~

~~Under NSPS 40 CFR 60, Subpart IIII, these emergency generators are affected sources because these units are stationary compression ignition internal combustion engines, have a displacement of less than 10 liters per cylinder, and were manufactured after April 1, 2006.~~

~~Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency generators are affected sources because these units are stationary internal combustion engines, have a displacement of less than 10 liters per cylinder, and were manufactured after June 12, 2006.~~

(The information describing the process contained in this emissions unit description box is descriptive information and does not constitute enforceable conditions.)

**Additional Changes**

IDEM, OAQ has decided to make additional revisions to the permit as described below, with deleted language as ~~strikeouts~~ and new language **bolded**.

(1) Removed language from Condition D.1.3 and D.1.4 that is not needed in the permit.

(2) Clarified language in Condition D.1.5

(3) Removed section of a provision from Condition E.1.2 that is not applicable.

(4) Added section of a provision to Condition E.2.2 that is applicable to the fire pumps.

**Compliance Determination Requirements [326 IAC 2-7-5(1)]**

D.1.3 NOx Compliance Determination

In order to determine compliance with Condition D.1.1(a), NOx emissions from EG-1 through EG-12, shall be calculated using the following equation:

NOx emissions in tons/month = $\sum_{n=1}^{12} \frac{kw-hr}{month} * (5.64 * 10^{-6} \frac{tons}{kw-hr})$

Where:

i = Each individual emergency generator (EG-1 through EG-12)
kw-hr/month = total kw hours per each month
~~5.64 * 10-6 is obtained by converting the NOx emission factor of 5.12 grams/kW-hr based on NSPS 40 CFR 60, Subpart IIII, § 60.4202(b), 40 CFR 1039, Appendix I, Table 2 into tons/kw-hr.~~

D.1.4 CO Compliance Determination

In order to determine compliance with Condition D.1.1(b), CO emissions from EG-1 through EG-12, shall be calculated using the following equation:

CO emissions in tons/month = $\sum_{n=1}^{12} \frac{kw-hr}{month} * (3.86 * 10^{-6} \frac{tons}{kw-hr})$

Where:

i = Each individual emergency generator (EG-1 through EG-12)
kw-hr/month = total kw hours per each month
~~3.86 * 10-6 is obtained by converting the CO emission factor of 3.5 grams/kW-hr based on NSPS 40 CFR 60, Subpart IIII, § 60.4202(b), 40 CFR 1039, Appendix I, Table 2 into tons/kw-hr~~

**Record Keeping and Reporting Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-19]**

D.1.5 Record Keeping Requirement

(a) To document the compliance status with Conditions D.1.1(a), D.1.1(b), D.1.3, and D.1.4, the Permittee shall maintain ~~records monthly~~ **monthly records of the total kw/hr produced by the emergency generators** ~~and shall be complete and sufficient to establish compliance~~.

(b) NOx emissions, and calculations performed using the equation found in Condition D.1.3, for each month and each compliance period.

(c) CO emissions, and calculations performed using the equation found in Condition D.1.4 for each month and each compliance period.

(d) Section C - General Record Keeping Requirements contains the Permittee's obligations with regard to the records required by this condition.

...

E.1.2 Stationary Compression Ignition Internal Combustion Engines NSPS [40 CFR Part 60, Subpart IIII]

The Permittee shall comply with the following provisions of 40 CFR Part 60, Subpart IIII (included as Attachment A to the operating permit), which are incorporated by reference as 326 IAC 12, for the emission units listed above:

| | |
|---|---|
| 60.4200 (a)(2)(i), (a)(2)(ii), **and** (a)(4)~~, and (c)~~ | Am I subject to this subpart? |
| 60.4205 (b) and (c) | What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine? |
| 60.4206 | How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine? |
| 60.4207 (b) | What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart? |
| 60.4208 | What is the deadline for importing or installing stationary CI ICE produced in previous model years? |
| 60.4209 (a) | What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine? |
| 60.4211 (a), (c), (f) | What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine? |
| 60.4214 (b) and (d) | What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine? |
| 60.4218 | What General Provisions and confidential information provisions apply to me? |
| 60.4219 | What definitions apply to this subpart? |
| Tables to Subpart IIII of Part 60 | |
| Table 3 | Certification Requirements for Stationary Fire Pump Engines |
| Table 4 | Emission Standards for Stationary Fire Pump Engines |
| Table 5 | Labeling and Recordkeeping Requirements for New Stationary Emergency Engines |
| Table 8 | Applicability of General Provisions to Subpart IIII |

...

E.2.2 Stationary Reciprocating Internal Combustion Engines NESHAP [40 CFR Part 63, Subpart ZZZZ]

(a) The Permittee shall comply with the following provisions of 40 CFR Part 63, Subpart ZZZZ (included as Attachment B to the operating permit), which are incorporated by reference as 326 IAC 20-82, for the emission units listed above.

| | |
|---|---|
| 63.6585(a) and (b) | Am I subject to this subpart? |
| 63.6590(a)(2)**,** ~~and~~ (b)**, and (c)** | What parts of my plant does this subpart cover? |

| | |
|---|---|
| 63.6660 | In what form and how long must I keep my records? |
| 63.6665 | What parts of the General Provisions apply to me? |
| 63.6670 | Who implements and enforces this subpart? |
| 63.6675 | What definitions apply to this subpart? |

**IDEM Contact**

(a) If you have any questions regarding this permit, please contact Phillip Jackson, Indiana Department Environmental Management, Office of Air Quality, Permits Branch, Indiana Government Center North, 100 North Senate Avenue, Room 13W, Indianapolis, Indiana 46204-2251, or by telephone at (317) 234-0055 or (800) 451-6027, and ask for Phillip Jackson or (317) 234-0055.

(b) A copy of the findings is available on the Internet at: http://www.in.gov/ai/appfiles/idem-caats/

(c) For additional information about air permits and how the public and interested parties can participate, refer to the IDEM Air Permits page on the Internet at: https://www.in.gov/idem/airpermit/public-participation/; and the Citizens' Guide to IDEM on the Internet at: https://www.in.gov/idem/about/citizens-guide-to-idem.

**Appendix A: Emissions Calculations**
**Emissions Summary**

**Source Name:** Orla, LLC
**Source Location:** 3062 West SR 32, Lebanon, IN 46052
**Part 70 Operating Permit No.:** T011-50034-00093
**Permit Reviewer:** Phillip Jackson

| Uncontrolled Potential Emissions (tons/year) | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| **Emission Unit** | **PM** | **$PM_{10}$** | **$PM_{2.5}$ *** | **$SO_2$** | **NOx** | **VOC** | **CO** | **Single HAP **** | | **Total HAPs **** |
| Orla, LLC | 4.35 | 5.51 | 5.36 | 0.39 | 111.09 | 27.79 | 76.18 | 0.07 | Benzene | 0.15 |
| Life Cycle Power | 0.84 | 47.54 | 47.54 | 2.80 | 1739.86 | 1215.68 | 3474.90 | 248.91 | Formaldehyde | 337.80 |
| **Total Emissions Excluding Fugitives** | **5.19** | **53.05** | **52.90** | **3.19** | **1,850.95** | **1,243.47** | **3,551.08** | **248.91** | **Formaldehyde** | **337.95** |
| ***Fugitive Emissions*** | | | | | | | | | | |
| *Paved Roads* | 0.16 | 0.03 | 0.01 | - | - | - | - | - | | - |
| ***Total Including Fugitives*** | **5.35** | **53.08** | **52.90** | **3.19** | **1,850.95** | **1,243.47** | **3,551.08** | **248.91** | **Formaldehyde** | **337.95** |

** PM2.5 listed is direct PM2.5*
***Fugitve HAP emissions are always included in the source-wide emissions*

| Limited Potential Emissions (tons/year) | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| **Emission Unit** | **PM** | **$PM_{10}$** | **$PM_{2.5}$ *** | **$SO_2$** | **NOx** | **VOC** | **CO** | **Single HAP **** | | **Total HAPs **** |
| Orla, LLC | 4.35 | 5.51 | 5.36 | 0.39 | 25.99 | 27.79 | 17.84 | 7.20E-02 | Benzene | 0.15 |
| Life Cycle Power | 0.84 | 47.54 | 47.54 | 2.80 | 126.68 | 156.75 | 161.53 | 111.95 | Formaldehyde | 136.06 |
| **Total Emissions Excluding Fugitives** | **5.19** | **53.05** | **52.90** | **3.19** | **152.67** | **184.54** | **179.37** | **111.95** | **Formaldehyde** | **136.21** |
| ***Fugitive Emissions*** | | | | | | | | | | |
| *Paved Roads* | 0.16 | 0.03 | 0.01 | - | - | - | - | - | | - |
| ***Total Including Fugitives*** | **5.35** | **53.08** | **52.90** | **3.19** | **152.67** | **184.54** | **179.37** | **111.95** | **Formaldehyde** | **136.21** |

** PM2.5 listed is direct PM2.5*
***Fugitve HAP emissions are always included in the source-wide emissions*
Shaded cells represent limited emissions.

**Appendix A: Emissions Calculations**
**Emissions Summary**

**Source Name: Orla, LLC**
**Source Location: 3062 West SR 32, Lebanon, IN 46052**
**Part 70 Operating Permit No.: T011-50034-00093**
**Permit Reviewer: Phillip Jackson**

**Uncontrolled Potential Emissions (tons/year)**

| Emission Unit | PM | $PM_{10}$ | $PM_{2.5}$ * | $SO_2$ | NOx | VOC | CO | Single HAP ** | | Total HAPs ** |
|---|---|---|---|---|---|---|---|---|---|---|
| Twelve (12) C175 Emergency Generators | 4.32 | 5.27 | 5.11 | 0.16 | 110.50 | 27.63 | 75.54 | 7.13E-02 | Benzene | 1.45E-01 |
| Emergency Fire Pumps | 0.04 | 0.25 | 0.25 | 0.23 | 0.59 | 0.15 | 0.64 | 7.31E-04 | Benzene | 3.04E-03 |
| Diesel Belly Tanks | - | - | - | - | - | 2.01E-02 | - | - | | - |
| **Total Emissions Excluding Fugitives** | **4.35** | **5.51** | **5.36** | **0.39** | **111.09** | **27.79** | **76.18** | **0.07** | **Benzene** | **0.15** |
| ***Fugitive Emissions*** | | | | | | | | | | |
| *Paved Roads* | 0.16 | 0.03 | 0.01 | - | - | - | - | - | | - |
| ***Total Including Fugitives*** | 4.51 | 5.54 | 5.36 | 0.39 | 111.09 | 27.79 | 76.18 | 0.07 | Benzene | 0.15 |

** PM2.5 listed is direct PM2.5*
***Fugitve HAP emissions are always included in the source-wide emissions*

**Limited Potential Emissions (tons/year)**

| Emission Unit | PM | $PM_{10}$ | $PM_{2.5}$ * | $SO_2$ | NOx | VOC | CO | Single HAP ** | | Total HAPs ** |
|---|---|---|---|---|---|---|---|---|---|---|
| Twelve (12) C175 Emergency Generators | 4.32 | 5.27 | 5.11 | 0.16 | 25.40 | 27.63 | 17.20 | 7.13E-02 | Benzene | 1.45E-01 |
| Emergency Fire Pumps | 0.04 | 0.25 | 0.25 | 0.23 | 0.59 | 0.15 | 0.64 | 7.31E-04 | Benzene | 3.04E-03 |
| Diesel Belly Tanks | - | - | - | - | - | 0.02 | - | --- | | - |
| **Total Emissions Excluding Fugitives** | **4.35** | **5.51** | **5.36** | **0.39** | **25.99** | **27.79** | **17.84** | **0.07** | **Benzene** | **0.15** |
| ***Fugitive Emissions*** | | | | | | | | | | |
| *Paved Roads* | 0.16 | 0.03 | 0.01 | - | - | - | - | - | | - |
| ***Total Including Fugitives*** | 4.51 | 5.54 | 5.36 | 0.39 | 25.99 | 27.79 | 17.84 | 0.07 | Benzene | 0.15 |

** PM2.5 listed is direct PM2.5*
***Fugitve HAP emissions are always included in the source-wide emissions*
Shaded cells represent limited emissions.

**Appendix A: Emission Calculations**
**Reciprocating Internal Combustion Engines - Diesel Fuel**
**Output Rating (>600 HP)**
**Maximum Input Rate (>4.2 MMBtu/hr)**

**Source Name: Orla, LLC**
**Source Location: 3062 West SR 32, Lebanon, IN 46052**
**Part 70 Operating Permit No.: T011-50034-00093**
**Permit Reviewer: Phillip Jackson**

The engine has been certified to comply with the emission standards in 40 CFR 60, Subpart IIII, New Source Performance Standards (NSPS) for Stationary Compression Ignition Internal Combustion Engines. Therefore, the NSPS Subpart IIII emission standards for PM, NOx, VOC, and CO are used as the emission factors to determine the potential to emit (PTE).

**Emissions calculated based on output rating (hp)**

| | | | |
|---|---|---|---|
| | | NSPS Subpart IIII Emission Standards based on a: | |
| Engine Output Horsepower Rating (bhp) | 4376.0 | 2026 | model year emergency engine |
| Engine Output Kilowatt Rating (kw) | 3263.2 | | |
| Maximum Hours Operated per Year | 500 | (emergency generator or fire pump) | |
| Potential Throughput (hp-hr/yr) | 2,188,000 | | |
| Potential Throughput (kw-hr/yr) | 1,631,592 | | |
| Sulfur Content (S) of Fuel (% by weight) | 0.0015 | (ultra low sulfur diesel with sulfur content of 15 ppm pursuant to 40 CFR 60.4207(b)) | |

| | Pollutant | | | | | | |
|---|---|---|---|---|---|---|---|
| | PM | PM10* | direct PM2.5* | SO2 *(.00809S)* | NOx[1] | VOC[1] | CO |
| AP-42 Emission Factor in lb/hp-hr | | 4.01E-04 | 3.89E-04 | 1.21E-05 | | | |
| 40 CFR 60 (NSPS), Subpart IIII, Emission Standard (g/kw-hr) | 0.20 | | | | 5.12 | 1.28 | 3.5 |
| **Potential Emissions ton/kw-hr** | | | | | 5.64E-06 | | 3.86E-06 |
| Based on AP-42 lb/hr Emission Factor | | 0.44 | 0.43 | 0.01 | | | |
| Based on g/kw-hr Emission Factor | 0.36 | | | | 9.21 | 2.30 | 6.29 |
| **Potential Emission in tons/yr** | **0.36** | **0.44** | **0.43** | **0.01** | **9.21** | **2.30** | **6.29** |
| **Potential Emission in tons/yr for twelve (12) emergency generators** | **4.32** | **5.27** | **5.11** | **0.16** | **110.50** | **27.63** | **75.54** |

*The PM10 and PM2.5 emission factors for are from AP-42 Table 3.4-2. The PM10 emission factor is the sum of filterable PM10 and condensable particulate. The PM2.5 emission factor is the sum of filterable particulate less than 3 um and condensable particulate. Emission factors in lb/hp-hr were calculated using the emission factor in lb/MMBtu and a brake specific fuel consumption of 7,000 Btu / hp-hr (AP-42 Tables 3.3-1 and 3.4-1).
Note 1: For engines that have a combined NOx + NMHC emission standard under NSPS Subpart IIII, the individual NOx and VOC emission standards were estimated from the combined NOx + NMHC emission standard assuming 80% NOx and 20% VOC (NMHC) based on the equation provided in 40 CFR 1039.740(c).
PM, Nox, VOC, and CO emission factors obtianed from 40 CFR 1039 Appendix I Table 2

**Hazardous Air Pollutants (HAPs)**

| | Pollutant | | | | | | |
|---|---|---|---|---|---|---|---|
| | Benzene | Toluene | Xylene | Formaldehyde | Acetaldehyde | Acrolein | Total PAH HAPs** |
| Emission Factor in lb/hp-hr*** | 5.43E-06 | 1.97E-06 | 1.35E-06 | 5.52E-07 | 1.76E-07 | 5.52E-08 | 1.48E-06 |
| Potential Emission in tons/yr | 5.94E-03 | 2.15E-03 | 1.48E-03 | 6.04E-04 | 1.93E-04 | 6.03E-05 | 1.62E-03 |

**PAH = Polyaromatic Hydrocarbon (PAHs are considered HAPs, since they are considered Polycyclic Organic Matter)
***Emission factors in lb/hp-hr were calculated using emission factors in lb/MMBtu and a brake specific fuel consumption of 7,000 Btu / hp-hr (AP-42 Tables 3.3-1 and 3.4-1).

| | |
|---|---|
| **Potential Emission of Total HAPs (tons/yr)** | **1.21E-02** |
| **Potential Emission of Total HAPs (tons/yr) for twelve (12) emergency generators** | **1.45E-01** |

**Methodology**
Emission Factors are from AP 42 (Supplement B 10/96) Tables 3.4-1 , 3.4-2, 3.4-3, and 3.4-4.
Output Kilowatt Rating (kw) = Output Horsepower Rating (hp) * (0.7457 kw/hp)
Potential Throughput (hp-hr/yr) = [Output Horsepower Rating (hp)] * [Maximum Hours Operated per Year]
Potential Throughput (kw-hr/yr) = [Output Kilowatt Rating (kw)] * [Maximum Hours Operated per Year]
Potential Emission (tons/yr) = [Potential Throughput (hp-hr/yr)] * [Emission Factor (lb/hp-hr)] * [ton/2,000 lbs]
Potential Emission (tons/yr) = [Potential Throughput (kw-hr/yr)] * [Emission Factor (g/kw-hr)] * [lb / 453.592 g] * [ton/2,000 lbs]

**Appendix A: Emission Calculations**
**Reciprocating Internal Combustion Engines - Diesel Fuel**
**Output Rating (<=600 HP)**
**Maximum Input Rate (<=4.2 MMBtu/hr)**

**Source Name:** Orla, LLC
**Source Location:** 3062 West SR 32, Lebanon, IN 46052
**Part 70 Operating Permit No.:** T011-50034-00093
**Permit Reviewer:** Phillip Jackson

The engine has been certified to comply with the emission standards in 40 CFR 60, Subpart IIII, New Source Performance Standards (NSPS) for Stationary Compression Ignition Internal Combustion Engines. Therefore, the NSPS Subpart IIII emission standards for PM, NOx, VOC, and CO are used as the emission factors to determine the potential to emit (PTE).

**Emissions calculated based on output rating (hp)**

| | | | |
|---|---|---|---|
| | | NSPS Subpart IIII Emission Standards based on a: | |
| Output Horsepower Rating (hp) | 224.0 | 2026 | model year emergency engine |
| Output Kilowatt Rating (kw) | 167.0 | | |
| Maximum Hours Operated per Year | 500 | (emergency generator or fire pump) | |
| Potential Throughput (hp-hr/yr) | 112,000 | | |
| Potential Throughput (kw-hr/yr) | 83,518 | | |
| Sulfur Content (S) of Fuel (% by weight) | 0.0015 | (ultra low sulfur diesel with sulfur content of 15 ppm pursuant to 40 CFR 60.4207(b)) | |

| | Pollutant | | | | | | |
|---|---|---|---|---|---|---|---|
| | PM | PM10* | direct PM2.5* | SO2 | NOx[1] | VOC[1] | CO |
| AP-42 Emission Factor in lb/hp-hr | | 0.0022 | 0.0022 | 0.00205 | | | |
| 40 CFR 60 (NSPS), Subpart IIII, Emission Standard (g/kw-hr) | 0.20 | | | | 3.20 | 0.80 | 3.5 |
| Based on AP-42 lb/hr Emission Factor | | 0.12 | 0.12 | 0.11 | | | |
| Based on g/kw-hr Emission Factor | 0.02 | | | | 0.29 | 0.07 | 0.32 |
| **Potential Emission in tons/yr** | **0.02** | **0.12** | **0.12** | **0.11** | **0.29** | **0.07** | **0.32** |
| **Potential Emission in tons/yr for two (2) emergency fire pumps** | **0.04** | **0.25** | **0.25** | **0.23** | **0.59** | **0.15** | **0.64** |

*PM2.5 emission factors are assumed to be equivalent to PM10 emission factors. No information was given regarding which method was used to determine the factor or the fraction of PM10 which is condensable.
Note 1: For engines that have a combined NOx + NMHC emission standard under NSPS Subpart IIII, the individual NOx and VOC emission standards were estimated from the combined NOx + NMHC emission standard assuming 80% NOx and 20% VOC (NMHC) based on the equation provided in 40 CFR 1039.740(c).
PM, Nox, VOC, and CO emission factors obtianed from NSPS Subpart IIII Table 4

**Hazardous Air Pollutants (HAPs)**

| | Pollutant | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Benzene | Toluene | Xylene | 1,3-Butadiene | Formaldehyde | Acetaldehyde | Acrolein | Total PAH HAPs** |
| Emission Factor in lb/hp-hr*** | 6.53E-06 | 2.86E-06 | 2.00E-06 | 2.74E-07 | 8.26E-06 | 5.37E-06 | 6.48E-07 | 1.18E-06 |
| Potential Emission in tons/yr | 3.66E-04 | 1.60E-04 | 1.12E-04 | 1.53E-05 | 4.63E-04 | 3.01E-04 | 3.63E-05 | 6.59E-05 |

**PAH = Polyaromatic Hydrocarbon (PAHs are considered HAPs, since they are considered Polycyclic Organic Matter)
***Emission factors in lb/hp-hr were calculated using emission factors in lb/MMBtu and a brake specific fuel consumption of 7,000 Btu / hp-hr (AP-42 Table 3.3-1).

| | |
|---|---|
| **Potential Emission of Total HAPs (tons/yr)** | **1.52E-03** |
| **Potential Emission of Total HAPs (tons/yr) for two (2) emergency fire pumps** | **3.04E-03** |

**Methodology**
Emission Factors are from AP 42 (Supplement B 10/96) Tables 3.3-1 and 3.3-2.
Output Kilowatt Rating (kw) = Output Horsepower Rating (hp) * (0.7457 kw/hp)
Potential Throughput (hp-hr/yr) = [Output Horsepower Rating (hp)] * [Maximum Hours Operated per Year]
Potential Throughput (kw-hr/yr) = [Output Kilowatt Rating (kw)] * [Maximum Hours Operated per Year]
Potential Emission (tons/yr) = [Potential Throughput (hp-hr/yr)] * [Emission Factor (lb/hp-hr)] * [ton/2,000 lbs]
Potential Emission (tons/yr) = [Potential Throughput (kw-hr/yr)] * [Emission Factor (g/kw-hr)] * [lb / 453.592 g] * [ton/2,000 lbs]

**Appendix A: Emission Calculations**
**Twelve (12) Belly Tanks for Emergency Generators**

**Source Name:** Orla, LLC
**Source Location:** 3062 West SR 32, Lebanon, IN 46052
**Part 70 Operating Permit No.:** T011-50034-00093
**Permit Reviewer:** Phillip Jackson

**Summary of Site-Wide Emissions from Diesel Belly Tanks**

| Source | Size of Each Tank (Gallons)[1] | Number of Tanks | Potential VOC Emissions | | |
|---|---|---|---|---|---|
| | | | lb/yr/tank | lb/yr (all tanks) | tpy (all tanks) |
| Belly Tanks | 7,185 | 12 | 3.35 | 40.23 | 2.0E-02 |
| | | | | Total | 2.01E-02 |

Note:
1. Worst-case fuel tank size between two manufacturers were obtained from the manufacturer's specification sheets.

**Appendix A: Emission Calculations**
**Twelve (12) Belly Tanks for Emergency Generators**

**Source Name:** Orla, LLC
**Source Location:** 3062 West SR 32, Lebanon, IN 46052
**Part 70 Operating Permit No.:** T011-50034-00093
**Permit Reviewer:** Phillip Jackson

**Diesel Belly Tank Emissions Calculations**

| Parameter Description[a] | Equation | Value |
|---|---|---|
| Tank Contents | | Diesel Fuel |
| Tank Width (W) (ft) | | 12.50 |
| Tank Length (L) (ft) | | 49.00 |
| Tank Dome Roof Radius ($R_R$), ft | Dome Roofs: Assumed $R_R$ = D<br>Flat Roofs: N/A | N/A |
| Tank Shell Height ($H_S$), ft | [Use height of rectangular tank] | 2.1 |
| Effective Height ($H_E$), ft | [Use height of rectangular tank] | 2.1 |
| Nominal Capacity, $ft^3$ | | 960.5 |
| Nominal Capacity (gal) | | 7,185 |
| Liquid Height ($H_L$), ft | Assumed = $0.9H_S$ | 1.9 |
| Tank Cone Roof Slope ($S_R$), ft/ft | No roof on rectangular tank | 0 |
| Tank Roof Height ($H_R$), ft | No roof on rectangular tank | 0 |
| Roof Outage ($H_{RO}$), ft | Dome Roofs: $H_{RO} = H_R$ $[(1/2)+(1/6)(H_R/R_S)^2]$<br>Cone Roofs: $H_{RO} = 1/3H_R$<br>Flat Roofs: $H_{RO}$ = 0 | 0 |
| Vapor Space Outage ($H_{VO}$), ft | Vertical tanks (used for rectangular tank): $H_{VO} = H_S - H_L + H_{RO}$<br>Horizontal tanks: $H_{VO} = H_E$ | 0.2 |
| Vapor Space Volume ($V_V$), $ft^3$ | For rectangular tank: $H_{VO}$ x W x L | 127.6 |
| Ideal Gas Constant (R), psia $ft^3$/lb-mole R | Constant | 10.731 |
| Daily Maximum Ambient Temperature ($T_{AX}$), R [b] | AP-42, Table 7.1-7 | 521.7 |
| Daily Minimum Ambient Temperature ($T_{AN}$), R [b] | AP-42, Table 7.1-7 | 504.4 |
| Daily Average Ambient Temperature ($T_{AA}$), R | $T_{AA} = (T_{AX} + T_{AN})/2$ | 513.0 |
| Paint Solar Absorptance (α), dimensionless [c] | AP-42, Table 7.1-6 | 0.97 |
| Liquid Bulk Temperature ($T_B$), R | $T_B = T_{AA}$ + 6a - 1 | 517.8 |
| Daily Total Solar Insolation Factor (I), Btu/$ft^2$ d [b] | AP-42, Table 7.1-7 | 1,245.0 |
| Daily Average Liquid Surface Temperature ($T_{LA}$), R | $T_{LA} = 0.44T_{AA} + 0.56T_B + 0.0079$ αI | 525.3 |
| Vapor Molecular Weight ($M_V$), lb/lb-mole | Vapor Molecular weight of diesel fuel | 130 |
| Vapor Pressure at $T_{LA}$ ($P_{VA}$), psia | Raoult's Law or Antoine Equation | 0.0078 |
| Vapor Density ($W_V$), lb/$ft^3$ | $W_V = M_V P_{VA}/RT_{LA}$ | 0.00018 |
| Daily Ambient Temperature Range ($T_A$), R | $T_A = T_{AX} - T_{AN}$ | 17.3 |
| Daily Vapor Temperature Range ($T_V$), R | $T_V = 0.72T_A + 0.028$ αI | 46.3 |
| Vapor Pressure at $T_{AN}$ ($P_{VN}$), psia | Raoult's Law or Antoine Equation | 0.0039 |
| Vapor Pressure at $T_{AX}$ ($P_{VX}$), psia | Raoult's Law or Antoine Equation | 0.0069 |
| Daily Vapor Pressure Range ($P_V$), psia | $P_V = P_{VX} - P_{VN}$ | 0.0031 |
| Breather Vent Pressure Setting Range ($P_B$), psig | $P_B = P_{BP} - P_{BV}$ (Assumed = 0.06) | 0.06 |
| Atmospheric Pressure ($P_A$), psia | Constant | 14.7 |
| Vapor Space Expansion Factor ($K_E$), dimensionless | $K_E = T_V/T_{LA} + (P_V - P_B)/(P_A - P_{VA})$ | 0.08 |
| Vented Vapor Saturation Factor ($K_S$), dimensionless | $K_S = 1/(1 + 0.053P_{VA}H_{VO})$ | 1.0 |
| Number of Days/Year in Operation | Constant | 365 |
| Standing Storage Losses ($L_S$), lb/year | $L_S = 365\ W_V V_V K_E K_S$ | 0.70 |
| Liquid Density (lb/gal) | Density of diesel fuel | 7.10 |
| Potential Throughput (Q), gal | 500 hours of operation at 100% load | 110,000 |
| Potential Throughput (Q), bbl | Throughput is in bbls (42 gal/bbl) | 2,619.0 |
| Maximum Liquid Height ($H_{LX}$), ft | Assumed = $0.9H_S$ | 1.9 |
| Tank Maximum Liquid Volume ($V_{LX}$), $ft^3$ | Assumed = 0.9*Nominal Capacity | 864.4 |
| Turnovers (N), dimensionless | $N = 5.614Q/V_{LX}$ | 17.0 |
| Turnover Factor ($K_N$), dimensionless | For N ≤ 36 $K_N$ = 1, | 1.0 |
| | For N > 36 $K_N = (180 + N)/6N$ | |
| Working Loss Factor ($K_P$), dimensionless | For Organic Liquids, $K_P$ = 1 | 1.0 |
| Working Losses ($L_W$), lb/year | $L_W = 0.001M_V P_{VA} Q K_N K_P$ | 2.65 |
| Total Uncontrolled Losses ($L_T$), lb/year/tank | $T_L = L_S + L_W$ | 3.35 |
| Total Uncontrolled Losses ($L_T$), ton/year/tank | 2,000 lb/ton | 0.0017 |
| Total Uncontrolled Losses ($L_T$), lb/hr/tank | 8,760 hr/yr | 0.0004 |

Notes:

[a] Emissions calculated according to the methodology presented in AP-42, Section 7.1 with adjustments made to account for vapor space volume of the proposed rectangular diesel tank.

[b] Meteorological data from AP-42, Table 7.1-7 for Indianapolis, IN was used.

[c] Paint solar absorptance from AP-42, Table 7.1-6 for Black tanks in good condition.

[d] The applicant has not yet selected the engine make and model to be installed. Worst-case tank dimensions and potential throughput based on the worst-case between two manufacturers.

**Appendix A: Emission Calculations**
**Fugitive Dust Emissions - Paved Roads**

**Source Name: Orla, LLC**
**Source Location: 3062 West SR 32, Lebanon, IN 46052**
**Part 70 Operating Permit No.: T011-50034-00093**
**Permit Reviewer: Phillip Jackson**

**Paved Roads at Industrial Site**
The following calculations determine the amount of emissions created by paved roads, based on 8,760 hours of use and AP-42, Ch 13.2.1 (1/2011).

Vehicle Informtation (provided by source)

| Type | Maximum number of vehicles per day | Number of one-way trips per day per vehicle | Maximum trips per day (trip/day) | Maximum Weight of Loaded Vehicle (tons/trip) | Total Weight driven per day (ton/day) | Maximum one-way distance (feet/trip) | Maximum one-way distance (mi/trip) | Maximum one-way miles (miles/day) | Maximum one-way miles (miles/yr) |
|---|---|---|---|---|---|---|---|---|---|
| Fuel delivery trucks (entering plant) (one-way trip) | 0.04 | 1.0 | 0.04 | 40.0 | 1.53 | 13545 | 2.565 | 0.1 | 35.9 |
| Fuel delivery trucks (leaving plant) (one-way trip) | 0.04 | 1.0 | 0.04 | 20.0 | 0.77 | 13545 | 2.565 | 0.1 | 35.9 |
| Generator contractor vehicle (entering plant) (one-way trip) | 0.47 | 1.0 | 0.47 | 2.0 | 0.93 | 13545 | 2.565 | 1.2 | 437.0 |
| Generator contractor vehicle (leaving plant) (one-way trip) | 0.47 | 1.0 | 0.47 | 2.0 | 0.93 | 13545 | 2.565 | 1.2 | 437.0 |
| | | **Totals** | **1.0** | | **4.2** | | | **2.6** | **945.76** |

Average Vehicle Weight Per Trip = 4.1 tons/trip
Average Miles Per Trip = 2.57 miles/trip

Unmitigated Emission Factor, Ef = [k * (sL)^0.91 * (W)^1.02] (Equation 1 from AP-42 13.2.1)

| | PM | PM10 | PM2.5 | |
|---|---|---|---|---|
| where k = | 0.011 | 0.0022 | 0.00054 | lb/VMT = particle size multiplier (AP-42 Table 13.2.1-1) |
| W = | 4.1 | 4.1 | 4.1 | tons = average vehicle weight |
| sL = | 9.7 | 9.7 | 9.7 | g/m^2 = silt loading value for paved roads at iron and steel production facilities - Table 13.2.1-3) |

Taking natural mitigation due to precipitation into consideration, Mitigated Emission Factor, Eext = E * [1 - (p/4N)] (Equation 2 from AP-42 13.2.1)
Mitigated Emission Factor, Eext = Ef * [1 - (p/4N)]
where p = 125 days of rain greater than or equal to 0.01 inches (see Fig. 13.2.1-2)
N = 365 days per year

| | PM | PM10 | PM2.5 | |
|---|---|---|---|---|
| Unmitigated Emission Factor, Ef = | 0.369 | 0.074 | 0.0181 | lb/mile |
| Mitigated Emission Factor, Eext = | 0.338 | 0.068 | 0.0166 | lb/mile |

| Process | Mitigated PTE of PM (Before Control) (tons/yr) | Mitigated PTE of PM10 (Before Control) (tons/yr) | Mitigated PTE of PM2.5 (Before Control) (tons/yr) |
|---|---|---|---|
| Fuel delivery trucks (entering plant) (one-way trip) | 0.01 | 0.00 | 0.00 |
| Fuel delivery trucks (leaving plant) (one-way trip) | 0.01 | 0.00 | 0.00 |
| Generator contractor vehicle (entering plant) (one-way trip) | 0.07 | 0.01 | 0.00 |
| Generator contractor vehicle (leaving plant) (one-way trip) | 0.07 | 0.01 | 0.00 |
| **Totals** | **0.16** | **0.03** | **0.01** |

**Methodology**

| | |
|---|---|
| Total Weight driven per day (ton/day) | = [Maximum Weight of Loaded Vehicle (tons/trip)] * [Maximum trips per day (trip/day)] |
| Maximum one-way distance (mi/trip) | = [Maximum one-way distance (feet/trip) / [5280 ft/mile] |
| Maximum one-way miles (miles/day) | = [Maximum trips per year (trip/day)] * [Maximum one-way distance (mi/trip)] |
| Average Vehicle Weight Per Trip (ton/trip) | = SUM[Total Weight driven per day (ton/day)] / SUM[Maximum trips per day (trip/day)] |
| Average Miles Per Trip (miles/trip) | = SUM[Maximum one-way miles (miles/day)] / SUM[Maximum trips per year (trip/day)] |
| Unmitigated PTE (tons/yr) | = [Maximum one-way miles (miles/yr)] * [Unmitigated Emission Factor (lb/mile)] * (ton/2000 lbs) |
| Mitigated PTE (Before Control) (tons/yr) | = [Maximum one-way miles (miles/yr)] * [Mitigated Emission Factor (lb/mile)] * (ton/2000 lbs) |
| Mitigated PTE (After Control) (tons/yr) | = [Mitigated PTE (Before Control) (tons/yr)] * [1 - Dust Control Efficiency] |

**Abbreviations**
PM = Particulate Matter
PM10 = Particulate Matter (<10 um)
PM2.5 = Particle Matter (<2.5 um)
PTE = Potential to Emit

**Indiana Department of Environmental Management**
**Office of Air Quality**

Appendix B - Public Hearing Transcript

# Addendum to the Technical Support Document (ATSD) for a New Source Construction and Part 70 Operating Permit

BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

\- - -

PUBLIC HEARING REGARDING

ORLA LLC & LIFE CYCLE POWER

Permit Nos. 011-50034-00093 & 011-50087-00094

\- - -

PROCEEDINGS

in the above-captioned matter, before Hearing Officer Heath Hartley, taken before me, Lindy L. Meyer, Jr., a Notary Public in and for the State of Indiana, County of Shelby, via the Teams platform, on Thursday, August 6, 2026 at 6:01 o'clock p.m.

\- - -

ACCURATE REPORTING OF INDIANA, LLC
543 Ponds Pointe Drive
Carmel, Indiana 46032
TELEPHONE: (317) 848-0088
EMAIL: accuratereportingofindiana@gmail.com

APPEARANCES:

ON BEHALF OF IDEM:
Heath Hartley, Hearing Officer
Jenny Acker

SPEAKERS PRESENT:
Phillip Graybiel
Sarah Goss
Lesli Bair
Jeni Jenkins
Rebecca TeKolste
Katherine Dennis
Tina Oakes
Megan Anderson

- - -

6:01 o'clock p.m.
August 6, 2026

- - -

MS. ACKER: Okay. Good evening, everyone, and welcome to the public hearing, and the purpose of this public hearing is to provide a public forum to provide questions and comments regarding the Orla LLC New Source Construction and Title V operating permit and the Life Cycle Power Administrative New Source construction and Title V Operating Permit.

Orla and Life Cycle are a single source, and as such, the combined emissions and operations were considered when determining permit level and rule applicability. Separate Titles V's were issued solely for administrative purposes.

And these permits will authorize the construction and operation of the following new units: Orla will have 12 diesel-fired critical emergency generators providing backup to data servers, two diesel-fired pumps, fire pumps, and 12 fuel tanks, belly tanks, so these are just small tanks mounted to the gen sets. One cycle

will have 65 natural-gas-fired generators, and they will each be equipped CO and $NO_x$ reduction units, and two natural-gas-fired boilers.

As new source construction Part 70 permits, each permit will serve as both the construction and operational permits, and some of the activities that under -- we undertake when drafting an initial permit, emissions and unit descriptions are generated.

Calculations submitted with the application are reviewed for accuracy and updated if necessary. The permit writer cites all state and federal regulations to ensure that a permit contains all applicable requirements.

Limitations are established if necessary, compliance determination and monitoring conditions are created when appropriate, and associated recordkeeping and reporting requirements are considered and included when applicable.

Some of the things we don't deal with: Quality of life, noise, and property value. And we recognize the construction and operation of

this can raise concerns about potential negative impacts with respect to quality of life, noise, and property values. However, IDEM OAQ does not have the authority to evaluate these types of issues as part of the air permit application review process, or to deny an air permit based on concerns about these types of issues.

Also, wetlands, water pollution, and land pollution. Again, the proposed air permit only contains applicable state and federal regulations and rules related to air pollution. The source will be required to obtain any applicable permits from IDEM's Office of Land Quality and IDEM's Office of Water Quality, which will contain all of the applicable state and federal rules and regulations related to land and water pollution.

IDEM permits are legal documents that hold companies and individuals accountable for complying with environmental regulations. Air permits are issued to document the annual potential to emit, or PTE, of various regulated air pollutants from the sources, and to identify all state and federal requirements that apply to

the source for regulating, limiting, reducing, and/or controlling air pollution.

When a facility expands or makes changes to its process, it's required to make sure the permit is modified accordingly. IDEM OAQ does not have the ability to require controls or emission reductions beyond what is legally required in statute, rule and regulation.

And finally, IDEM's air permitting program is SIP approved, meaning EPA has approved our program and delegated air permitting to the State of Indiana. And basically, that says that our program mirrors the federal program, and as such, is deemed protective of human health and protective of the NAAQS, National Ambient Air Quality Standards. Compliance with conditions in the air permit will assure compliance with all applicable state and federal laws and regulations of the Clean Air Act.

With that, I'd like to turn it over to our moderator, Heath Hartley.

THE HEARING OFFICER: Yes. My name is Heath. I'll be the moderator for this public

hearing.

We'll be taking oral testimony at today's hearing. If you'd like to speak, make sure you complete the speaker form. I will be using our speaker forms. I'll call out each speaker, and at that time you can unmute your microphone and provide your testimony.

If you wish to be added to our mailing list of interested parties but do not want to speak, you can indicate that on the speaker form. All speakers will be added to the interested parties list.

A court reporter is attending this hearing and making an official record of all comments and questions. We will use the transcript that is prepared as the official record for this hearing.

IDEM will review all comments and questions received during the hearing that's submitted as part of the public comment period, and after careful consideration and further analysis, if necessary, provide detailed responses in writing as part of the final permitting decision. These written responses

will be in a document called the addendum to the technical support document, ATSD. This addendum will be part of the final permit documents when IDEM issues its final rescission.

All public comments are due by Monday, August 10th. Instructions on how to submit written comments are in the Citizen Summary as well as the public notice documents for this application that are on the IDEM Web site.

We will not be responding to any comments or questions during this hearing. Please note that any entries you make utilizing the chat feature are not considered public comments and will not be responded to in the ATSD.

We have some participants using their phones, and we'll discuss how to speak -- how they can speak in a few minutes.

Any members of the media can e-mail media@idem.in.gov if you have questions.

Each speaker is limited to two minutes. Rather than repeat the previous comments, you can say the name of the speaker whose comments have already been provided, and you can shorten your

speaking time. A sign will be raised at one minute and forty-five seconds to alert you that you have fifteen seconds remaining. After that, we will open up this hearing to participating by phone, and we'll go from there.

We'll call upon the speakers in the order that they were submitted, or on the phone were submitted. For everyone at this hearing, please make to identify yourself before speaking.

(Discussion off the record.)

MS. ACKER: We'd like to add that once we go through the speaker forms, we will have an open forum, so at that point, anyone can raise their hand. We'll call on you in the order we have -- see the hands raised. There's no limits to the amount of time that you can speak during the open forum period, the number of times you can, but you will be limited to two minutes each time.

THE HEARING OFFICER: And now we're ready for the speakers, so first up will be Phillip Graybiel.

Please unmute and go ahead.

MR. GRAYBIEL: Hello. My name is Phil Graybiel. I'm a resident of Pike Township.

When I think about the air permit, I'm concerned about the air quality, not only downwind in Indianapolis, where I live with my Fiancee, Beth Asna, but also in Lebanon, where I grew up and where my aging parents still live. My family's health is most important, and I think -- I don't know whether this air permit should be approved.

The gas engines are like having a gas power plant in my home town. I do not -- and we don't know how many generators will be added at other data center sites, like in El Paso, Texas hundreds of generators have been installed, where they started with a small number like this permit suggests.

And I'm concerned that there's no specific limits regarding how many hours and years that these gas engines may run, and no limit on how many diesel generators will run in an emergency. I'm concerned about the impact of this pollution on my family. The Nox -- the nitrous oxide

limits are 153 tons a year and volatile organic compounds are 185 tons. Both of these can harm human health and make air quality worse.

I'm concerned about the 112 tons per year of formaldehyde, which is a known carcinogen and may cause cancer. I have friends and family who have cancer, and I'm worried that things might get worse for them.

And also, I was wondering: How will IDEM ensure that these so-called emergency generators are not running all of the time because they do not have enough power available in the grid? So, they should not be operating in a community that cannot support such a project in the first place. And I -- please deny this permit for Orla and Life Cycle, A/k/a Meta.

Thank you.

THE HEARING OFFICER: Thank you, Phillip.

Next up is Sarah Goss.

MS. GOSS: Hello. My name is Sarah Goss. I live in Lebanon, so I'm a nearby resident.

These two drafts are one power system. Life Cycle Power is 65 natural gas reciprocating engines, about 134 megawatts, so this is bridge power that's not going to sustain them until the grid catches up. That is not a handful of emergency generators. There's on the order of two and half times of Lebanon's entire summer peak of about 56 megawatts.

IDEM considers the gas plant and the data center as a single source, which is great, but the draft stays under the 250 tons provision that's simply deterioration of nonstop VOC and CO only by asserting tonnage caps, hopefully 121, 155 -- or 155 tons per engines, not by eliminating how many hours they may run. For the required controls, those caps allow almost continuous boiler operation, so these smaller limited numbers do not mean nonuse, they mean continuous bridging power, engineered to stay just under major source review.

Even with those limits, formaldehyde stays enormous, on the order of about 112 tons per year. That makes for a major source of hazardous

air pollutants, reciprocating engines -- toxic -- per megawatt hours of -- turnover. This campus is designed to deliver about one gigawatt.

Phase one is not the whole story. I ask IDEM to evaluate reasonably perceivable expansion, require a clear operating public profile of our town, including many corporate -- reliability dispatch. Would greenhouse gas -- not on the record, and not treating -- running for each generation, like emergency backup.

I will also submit --

MS. ACKER: Your time -- thank you.

THE HEARING OFFICER: Thank you, Sarah.

MS. GOSS: Thank you.

THE HEARING OFFICER: Next up is Lesli Bair.

MS. BAIR: Hi. I'm Lesli Bair, from Zionsville, and I am very concerned about the air pollution.

I do want to say that nobody wants these data centers, and there's many, many videos from across the country on new sites that people have

released, I've got a new site opening in Union, and also videos by some of our neighbors in Lebanon, the current situation, and we've seen brown water and bacteria in water, the noise, the lights, the particulates.

One of the most recent videos is from a citizen in Abilene, Texas, who has to change her air filters every two weeks in her house, and they have -- what's nearby has fewer generators than what is proposed and being built in Lebanon.

The whole AI system is very harmful to the community. It leads to nothing but job losses. AI steals our human creative content, books, cutting spines off of books and stealing art. There's flock cameras tracking everything, they're stealing our data, they're using facial recognition.

And the police are tracking their ex-girlfriends, for example, and we're giving them a tax break for this, with very little in return. In fact, it's just harming us. Very few jobs, the NDA's, tech companies are welfare queens, and I'm very concerned about the amount

of pollution.

THE HEARING OFFICER: Thank you, Lesli.

Next up is Jeni Jenkins.

MS. JENKINS: Hi. Good evening. My name is Jeni Jenkins. I live in Zionsville, and I'm about approximately 13 miles from where this is going to be. It's been the vast majority of the -- I'm speaking on this as a citizen of Zionsville on the entity.

I would ask IDEM -- excuse me -- to address in its written response why Orla and Life Cycle Power can be one source getting divided into two permits, whose combined limits remain just under the threshold for the more rigorous federal review. This project should be evaluated cumulative -- cumulatively, not permit by permit.

I'm also concerned that it's calculation shows that 65 gas engines are to operate 8,760 hours per year, while the permit apparently contains no binding operating hour limit for permit date. That is not the means for temporary bridge power. IDEM should require a cumulative

review, a combined health risk modeling, strict hour limits, and enforceable shutdown data, or substantially revise these permits.

Thank you.

THE HEARING OFFICER: Thank you, Jeni.

Next up is Rebecca.

MS. TEKOLSTE: Hi, there. My name is Rebecca TeKolste. I'm here representing Hoosier Environmental Council, and I live in Indianapolis.

I want to start by echoing the concerns raised by Sarah Goss and Jeni Jenkins, and then I think I want to raise additional concerns that we have with this project.

So, first, we're particularly concerned about the 112 tons of formaldehyde and how hazardous that will be, then we're concerned that these permits can't require any responsive modeling to determine what nearby residents could actually be exposed to. We recommend that IDEM should require that modeling for formaldehyde and also all other hazardous air pollutants.

These approvals also rely on operating functions that may not reflect how this building may actually function. The emissions analysis that they give, the 65 natural gas engines will operate almost continuously, with very few start-ups and shutdowns, but AI data centers have high variables of energy demand, and if these engines cycle on and off to follow that demand, nearby cities can experience repeated short-term spikes in air pollution, and that that has not been evaluated.

At the same time the monitoring -- 65 engines for another five years, meaning it would take more than 30 years to ensure that they have the full fleets -- full fleets. By contrast, these engine have a history of going out of service -- making them particularly vulnerable to issues -- when they're out of service.

We're also very concerned that the project -- these generators are classified by IDEM as emergency equipment, even though a data center lots of times -- will be -- gas generation system, and this could have a big effect of --

challenges. IDEM should require an opportunity to demonstrate that these generators will truly be limited to a controlled emergency use.

And last, this permit also establishes an important precedent for Indiana's -- future, and those models are going to be replicated throughout the state. Indiana will see thousands of new ones and new iterations of those outside -- planning and public oversight required for projects by the Indiana Utility Regulatory Commission. These are the --

MS. ACKER: Thank you.

MS. TEKOLSTE: -- things that can be done in the future --

MS. ACKER: Thank you. Your time is up. You can --

MS. TEKOLSTE: Thank you.

MS. ACKER: -- come back during the open forum. Thanks.

MS. TEKOLSTE: Thank you.

THE HEARING OFFICER: Thank you.

That is all of the speakers that I've got signed up so far. Is there anyone else that

wishes to speak tonight?

MS. ACKER: Yes. We have Katherine Dennis.

Katherine, if you'd like to unmute.

MS. DENNIS: I'm wondering if you can ex (inaudible) --

THE REPORTER: Can she speak up?

MS. DENNIS: I'm wondering if you can explain for us in a location downstream and downwind from this project -- of this region is truly what we're seeing here -- to manual labor -- I find it very hard to wear a mask while I'm working on a farm -- through the air quality alerts, and every time those air quality alerts occur again, I'm always left wondering, "What can -- what can be done?"

And I come to that question earnestly. I'd really like to -- to make things better, and I just don't see any benefit of what Meta is doing in any of this project. So, I just want to echo that this isn't something that I wanted to -- I feel like this air pollution, water pollution, noise, lighting, and for what benefit?

There is so much at stake -- pollution of our waters. So, don't touch this.

THE HEARING OFFICER: Thank you.

MS. DENNIS: So, that's what I have to say.

MS. ACKER: Okay. Lesli, if you'd like to unmute, please.

MS. BAIR: Hi. Thank you. Indiana has some of the worst air quality in the entire country, and this is not going to help. I frequently get air quality alerts on my phone, and I would like you to deny this permit and act on behalf of the citizens of this region and not on behalf of big data.

Thank you.

MS. ACKER: Thank you.

THE HEARING OFFICER: Is there anyone else at this time? Tina? Tina?

MS. OAKES: Thank you. This is Tina Oakes, and I am a resident of Pike Township. And first off, I do want to echo what was said by everyone else.

You know, one of the things is, it seems

very odd that they are allowed to approve their permits in view of the existence of the greenhouse gases and the other chemicals such a formaldehyde being released under a certain threshold and not ever put together a master plan, but saying, "Well, when it's all said and done, this is what's going to be released," because that is what is going to happen; right?

Regardless of what happens in Phase 1, Phase 2, Phase 3, at the end of it, this is all going to be combined, and there will -- at least right now, we don't have any information on how much that they said they're going to release in Phase 1.

How much is that actually going to be when they are finished with all of their phases and are up and running, particularly, for instance, how much diesel and gas is stored on-site? How many pollutants are being released to the air? And so, I'm really -- even before you consider this, you need to ask for, for the citizens, a master plan.

THE HEARING OFFICER: Okay. Thank

you.

MS. OAKES: Thank you.

THE HEARING OFFICER: Is there anyone else this evening?

MS. ACKER: Rebecca?

MS. TEKOLSTE: (Inaudible) then I'll comment again.

MS. ACKER: Absolutely.

MS. TEKOLSTE: So, I just wanted to raise -- that this is the first of its kind in Indiana, when it establishes a precedent and that this model -- Indiana has been seen as a -- generation developed outside the comprehensive planning and public oversight typically required for projects regulated -- projects regulated by the IURC, the Indiana Utility Regulatory Commission.

These units -- for a records system. They should not get one permit at a time. We need to establish a transparent and statewide framework for evaluating the -- generation, especially that -- for large data centers before this modeling becomes the standard.

Thank you.

THE HEARING OFFICER: Thank you.

Katherine?

MS. DENNIS: I'd just like to say thank you (inaudible) --

THE REPORTER: Louder, please.

MS. ACKER: We need you to speak up.

MS. DENNIS: Thank you for bringing up the point so well, and I think it's speaking to the point that this is such -- sort of a critical moment, and again, don't -- don't feel like it's not a big deal, because it is a big deal. It has huge impacts, and yeah, it could be crushing ones.

So, let's work together, you know, come up with a better solution instead of just letting Meta slap us around and let -- you know, there's a phrase of not like using technology or using technology instead of letting technology use us, yeah.

THE HEARING OFFICER: All right. Thank you.

Sarah, go ahead.

MS. GOSS: Thank you.

I just wanted to also bring up that the three-year fuel map on the bridge plant alone is on the order of a half a million tons of $CO_2$ per year, and that's -- you know, that's usually done with maps, and it's in any the current plan.

And you're sag -- Indiana is sagging -- power project, and treating a 134-megawatt possible bridge as a temporary footnote, and it should get closer scrutiny, as Rebecca was talking about. This is a continuous primary power source or private campus, and this is closer to utility-scale plans. And we need to have a cumulative air analysis, public operating assumptions, not a silent path around this PSD by permitting this.

Thank you.

THE HEARING OFFICER: Okay. Thank you.

Megan, go ahead.

MS. ANDERSON: Hello. This is Megan Anderson. I went to -- I live in Pike Township, and my family lives in Lebanon.

I just wanted to say that I am glad that this is being treated as one permitting source implementing new units that are polluting -- a pollution permitting package.

And I do think that poor planning on the part of Meta does not constitute an emergency on the part of the community, and there is no reason the community shoulder this burden of unnecessary pollution when Meta could simply slow down their production schedule or -- as they've said they were ahead and they could get back on the normal track until they have enough electricity. They clearly can't operate if there's not enough electricity, so there's some confusion there.

I also want to have IDEM please detail the adherence to the RICE rules. How, if this is operating over a hundred hours with gas engines, are they adhering to the emergency rules for RICE?

I also wanted to have an explanation of their formaldehyde emission and why they are so high on these units, and if these units are using best available control technology.

I also think IDEM needs to detail all of the -- identify the air monitors and demonstrate sufficient monitoring, especially as they're one of many new air polluting sources coming to the lead industrial site.

Again, I just want to point out that, you know, they can't operate their facilities without electricity, and there's no reason that they should be operating now, and so, I encourage you all to deny the permits.

Thank you.

THE HEARING OFFICER: Thank you.

Katherine?

MS. DENNIS: I just have a question, and I'm sorry.

MS. ACKER: You need to speak up.

MS. DENNIS: I apologize.

MS. ACKER: That's okay.

MS. DENNIS: I just have a question, and I'm sorry, but this is one that -- I'm just wondering if there was any time where you all would be responding at all or just letting us know, and your thoughts on this. I'm just

curious.

THE HEARING OFFICER: Yes, we'll be responding.

MS. ACKER: We can't respond during the tech -- the hearing, but I will respond to that upon conclusion of this hearing for you; okay?

MS. DENNIS: Okay. Thanks.

THE HEARING OFFICER: Megan, go ahead.

MS. ANDERSON: Hello. This is Megan Anderson again.

I just wanted to put on the record that I did have some issues when I logged in, which I believe I'm using the application on my work laptop. I was not able to be entered into the waiting room, and so, I was not able to get into the speaker form access, and that seems to be a recurring issue just with the way the hearings are conducted on Teams, seeing that you kind of put it on the phone where there's no chat access ahead of the hearing start time.

And so, you know, perhaps IDEM adding more

instructions about that or putting the speaker form, you know, I guess with the login. I'm not sure, but there's clearly some issues that are occurring with access, and I wanted to highlight that.

Thank you.

THE HEARING OFFICER: Okay. Thank you for the comment.

(Discussion off the record.)

MS. ACKER: Katherine Dennis has her hand up.

THE HEARING OFFICER: Katherine, go ahead again.

MS. DENNIS: And I had the same issue, (inaudible). I read up on this, but --

MS. ACKER: Okay. If we have no more speakers -- I see no more hands -- we will conclude this meeting -- or public hearing. I want to thank everybody for attending.

I did say that I would let you know what the next steps are. So, the next steps are going to be we're going to wait to get a transcript. That may take a couple of weeks. I will have the

transcript of this hearing. Also, any comments that we receive written during the public comment period.

The permit writer here, Phil, will put together an Addendum to the Technical Support Document, it's called an ATSD, and we will respond to every comment received. We'll include a copy of the comments received, a copy of the transcript, and again, respond to all comments received, and that will be a part of the final decision.

- - -

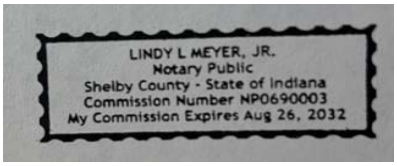
Thereupon, the proceedings of August 6, 2026 were concluded at 6:31 o'clock p.m.

- - -

CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned Court Reporter and Notary Public residing in the City of Shelbyville, Shelby County, Indiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me on Thursday, August 6, 2026 in this matter and transcribed by me.

Lindy L. Meyer, Jr.




Lindy L. Meyer, Jr.,
Notary Public in and
for the State of Indiana.

My Commission expires August 26, 2032.

Commission No. NP0690003

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**Indiana Department of Environmental Management**
**Office of Air Quality**

Appendix C - Public Comment

# Addendum to the Technical Support Document (ATSD) for a New Source Construction and Part 70 Operating Permit

| Source Background and Description | |
|---|---|
| **Source Name:** | **Orla, LLC** |
| **Source Location:** | **3062 West SR 32, Lebanon, IN 46052** |
| **County:** | **Boone** |
| **SIC Code:** | **7374 (Computer Processing, Data Preparation, and Processing Services)** |
| **Operation Permit No.:** | **T 011-50034-00093** |
| **Permit Reviewer:** | **Phillip Jackson** |

On July 6, 2026, Jodi Stewart submitted mailed comments to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit.

The comments are included below in their entirety.

# Comments

011-50034-00093

CC: Phillip

July 6, 2026

Clint Woods (Commissioner)
IDEM
Office of Air Quality Permits Branch
Indiana Government
Center North 100 N. Senate Avenue Room 13 W
Indianapolis, Indiana 46204-2251

Received
State of Indiana

JUL 0 9 2026
Dept of Environmental Mgmt.
Office of Air Quality

Mr. Woods,

It has been brought to my attention that the Orla LLC project in Lebanon, Boone County, Indiana has recently applied for Air permits, Permit Number 011-50034-00093.

The employee listed as actively signing off on public notices and managing these permits for the Orla LLC shows Phillip Jackson, an Environmental Manager for IDEM since early 2024.

The people assembled, and determined this project directly infringes on Our guaranteed Indiana Constitutional rights, Article 1 Sec. 1, and Article 1 Sec. 31. "All political power is inherent in the People (Indiana Constitution Article 1 Section 1) and that the People have a right to lawfully instruct their government (Indiana Constitution Article 1 Section 31) and that entities, including corporations and bodies politic, are created with the permission of the People and are obligated to act in good faith and with due regard solely for the People's benefit."

Enclosed, you will find 2 Judicial Notices that We The People served to various elected Government servants both State and Federal on this Data Center Project. Elected Government servants were instructed to inform all agencies to cease and desist using any further Public money for this project, and to preserve the Peoples Natural Resources. To date we have received no response to either notice served, showing any government authority to use public money for non-public purposes, or that the people do not have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. ..public natural resources are the common property of all the people, including generations yet to come.

**Question:** Where in the Indiana Constitution is there a grant of authority to use public money for non-public purposes?

**Question:** Where in the Indiana Constitution is there a grant of authority to use the People's natural resources for unauthorized purposes such as economic development funded with public money?

It is, therefore, my wish, that you provide remedy by immediately ceasing and desisting using public money for non-public purposes and by providing public notice to cease and desist such use of public money to all departments of all state and local governments within the State of Indiana.

Thank you for your immediate attention to this unlawful matter.

Jodi Stewart, one of The People

# Notice and Demand to Cease and Desist Using Public Money for Non-Public Purposes Such as Economic Development
# Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

To: Indiana Governor Eric Holcomb; Indiana House of Representatives (All Members); Indiana Senate (All Members); Indiana Attorney General Todd Rokita; Indiana Supreme Court
Cc: City of Lebanon Common Council Members; City of Lebanon Mayor Matt Gentry; Chief Judge Tanya Walton Pratt, United States District Court for the Southern District of Indiana; Chief Judge Holly A. Brady, United States District Court for the Northern District of Indiana; Chief Judge Diane S. Sykes, United States Court of Appeals for the Seventh Circuit; Associate Justice Amy Coney Barrett, Supreme Court of the United States; Indiana Governor-Elect Mike Braun; Indiana Lieutenant Governor-Elect Micah Beckwith

I, Jodi Stewart, one of the People (as seen in the **Indiana Constitution, Article 1, Section 1**), (Republican in form), Sui Juris, do serve you, this Notice, by Necessity, that you do provide immediate due care:
**Please take notice that** all political power is inherent in the People (Indiana Constitution Article 1 Section 1) and that the People have a right to lawfully instruct their government (Indiana Constitution Article 1 Section 31) and that entities, including corporations and bodies politic, are created with the permission of the People and are obligated to act in good faith and with due regard solely for the People's benefit. (See evidence below)
**Maxims of Law**: Good faith demands that what is agreed upon shall be done.
**Maxims of Law**: The welfare of the people is the supreme law; And

**Please take further notice** that all government servants have an unavoidable obligation to use public money for public purposes and that the use of public money for a purpose without constitutional authority is an unofficial act for which there is no immunity (**Trump v. United States, 603 U.S. 593 (2024)**). In Black's Law Dictionary 1st edition, taxes are defined as "burdens or charges imposed by the legislature upon persons or property to raise money for **public purposes**" and in Black's Law Dictionary 2nd edition, **public purpose** is defined as "in the law of taxation,.. .this is a term.. .to distinguish the objects for which, according to settled usage, the government is to provide, from those which, by the like usage, are left to private interest, inclination, or liberality." Authority granted in the constitutions must be used exactly as specified without any departure. Furthermore, if the constitutions do not expressly grant such authority, it does not exist. (Excerpts) (See evidence below) (Bolded for emphasis)
**Maxims of Law**: From the words of the law there must be no departure.
**Maxims of Law**: The expression of one thing is the exclusion of another; And

**Please take further notice** that according to settled usage and the text, history, and tradition in constitutions, economic development is not a public purpose. (See evidence below)

**North Dakota Constitution Article I Section 16**: ...a public use or a **public purpose** does not include public benefits of economic development, including an increase in tax base, tax revenues, employment, or general economic health. (Excerpt) (Bolded for emphasis) (**See also Louisiana Constitution Article I Section 4**)

**Loan Association v. Topeka, 87 U.S. 655 (1874):** We have established, we think, beyond cavil that there can be no lawful tax which is not laid for a public purpose. It may not be easy to draw the line in all cases so as to decide what is a public purpose. ..in the case before us...there is no difficulty in holding that this is not such a public purpose as we have been considering. If it be said that a benefit results to the local public of a town by establishing manufactures, the same may be said of any other business or pursuit which employs capital or labor...No line can be drawn in favor of the manufacturer which would not open the coffers of the public treasury to the importunities of two-thirds of the businessmen of the city or town. (Excerpt) (Bolded for emphasis) (**See also Parkersburg v. Brown, 106 U.S. 487 (1883)** and **Cole v. La Grange, 113 U.S. 1 (1885))**; And

**Please take further notice** that the fact that public money has already been used for non-public purposes creates no validity to continue to use public money for such purposes. (See evidence below)
**Maxims of Law**: Things invalid from the beginning cannot be made valid by subsequent act.

**Loan Association v. Topeka, 87 U.S. 655 (1874)**: If the legislature was without power...and its statute.. .is void, payment of interest, which was equally unauthorized, cannot create. ..a power to levy taxes resting on.. .the fact that they have once been illegally levied for that purpose.
(Excerpt)
**Question**: Where in the Indiana Constitution is there a grant of authority to use public money for non-public purposes? Failure to show this constitutional provision means you understand and agree that public money cannot be used for non-public purposes.

It is, therefore, my wish, order, and demand that you provide remedy by immediately ceasing and desisting using public money for non-public purposes and by providing public notice to cease and desist such use of public money to all departments of all state and local governments within the State of Indiana. If you believe that government has been granted power to use public money for non-public purposes, please show the constitutional grants of authority within five (5) days, by sworn affidavit, under penalty of perjury, or you agree that this practice is unlawful and that failure to openly express the same is done with full knowledge, malice, and intent and shall be evidence in this court of record, heard by an arbitrator of my choice. All responses not submitted under penalty of perjury are non-responses. (Any response from an attorney not directly addressed by this notice will be considered a non-response)
This notice is sent in the peace and love of Jesus Christ that you provide due care to those who hold all political power, the People.

Jodi Stewart

Autograph 7/6/2026 Date

**Maxims of Law**: One lawfully commanding must be obeyed. Maxims of Law: Judicial notice is a form of evidence.

**Judicial Notice and Demand to Conserve The People's Natural Resources**
**Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent**

I, Jodi Stewart, one of the People as seen in the 50 State Constitutions, (Republican in form), Sui Juris, do present you, this Notice, by Necessity, that you and your agents may provide immediate due care:

**Please take notice that** all political power is inherent in the People (**Indiana Constitution Article 1 Section 1**) and that the People have a right to lawfully instruct their government (**Indiana Constitution Article 1 Section 31**) and that entities, including corporations and bodies politic (government), are created with the permission of the People and are obligated to act in good faith and with due regard solely for the People's benefit. (See evidence below)

**Maxim of Law**: Good faith demands that what is agreed upon shall be done.
**Maxim of Law**: The welfare of the people is the supreme law; And

**Please take further notice that** beginning on November 26, 2024 the People have served over one hundred (100) notices to local and state government officers, instructing elected officers, as the People's government servants, to provide remedy in order to cease and desist using public money for non-public purposes such as economic development and showing claims, each of which were supported by the express-written constitutional text, the highest law, and maxims of law (which are automatically implied in any contract and universally accepted as being true rules and principles of law). This notice also instructed State government servants to provide public notice to all departments of all state and local governments within the State of Indiana and gave specific amounts of time to rebut or contradict the law and claims provided by the People. The People received no public response that in any way followed the terms stated in the notice. The People recognize that all noticed government servants have tacitly acquiesced to such claims. The notice was read into the public record during the Lebanon City Council meeting December 9, 2024 (see evidence at the following link: https://www.youtube.com/watch?v=ds2-jnGtVRw#t=18m44s); And

**Please take further notice that** all 50 State Constitutions and the Constitution of the United States of America are the highest law and that the People's natural resources,

such as water, belong to them and that the government exists to preserve such resources for the benefit of the People. (See evidence below).

**Pennsylvania Constitution Article 1 Section 27 - Natural Resources and the Public Estate**: The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment...public natural resources are the common property of all the people, including generations yet to come. (Excerpt)

**Hawaii Constitution Article 11 Section 1 - Conservation and Development of Resources**: All public natural resources are held in trust by the State for the benefit of the people. (Excerpt) (See also Louisiana Constitution Article 9 Section 1, Rhode Island Constitution Article 1 Section 17, Alaska Constitution Article 8 Section 2, Montana Constitution Article 9 Section 1, Michigan Constitution Article 4 Section 52, North Carolina Constitution Article 14 Section 5, Texas Constitution Article 16 Section 59, and Virginia Constitution Article 11 Section 1); And

**Please take further notice that** the conservation of the People's natural resources is an unavoidable obligation and the use of the People's natural resources for unauthorized purposes is an unofficial act for which there is no immunity (**See Trump v. United States, 603 U.S. (2024))**.

Question: Where in the Indiana Constitution is there a grant of authority to use the People's natural resources for unauthorized purposes such as economic development funded with public money? Failure to show this constitutional provision means you understand and agree that the People's natural resources cannot be utilized for unauthorized uses and such resources must be conserved solely for constitutionally authorized purposes.

**Please take final Notice** it is my wish, order, and demand that you provide remedy by immediately ceasing and desisting using the People's natural resources for unauthorized purposes such as economic development funded with public money and by providing public notice of the same to all departments of all state and local governments within the State of Indiana. This order and demand includes the use of eminent domain to provide the People's natural resources for such unauthorized purposes.

If you believe that the government has been granted power to use the People's natural resources for unauthorized purposes, please respond by showing the constitutional grants of authority, or you agree that this practice is unlawful. Furthermore, please respond if you disagree with any of the claims in this Notice. All responses shall be made within five (5) days receipt of this Notice by sworn affidavit, point by point, under penalty of perjury, or you agree by tacit acquiescence to all claims herein, and this notice shall stand as evidence against you in all courts of record, that no court may rehear this matter, that this matter may be heard by an arbitrator of my choice, and that if remedy, as instructed, is not given, the People, to whom you swore an oath, will

recognize it as being done purposely, with full knowledge, malice, and intent. All responses not sworn under penalty of perjury are considered non-responses. This notice is sent in the peace and love of Jesus Christ that you provide due care to those who hold all political power, the People.

7/6/2026 _____ Autograph Jodi Stewart

Date

**Maxim of Law**: One lawfully commanding must be obeyed.

**Maxim of Law**: Judicial notice is a form of evidence.

You may respond by email:

Distribution list:
Indiana Governor Mike Braun
Indiana House of Representatives (All Members)
Indiana Senate (All Members)
Indiana Attorney General Todd Rokita
Indiana Supreme Court
Boone County Area Plan Commission
Boone County Council
Cc: City of Lebanon Common Council
City of Lebanon Mayor Matt Gentry
City of Lebanon Health Department
Boone County Health Department Board Members
City of Lebanon Utility Board Members
City of Lebanon Code Enforcement Officer Makada Love
IDEM Commissioner Clint Woods
Chief Judge Tanya Walton Pratt, United States District Court for the Southern District of Indiana; Chief Judge Holly A. Brady, United States District Court for the Northern District of Indiana; Chief Judge Diane S. Sykes, United States Court of Appeals for the Seventh Circuit;
Associate Justice Amy Coney Barrett, Supreme Court of the United States;

Stewart
4548 W. 50 S.
Lebanon, IN
46052

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL®

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Retail

INDIANAPOLIS IN

JUL 26

UNITED STATES POSTAL SERVICE®

46204

RDC 99

U.S. POSTAGE PAID
FCM LETTER
LEBANON, IN 46052
JUL 06, 2026

$6.37

S2324N502578-12

I.D.E.M.
Attn: Clint Woods
100 N. Senate Ave. Room 13W
Indpls. IN.
46204-2251

Received
State of Indiana
JUL 09 2026
Dept of Environmental Mgmt
Office of Air Quality

46204-221099

**Indiana Department of Environmental Management**
**Office of Air Quality**

Appendix D - Public Comment

# Addendum to the Technical Support Document (ATSD) for a New Source Construction and Part 70 Operating Permit

**Source Background and Description**

| | |
|---|---|
| **Source Name:** | **Orla, LLC** |
| **Source Location:** | **3062 West SR 32, Lebanon, IN 46052** |
| **County:** | **Boone** |
| **SIC Code:** | **7374 (Computer Processing, Data Preparation, and Processing Services)** |
| **Operation Permit No.:** | **T 011-50034-00093** |
| **Permit Reviewer:** | **Phillip Jackson** |

On August 5, 2026, Jodi Stewart submitted mailed comments to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit.

The comments are included below in their entirety.

Public Comments
011-50034-00093
011-50087-00094
August 2, 2026
cc: Phillip Jackson

Received
State of Indiana

AUG 05 2026

Dept of Environmental Mgmt.
Office of Air Quality

Phillip Jackson (Manager)
IDEM
Office of Air Quality Branch
Indiana Government Center North
100 N. Senate Avenue Room 13W
Indianapolis, IN 46204-2251

Mr. Jackson,

On July 6th, 2026 1 wrote to Commissioner Woods and served Judicial Notices outlining the People's guaranteed Constitutional rights. See enclosed documents.

Mr. Woods has not responded, so therefore has tacit acquiesced to all claims in the notices as being true, and correct.

You are being served the exact same Judicial notices, with the same amount of time to rebut any of the claims provided in the notice, or you will also tacit acquiesce to all claims made in the notice and We The People in Lebanon, IN. will recognize the approval and issuing of Air Permits to the Orla LLC project #011-50034-00093 as unlawful and with full knowledge, malice, and intent that you are infringing on the guaranteed Constitutional Rights of the People in Lebanon,

Judicial Notices, not rebutted, stand as evidence against you in all courts of record, and Mr. Woods was instructed to inform all Government agencies or agents working for The People to cease and desist supporting the use of Public money for non-public purposes and to conserve the quality of the People's Natural Resources.

**Question:** Where in the Indiana Constitution is there a grant of authority to use the People's natural resources for unauthorized purposes such as economic development funded with public money?

Thank you,

Jodi Stewart

Jodi Stewart, one of the People

July 6, 2026

Clint Woods (Commissioner)
IDEM
Office of Air Quality Permits Branch
Indiana Government Center North
100 N. Senate Avenue Room 13 W
Indianapolis, Indiana 46204-2251

Mr. Woods,

It has been brought to my attention that the Orla LLC project in Lebanon, Boone County, Indiana has recently applied for Air permits, Permit Number 011-50034-00093.

The employee listed as actively signing off on public notices and managing these permits for the Orla LLC shows Phillip Jackson, an Environmental Manager for IDEM since early 2024.

The people assembled, and determined this project directly infringes on Our guaranteed Indiana Constitutional rights, Article 1 Sec. 1, and Article 1 Sec. 31. "All political power is inherent in the People (Indiana Constitution Article 1 Section 1) and that the People have a right to lawfully instruct their government (Indiana Constitution Article 1 Section 31) and that entities, including corporations and bodies politic, are created with the permission of the People and are obligated to act in good faith and with due regard solely for the People's benefit."

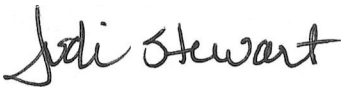
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**Question:** Where in the Indiana Constitution is there a grant of authority to use the People's natural resources for unauthorized purposes such as economic development funded with public money?

It is, therefore, my wish, that you provide remedy by immediately ceasing and desisting using public money for non-public purposes and by providing public notice to cease and desist such use of public money to all departments of all state and local governments within the State of Indiana.

Thank you for your immediate attention to this unlawful matter.



Jodi Stewart, one of The People

**Judicial Notice and Demand to Conserve The People's Natural Resources**
**Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent**

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**Maxim of Law**: The welfare of the people is the supreme law; And

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**Please take further notice that** the conservation of the People's natural resources is an unavoidable obligation and the use of the People's natural resources for unauthorized purposes is an unofficial act for which there is no immunity (**See Trump v. United States, 603 U.S. (2024))**.

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If you believe that the government has been granted power to use the People's natural resources for unauthorized purposes, please respond by showing the constitutional grants of authority, or you agree that this practice is unlawful. Furthermore, please respond if you disagree with any of the claims in this Notice. All responses shall be made within five (5) days receipt of this Notice by sworn affidavit, point by point, under penalty of perjury, or you agree by tacit acquiescence to all claims herein, and this notice shall stand as evidence against you in all courts of record, that no court may rehear this matter, that this matter may be heard by an arbitrator of my choice, and that if remedy, as instructed, is not given, the People, to whom you swore an oath, will recognize it as being done purposely, with full knowledge, malice, and intent. All responses not sworn under penalty of perjury are considered non-responses. This notice is sent in the peace and love of Jesus Christ that you provide due care to those who hold all political power, the People.

8/2/2026 Autograph Jodi Stewart

Date

**Maxim of Law**: One lawfully commanding must be obeyed.
**Maxim of Law**: Judicial notice is a form of evidence.

You may respond by email: jstewart62767@gmail.com

Distribution list:
Indiana Governor Mike Braun
Indiana House of Representatives (All Members)
Indiana Senate (All Members)
Indiana Attorney General Todd Rokita
Indiana Supreme Court
Boone County Area Plan Commission
Boone County Council
Cc: City of Lebanon Common Council
City of Lebanon Mayor Matt Gentry
City of Lebanon Health Department
Boone County Health Department Board Members
City of Lebanon Utility Board Members
City of Lebanon Code Enforcement Officer Makada Love
IDEM Commissioner Clint Woods
IDEM Manager Phillip Jackson
DNR Director Alan Morrison New Director Kevin Mahan
Ryan Ottinger Water and Wastewater Operations Manager
Chief Judge Tanya Walton Pratt, United States District Court for the Southern District of Indiana; Chief Judge Holly A. Brady, United States District Court for the Northern District of Indiana; Chief Judge Diane S. Sykes, United States Court of Appeals for the Seventh Circuit;
Associate Justice Amy Coney Barrett, Supreme Court of the United States;

**Notice and Demand to Cease and Desist Using Public Money for Non-Public Purposes Such as Economic Development**
**Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent**

To: Indiana Governor Eric Holcomb; Indiana House of Representatives (All Members); Indiana Senate (All Members); Indiana Attorney General Todd Rokita; Indiana Supreme Court
Cc: City of Lebanon Common Council Members; City of Lebanon Mayor Matt Gentry; Chief Judge Tanya Walton Pratt, United States District Court for the Southern District of Indiana; Chief Judge Holly A. Brady, United States District Court for the Northern District of Indiana; Chief Judge Diane S. Sykes, United States Court of Appeals for the Seventh Circuit; Associate Justice Amy Coney Barrett, Supreme Court of the United States;

Indiana Governor-Elect Mike Braun; Indiana Lieutenant Governor-Elect Micah Beckwith, Clint Woods, IDEM Commissioner, Phillip Jackson IDEM Manager

I, Jodi Stewart, one of the People (as seen in the **Indiana Constitution, Article 1, Section 1**), (Republican in form), Sui Juris, do serve you, Philip Jackson this Notice, by Necessity, that you do provide immediate due care:

**Please take notice that** all political power is inherent in the People (Indiana Constitution Article 1 Section 1) and that the People have a right to lawfully instruct their government (Indiana Constitution Article 1 Section 31) and that entities, including corporations and bodies politic, are created with the permission of the People and are obligated to act in good faith and with due regard solely for the People's benefit. (See evidence below)
**Maxims of Law**: Good faith demands that what is agreed upon shall be done.
**Maxims of Law**: The welfare of the people is the supreme law; And

**Please take further notice** that all government servants have an unavoidable obligation to use public money for public purposes and that the use of public money for a purpose without constitutional authority is an unofficial act for which there is no immunity (**Trump v. United States, 603 U.S. 593 (2024)**). In Black's Law Dictionary 1st edition, taxes are defined as "burdens or charges imposed by the legislature upon persons or property to raise money for **public purposes**" and in Black's Law Dictionary 2nd edition, **public purpose** is defined as "in the law of taxation,.. .this is a term.. .to distinguish the objects for which, according to settled usage, the government is to provide, from those which, by the like usage, are left to private interest, inclination, or liberality." Authority granted in the constitutions must be used exactly as specified without any departure. Furthermore, if the constitutions do not expressly grant such authority, it does not exist. (Excerpts) (See evidence below) (Bolded for emphasis)
**Maxims of Law**: From the words of the law there must be no departure.
**Maxims of Law**: The expression of one thing is the exclusion of another; And

**Please take further notice** that according to settled usage and the text, history, and tradition in constitutions, economic development is not a public purpose. (See evidence below)

**North Dakota Constitution Article I Section 16**: ...a public use or a **public purpose** does not include public benefits of economic development, including an increase in tax base, tax revenues, employment, or general economic health. (Excerpt) (Bolded for emphasis) (**See also Louisiana Constitution Article I Section 4**)

**Loan Association vu Topeka, 87 U.S. 655 (1874)**: We have established, we think, beyond cavil that there can be no lawful tax which is not laid for a **public purpose**. It may not be easy to draw the line in all cases so as to decide what is a public purpose...in the case before us...there is no difficulty in holding that this is not such a **public purpose** as we have been considering. If it be said that a benefit results to the local public of a town by establishing manufactures, the same may be said of any other business or pursuit which employs capital or labor...No line can be drawn in favor of the

manufacturer which would not open the coffers of the public treasury to the importunities of two-thirds of the businessmen of the city or town. (Excerpt) (Bolded for emphasis) (**See also Parkersburg v. Brown, 106 U.S. 487 (1883) and Cole v. La Grange, 113 U.S. 1 (1885)**); And

**Please take further notice** that the fact that public money has already been used for non-public purposes creates no validity to continue to use public money for such purposes. (See evidence below)
**Maxims of Law**: Things invalid from the beginning cannot be made valid by subsequent act.

**Loan Association v. Topeka, 87 U.S. 655 (1874)**: If the legislature was without power...and its statute...is void, payment of interest, which was equally unauthorized, cannot create...a power to levy taxes resting on...the fact that they have once been illegally levied for that purpose. (Excerpt)
**Question**: Where in the Indiana Constitution is there a grant of authority to use public money for non-public purposes? Failure to show this constitutional provision means you understand and agree that public money cannot be used for non-public purposes.

It is, therefore, my wish, order, and demand that you provide remedy by immediately ceasing and desisting using public money for non-public purposes and by providing public notice to cease and desist such use of public money to all departments of all state and local governments within the State of Indiana. If you believe that government has been granted power to use public money for non-public purposes, please show the constitutional grants of authority within five (5) days, by sworn affidavit, under penalty of perjury, or you agree that this practice is unlawful and that failure to openly express the same is done with full knowledge, malice, and intent and shall be evidence in this court of record, heard by an arbitrator of my choice. All responses not submitted under penalty of perjury are non-responses. (Any response from an attorney not directly addressed by this notice will be considered a non-response)
This notice is sent in the peace and love of Jesus Christ that you provide due care to those who hold all political power, the People.

Josh Stewart Autograph 8/2/2026 Date

**Maxims of Law**: One lawfully commanding must be obeyed. Maxims of Law: Judicial notice is a form of evidence.

Stewart 4548 W. 500 S
Lebanon, IN
46052

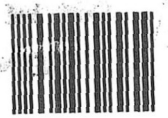
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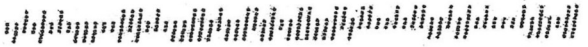
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IDEM
Attn: Phillip Jackson
Office of Air Quality Branch
100 N. Senate Ave. Room 13W
Indpls, IN.
46204-2251

Received
State of Indiana
AUG 05 2026
Dept of Environmental Mgmt
Office of Air Quality

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**Indiana Department of Environmental Management**
**Office of Air Quality**

Appendix E - Public Comment

# Addendum to the Technical Support Document (ATSD) for a New Source Construction and Part 70 Operating Permit

| Source Background and Description |
|---|

| | |
|---|---|
| **Source Name:** | **Orla, LLC** |
| **Source Location:** | **3062 West SR 32, Lebanon, IN 46052** |
| **County:** | **Boone** |
| **SIC Code:** | **7374 (Computer Processing, Data Preparation, and Processing Services)** |
| **Operation Permit No.:** | **T 011-50034-00093** |
| **Permit Reviewer:** | **Phillip Jackson** |

On August 6, 2026, Sam Carpenter, on behalf of the Hoosier Environmental Council, submitted mailed comments to IDEM, OAQ on the draft New Source Construction and Part 70 Operating Permit.

The comments are included below in their entirety.

**HOOSIER ENVIRONMENTAL COUNCIL**
3951 N. Meridian Street, Suite 100, Indianapolis, IN 46208
(317) 685-8800 | hecweb.org | comments@hecweb.org

August 6, 2026

VIA ELECTRONIC MAIL (PJackso@idem.IN.gov)

Phillip Jackson
Indiana Department of Environmental Management
Office of Air Quality – Permits Branch
100 North Senate Avenue, MC 61-53, Room 1003 Indianapolis,
IN 46204-2251

**RE: Public Comments on Proposed Title V and Construction Permits**
Life Cycle Power, Permit No. T 011-50087-00094
Orla, LLC, Permit No. T 011-50034-00093 Boone
County, Indiana

Dear Mr. Jackson:

The Hoosier Environmental Council ("HEC") submits the following comments regarding the draft Title V operating permits and associated construction permits proposed for Life Cycle Power ("Life Cycle Power") and Orla, LLC ("Orla") in Lebanon, Boone County, Indiana. HEC is Indiana's largest statewide environmental advocacy organization and has a direct interest in ensuring that Indiana's air permitting decisions adequately protect the health and welfare of Hoosiers, including residents near the data centers and associated power-generation infrastructure now being sited across central Indiana.

These comments are submitted within the public comment period IDEM has established for both permits, which closes on August 10, 2026. HEC intends to participate in the joint public hearing scheduled for August 6, 2026, and respectfully requests that these written comments be entered into the administrative record for both permit proceedings.

## SUMMARY OF COMMENTS AND REQUESTED ACTIONS

HEC requests that IDEM, before finalizing either permit:

1. Require that both permits be amended in tandem whenever a change to either facility affects the combined source's potential to emit, that recordkeeping and reporting under both permits be reconciled on a common schedule, and that future permit modification proceedings for either facility provide notice referencing both permit numbers (see Comment 1, below).
2. Require the applicant to disclose its actual anticipated startup, shutdown, and load-following dispatch pattern for the 65-engine fleet, and either limit the number of startup and shutdown events per engine consistent with the assumptions used to calculate potential to emit, or require short-term ambient air quality modeling based on a realistic cycling operating scenario (see Comment 2, below).

3. Require a fleet-wide testing and monitoring protocol for the 65 Life Cycle Power generators adequate to assure continuous compliance, in place of the proposed protocol of testing ten of sixtyfive units, repeated once every five years (see Comment 3, below).

4. Require ambient air toxics modeling for hazardous air pollutants, particularly formaldehyde, and require the permit to clearly and specifically state the applicable NESHAP-based hazardous air pollutant limits and work-practice standards (see Comment 4, below).

5. Require the applicant to document, in the public record, the factual and legal basis for classifying the combined facility outside the twenty-eight source categories subject to the lower, 100 ton-peryear Prevention of Significant Deterioration major source threshold, including the facility's total heat input in British thermal units per hour (see Comment 5, below).

6. Require Orla to state, on the record, the specific circumstances under which its diesel generators are expected to operate, consistent with IDEM's obligation to provide the legal and factual basis for applying the emergency-generator provisions (see Comment 6, below).

7. Require IDEM and the applicants to disclose the factual basis for the 500-hour annual operating assumption used to calculate the Orla emergency generators' potential to emit, and to explain the degradation, startup, loading, and operational assumptions underlying the 25.4-ton NOx and 17.2ton CO limits (see Comment 7, below).

8. Require Orla to finalize its emergency generator equipment selection before permit issuance, rather than presenting two parallel, undecided equipment options (see Comment 8, below).

9. Require the applicant to disclose its anticipated engine cycling pattern and require short-term ambient air quality analysis capable of capturing its localized impacts (see Comment 9, below).

10. Require the applicant to disclose what assumptions regarding expected emergency-generator operating hours were used in evaluating the facility's operating profile, and what reliability or failure-mode analysis has been performed for its anticipated duty cycle (see Comment 10, below).

**COMMENT 1: THE PERMITS SHOULD PROVIDE FOR COORDINATED AMENDMENT AND RECORDKEEPING GIVEN IDEM'S SINGLE-SOURCE DETERMINATION**

IDEM's own technical support documents for both permits determine that Life Cycle Power and Orla constitute a single facility for purposes of major source review and Title V applicability. Specifically, IDEM has found that Orla owns the parcel on which both facilities sit and leases a portion of it to Life Cycle Power; that the two entities lack common ownership but satisfy IDEM's common-control test because Life Cycle Power was built for the purpose of, and delivers approximately 95 percent of its output to, Orla; and that a support-facility relationship independently exists because Orla "cannot operate" without power supplied by Life Cycle Power. Having reached that conclusion, IDEM nonetheless proposes to issue two administratively separate permits, describing the Life Cycle Power permit as issued "solely for administrative purposes."

HEC agrees with IDEM's single-source finding, which appears well-supported on this record: treating Life Cycle Power and Orla as a single source is preferable to permitting them as separate sources, which would allow each facility to operate just under the 250 ton-per-year Prevention of Significant Deterioration threshold individually, rather than requiring their combined emissions to remain under that limit. HEC does

ask IDEM to ensure that administrative separation does not, in practice, obscure the cumulative emissions picture, weaken enforcement, or split public review of what all parties agree is a single, integrated power and computing operation. HEC requests that IDEM confirm, in the final permits or an accompanying record, that: (a) both permits will be amended in tandem whenever a change to either facility affects the combined source's potential to emit; (b) recordkeeping and reporting under both permits will be reconciled on a common schedule so that combined emissions can be verified on an ongoing basis rather than reconstructed after the fact, consistent with Title V's purpose of consolidating a source's existing air pollution requirements into a single document to facilitate compliance monitoring, see Sierra Club v. Leavitt, 368 F.3d 1300, 1302 (11th Cir. 2004); and (c) any future permit modification proceeding for either facility will provide notice referencing both permit numbers, given the interdependence IDEM itself has found.

**LIFE CYCLE POWER PERMIT (T 011-50087-00094)**

***COMMENT 2: The Permit Does Not Limit Startup, Shutdown, or Load-Following Events for the 65Engine Fleet***

The potential-to-emit calculations underlying the Life Cycle Power permit's annual tonnage limits model each of the 65 engines as operating in essentially continuous, baseload service: 8,695 of 8,760 hours per year, with startups and shutdowns occurring only eight times per year per engine, tied to scheduled maintenance at roughly 1,000-hour intervals. The application's own supporting calculations state, however, that "the operating scenarios represented in the table are for maximum potential emissions estimation purposes only" and "shall not be used to limit the maximum hours of operation, number of SUSD events, or amount of natural gas firing." No provision of either draft permit imposes such a limit either: neither permit caps the number of startup or shutdown events per engine, nor sets any hourly or short-term emission rate limit, nor restricts ramp rate.

HEC requests that IDEM require a permit condition limiting startup and shutdown events per engine consistent with the assumptions used to calculate potential to emit, or, in the alternative, require the applicant to justify why no such limit is warranted. The implications of this gap for data center load variability and equipment reliability are addressed further in Comment 9 below.

***COMMENT 3: The Proposed Testing Protocol Does Not Assure Continuous Compliance Across a 65Unit Fleet***

The permit authorizes 65 individual Caterpillar G3516H natural gas engines (2,763 hp / 2,060 kW each), each equipped with its own selective catalytic reduction (SCR) and oxidation catalyst system. The compliance demonstration in the draft permit requires performance testing of only a "representative sample of ten (10)" of the 65 units within 180 days of the startup of that group, with retesting of a new sample of ten units "once every five (5) years" thereafter (Draft Permit Condition D.1.7, citing 326 IAC 2-1.1-11).

At that rate, IDEM would not obtain direct stack-test data on every individual engine's control performance for more than three decades, since covering all 65 units even once would take roughly 6.5 testing cycles at five years apiece. In the interim, compliance for any untested engine rests entirely on the inference that it performs identically to whichever ten units were most recently sampled, notwithstanding that each unit's SCR and oxidation catalyst can degrade, be damaged, or be improperly maintained independently of its 64 sister units. 326 IAC 2-7-5(3) requires that, where an applicable requirement does not itself specify periodic testing, a Title V permit's monitoring provisions be sufficient to yield reliable data that are representative of the source's compliance. HEC does not believe a testing schedule that would take decades to test the full

fleet satisfies that standard, regardless if the stated goal is for grid interconnection and removal of the engines at the end of 2027. HEC requests that IDEM require a testing frequency and sample size proportional to the number of units — for example, annual testing of a rotating sample sufficient to cover the full fleet within a five-year period.

***COMMENT 4: Hazardous Air Pollutant Emissions Warrant Ambient Modeling, and the Permit Should Clearly State the Applicable NESHAP Limits***

IDEM's technical support document calculates the facility's controlled, source-wide potential to emit formaldehyde, a human carcinogen, at 111.95 tons per year, more than eleven times the 10 ton-per-year threshold that itself defines major-source status for a single hazardous air pollutant. Combined hazardous air pollutant potential to emit is calculated at 136.21 tons per year, more than five times the 25 ton-per-year combined-HAP major source threshold.

The permit does not itself state an enforceable numeric limit on the facility's hazardous air pollutant emissions. Because the facility is a major source of HAPs, however, it is independently subject to the technology- and work-practice-based standards in NESHAP Subparts ZZZZ and DDDDD: a formaldehyde emission limit applies to Life Cycle Power's engines under 40 CFR Part 63, Subpart ZZZZ, Table 2a (line 2), and a biennial tune-up work-practice standard applies to the regasification boilers under 40 CFR 63.7540(a)(11). The draft permit incorporates these standards only by citing the underlying regulations rather than stating the specific applicable limits and requirements. Nor does the administrative record reflect that any ambient dispersion modeling or air toxics screening has been performed to characterize resulting exposure at nearby residences and other occupied structures, notwithstanding the original application's own acknowledgment, at page 3-1, that such modeling might be warranted. Given the proximity to residents and the Eli Lilly facility, HEC requests that IDEM require, prior to final permit issuance, ambient air quality modeling for formaldehyde and other significant hazardous air pollutants emitted by the facility, sufficient to characterize exposure at the nearest residences and other sensitive receptors. HEC also requests that IDEM restate the applicable NESHAP limits and work-practice standards directly in the permit itself; HEC recognizes that IDEM's authority to impose HAP limits beyond these federal standards may be limited, but to the extent such authority exists, HEC requests that IDEM consider an enforceable annual tonnage limit on total facility-wide hazardous air pollutant emissions comparable in kind to the tonnage limits already imposed on NOx, VOC, and CO.

***COMMENT 5: IDEM Should Document the Basis for Its Determination That the Facility Falls Outside the Twenty-Eight Source Categories***

The draft permit treats this facility as subject to a 250 ton-per-year Prevention of Significant Deterioration major source threshold rather than the 100 ton-per-year threshold applicable to the 28 source categories enumerated at 326 IAC 2-2-1(ff). Category (ff)(1)(A) applies to "[f]ossil fuel-fired steam electric plants of more than two hundred fifty million (250,000,000) British thermal units per hour heat input." The technical support document states only that the facility is not within that category, without explaining whether that conclusion rests on the facility not qualifying as a "fossil fuel-fired steam electric plant," on the facility's heat input falling below 250 million BTU/hr, or on some other basis — and without stating the facility's total heat input in BTU/hr at all, a figure necessary to make that determination. 326 IAC 2-7-8(d) requires IDEM to provide a technical support document that sets forth the legal and factual basis for draft Part 70 permit conditions. Given that this facility is, functionally, a fossil-fuel combustion electric generating operation of substantial scale — with a combined nameplate capacity of approximately 134 megawatts —

HEC requests that IDEM's technical support document state: (1) whether the facility is excluded from category (ff)(1)(A) because it does not qualify as a "fossil fuel-fired steam electric plant," because its heat input does not exceed 250 million BTU/hr, or both; and (2) the facility's calculated total heat input in BTU/hr supporting that conclusion.

**ORLA, LLC PERMIT (T 011-50034-00093)**

***COMMENT 6: The "Emergency" Classification of a 39-Megawatt Generator Fleet Warrants Further Justification***

The Orla permit authorizes twelve diesel-fired generators, each rated at approximately 4,350 to 4,376 brake horsepower (a combined nameplate capacity of roughly 39 megawatts), classified and regulated as "emergency" units under 40 CFR Part 60, Subpart IIII, and 40 CFR Part 63, Subpart ZZZZ. Under 40 CFR 60.4211(f) and 40 CFR 63.6640(f), an engine retains its emergency classification, and the reduced regulatory burden that comes with it, only if its operation is limited to genuine emergencies, maintenance and readiness testing, and the limited categories of non-emergency operation allowed within the federal rule's 100-hour annual allowance; an engine operated outside those bounds "will not be considered an emergency engine" and must instead meet the more stringent requirements applicable to non-emergency units.

This is not a generic backup power arrangement. The primary power source for the co-located data center is, by design, an off-site utility grid connection that does not yet exist; in its place, Life Cycle Power's fleet of 65 new reciprocating engines is expected to provide primary power for a period that is not clearly defined but is likely to span multiple years, on a first-of-its-kind basis for this developer, drawing on a fuel supply chain, trucked liquefied natural gas, on-site regasification, and pipeline gas not yet connected, with more potential points of interruption than a conventional utility feed. As discussed in Comment 10 below, the reliability of that fleet may itself be affected by the load-following cycling it is expected to perform. HEC does not suggest that IDEM has misapplied the emergency-engine rules as written. HEC does ask IDEM to require the applicant to state, on the record, the specific circumstances under which Orla's diesel generators are expected to operate, and to confirm that the facility's actual anticipated reliance on those generators is consistent with genuine emergency use rather than routine or foreseeable supplementation of an admittedly novel primary power arrangement. Under 326 IAC 2-7-8(d), IDEM must provide a technical support document setting forth the legal and factual basis for draft permit conditions; HEC requests that IDEM treat the basis for applying the emergency-generator provisions to Orla's fleet as part of that required showing, rather than assuming the classification is self-evident from the equipment type alone.

***COMMENT 7: IDEM Should Reconcile the 500-Hour Planning Basis With the Applicable Federal Standard***

IDEM's own technical support document calculates the "unrestricted" potential to emit for Orla's emergency generators using an assumed 500 hours of operation per year, five times the 100-hour combined ceiling for maintenance, testing, and limited non-emergency use that ordinarily applies to emergency engines under 40 CFR 60.4211(f) and 40 CFR 63.6640(f). The technical support document further acknowledges that operating at the full 500 hours would push the combined facility's potential emissions above the Prevention of Significant Deterioration major source threshold, which is why the permit instead caps total annual emissions from the twelve generators at 25.4 tons of NOx and 17.2 tons of CO, in lieu of a fixed hour limit.

HEC does not object to the use of an annual tonnage limit as an enforcement mechanism. HEC does request that IDEM disclose the specific factual basis for using a 500-hour planning assumption in the first instance, since that figure exceeds what the federal emergency-engine framework itself would allow for legitimate maintenance, testing, and limited non-emergency operation. If the 500-hour figure reflects an anticipated need for backup power beyond routine testing, that anticipated need should be documented and considered in evaluating whether these units are properly classified as "emergency" generators at all, consistent with Comment 6 above and Comment 10 below.

The 25.4-ton NOx and 17.2-ton CO limits illustrate why the assumptions built into the compliance determination equations matter: the technical support document states directly that these limits exist specifically to keep the combined facility under the Prevention of Significant Deterioration threshold, meaning the two figures function as a regulatory boundary rather than an independently derived air-quality judgment. The current record indicates a margin of roughly 60 to 90 tons per year between the combined facility's calculated potential to emit and the 250 ton-per-year threshold for each PSD-regulated pollutant, which appears to leave reasonable room for the Orla units to remain within their individual limits; HEC does not ask IDEM to revisit that margin here. HEC does request that IDEM require the applicant to document: (1) what assumptions regarding catalyst or control-equipment degradation over time were incorporated into the compliance determination equations used to calculate emissions against these limits, given that such equations typically apply a fixed, rated emissions factor to actual operating hours without independently accounting for performance degradation over the equipment's service life; (2) what startup and loading assumptions underlie the emissions calculations supporting these limits; (3) what operational assumptions, including anticipated frequency and duration of use, were used to support the 25.4-ton and 17.2-ton figures; and (4) whether any uncertainty or sensitivity analysis was performed to test how much these assumptions could vary before the PSD-avoidance conclusion would no longer hold.

***COMMENT 8: The Permit Should Not Issue Until Generator Equipment Is Finalized***

The draft permit presents parallel emission unit descriptions for two different generator models — a Caterpillar C175-16 and a Cummins C3000 D6e — without indicating which the applicant will actually install. Because emission factors, and therefore enforceable limits, differ between the two options, HEC requests that IDEM require the applicant to finalize its equipment selection before the permit is issued, so that the public and IDEM alike are evaluating an enforceable, as-built permit rather than two hypothetical configurations. The technical support document states that both generator options will be permitted, with the applicant to submit a later application to remove whichever option is not selected. HEC requests that IDEM explain the legal and technical basis for authorizing two complete, alternative equipment configurations simultaneously rather than requiring a finalized selection before initial permit issuance, and describe what mechanism will ensure the unselected configuration is formally and enforceably removed. Under 326 IAC 2-7-8(d), that explanation should form part of the technical support document's required legal and factual basis for the permit's conditions.

**VARIABLE DATA CENTER LOAD AND THE RISK OF INCREASED RELIANCE ON DIESEL BACKUP**

***COMMENT 9: Data Center Load Variability May Require Far More Frequent Engine Cycling Than the Permit's Emissions Estimates Assume***

This facility is not expected to serve a flat, continuous load. It exists to power a data center campus of a kind now documented to produce substantial, short-timescale power demand fluctuations, particularly

where AI training or inference workloads are involved; published grid-reliability research has recorded load swings of hundreds of megawatts within seconds to minutes, and gigawatt-scale swings within tens of seconds, at comparable AI data center sites (North American Electric Reliability Corp., 2026 State of Reliability (2026)). Reciprocating engines of the kind proposed here are frequently selected for behind-the meter data center power precisely because they can start, stop, and ramp quickly enough to track that kind of variable load, unlike combined-cycle turbines. If Life Cycle Power in practice operates its fleet by cycling individual engines online and offline, or up and down in load, to track the data center's real-time demand, the number of startup and shutdown events discussed in Comment 2 above — and the corresponding uncontrolled emissions, which the application's own factors show at several times the controlled rate for NOx, CO, and VOC — could be far higher than the permit's own potential-to-emit calculations assume.

HEC's concern here is not primarily that this would cause the facility to exceed its annual tonnage caps, since the modeled contribution from startup and shutdown events is small relative to those caps even at several times the assumed frequency. It is that neither draft permit, nor either technical support document, includes any hourly, daily, or other short-term ambient air quality analysis that would capture the specific risk this pattern creates: short-term spikes in ambient NOx, CO, and VOC concentrations near the site, concentrated in time around each startup and shutdown event, rather than the smooth, continuous-operation profile the annual-average analysis implicitly assumes.

***COMMENT 10: Frequent Cycling Also Increases the Risk of Engine Malfunction, Which Could Increase Reliance on Orla's "Emergency" Diesel Generators***

The reliability implications of a load-following dispatch pattern extend beyond emissions control performance. Repeated starting, stopping, and thermal cycling is well documented to accelerate component wear and failure relative to steady, continuous operation: published analyses of power plant cycling have found that generator rotor components designed to withstand on the order of 10,000 starts can show crack initiation within as few as 200 to 300 starts once moved from baseload to cyclic duty (Bill Moore, Is Your Generator Fit for Cyclic Duty?, Modern Power Systems (Feb. 23, 2024)), and industry literature on catalyst systems confirms that frequent starts and wider load swings place substantially greater strain on control equipment than the steady-state conditions those systems were designed around (Emissions Catalyst Issues for Fast-Start Combined Cycle Power Plants, POWER Magazine (July 1, 2016)). HEC raises this concern because increased wear resulting from frequent cycling may affect emissions-control performance, maintenance frequency, reliability, and resulting dependence on emergency generation — each of which bears directly on this air permitting proceeding.

HEC recognizes that a fleet of 65 individual engines offers some redundancy against the failure of any single unit. That redundancy does not fully resolve this concern if the engines are being cycled together, or in overlapping groups, to track a shared and highly variable data center load: in that scenario, wear and potential malfunction are not independent, random events spread evenly across the fleet, but a common stressor acting on many units at once, in direct response to the same load swings the facility exists to serve.

This matters directly for the Orla, LLC permit. Orla's twelve diesel-fired generators are authorized as "emergency" backup, discussed in Comment 6 above, and Life Cycle Power's fleet is the data center's sole source of power absent a utility grid connection. Recent reporting has documented instances in which data centers relying on behind-the-meter gas generation experienced generator outages requiring extended emergency diesel generator operation (Katie Fehrenbacher, Off-grid data centers aren't the panacea that some AI firms hoped, Axios, July 27, 2026). While this does not establish that similar events will occur at

the proposed facility, it demonstrates that extended reliance on emergency generation is a foreseeable operating scenario that warrants evaluation. If frequent cycling increases the rate of unplanned engine outages or malfunctions across the Life Cycle Power fleet beyond what the near-baseload operating assumption underlying its permit contemplates, the practical result could be more frequent, and less genuinely "emergency," reliance on Orla's diesel generators to make up the shortfall. HEC requests that IDEM require the applicants to disclose: (1) what assumptions regarding expected emergency-generator operating hours were used in evaluating the facility's operating profile; (2) the anticipated frequency of engine starts, stops, and load changes across the 65-unit fleet under normal data center operation; (3) any reliability or failure-mode analysis performed for that anticipated duty cycle; and (4) how that anticipated duty cycle was reconciled, if at all, with the operating assumptions used to calculate potential to emit for both permits and to justify the emergency classification of Orla's generators.

**CONCLUSION**

HEC appreciates IDEM's consideration of these comments and requests that IDEM address each item above, in writing, before either permit is finalized. HEC further requests that it be added to the service list for any subsequent notices, responsiveness summaries, or proceedings related to either permit number referenced above.

Respectfully submitted,

Sam Carpenter
Executive Director
Hoosier Environmental Council

**Indiana Department of Environmental Management**
**Office of Air Quality**

# Technical Support Document (TSD) for a New Source Construction and Part 70 Operating Permit

## Source Description and Location

| | |
|---|---|
| **Source Name:** | **Orla, LLC** |
| **Source Location:** | **3062 West SR 32, Lebanon, IN 46052** |
| **County:** | **Boone** |
| **SIC Code:** | **7374 (Computer Processing, Data Preparation, and Processing Services)** |
| **Operation Permit No.:** | **T 011-50034-00093** |
| **Permit Reviewer:** | **Phillip Jackson** |

## Source Definition

The following plants are considered in the source determination:

(a) Orla, LLC (011-00093), 3062 West SR 32, Lebanon, IN 46052 - This source owns and operates a stationary Data Center.

(b) Life Cycle Power (011-00094), 3602 West SR 32, Lebanon, IN 46052 - This source is a stationary greenfield power generating facility.

Orla, LLC owns the entire parcel of land that both Plants reside on but is leasing out a section of the parcel to Life Cycle Power.

IDEM's Nonrule Policy Documents Air-005 applies to the definition of "major source" in 326 IAC 2-7-1(20). IDEM's Nonrule Policy Document Air-006 provides additional policy guidance to permitting on-site contractors. All of IDEM's nonrule policy documents are available at https://www.in.gov/idem/resources/nonrule-policies/effective-nonrule-policies/ on IDEM's website.

IDEM, OAQ has examined whether these plants are part of the same Part 70 major source. The term "major source" is defined at 326 Indiana Administrative Code 2-7-1(20). The Indiana Administrative Code is available at http://www.in.gov/legislative/iac/iac_title?iact=326 on the Internet. In order for these plants to be considered as a major source under 326 IAC 2-7-1(20)(B) and (C), all three of the following criteria must be met:

(a) The plants must have common ownership and/or control;

(b) The plants must have the same two-digit Standard Industrial Classification (SIC) Code or one must serve as a support facility to the other; and

(c) The plants must be located on the same, contiguous or adjacent properties.

**First Criteria - Common Ownership or Control:**
The first criteria to be considered is whether these plants are under common ownership or control. NPD Air-005 states:

Common ownership may exist in several forms.
- If a third party has ownership of fifty-one percent (51%) or more in each of two (2) or more entities, common ownership exists.
- If two (2) or more entities share common corporate officers, in whole or in substantial part, who are responsible for the day-to-day operations of the entities, common ownership exists.

- If one entity has fifty-one percent (51%) or greater ownership of another entity, common ownership exists.

  Life Cycle Power resides on the land that Orla, LLC owns, but there is no shared ownership (no common corporate officers, no common owner, etc). Common ownership does not exist.

Common Control Test:
Absent common ownership, common control may still exist. NPD Air-005 sets out two independent tests to determine if common control exists when there is no common ownership. Both tests examine the relationship between an auxiliary activity and a primary activity. If either test is satisfied, common control exists.

a. Two-pronged Test to Determine Common Control:
The first test common control test determines whether one plant or facility performs an activity which directly serves the purpose of the primary activity and whether the owner or operator of the primary activity has a major role in the day-to-day operations of the other plant's or facility activity.

1st Prong
Whether the plant's or facility's activity directly serves the purpose of a primary activity by supplying a necessary raw material to the primary activity or performing an integral part of the production process for the primary activity.

2nd Prong
Day-to-day control of the plant or facility activity by the primary activity may be evidenced by several factors, including:
- Is a majority of the output of the plant or facility provided to the primary activity?
- Can the plant or facility contract to provide its products/services to a third-party without the consent of the primary activity?
- Can the primary activity assume control of the auxiliary activity under certain circumstances?
- Is the plant or facility required to complete periodic reports to the primary activity?

If one or a combination of these questions is answered affirmatively, common control may exist.

Life Cycle cannot provide electricity to the grid or other sources. Lifecyle is being constructed solely for the purpose of providing electricity to Orla, LLC. The Orla, LLC plant cannot operate without electricity from the Life Cycle Power plant. Life Cycle Power directly serves the purpose of Orla, LLC's operation by providing an integral part to Orla, LLC's operation, therefore the 1st prong of the common control is satisfied.

Since the Two-pronged Test is sufficient, the But/For Test is not required.

Common Control Test - Conclusion:
Since Life Cycle Power provides an integral part of Orla, LLC's operation, common control exists, therefore, the two (2) plants meet the first criteria of the source definition.

**Second Criteria - Common SIC Code or Support Facility:**
The second criteria is whether either of the plants have a common two-digit Standard Industrial Classification (SIC) Code or if one plant serves as a support facility for the other plant. The Standard Industrial Classification Manual of 1987 sets out how to determine the proper SIC Code for each type of business. More information about SIC Codes is available at https://www.osha.gov/data/sic-manual on the Internet. The SIC Code is determined by looking at the principal product or activity of each plant.

(a) Orla, LLC operations falls under the two-digit SIC Code 73 for Business Services.

(b) Life Cycle Power operations falls under the two-digit SIC Code 49 for Electric, Gas, and Stationary Services.

The two plants do not have the same two-digit SIC Code. Therefore, the support facility relationship must be determined.

Support Facility Relationship
A plant is a support facility to another plant if it dedicates 50% or more of its output to the other plant.

The Life Cycle Power plant provides 100% of its output of electricity to the Orla, LLC plant.
The Orla, LLC plant provides 0% of its output to Life Cycle Power plant.

The Orla, LLC plant cannot operate without Life Cycle Power plant, since it provides an essential function. Therefore, Life Cycle Power plant is a support facility to the Orla, LLC plant.

Based on the 100% reliance of Orla, LLC to the output of the Life Cycle Power, this plant is considered a support facility. Therefore, the two (2) plants meet the second criteria of the source definition.

**Third Criteria - Same, Contiguous, or Adjacent Properties:**
The third and last criteria of the major source definition is whether the plants are on the same, contiguous or adjacent properties. Plants located on properties that share a common property border are contiguous.

Both Orla, LLC and Life Cycle Power are located on the same property. Therefore, the two (2) plants meet the third criteria of the source definition.

**Source Determination - Final Conclusion Under 326 IAC 2-7-1(20)(B) and (C):**
IDEM, OAQ finds that the plants meet all three criteria of the major source definition. Therefore, the plants are part of the same Part 70 major source.

## Existing Approvals

There have been no previous approvals issued to this source.

## County Attainment Status

The source is located in Boone County.

Pursuant to amendments to Indiana Code IC 13-17-3-14, effective July 1, 2023, a federal regulation that classifies or amends a designation of attainment, nonattainment, or unclassifiable for any area in Indiana under the federal Clean Air Act is effective and enforceable in Indiana on the effective date of the federal regulation.

| Pollutant | Designation |
|---|---|
| $SO_2$ | Unclassifiable or attainment effective April 9, 2018, for the 2010 primary 1-hour $SO_2$ standard. Better than national secondary standards effective March 3, 1978. |
| CO | Unclassifiable or attainment effective November 15, 1990. |
| $O_3$ | Unclassifiable or attainment effective January 16, 2018, for the 2015 8-hour ozone standard. |
| $PM_{2.5}$ | Unclassifiable or attainment effective April 15, 2015, for the 2012 annual $PM_{2.5}$ standard. |
| $PM_{2.5}$ | Unclassifiable or attainment effective December 13, 2009, for the 2006 24-hour $PM_{2.5}$ standard. |
| $PM_{10}$ | Unclassifiable effective November 15, 1990. |
| $NO_2$ | Unclassifiable or attainment effective January 29, 2012, for the 2010 $NO_2$ standard. |
| Pb | Unclassifiable or attainment effective December 31, 2011, for the 2008 lead standard. |

(a) Ozone Standards
Volatile organic compounds (VOC) and Nitrogen Oxides ($NO_x$) are regulated under the Clean Air Act (CAA) for the purposes of attaining and maintaining the National Ambient Air Quality Standards (NAAQS) for ozone. Therefore, VOC and $NO_x$ emissions are considered when

evaluating the rule applicability relating to ozone. Boone County has been designated as attainment or unclassifiable for ozone. Therefore, VOC and $NO_x$ emissions were reviewed pursuant to the requirements of Prevention of Significant Deterioration (PSD), 326 IAC 2-2.

(b) $PM_{2.5}$
Boone County has been classified as attainment for $PM_{2.5}$. Therefore, direct $PM_{2.5}$, $SO_2$, and NOx emissions were reviewed pursuant to the requirements of Prevention of Significant Deterioration (PSD), 326 IAC 2-2.

(c) Other Criteria Pollutants
Boone County has been classified as attainment or unclassifiable in Indiana for all the other criteria pollutants. Therefore, these emissions were reviewed pursuant to the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2.

## Fugitive Emissions

Since this type of operation is not one (1) of the twenty-eight (28) listed source categories under 326 IAC 2-2-1(ff)(1), 326 IAC 2-3-2(g), or 326 IAC 2-7-1(20)(B), and there is no applicable New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants that was in effect on August 7, 1980, fugitive emissions are not counted toward the determination of PSD, Emission Offset, and Part 70 Permit applicability.

The fugitive emissions of hazardous air pollutants (HAP) are counted toward the determination of Part 70 Permit applicability and source status under Section 112 of the Clean Air Act (CAA).

## Greenhouse Gas (GHG) Emissions

On June 23, 2014, in the case of *Utility Air Regulatory Group v. EPA*, cause no. 12-1146, (available at https://www.supremecourt.gov/opinions/opinions.aspx) the United States Supreme Court ruled that the U.S. EPA does not have the authority to treat greenhouse gases (GHGs) as an air pollutant for the purpose of determining operating permit applicability or PSD Major source status. On July 24, 2014, the U.S. EPA issued a memorandum to the Regional Administrators outlining next steps in permitting decisions in light of the Supreme Court's decision. U.S. EPA's guidance states that U.S. EPA will no longer require PSD or Title V permits for sources "previously classified as 'Major' based solely on greenhouse gas emissions."

The Indiana Environmental Rules Board adopted the GHG regulations required by U.S. EPA at 326 IAC 2-2-1(zz), pursuant to Ind. Code § 13-14-9-8(h) (Section 8 rulemaking). A rule, or part of a rule, adopted under Section 8 is automatically invalidated when the corresponding federal rule, or part of the rule, is invalidated. Due to the United States Supreme Court Ruling, IDEM, OAQ cannot consider GHG emissions to determine operating permit applicability or PSD applicability to a source or modification.

## Background and Description of Emission Units and Pollution Control Equipment

The Office of Air Quality (OAQ) has reviewed an application, submitted by Orla, LLC on February 4, 2026, relating to the construction of emergency generators and supporting equipment at a new stationary data center.

The following is a list of the new emission units and pollution control device(s):

The source has requested two options for diesel-fired emergency generators. Both sets will be permitted with this operating permit, and the source will submit a later application to remove the option that is not selected. At this time, the worst case PTE will be used in the calculation (Option 1).

*Option 1: Caterpillar C175-16 Diesel Generator*

(a) Twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, approved in 2026 for construction, each with a rated maximum capacity of 4,376 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency generators are affected sources.
Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency generators are affected sources.

*Option 2: Cummins C3000 D6e Diesel Generator*

(a) Twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, approved in 2026 for construction, each with a rated maximum capacity of 4,352 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency generators are affected sources.
Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency generators are affected sources.

(b) Two (2) diesel-fired emergency fire pumps, identified as DFP-1 and DFP-2, approved in 2026 for construction, each with a rated maximum capacity of 224 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency fire pumps are affected sources.
Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency fire pumps are affected sources.

(c) Twelve (12) diesel belly tanks, identified as DBT-1 through DBT-12, approved in 2026 for construction, each with a maximum capacity of 7,185 gallons, and exhausting outdoors.

(d) Paved roads

## Enforcement Issues

There are no pending enforcement actions related to this source.

## Emission Calculations

See Appendix A of this Technical Support Document for detailed emission calculations.

## Permit Level Determination – Part 70 New Source Construction

Pursuant to 326 IAC 2-7-1(28), Potential to Emit is defined as “the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or type or amount of material combusted, stored, or processed shall be treated as part of its design if the limitation is enforceable by the U.S. EPA.”

The following table is used to determine the appropriate permit level under 326 IAC 2-7. This table reflects the unrestricted potential emissions of the source. If the control equipment has been determined

to be integral, the table reflects the potential to emit (PTE) after consideration of the integral control device.

| | Unrestricted Potential Emissions (ton/year) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | **PM[1]** | **$PM_{10}$[1]** | **$PM_{2.5}$[1, 2]** | **$SO_2$** | **$NO_X$** | **VOC** | **CO** | **Single HAP[3]** | **Total HAPs** |
| **Total PTE of Orla, LLC** | 4.35 | 5.51 | 5.36 | 0.39 | 111.09 | 27.79 | 76.18 | 0.07 (Benzene) | 0.15 |
| **Total PTE of Life Cycle Power** | 0.84 | 47.54 | 47.54 | 2.80 | 1,739.86 | 1,215.68 | 3,474.90 | 248.91 (Formaldehyde) | 337.80 |
| **Total PTE Fugitives** | 0.16 | 0.03 | 0.01 | - | - | - | - | - | - |
| **Total PTE of Entire Source** | 5.35 | 53.08 | 52.90 | 3.19 | 1,850.95 | 1,243.47 | 3,551.08 | 248.91 (Formaldehyde) | 337.95 |
| Title V Major Source Thresholds | NA | 100 | 100 | 100 | 100 | 100 | 100 | 10 | 25 |
| PSD Major Source Thresholds | 250 | 250 | 250 | 250 | 250 | 250 | 250 | -- | -- |

[1]Under the Part 70 Permit program (40 CFR 70), $PM_{10}$ and $PM_{2.5}$, not particulate matter (PM), are each considered as a "regulated air pollutant."

[2]$PM_{2.5}$ listed is direct $PM_{2.5}$.

[3]Single highest source-wide HAP.

*Fugitive HAP emissions are always included in the source-wide emissions.

The worst case PTE for Orla, LLC emergency generators will be used in the calculation (Option 1).

Since these are emergency generators, the PTE is calculated for each generator based on 500 hours of operation per year.

Appendix A of this TSD reflects the detailed unrestricted potential emissions of the source.

(a) The potential to emit (as defined in 326 IAC 2-7-1(28)) of NOx, VOC, and CO from the entire source are each equal to or greater than the Title V major source threshold levels. Therefore, the source is subject to the provisions of 326 IAC 2-7 and will be issued a Part 70 Operating Permit.

(b) The potential to emit (as defined in 326 IAC 2-7-1(28)) of any single HAP is equal to or greater than ten (10) tons per year and/or the potential to emit (as defined in 326 IAC 2-7-1(28)) of a combination of HAPs is equal to or greater than twenty-five (25) tons per year. Therefore, the source is subject to the provisions of 326 IAC 2-7 and will be issued a Part 70 Operating Permit.

**PTE of the Entire Source After Issuance**

The table below summarizes the after issuance source-wide potential to emit, reflecting all limits, of the emission units. Any control equipment is considered federally enforceable only after issuance of the Part 70 New Source Review Permit, and only to the extent that the effect of the control equipment is made practically enforceable in the permit. If the control equipment has been determined to be integral, the table reflects the potential to emit (PTE) after consideration of the integral control device.

| | Source-Wide Emissions After Issuance (ton/year) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | **PM[1]** | **$PM_{10}$[1]** | **$PM_{2.5}$[1, 2]** | **$SO_2$** | **$NO_X$** | **VOC** | **CO** | **Single HAP[3]** | **Total HAPs** |
| **Total PTE of Orla, LLC** | 4.35 | 5.51 | 5.36 | 0.39 | 25.99 | 27.79 | 17.84 | 0.07 (Benzene) | 0.15 |
| **Total PTE of Life Cycle Power** | 0.84 | 47.54 | 47.54 | 2.80 | 126.68 | 156.75 | 161.53 | 111.95 (Formaldehyde) | 136.06 |

| | Source-Wide Emissions After Issuance (ton/year) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | **PM[1]** | **$PM_{10}$[1]** | **$PM_{2.5}$[1, 2]** | **$SO_2$** | **$NO_X$** | **VOC** | **CO** | **Single HAP[3]** | **Total HAPs** |
| **Total PTE Fugitives** | 0.16 | 0.03 | 0.01 | - | - | - | - | - | - |
| **Total PTE of Entire Source** | 5.35 | 53.08 | 52.90 | 3.19 | 152.67 | 184.54 | 179.37 | 111.95 (Formaldehyde) | 136.21 |
| Title V Major Source Thresholds | NA | 100 | 100 | 100 | 100 | 100 | 100 | 10 | 25 |
| PSD Major Source Thresholds | 250 | 250 | 250 | 250 | 250 | 250 | 250 | -- | -- |

[1]Under the Part 70 Permit program (40 CFR 70), $PM_{10}$ and $PM_{2.5}$, not particulate matter (PM), are each considered as a "regulated air pollutant."

[2]$PM_{2.5}$ listed is direct $PM_{2.5}$.

[3]Single highest source-wide HAP

*Fugitive HAP emissions are always included in the source-wide emissions.

Appendix A of this TSD reflects the detailed potential to emit of the entire source after issuance.

The source opted to take limit(s) in order to render the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) not applicable to this source. See Technical Support Document (TSD) State Rule Applicability - Entire Source section, 326 IAC 2-2 (PSD) for more information regarding the limit(s).

(a) This new source is not a major stationary source, under PSD (326 IAC 2-2), because the emissions of each PSD regulated pollutant are less than the PSD major source thresholds. Therefore, pursuant to 326 IAC 2-2, the PSD requirements do not apply.

(b) This source is a major source of HAP, as defined in 40 CFR 63.2, because HAP emissions are equal to or greater than ten (10) tons per year for a single HAP and equal to or greater than twenty-five (25) tons per year for a combination of HAPs. Therefore, this source is a major source under Section 112 of the Clean Air Act (CAA).

## Federal Rule Applicability Determination

Federal rule applicability for this source has been reviewed as follows:

**New Source Performance Standards (NSPS):**

(a) The following emission units are subject to the New Source Performance Standards for Stationary Compression Ignition Internal Combustion Engines 40 CFR 60, Subpart IIII and 326 IAC 12, because these units are stationary compression ignition internal combustion engines, have a displacement of less than 10 liters per cylinder, and were manufactured after April 1, 2006. The units subject to this rule includes the following:

*Option 1: Caterpillar C175-16 Diesel Generator*

(a) Twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, approved in 2026 for construction, each with a rated maximum capacity of 4,376 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency generators are affected sources. Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency generators are affected sources.

*Option 2: Cummins C3000 D6e Diesel Generator*

(a) Twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, approved in 2026 for construction, each with a rated maximum capacity of 4,352 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency generators are affected sources. Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency generators are affected sources.

(b) Two (2) diesel-fired emergency fire pumps, identified as DFP-1 and DFP-2, approved in 2026 for construction, each with a rated maximum capacity of 224 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency fire pumps are affected sources. Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency fire pumps are affected sources.

The emergency generators and fire pumps are subject to the following portions of Subpart IIII.

| | |
|---|---|
| 60.4200 (a)(2)(i), (a)(2)(ii), (a)(4), and (c) | Am I subject to this subpart? |
| 60.4205 (b) and (c) | What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine? |
| 60.4206 | How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine? |
| 60.4207 (b) | What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart? |
| 60.4208 | What is the deadline for importing or installing stationary CI ICE produced in previous model years? |
| 60.4209 (a) | What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine? |
| 60.4211 (a), (c), (f) | What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine? |
| 60.4214 (b) and (d) | What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine? |
| 60.4218 | What General Provisions and confidential information provisions apply to me? |
| 60.4219 | What definitions apply to this subpart? |
| Tables to Subpart IIII of Part 60 | |
| Table 3 | Certification Requirements for Stationary Fire Pump Engines |
| Table 4 | Emission Standards for Stationary Fire Pump Engines |
| Table 5 | Labeling and Recordkeeping Requirements for New Stationary Emergency Engines |
| Table 8 | Applicability of General Provisions to Subpart IIII |

The requirements of 40 CFR Part 60, Subpart A – General Provisions, which are incorporated as 326 IAC 12-1, apply to the emergency generators and fire pumps except as otherwise specified in 40 CFR 60, Subpart IIII.

(b) There are no other New Source Performance Standards (40 CFR Part 60) and 326 IAC 12 included in the permit for this proposed new source.

**National Emission Standards for Hazardous Air Pollutants (NESHAP):**

(a) The following units are subject to the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines 40 CFR 63, Subpart ZZZZ, which is incorporated by reference as 326 IAC 20-82, because these units are stationary internal combustion engines, have a displacement of less than 10 liters per cylinder, and were manufactured after June 12, 2006. The units subject to this rule include the following:

*Option 1: Caterpillar C175-16 Diesel Generator*

(a) Twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, approved in 2026 for construction, each with a rated maximum capacity of 4,376 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency generators are affected sources. Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency generators are affected sources.

*Option 2: Cummins C3000 D6e Diesel Generator*

(a) Twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, approved in 2026 for construction, each with a rated maximum capacity of 4,352 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency generators are affected sources. Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency generators are affected sources.

(b) Two (2) diesel-fired emergency fire pumps, identified as DFP-1 and DFP-2, approved in 2026 for construction, each with a rated maximum capacity of 224 bhp, using Hydro-treated Vegetable Oil (HVO) as a secondary fuel, and exhausting outdoors.

Under NSPS 40 CFR 60, Subpart IIII, these emergency fire pumps are affected sources. Under NESHAP 40 CFR 63, Subpart ZZZZ, these emergency fire pumps are affected sources.

The emergency generators and fire pumps are subject to the following portions of Subpart ZZZZ:

| | |
|---|---|
| 63.6585(a) and (b) | Am I subject to this subpart? |
| 63.6590(a)(2) and (b) | What parts of my plant does this subpart cover? |
| 63.6660 | In what form and how long must I keep my records? |
| 63.6665 | What parts of the General Provisions apply to me? |
| 63.6670 | Who implements and enforces this subpart? |
| 63.6675 | What definitions apply to this subpart? |

The requirements of 40 CFR Part 63, Subpart A – General Provisions, which are incorporated as 326 IAC 20-1, apply to the emergency generators and fire pumps except as otherwise specified in 40 CFR 63, Subpart ZZZZ.

(b) There are no other National Emission Standards for Hazardous Air Pollutants under 40 CFR 63, 326 IAC 14 and 326 IAC 20 included for this proposed new source.

**Compliance Assurance Monitoring (CAM):**

(a) Pursuant to 40 CFR 64.2, Compliance Assurance Monitoring (CAM) is applicable to each pollutant-specific emission unit that meets the following criteria:

(1) has a potential to emit before controls equal to or greater than the major source threshold for the regulated pollutant involved;

(2) is subject to an emission limitation or standard for that pollutant (or a surrogate thereof); and

(3) uses a control device, as defined in 40 CFR 64.1, to comply with that emission limitation or standard.

(b) Pursuant to 40 CFR 64.2(b)(1)(i), emission limitations or standards proposed after November 15, 1990 pursuant to a NSPS or NESHAP under Section 111 or 112 of the Clean Air Act are exempt from the requirements of CAM. Therefore, an evaluation was not conducted for any emission limitations or standards proposed after November 15, 1990 pursuant to a NSPS or NESHAP under Section 111 or 112 of the Clean Air Act.

(c) Pursuant to 40 CFR 64.2(b)(1)(iii), Acid Rain requirements pursuant to Sections 404, 405, 406, 407(a), 407(b), or 410 of the Clean Air Act are exempt emission limitations or standards. Therefore, CAM was not evaluated for emission limitations or standards for $SO_2$ and $NO_X$ under the Acid Rain Program.

(d) Pursuant to 40 CFR 64.3(d), if a continuous emission monitoring system (CEMS) is required pursuant to other federal or state authority, the owner or operator shall use the CEMS to satisfy the requirements of CAM according to the criteria contained in 40 CFR 64.3(d).

Based on this evaluation, the requirements of 40 CFR Part 64, CAM, are not applicable to any of the units as part of this new source construction permit.

**State Rule Applicability - Entire Source**

State rule applicability for this source has been reviewed as follows:

**326 IAC 2-2 (PSD)**
PSD applicability is discussed under the PTE of the Entire Source After Issuance section of this document.

With the implementation of the following PSD Minor limits, the source is limiting the tons per year, not hours of operation. With these limits, the source cannot operate the emergency generators at the allotted 500 hours of operation per year, as this would cause the PTE to go above the following limits.

NOx PSD Minor Source Limits

In order to render the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) not applicable, the Permittee shall comply with the following:

(a) The total NOx emissions from the twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, shall not exceed 25.4 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.

Compliance with these limits, combined with the potential to emit NOx from all other emission units at this source, shall limit the source-wide total potential to emit of NOx to less than 250 tons per twelve (12) consecutive month period, and shall render the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) not applicable.

CO PSD Minor Source Limits

In order to render the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) not applicable, the Permittee shall comply with the following:

(a) The total CO emissions from the twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, shall not exceed 17.2 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.

Compliance with these limits, combined with the potential to emit CO from all other emission units at this source, shall limit the source-wide total potential to emit of CO to less than 250 tons per twelve (12) consecutive month period, and shall render the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) not applicable.

**326 IAC 2-4.1 (Major Sources of Hazardous Air Pollutants (HAP))**

The provisions of 326 IAC 2-4.1 apply to any owner or operator who constructs or reconstructs a major source of hazardous air pollutants (HAP), as defined in 40 CFR 63.41, after July 27, 1997, unless the major source has been specifically regulated under or exempted from regulation under a NESHAP that was issued pursuant to Section 112(d), 112(h), or 112(j) of the Clean Air Act (CAA) and incorporated under 40 CFR 63. On and after June 29, 1998, 326 IAC 2-4.1 is intended to implement the requirements of Section 112(g)(2)(B) of the Clean Air Act (CAA).

The operation of this source (approved in 2026 for construction) will emit equal to or greater than ten (10) tons per year for a single HAP AND/OR equal to or greater than twenty-five (25) tons per year for a combination of HAPs. Therefore, 326 IAC 2-4.1 would apply to this source. However, pursuant to 326 IAC 2-4.1-1(b)(2), because this source is specifically regulated under NESHAP 40 CFR 63, Subpart ZZZZ, which was issued pursuant to Section 112(d), 112(h), or 112(j) of the CAA, this source is exempt from the requirements of 326 IAC 2-4.1.

**326 IAC 2-6 (Emission Reporting)**

This source is subject to the requirements of 326 IAC 2-6 (Emission Reporting), since it is required to have an operating permit under 326 IAC 2-7, Part 70 Permit Program. Pursuant to 326 IAC 2-6-3(a)(2), the Permittee shall submit triennially, by July 1, an emission statement covering the previous calendar year in accordance with the compliance schedule in 326 IAC 2-6-3. The emission statement shall contain, at a minimum, the information specified in 326 IAC 2-6-4.

**326 IAC 2-7-6(5) (Annual Compliance Certification)**

The U.S. EPA Federal Register 79 FR 54978 notice does not exempt Title V Permittees from the requirements of 40 CFR 70.6(c)(5)(iv) or 326 IAC 2-7-6(5)(D), but the submittal of the Title V annual compliance certification to IDEM satisfies the requirement to submit the Title V annual compliance certifications to EPA. IDEM does not intend to revise any permits since the requirements of 40 CFR 70.6(c)(5)(iv) or 326 IAC 2-7-6(5)(D) still apply, but Permittees can note on their Title V annual compliance certifications that submission to IDEM has satisfied reporting to EPA per Federal Register 79 FR 54978. This only applies to Title V Permittees and Title V compliance certifications.

**326 IAC 5-1 (Opacity Limitations)**

This source is subject to the opacity limitations specified in 326 IAC 5-1-2(2).

**326 IAC 6-4 (Fugitive Dust Emissions Limitations)**

Pursuant to 326 IAC 6-4 (Fugitive Dust Emissions Limitations), the source shall not allow fugitive dust to escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, in a manner that would violate 326 IAC 6-4.

**326 IAC 6.5 (Particulate Matter Limitations Except Lake County)**
Pursuant to 326 IAC 6.5-1-1(a), this source (located in Boone County) is not subject to the requirements of 326 IAC 6.5 because it is not located in one of the following counties: Clark, Dearborn, Dubois, Howard, Marion, St. Joseph, Vanderburgh, Vigo or Wayne.

**326 IAC 6.8 (Particulate Matter Limitations for Lake County)**
Pursuant to 326 IAC 6.8-1-1(a), this source (located in Boone County) is not subject to the requirements of 326 IAC 6.8 because it is not located in Lake County.

**326 IAC 6.8-10 (Lake County: Fugitive Particulate Matter)**
Pursuant to 326 IAC 6.8-10-1, this source (located in Boone County) is not subject to the requirements of 326 IAC 6.8-10 because it is not located in Lake County.

**State Rule Applicability – Individual Facilities**

State rule applicability for this source has been reviewed as follows:

**Twelve (12) Emergency Generators (EG-1 through EG-12)**

**326 IAC 6-2-1 (Particulate Emission Limitations for Sources of Indirect Heating)**
Pursuant to 326 IAC 6-2-1(a), the twelve (12) diesel-fired emergency generators are not subject to the requirements of 326 IAC 6-3 since these units are not sources of indirect heating.

**326 IAC 6-3-2 (Particulate Emission Limitations for Manufacturing Processes)**
The twelve (12) diesel-fired emergency generators are each exempt from the requirements of 326 IAC 6-3 since these units do not meet the definition of a manufacturing process and because, pursuant to 326 IAC 1-2-59, liquid and gaseous fuels and combustion air are not considered as part of the process weight.

**326 IAC 7-1.1 Sulfur Dioxide Emission Limitations**
The twelve (12) diesel-fired emergency generators are not subject to 326 IAC 326 IAC 7-1.1 because they have a potential to emit (or limited potential to emit) sulfur dioxide (SO2) of less than 25 tons per year or 10 pounds per hour.

**326 IAC 8-1-6 (VOC Rules: General Reduction Requirements for New Facilities)**
The twelve (12) diesel-fired emergency generators are not subject to the requirements of 326 IAC 8-1-6 because the unlimited VOC potential emissions for each unit are less than twenty-five (25) tons per year.

**326 IAC 9-1 (Carbon Monoxide Emission Limits)**
The requirements of 326 IAC 9-1 do not apply to the twelve (12) diesel-fired emergency generators because this source does not operate a catalyst regeneration petroleum cracking system or a petroleum fluid coker, grey iron cupola, blast furnace, basic oxygen steel furnace, or other ferrous metal smelting equipment.

**326 IAC 10-3 (Nitrogen Oxide Reduction Program for Specific Source Categories)**
The requirements of 326 IAC 10-3 do not apply to the twelve (12) diesel-fired emergency generators since these units are not blast furnace gas-fired boilers, Portland cement kilns, or facilities specifically listed under 326 IAC 10-3-1(a)(2).

**Two (2) Emergency fire pumps (DFP-1 and DFP-2)**

**326 IAC 6-2-1 (Particulate Emission Limitations for Sources of Indirect Heating)**
Pursuant to 326 IAC 6-2-1(a), the two (2) diesel-fired emergency fire pumps are not subject to the requirements of 326 IAC 6-3, since these units are not sources of indirect heating.

**326 IAC 6-3-2 (Particulate Emission Limitations for Manufacturing Processes)**
The two (2) diesel-fired emergency fire pumps are exempt from the requirements of 326 IAC 6-3, since these units do not meet the definition of a manufacturing process and because, pursuant to 326 IAC 1-2-

59, liquid and gaseous fuels and combustion air are not considered as part of the process weight.

**326 IAC 7-1.1 Sulfur Dioxide Emission Limitations**
The two (2) diesel-fired emergency fire pumps are not subject to 326 IAC 326 IAC 7-1.1 because they have a potential to emit (or limited potential to emit) sulfur dioxide (SO2) of less than 25 tons per year or 10 pounds per hour.

**326 IAC 8-1-6 (VOC Rules: General Reduction Requirements for New Facilities)**
Even though, this diesel-fired emergency fire pump was constructed after January 1, 1980, it is not subject to the requirements of 326 IAC 8-1-6 because the unlimited VOC potential emissions are less than twenty-five (25) tons per year.

**326 IAC 9-1 (Carbon Monoxide Emission Limits)**
The requirements of 326 IAC 9-1 do not apply to the one (1) diesel-fired emergency fire pump, because this source does not operate a catalyst regeneration petroleum cracking system or a petroleum fluid coker, grey iron cupola, blast furnace, basic oxygen steel furnace, or other ferrous metal smelting equipment.

**326 IAC 10-3 (Nitrogen Oxide Reduction Program for Specific Source Categories)**
The requirements of 326 IAC 10-3 do not apply to the one diesel-fired emergency fire pump, since it is not blast furnace gas-fired boilers, Portland cement kilns, or facilities specifically listed under 326 IAC 10-3-1(a)(2).

**Twelve (12) diesel belly tanks (DBT-1 through DBT-12)**

**326 IAC 8-1-6 (VOC Rules: General Reduction Requirements for New Facilities)**
Even though the twelve (12) diesel storage tanks were constructed after January 1, 1980, they are not subject to the requirements of 326 IAC 8-1-6 because their unlimited VOC potential emissions are less than twenty-five (25) tons per year.

## Compliance Determination and Monitoring Requirements

Permits issued under 326 IAC 2-7 are required to assure that sources can demonstrate compliance with all applicable state and federal rules on a continuous basis. All state and federal rules contain compliance provisions; however, these provisions do not always fulfill the requirement for a continuous demonstration. When this occurs, IDEM, OAQ, in conjunction with the source, must develop specific conditions to satisfy 326 IAC 2-7-5. As a result, Compliance Determination Requirements are included in the permit. The Compliance Determination Requirements in Section D of the permit are those conditions that are found directly within state and federal rules and the violation of which serves as grounds for enforcement action.

If the Compliance Determination Requirements are not sufficient to demonstrate continuous compliance, they will be supplemented with Compliance Monitoring Requirements, also in Section D of the permit. Unlike Compliance Determination Requirements, failure to meet Compliance Monitoring conditions would serve as a trigger for corrective actions and not grounds for enforcement action. However, a violation in relation to a compliance monitoring condition will arise through a source's failure to take the appropriate corrective actions within a specific time period.

(a) The Compliance Determination Requirements applicable to this source are as follows:

(1) NOx
The Permittee shall determine $NO_x$ emissions from the twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, according to the following equation:

NOx emissions in tons/month = $\sum_{n=1}^{12} \frac{kw-hr}{month} * (5.64 * 10^{-6} \frac{tons}{kw-hr})$

Where:

i = Each individual Emergency Generator (EG-1 through EG-12)

kw-hr/month = total kw hours per each month

5.64 * $10^{-6}$ is obtained by converting the NOx emission factor of 5.12 grams/kW-hr based on NSPS 40 CFR 60, Subpart IIII, § 60.4202(b), 40 CFR 1039, Appendix I, Table 2 into tons/kw-hr.

(2) CO
The Permittee shall determine CO emissions from the twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, according to the following equation:

CO emissions in tons/month = $\sum_{n=1}^{12} \frac{kw-hr}{month} * (3.86 * 10^{-6} \frac{tons}{kw-hr})$

Where:

i = Each individual Emergency Generator (EG-1 through EG-12)

kw-hr/month = total kw hours per each month

3.86 * $10^{-6}$ is obtained by converting the CO emission factor of 3.5 grams/kW-hr based on NSPS 40 CFR 60, Subpart IIII, § 60.4202(b), 40 CFR 1039, Appendix I, Table 2 into tons/kw-hr.

*Testing Requirements:*

The twelve (12) diesel-fired emergency generators, identified as EG-1 through EG-12, and two (2) diesel-fired emergency fire pumps, identified as DFP-1 and DFP-2, are subject to 40 CFR 60, Subpart IIII. No initial performance testing is required because these engines are EPA-certified by the manufacturer.

## Conclusion and Recommendation

Unless otherwise stated, information used in this review was derived from the application and additional information submitted by the applicant. An application for the purposes of this review was received on February 4, 2026.

The construction and operation of this source shall be subject to the conditions of the attached proposed New Source Construction and Part 70 Operating Permit No. T011-50034-00093. The staff recommends to the Commissioner that the New Source Construction and Part 70 Operating Permit be approved.

## IDEM Contact

(a) If you have any questions regarding this permit, please contact Phillip Jackson, Indiana Department Environmental Management, Office of Air Quality, Permits Branch, Indiana Government Center North, 100 North Senate Avenue, Room 13W, Indianapolis, Indiana 46204-2251, or by telephone at (317) 234-0055 or (800) 451-6027, and ask for Phillip Jackson or (317) 234-0055.

(b) A copy of the findings is available on the Internet at: http://www.in.gov/ai/appfiles/idem-caats/

(c) For additional information about air permits and how the public and interested parties can participate, refer to the IDEM Air Permits page on the Internet at: https://www.in.gov/idem/airpermit/public-participation/; and the Citizens' Guide to IDEM on the Internet at: https://www.in.gov/idem/resources/citizens-guide-to-idem/.

**Appendix A: Emissions Calculations**
**Emissions Summary**

**Source Name: Orla, LLC**
**Source Location: 3062 West SR 32, Lebanon, IN 46052**
**Part 70 Operating Permit No.: T011-50034-00093**
**Permit Reviewer: Phillip Jackson**

| Uncontrolled Potential Emissions (tons/year) | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| **Emission Unit** | **PM** | **$PM_{10}$** | **$PM_{2.5}$ *** | **$SO_2$** | **NOx** | **VOC** | **CO** | **Single HAP **** | | **Total HAPs **** |
| Orla, LLC | 4.35 | 5.51 | 5.36 | 0.39 | 111.09 | 27.79 | 76.18 | 0.07 | Benzene | 0.15 |
| Life Cycle Power | 0.84 | 47.54 | 47.54 | 2.80 | 1739.86 | 1215.68 | 3474.90 | 248.91 | Formaldehyde | 337.80 |
| **Total Emissions Excluding Fugitives** | **5.19** | **53.05** | **52.90** | **3.19** | **1,850.95** | **1,243.47** | **3,551.08** | **248.91** | **Formaldehyde** | **337.95** |
| ***Fugitive Emissions*** | | | | | | | | | | |
| *Paved Roads* | 0.16 | 0.03 | 0.01 | - | - | - | - | - | | - |
| ***Total Including Fugitives*** | **5.35** | **53.08** | **52.90** | **3.19** | **1,850.95** | **1,243.47** | **3,551.08** | **248.91** | **Formaldehyde** | **337.95** |

** PM2.5 listed is direct PM2.5*
***Fugitve HAP emissions are always included in the source-wide emissions*

| Limited Potential Emissions (tons/year) | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| **Emission Unit** | **PM** | **$PM_{10}$** | **$PM_{2.5}$ *** | **$SO_2$** | **NOx** | **VOC** | **CO** | **Single HAP **** | | **Total HAPs **** |
| Orla, LLC | 4.35 | 5.51 | 5.36 | 0.39 | 25.99 | 27.79 | 17.84 | 7.20E-02 | Benzene | 0.15 |
| Life Cycle Power | 0.84 | 47.54 | 47.54 | 2.80 | 126.68 | 156.75 | 161.53 | 111.95 | Formaldehyde | 136.06 |
| **Total Emissions Excluding Fugitives** | **5.19** | **53.05** | **52.90** | **3.19** | **152.67** | **184.54** | **179.37** | **111.95** | **Formaldehyde** | **136.21** |
| ***Fugitive Emissions*** | | | | | | | | | | |
| *Paved Roads* | 0.16 | 0.03 | 0.01 | - | - | - | - | - | | - |
| ***Total Including Fugitives*** | **5.35** | **53.08** | **52.90** | **3.19** | **152.67** | **184.54** | **179.37** | **111.95** | **Formaldehyde** | **136.21** |

** PM2.5 listed is direct PM2.5*
***Fugitve HAP emissions are always included in the source-wide emissions*
Shaded cells represent limited emissions.

**Appendix A: Emissions Calculations**
**Emissions Summary**

**Source Name: Orla, LLC**
**Source Location: 3062 West SR 32, Lebanon, IN 46052**
**Part 70 Operating Permit No.: T011-50034-00093**
**Permit Reviewer: Phillip Jackson**

| Uncontrolled Potential Emissions (tons/year) | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| **Emission Unit** | **PM** | **$PM_{10}$** | **$PM_{2.5}$ *** | **$SO_2$** | **NOx** | **VOC** | **CO** | **Single HAP **** | | **Total HAPs **** |
| Option 1: Twelve (12) C175 Emergency Generators | 4.32 | 5.27 | 5.11 | 0.16 | 110.50 | 27.63 | 75.54 | 7.13E-02 | Benzene | 1.45E-01 |
| Option 2: Twelve (12) Cummins Emergency Generator | 4.29 | 5.24 | 5.08 | 0.16 | 109.90 | 27.47 | 75.12 | 7.09E-02 | Benzene | 1.44E-01 |
| Emergency Fire Pumps | 0.04 | 0.25 | 0.25 | 0.23 | 0.59 | 0.15 | 0.64 | 7.31E-04 | Benzene | 3.04E-03 |
| Diesel Belly Tanks | - | - | - | - | - | 2.01E-02 | - | - | | - |
| **Total Emissions Excluding Fugitives** | **4.35** | **5.51** | **5.36** | **0.39** | **111.09** | **27.79** | **76.18** | **0.07** | **Benzene** | **0.15** |
| ***Fugitive Emissions*** | | | | | | | | | | |
| *Paved Roads* | 0.16 | 0.03 | 0.01 | - | - | - | - | - | | - |
| ***Total Including Fugitives*** | 4.51 | 5.54 | 5.36 | 0.39 | 111.09 | 27.79 | 76.18 | 0.07 | Benzene | 0.15 |

*The source has not decided which twelve (12) emergency generators will be constructed at the source. At this time, the worst case PTE will be used in the calculation (Option 1).*

** PM2.5 listed is direct PM2.5*

***Fugitve HAP emissions are always included in the source-wide emissions*

| Limited Potential Emissions (tons/year) | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| **Emission Unit** | **PM** | **$PM_{10}$** | **$PM_{2.5}$ *** | **$SO_2$** | **NOx** | **VOC** | **CO** | **Single HAP **** | | **Total HAPs **** |
| Option 1: Twelve (12) C175 Emergency Generators | 4.32 | 5.27 | 5.11 | 0.16 | 25.40 | 27.63 | 17.20 | 7.13E-02 | Benzene | 1.45E-01 |
| Option 2: Twelve (12) Cummins Emergency Generator | 4.29 | 5.24 | 5.08 | 0.16 | 25.40 | 27.47 | 17.20 | 7.09E-02 | Benzene | 1.44E-01 |
| Emergency Fire Pumps | 0.04 | 0.25 | 0.25 | 0.23 | 0.59 | 0.15 | 0.64 | 7.31E-04 | Benzene | 3.04E-03 |
| Diesel Belly Tanks | - | - | - | - | - | 0.02 | - | --- | | - |
| **Total Emissions Excluding Fugitives** | **4.35** | **5.51** | **5.36** | **0.39** | **25.99** | **27.79** | **17.84** | **0.07** | **Benzene** | **0.15** |
| ***Fugitive Emissions*** | | | | | | | | | | |
| *Paved Roads* | 0.16 | 0.03 | 0.01 | - | - | - | - | - | | - |
| ***Total Including Fugitives*** | 4.51 | 5.54 | 5.36 | 0.39 | 25.99 | 27.79 | 17.84 | 0.07 | Benzene | 0.15 |

*The source has not decided which twelve (12) emergency generators will be constructed at the source. At this time, the worst case PTE will be used in the calculation (Option 1).*

** PM2.5 listed is direct PM2.5*

***Fugitve HAP emissions are always included in the source-wide emissions*

Shaded cells represent limited emissions.

**Appendix A: Emission Calculations**
**Reciprocating Internal Combustion Engines - Diesel Fuel**
**Output Rating (>600 HP)**
**Maximum Input Rate (>4.2 MMBtu/hr)**

**Source Name: Orla, LLC**
**Source Location: 3062 West SR 32, Lebanon, IN 46052**
**Part 70 Operating Permit No.: T011-50034-00093**
**Permit Reviewer: Phillip Jackson**

The engine has been certified to comply with the emission standards in 40 CFR 60, Subpart IIII, New Source Performance Standards (NSPS) for Stationary Compression Ignition Internal Combustion Engines. Therefore, the NSPS Subpart IIII emission standards for PM, NOx, VOC, and CO are used as the emission factors to determine the potential to emit (PTE).

**Emissions calculated based on output rating (hp)**

| | | | |
|---|---|---|---|
| | | NSPS Subpart IIII Emission Standards based on a: | |
| Engine Output Horsepower Rating (bhp) | 4376.0 | 2026 | model year emergency engine |
| Engine Output Kilowatt Rating (kw) | 3263.2 | | |
| Maximum Hours Operated per Year | 500 | (emergency generator or fire pump) | |
| Potential Throughput (hp-hr/yr) | 2,188,000 | | |
| Potential Throughput (kw-hr/yr) | 1,631,592 | | |
| Sulfur Content (S) of Fuel (% by weight) | 0.0015 | (ultra low sulfur diesel with sulfur content of 15 ppm pursuant to 40 CFR 60.4207(b)) | |

| | Pollutant | | | | | | |
|---|---|---|---|---|---|---|---|
| | PM | PM10* | direct PM2.5* | SO2 *(.00809S)* | NOx[1] | VOC[1] | CO |
| AP-42 Emission Factor in lb/hp-hr | | 4.01E-04 | 3.89E-04 | 1.21E-05 | | | |
| 40 CFR 60 (NSPS), Subpart IIII, Emission Standard (g/kw-hr) | 0.20 | | | | 5.12 | 1.28 | 3.5 |
| **Potential Emissions ton/kw-hr** | | | | | 5.64E-06 | | 3.86E-06 |
| Based on AP-42 lb/hr Emission Factor | | 0.44 | 0.43 | 0.01 | | | |
| Based on g/kw-hr Emission Factor | 0.36 | | | | 9.21 | 2.30 | 6.29 |
| **Potential Emission in tons/yr** | **0.36** | **0.44** | **0.43** | **0.01** | **9.21** | **2.30** | **6.29** |
| **Potential Emission in tons/yr for twelve (12) emergency generators** | **4.32** | **5.27** | **5.11** | **0.16** | **110.50** | **27.63** | **75.54** |

*The PM10 and PM2.5 emission factors for are from AP-42 Table 3.4-2. The PM10 emission factor is the sum of filterable PM10 and condensable particulate. The PM2.5 emission factor is the sum of filterable particulate less than 3 um and condensable particulate. Emission factors in lb/hp-hr were calculated using the emission factor in lb/MMBtu and a brake specific fuel consumption of 7,000 Btu / hp-hr (AP-42 Tables 3.3-1 and 3.4-1).
Note 1: For engines that have a combined NOx + NMHC emission standard under NSPS Subpart IIII, the individual NOx and VOC emission standards were estimated from the combined NOx + NMHC emission standard assuming 80% NOx and 20% VOC (NMHC) based on the equation provided in 40 CFR 1039.740(c).
PM, Nox, VOC, and CO emission factors obtianed from 40 CFR 1039 Appendix I Table 2

**Hazardous Air Pollutants (HAPs)**

| | Pollutant | | | | | | |
|---|---|---|---|---|---|---|---|
| | Benzene | Toluene | Xylene | Formaldehyde | Acetaldehyde | Acrolein | Total PAH HAPs** |
| Emission Factor in lb/hp-hr*** | 5.43E-06 | 1.97E-06 | 1.35E-06 | 5.52E-07 | 1.76E-07 | 5.52E-08 | 1.48E-06 |
| Potential Emission in tons/yr | 5.94E-03 | 2.15E-03 | 1.48E-03 | 6.04E-04 | 1.93E-04 | 6.03E-05 | 1.62E-03 |

**PAH = Polyaromatic Hydrocarbon (PAHs are considered HAPs, since they are considered Polycyclic Organic Matter)
***Emission factors in lb/hp-hr were calculated using emission factors in lb/MMBtu and a brake specific fuel consumption of 7,000 Btu / hp-hr (AP-42 Tables 3.3-1 and 3.4-1).

| | |
|---|---|
| **Potential Emission of Total HAPs (tons/yr)** | **1.21E-02** |
| **Potential Emission of Total HAPs (tons/yr) for twelve (12) emergency generators** | **1.45E-01** |

**Methodology**
Emission Factors are from AP 42 (Supplement B 10/96) Tables 3.4-1 , 3.4-2, 3.4-3, and 3.4-4.
Output Kilowatt Rating (kw) = Output Horsepower Rating (hp) * (0.7457 kw/hp)
Potential Throughput (hp-hr/yr) = [Output Horsepower Rating (hp)] * [Maximum Hours Operated per Year]
Potential Throughput (kw-hr/yr) = [Output Kilowatt Rating (kw)] * [Maximum Hours Operated per Year]
Potential Emission (tons/yr) = [Potential Throughput (hp-hr/yr)] * [Emission Factor (lb/hp-hr)] * [ton/2,000 lbs]
Potential Emission (tons/yr) = [Potential Throughput (kw-hr/yr)] * [Emission Factor (g/kw-hr)] * [lb / 453.592 g] * [ton/2,000 lbs]

**Appendix A: Emission Calculations**
**Reciprocating Internal Combustion Engines - Diesel Fuel**
**Output Rating (>600 HP)**
**Maximum Input Rate (>4.2 MMBtu/hr)**

**Source Name:** Orla, LLC
**Source Location:** 3062 West SR 32, Lebanon, IN 46052
**Part 70 Operating Permit No.:** T011-50034-00093
**Permit Reviewer:** Phillip Jackson

The engine has been certified to comply with the emission standards in 40 CFR 60, Subpart IIII, New Source Performance Standards (NSPS) for Stationary Compression Ignition Internal Combustion Engines. Therefore, the NSPS Subpart IIII emission standards for PM, NOx, VOC, and CO are used as the emission factors to determine the potential to emit (PTE).

**Emissions calculated based on output rating (hp)**

| | | | |
|---|---|---|---|
| Engine Output Horsepower Rating (bhp) | 4352.0 | NSPS Subpart IIII Emission Standards based on a: 2026 | model year emergency engine |
| Engine Output Kilowatt Rating (kw) | 3245.3 | | |
| Maximum Hours Operated per Year | 500 | (emergency generator or fire pump) | |
| Potential Throughput (hp-hr/yr) | 2,176,000 | | |
| Potential Throughput (kw-hr/yr) | 1,622,643 | | |
| Sulfur Content (S) of Fuel (% by weight) | 0.0015 | (ultra low sulfur diesel with sulfur content of 15 ppm pursuant to 40 CFR 60.4207(b)) | |

| | Pollutant | | | | | | |
|---|---|---|---|---|---|---|---|
| | PM | PM10* | direct PM2.5* | SO2 *(.00809S)* | NOx[1] | VOC[1] | CO |
| AP-42 Emission Factor in lb/hp-hr | | 4.01E-04 | 3.89E-04 | 1.21E-05 | | | |
| 40 CFR 60 (NSPS), Subpart IIII, Emission Standard (g/kw-hr) | 0.20 | | | | 5.12 | 1.28 | 3.5 |
| Potential Emissions in tons/kw-hr | | | | | 5.64E-06 | | 3.86E-06 |
| Based on AP-42 lb/hr Emission Factor | | 0.44 | 0.42 | 0.01 | | | |
| Based on g/kw-hr Emission Factor | 0.36 | | | | 9.16 | 2.29 | 6.26 |
| **Potential Emission in tons/yr** | **0.36** | **0.44** | **0.42** | **0.01** | **9.16** | **2.29** | **6.26** |
| **Potential Emissions in tons/year for twelve (12) emergency generators** | **4.29** | **5.24** | **5.08** | **0.16** | **109.90** | **27.47** | **75.12** |

*The PM10 and PM2.5 emission factors for are from AP-42 Table 3.4-2. The PM10 emission factor is the sum of filterable PM10 and condensable particulate. The PM2.5 emission factor is the sum of filterable particulate less than 3 um and condensable particulate. Emission factors in lb/hp-hr were calculated using the emission factor in lb/MMBtu and a brake specific fuel consumption of 7,000 Btu / hp-hr (AP-42
Note 1: For engines that have a combined NOx + NMHC emission standard under NSPS Subpart IIII, the individual NOx and VOC emission standards were estimated from the combined NOx + NMHC emission standard assuming 80% NOx and 20% VOC (NMHC) based on the equation provided in 40 CFR 1039.740(c).
PM, Nox, VOC, and CO emission factors obtianed from 40 CFR 1039 Appendix I Table 2

**Hazardous Air Pollutants (HAPs)**

| | Pollutant | | | | | | |
|---|---|---|---|---|---|---|---|
| | Benzene | Toluene | Xylene | Formaldehyde | Acetaldehyde | Acrolein | Total PAH HAPs** |
| Emission Factor in lb/hp-hr*** | 5.43E-06 | 1.97E-06 | 1.35E-06 | 5.52E-07 | 1.76E-07 | 5.52E-08 | 1.48E-06 |
| Potential Emission in tons/yr | 5.91E-03 | 2.14E-03 | 1.47E-03 | 6.01E-04 | 1.92E-04 | 6.00E-05 | 1.61E-03 |

**PAH = Polyaromatic Hydrocarbon (PAHs are considered HAPs, since they are considered Polycyclic Organic Matter)
***Emission factors in lb/hp-hr were calculated using emission factors in lb/MMBtu and a brake specific fuel consumption of 7,000 Btu / hp-hr (AP-42 Tables 3.3-1 and 3.4-1).

| | |
|---|---|
| **Potential Emission of Total HAPs (tons/yr)** | **1.20E-02** |
| **Potential Emission of Total HAPs (tons/yr) for Twelve (12) Emergency Generators** | **1.44E-01** |

**Methodology**
Emission Factors are from AP 42 (Supplement B 10/96) Tables 3.4-1 , 3.4-2, 3.4-3, and 3.4-4.
Output Kilowatt Rating (kw) = Output Horsepower Rating (hp) * (0.7457 kw/hp)
Potential Throughput (hp-hr/yr) = [Output Horsepower Rating (hp)] * [Maximum Hours Operated per Year]
Potential Throughput (kw-hr/yr) = [Output Kilowatt Rating (kw)] * [Maximum Hours Operated per Year]
Potential Emission (tons/yr) = [Potential Throughput (hp-hr/yr)] * [Emission Factor (lb/hp-hr)] * [ton/2,000 lbs]
Potential Emission (tons/yr) = [Potential Throughput (kw-hr/yr)] * [Emission Factor (g/kw-hr)] * [lb / 453.592 g] * [ton/2,000 lbs]

**Appendix A: Emission Calculations**
**Reciprocating Internal Combustion Engines - Diesel Fuel**
**Output Rating (<=600 HP)**
**Maximum Input Rate (<=4.2 MMBtu/hr)**

**Source Name:** Orla, LLC
**Source Location:** 3062 West SR 32, Lebanon, IN 46052
**Part 70 Operating Permit No.:** T011-50034-00093
**Permit Reviewer:** Phillip Jackson

The engine has been certified to comply with the emission standards in 40 CFR 60, Subpart IIII, New Source Performance Standards (NSPS) for Stationary Compression Ignition Internal Combustion Engines. Therefore, the NSPS Subpart IIII emission standards for PM, NOx, VOC, and CO are used as the emission factors to determine the potential to emit (PTE).

**Emissions calculated based on output rating (hp)**

| | | | |
|---|---|---|---|
| | | NSPS Subpart IIII Emission Standards based on a: | |
| Output Horsepower Rating (hp) | 224.0 | 2026 | model year emergency engine |
| Output Kilowatt Rating (kw) | 167.0 | | |
| Maximum Hours Operated per Year | 500 | (emergency generator or fire pump) | |
| Potential Throughput (hp-hr/yr) | 112,000 | | |
| Potential Throughput (kw-hr/yr) | 83,518 | | |
| Sulfur Content (S) of Fuel (% by weight) | 0.0015 | (ultra low sulfur diesel with sulfur content of 15 ppm pursuant to 40 CFR 60.4207(b)) | |

| | Pollutant | | | | | | |
|---|---|---|---|---|---|---|---|
| | PM | PM10* | direct PM2.5* | SO2 | NOx[1] | VOC[1] | CO |
| AP-42 Emission Factor in lb/hp-hr | | 0.0022 | 0.0022 | 0.00205 | | | |
| 40 CFR 60 (NSPS), Subpart IIII, Emission Standard (g/kw-hr) | 0.20 | | | | 3.20 | 0.80 | 3.5 |
| Based on AP-42 lb/hr Emission Factor | | 0.12 | 0.12 | 0.11 | | | |
| Based on g/kw-hr Emission Factor | 0.02 | | | | 0.29 | 0.07 | 0.32 |
| **Potential Emission in tons/yr** | **0.02** | **0.12** | **0.12** | **0.11** | **0.29** | **0.07** | **0.32** |
| **Potential Emission in tons/yr for two (2) emergency fire pumps** | **0.04** | **0.25** | **0.25** | **0.23** | **0.59** | **0.15** | **0.64** |

*PM2.5 emission factors are assumed to be equivalent to PM10 emission factors. No information was given regarding which method was used to determine the factor or the fraction of PM10 which is condensable.
Note 1: For engines that have a combined NOx + NMHC emission standard under NSPS Subpart IIII, the individual NOx and VOC emission standards were estimated from the combined NOx + NMHC emission standard assuming 80% NOx and 20% VOC (NMHC) based on the equation provided in 40 CFR 1039.740(c).
PM, Nox, VOC, and CO emission factors obtianed from NSPS Subpart IIII Table 4

**Hazardous Air Pollutants (HAPs)**

| | Pollutant | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Benzene | Toluene | Xylene | 1,3-Butadiene | Formaldehyde | Acetaldehyde | Acrolein | Total PAH HAPs** |
| Emission Factor in lb/hp-hr*** | 6.53E-06 | 2.86E-06 | 2.00E-06 | 2.74E-07 | 8.26E-06 | 5.37E-06 | 6.48E-07 | 1.18E-06 |
| Potential Emission in tons/yr | 3.66E-04 | 1.60E-04 | 1.12E-04 | 1.53E-05 | 4.63E-04 | 3.01E-04 | 3.63E-05 | 6.59E-05 |

**PAH = Polyaromatic Hydrocarbon (PAHs are considered HAPs, since they are considered Polycyclic Organic Matter)
***Emission factors in lb/hp-hr were calculated using emission factors in lb/MMBtu and a brake specific fuel consumption of 7,000 Btu / hp-hr (AP-42 Table 3.3-1).

| | |
|---|---|
| **Potential Emission of Total HAPs (tons/yr)** | **1.52E-03** |
| **Potential Emission of Total HAPs (tons/yr) for two (2) emergency fire pumps** | **3.04E-03** |

**Methodology**
Emission Factors are from AP 42 (Supplement B 10/96) Tables 3.3-1 and 3.3-2.
Output Kilowatt Rating (kw) = Output Horsepower Rating (hp) * (0.7457 kw/hp)
Potential Throughput (hp-hr/yr) = [Output Horsepower Rating (hp)] * [Maximum Hours Operated per Year]
Potential Throughput (kw-hr/yr) = [Output Kilowatt Rating (kw)] * [Maximum Hours Operated per Year]
Potential Emission (tons/yr) = [Potential Throughput (hp-hr/yr)] * [Emission Factor (lb/hp-hr)] * [ton/2,000 lbs]
Potential Emission (tons/yr) = [Potential Throughput (kw-hr/yr)] * [Emission Factor (g/kw-hr)] * [lb / 453.592 g] * [ton/2,000 lbs]

**Appendix A: Emission Calculations**
**Twelve (12) Belly Tanks for Emergency Generators**

**Source Name: Orla, LLC**
**Source Location: 3062 West SR 32, Lebanon, IN 46052**
**Part 70 Operating Permit No.: T011-50034-00093**
**Permit Reviewer: Phillip Jackson**

**Summary of Site-Wide Emissions from Diesel Belly Tanks**

| Source | Size of Each Tank (Gallons)[1] | Number of Tanks | Potential VOC Emissions | | |
|---|---|---|---|---|---|
| | | | lb/yr/tank | lb/yr (all tanks) | tpy (all tanks) |
| Belly Tanks | 7,185 | 12 | 3.35 | 40.23 | 2.0E-02 |
| | | | | Total | 2.01E-02 |

Note:
1. Worst-case fuel tank size between two manufacturers were obtained from the manufacturer's specification sheets.

**Appendix A: Emission Calculations**
**Twelve (12) Belly Tanks for Emergency Generators**

**Source Name:** Orla, LLC
**Source Location:** 3062 West SR 32, Lebanon, IN 46052
**Part 70 Operating Permit No.:** T011-50034-00093
**Permit Reviewer:** Phillip Jackson

**Diesel Belly Tank Emissions Calculations**

| Parameter Description[a] | Equation | Value |
|---|---|---|
| Tank Contents | | Diesel Fuel |
| Tank Width (W) (ft) | | 12.50 |
| Tank Length (L) (ft) | | 49.00 |
| Tank Dome Roof Radius ($R_R$), ft | Dome Roofs: Assumed $R_R$ = D<br>Flat Roofs: N/A | N/A |
| Tank Shell Height ($H_S$), ft | [Use height of rectangular tank] | 2.1 |
| Effective Height ($H_E$), ft | [Use height of rectangular tank] | 2.1 |
| Nominal Capacity, $ft^3$ | | 960.5 |
| Nominal Capacity (gal) | | 7,185 |
| Liquid Height ($H_L$), ft | Assumed = $0.9H_S$ | 1.9 |
| Tank Cone Roof Slope ($S_R$), ft/ft | No roof on rectangular tank | 0 |
| Tank Roof Height ($H_R$), ft | No roof on rectangular tank | 0 |
| Roof Outage ($H_{RO}$), ft | Dome Roofs: $H_{RO} = H_R$ $[(1/2)+(1/6)(H_R/R_S)^2]$<br>Cone Roofs: $H_{RO} = 1/3H_R$<br>Flat Roofs: $H_{RO}$ = 0 | 0 |
| Vapor Space Outage ($H_{VO}$), ft | Vertical tanks (used for rectangular tank): $H_{VO} = H_S - H_L + H_{RO}$<br>Horizontal tanks: $H_{VO} = H_E$ | 0.2 |
| Vapor Space Volume ($V_V$), $ft^3$ | For rectangular tank: $H_{VO}$ x W x L | 127.6 |
| Ideal Gas Constant (R), psia $ft^3$/lb-mole R | Constant | 10.731 |
| Daily Maximum Ambient Temperature ($T_{AX}$), R [b] | AP-42, Table 7.1-7 | 521.7 |
| Daily Minimum Ambient Temperature ($T_{AN}$), R [b] | AP-42, Table 7.1-7 | 504.4 |
| Daily Average Ambient Temperature ($T_{AA}$), R | $T_{AA} = (T_{AX} + T_{AN})/2$ | 513.0 |
| Paint Solar Absorptance (α), dimensionless [c] | AP-42, Table 7.1-6 | 0.97 |
| Liquid Bulk Temperature ($T_B$), R | $T_B = T_{AA}$ + 6a - 1 | 517.8 |
| Daily Total Solar Insolation Factor (I), Btu/$ft^2$ d [b] | AP-42, Table 7.1-7 | 1,245.0 |
| Daily Average Liquid Surface Temperature ($T_{LA}$), R | $T_{LA} = 0.44T_{AA} + 0.56T_B + 0.0079$ αI | 525.3 |
| Vapor Molecular Weight ($M_V$), lb/lb-mole | Vapor Molecular weight of diesel fuel | 130 |
| Vapor Pressure at $T_{LA}$ ($P_{VA}$), psia | Raoult's Law or Antoine Equation | 0.0078 |
| Vapor Density ($W_V$), lb/$ft^3$ | $W_V = M_V P_{VA}/RT_{LA}$ | 0.00018 |
| Daily Ambient Temperature Range ($T_A$), R | $T_A = T_{AX} - T_{AN}$ | 17.3 |
| Daily Vapor Temperature Range ($T_V$), R | $T_V = 0.72T_A + 0.028$ αI | 46.3 |
| Vapor Pressure at $T_{AN}$ ($P_{VN}$), psia | Raoult's Law or Antoine Equation | 0.0039 |
| Vapor Pressure at $T_{AX}$ ($P_{VX}$), psia | Raoult's Law or Antoine Equation | 0.0069 |
| Daily Vapor Pressure Range ($P_V$), psia | $P_V = P_{VX} - P_{VN}$ | 0.0031 |
| Breather Vent Pressure Setting Range ($P_B$), psig | $P_B = P_{BP} - P_{BV}$ (Assumed = 0.06) | 0.06 |
| Atmospheric Pressure ($P_A$), psia | Constant | 14.7 |
| Vapor Space Expansion Factor ($K_E$), dimensionless | $K_E = T_V/T_{LA} + (P_V - P_B)/(P_A - P_{VA})$ | 0.08 |
| Vented Vapor Saturation Factor ($K_S$), dimensionless | $K_S = 1/(1 + 0.053P_{VA}H_{VO})$ | 1.0 |
| Number of Days/Year in Operation | Constant | 365 |
| Standing Storage Losses ($L_S$), lb/year | $L_S = 365\ W_V V_V K_E K_S$ | 0.70 |
| Liquid Density (lb/gal) | Density of diesel fuel | 7.10 |
| Potential Throughput (Q), gal | 500 hours of operation at 100% load | 110,000 |
| Potential Throughput (Q), bbl | Throughput is in bbls (42 gal/bbl) | 2,619.0 |
| Maximum Liquid Height ($H_{LX}$), ft | Assumed = $0.9H_S$ | 1.9 |
| Tank Maximum Liquid Volume ($V_{LX}$), $ft^3$ | Assumed = 0.9*Nominal Capacity | 864.4 |
| Turnovers (N), dimensionless | $N = 5.614Q/V_{LX}$ | 17.0 |
| Turnover Factor ($K_N$), dimensionless | For N ≤ 36 $K_N$ = 1, | 1.0 |
| | For N > 36 $K_N = (180 + N)/6N$ | |
| Working Loss Factor ($K_P$), dimensionless | For Organic Liquids, $K_P$ = 1 | 1.0 |
| Working Losses ($L_W$), lb/year | $L_W = 0.001M_V P_{VA} Q K_N K_P$ | 2.65 |
| Total Uncontrolled Losses ($L_T$), lb/year/tank | $T_L = L_S + L_W$ | 3.35 |
| Total Uncontrolled Losses ($L_T$), ton/year/tank | 2,000 lb/ton | 0.0017 |
| Total Uncontrolled Losses ($L_T$), lb/hr/tank | 8,760 hr/yr | 0.0004 |

Notes:

[a] Emissions calculated according to the methodology presented in AP-42, Section 7.1 with adjustments made to account for vapor space volume of the proposed rectangular diesel tank.

[b] Meteorological data from AP-42, Table 7.1-7 for Indianapolis, IN was used.

[c] Paint solar absorptance from AP-42, Table 7.1-6 for Black tanks in good condition.

[d] The applicant has not yet selected the engine make and model to be installed. Worst-case tank dimensions and potential throughput based on the worst-case between two manufacturers.

**Appendix A: Emission Calculations**
**Fugitive Dust Emissions - Paved Roads**

**Source Name:** Orla, LLC
**Source Location:** 3062 West SR 32, Lebanon, IN 46052
**Part 70 Operating Permit No.:** T011-50034-00093
**Permit Reviewer:** Phillip Jackson

**Paved Roads at Industrial Site**
The following calculations determine the amount of emissions created by paved roads, based on 8,760 hours of use and AP-42, Ch 13.2.1 (1/2011).

Vehicle Informtation (provided by source)

| Type | Maximum number of vehicles per day | Number of one-way trips per day per vehicle | Maximum trips per day (trip/day) | Maximum Weight of Loaded Vehicle (tons/trip) | Total Weight driven per day (ton/day) | Maximum one-way distance (feet/trip) | Maximum one-way distance (mi/trip) | Maximum one-way miles (miles/day) | Maximum one-way miles (miles/yr) |
|---|---|---|---|---|---|---|---|---|---|
| Fuel delivery trucks (entering plant) (one-way trip) | 0.04 | 1.0 | 0.04 | 40.0 | 1.53 | 13545 | 2.565 | 0.1 | 35.9 |
| Fuel delivery trucks (leaving plant) (one-way trip) | 0.04 | 1.0 | 0.04 | 20.0 | 0.77 | 13545 | 2.565 | 0.1 | 35.9 |
| Generator contractor vehicle (entering plant) (one-way trip) | 0.47 | 1.0 | 0.47 | 2.0 | 0.93 | 13545 | 2.565 | 1.2 | 437.0 |
| Generator contractor vehicle (leaving plant) (one-way trip) | 0.47 | 1.0 | 0.47 | 2.0 | 0.93 | 13545 | 2.565 | 1.2 | 437.0 |
| | | **Totals** | **1.0** | | **4.2** | | | **2.6** | **945.76** |

Average Vehicle Weight Per Trip = 4.1 tons/trip
Average Miles Per Trip = 2.57 miles/trip

Unmitigated Emission Factor, Ef = [k * (sL)^0.91 * (W)^1.02] (Equation 1 from AP-42 13.2.1)

| | PM | PM10 | PM2.5 | |
|---|---|---|---|---|
| where k = | 0.011 | 0.0022 | 0.00054 | lb/VMT = particle size multiplier (AP-42 Table 13.2.1-1) |
| W = | 4.1 | 4.1 | 4.1 | tons = average vehicle weight |
| sL = | 9.7 | 9.7 | 9.7 | g/m^2 = silt loading value for paved roads at iron and steel production facilities - Table 13.2.1-3) |

Taking natural mitigation due to precipitation into consideration, Mitigated Emission Factor, Eext = E * [1 - (p/4N)] (Equation 2 from AP-42 13.2.1)
Mitigated Emission Factor, Eext = Ef * [1 - (p/4N)]
where p = 125 days of rain greater than or equal to 0.01 inches (see Fig. 13.2.1-2)
N = 365 days per year

| | PM | PM10 | PM2.5 | |
|---|---|---|---|---|
| Unmitigated Emission Factor, Ef = | 0.369 | 0.074 | 0.0181 | lb/mile |
| Mitigated Emission Factor, Eext = | 0.338 | 0.068 | 0.0166 | lb/mile |

| Process | Mitigated PTE of PM (Before Control) (tons/yr) | Mitigated PTE of PM10 (Before Control) (tons/yr) | Mitigated PTE of PM2.5 (Before Control) (tons/yr) |
|---|---|---|---|
| Fuel delivery trucks (entering plant) (one-way trip) | 0.01 | 0.00 | 0.00 |
| Fuel delivery trucks (leaving plant) (one-way trip) | 0.01 | 0.00 | 0.00 |
| Generator contractor vehicle (entering plant) (one-way trip) | 0.07 | 0.01 | 0.00 |
| Generator contractor vehicle (leaving plant) (one-way trip) | 0.07 | 0.01 | 0.00 |
| **Totals** | **0.16** | **0.03** | **0.01** |

**Methodology**

| | |
|---|---|
| Total Weight driven per day (ton/day) | = [Maximum Weight of Loaded Vehicle (tons/trip)] * [Maximum trips per day (trip/day)] |
| Maximum one-way distance (mi/trip) | = [Maximum one-way distance (feet/trip) / [5280 ft/mile] |
| Maximum one-way miles (miles/day) | = [Maximum trips per year (trip/day)] * [Maximum one-way distance (mi/trip)] |
| Average Vehicle Weight Per Trip (ton/trip) | = SUM[Total Weight driven per day (ton/day)] / SUM[Maximum trips per day (trip/day)] |
| Average Miles Per Trip (miles/trip) | = SUM[Maximum one-way miles (miles/day)] / SUM[Maximum trips per year (trip/day)] |
| Unmitigated PTE (tons/yr) | = [Maximum one-way miles (miles/yr)] * [Unmitigated Emission Factor (lb/mile)] * (ton/2000 lbs) |
| Mitigated PTE (Before Control) (tons/yr) | = [Maximum one-way miles (miles/yr)] * [Mitigated Emission Factor (lb/mile)] * (ton/2000 lbs) |
| Mitigated PTE (After Control) (tons/yr) | = [Mitigated PTE (Before Control) (tons/yr)] * [1 - Dust Control Efficiency] |

**Abbreviations**
PM = Particulate Matter
PM10 = Particulate Matter (<10 um)
PM2.5 = Particle Matter (<2.5 um)
PTE = Potential to Emit

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • Fax (317) 233-6647 • www.idem.IN.gov

**Mike Braun**
*Governor*

**Clint Woods**
*Commissioner*

**SENT VIA U.S. MAIL: CONFIRMED DELIVERY AND SIGNATURE REQUESTED**

TO: Pamela Gregorski
Orla LLC
1800 Broadway Ste 300
Boulder, CO 80302

DATE: September 25, 2026

FROM: Jenny Acker, Branch Chief
Permits Branch
Office of Air Quality

SUBJECT: Final Decision
TV New Source Construction (Minor PSD/EO)
011-50034-00093

This notice is to inform you that a final decision has been issued for the air permit application referenced above.

Our records indicate that you are the contact person for this application. However, if you are not the appropriate person within your company to receive this document, please forward it to the correct person. In addition, the Notice of Decision has been sent to the OAQ Permits Branch Interested Parties List and, if applicable, the Consultant/Agent and/or Responsible Official/Authorized Individual.

The original signature page is enclosed for your convenience. The final decision and supporting materials are available electronically at:

**IDEM's online searchable database:** https://www.in.gov/apps/idem/caats/ . Choose Search Option **by Permit Number**, then enter permit 50034

and

**IDEM's Virtual File Cabinet (VFC):** A copy of the issued permit is also available via IDEM's Virtual File Cabinet (VFC) located at https://www.in.gov/idem/legal/public-records/virtual-file-cabinet/. Click on the Virtual File Cabinet button. Click on the "Search" dropdown menu in the upper left corner and select "OAQ Permit" from the list of options. Select "Public" in the "Security group" dropdown menu. Type the five-digit permit number 50034 in the Permit # search field, select "Final" in the "Permit Type" dropdown menu, then click the search button at the top or bottom of the webpage. The search will return the final issued permit and any applicable mailing list.

If you have requested to receive a hard copy of these documents, the final decision and supporting documents for the air permit application referenced above are enclosed. If applicable, this packet contains the original, signed, permit documents.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178, or toll-free at 1-800-451-6027 (ext. 3-0178), and ask to speak to the permit reviewer who prepared the permit. If you think you have received this document in error, or have difficulty accessing the documents online, please contact Joanne Smiddie-Brush of my staff at 1-800-451-6027 (ext 3-0185), or via e-mail at jbrush@idem.IN.gov.



Visit **on.IN.gov/survey** or scan the QR code to provide feedback.
*We appreciate your input!*

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue • Indianapolis, IN 46204
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**Mike Braun**
*Governor*

**Clint Woods**
*Commissioner*

September 25, 2026

TO: Lebanon Public Library

From: Jenny Acker, Branch Chief
Permits Branch
Office of Air Quality

Subject: **Important Information for Display Regarding a Final Determination**

**Applicant Name:** **Orla LLC**
**Permit Number:** **011-50034-00093**

You previously received information to make available to the public during the public comment period of a draft permit. Enclosed is a copy of the final decision and supporting materials for the same project. Please place the enclosed information along with the information you previously received. To ensure that your patrons have ample opportunity to review the enclosed permit, **we ask that you retain this document for at least 60 days.**

The applicant is responsible for placing a copy of the application in your library. If the permit application is not on file, or if you have any questions concerning this public review process, please contact Joanne Smiddie-Brush, OAQ Permits Administration Section at 1-800-451-6027, extension 3-0185.

Enclosures
Final Library 1/13/2025

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • Fax (317) 233-6647 • www.idem.IN.gov

**Mike Braun**
*Governor*

**Clint Woods**
*Commissioner*

**September 25, 2026**
**Orla LLC**
**011-50034-00093**

To: Interested Parties

This notice is to inform you that a final decision has been issued for the air permit application referenced above. This notice is for informational purposes only. You are not required to take any action.

You are receiving this notice because you asked to be on IDEM's notification list for this company and/or county; or because your property is nearby the company being permitted; or because you represent a local/regional government entity.

The enclosed Notice of Decision Letter provides additional information about the final permit decision.

The final decision is available on the IDEM website at: https://www.in.gov/apps/idem/caats/. To view the document, choose Search Option by **Permit Number**, then enter permit 50034

The final decision is also available via IDEM's Virtual File Cabinet (VFC) located at https://www.in.gov/idem/legal/public-records/virtual-file-cabinet/. Click on the Virtual File Cabinet button. Click on the "Search" dropdown menu in the upper left corner and select "OAQ Permit" from the list of options. Select "Public" in the "Security group" dropdown menu. Type the five-digit permit number 50034 in the Permit # search field, select "Final" in the "Permit Type" dropdown menu, then click the search button at the top or bottom of the webpage. The search will return the final issued permit and any applicable mailing list.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178, or toll-free at 1-800-451-6027 (ext. 3-0178), and ask to speak to the permit reviewer who prepared the permit.

**Please Note:** *If you would like to be removed from the Air Permits mailing list, please contact Joanne Smiddie-Brush with the Air Permits Administration Section at 1-800-451-6027, ext. 3-0185 or via e-mail at JBRUSH@IDEM.IN.GOV. If you have recently moved and this Notice has been forwarded to you, please notify us of your new address and if you wish to remain on the mailing list. Mail that is returned to IDEM by the Post Office with a forwarding address in a different county will be removed from our list unless otherwise requested.*

Enclosure
Final Interested Parties Cover Letter

# Mail Code 61-53

| IDEM Staff | JLSCOTT 9/25/2026 Page 1 of 2<br>Orla LLC 011-50034-00093 Final | | |
|---|---|---|---|
| Name and address of Sender | ▶ | Indiana Department of Environmental Management<br>Office of Air Quality – Permits Branch<br>100 N. Senate<br>Indianapolis, IN 46204 | Type of Mail:<br>**CERTIFICATE OF MAILING ONLY** |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | | Pamela Gregorski Orla LLC 1800 Broadway Ste 300 Boulder CO 80302 (Source CAATS) Sent via FedEx Express Saver | | | | | | | | | |
| 2 | | Boone County Commissioners 127 W Main St Ste 400 Lebanon IN 46052 *(Local Official)* | | | | | | | | | |
| 3 | | Boone County Health Department 116 W Washington St, Ste B202 Lebanon IN 46052-2174 *(Health Department)* | | | | | | | | | |
| 4 | | Daryl & Lois Hoffman 7750 N CR 75 E Lizton IN 46149 *(Affected Party)* | | | | | | | | | |
| 5 | | Lebanon Public Library 104 E Washington St Lebanon IN 46052-2298 *(Library)* | | | | | | | | | |
| 6 | | Lebanon City Council and Mayors Office 401 S Meridian St Lebanon IN 46052 *(Local Official)* | | | | | | | | | |
| 7 | | Lynn and Jenni Jenkins Or Current Resident 1730 S 950 E Zionsville IN 46077 *(Affected Party)* | | | | | | | | | |
| 8 | | Kathy Linton The Lebanon Reporter 117 E Washington St Lebanon IN 46052 *(Affected Party)* | | | | | | | | | |
| 9 | | Josie Bates Ramboll Americas Engineering Solutions Inc 2300 Windy Ridge Pkwy SE Ste 1155 Atlanta GA 30339 *(Consultant)* | | | | | | | | | |
| 10 | | Rebecca TeKolste 2114 Barth Ave Indianapolis IN 46203 *(Affected Party)* | | | | | | | | | |
| 11 | | Hine K A Farms Inc 4570 W SR 32 Lebanon IN 46052 *(Affected Party)* | | | | | | | | | |
| 12 | | Megan Anderson Sierra Club 1100 W 42nd St Ste 345 Indianapolis IN 46208 *(Affected Party)* | | | | | | | | | |
| 13 | | Boone County Council 201 Courthouse Sq Lebabnon IN 46052 (Affected Party) | | | | | | | | | |
| 14 | | Center Township Trustee 320 N East St Lebanon IN 46052 *(Affected Party)* | | | | | | | | | |
| 15 | | Christina Blesic Or Current Resident 2955 W 50 N Lebanon IN 46052 *(Affected Party)* | | | | | | | | | |

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FACSIMILIE OF PS Form 3877

# Mail Code 61-53

| IDEM Staff | JLSCOTT 9/25/2026 Page 2 of 2<br>Orla LLC 011-50034-00093 Final | | |
|---|---|---|---|
| Name and address of Sender | ▶ | Indiana Department of Environmental Management<br>Office of Air Quality – Permits Branch<br>100 N. Senate<br>Indianapolis, IN 46204 | Type of Mail:<br>**CERTIFICATE OF MAILING ONLY** |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | | David & Terry Lynn Or Current Resident 2963 W 50 N Lebanon IN 46052 (Affected Party) | | | | | | | | | |
| 2 | | Eli Lilly & Company 893 S Deleware St Indianapolis IN 46285 *(Affected Party)* | | | | | | | | | |
| 3 | | Indiana Economic Development Corporation 1 N Capital Ave Ste 700 Indianapolis IN 46204 *(Affected Party)* | | | | | | | | | |
| 4 | | Robert Stephen & Deb Wilhoite Or Current Resident 2975 W 50 N Lebanon IN 46052 *(Affected Party)* | | | | | | | | | |
| 5 | | Angela Humphress Or Current Resident 3675 W 200 N Lebanon IN 46052 *(Affected Party)* | | | | | | | | | |
| 6 | | Paul & Phyllis Nicely Or Current Resident 4590 W 200 N Lebanon IN 46052 *(Affected Party)* | | | | | | | | | |
| 7 | | Joshua R & Brooke Potter Or Current Resident 4430 W 200 N Lebanon IN 46052 *(Affected Party)* | | | | | | | | | |
| 8 | | Megan Anderson and Phillip Graybiel Or Current Resident 3610 Sommersworth Ln Indianapolis IN 46228 *(Affected Party)* | | | | | | | | | |
| 9 | | Sarah Goss Ecoethic Creative LLC 1319 Citation Cir S Lebanon IN 46052 *(Affected Party)* | | | | | | | | | |
| 10 | | Lesli Bair Or Current Resident 11553 Clarkston Rd Zionsville IN 46077 *(Affected Party)* | | | | | | | | | |
| 11 | | Jodi Stewart Or Current Resident 4548 W 50 S Lebanon IN 46052 *(Affected Party)* | | | | | | | | | |
| 12 | | Sam Carpenter Hoosier Environmental Council 3951 N Meridian Ste 100 Indianapolis IN 46208 *(Affected Party)* | | | | | | | | | |
| 13 | | Liz Graybiel Or Current Resident 507 E Main St Lebanon In 46052 (Affected Party) | | | | | | | | | |
| 14 | | Sean Crinnigan Or Current Resident 5420 Gambel Rd Indianapolis IN 46221 *(Affected Party)* | | | | | | | | | |
| 15 | | Jane Rapinchuck Or Current Resident 9095 Pebblepointe Cir Zionsville IN 46077 *(Affected Party)* | | | | | | | | | |

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