



# GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN  
P.O. BOX 2977 HAGÁTÑA, GUAM U.S.A. 96932-2977

January 26, 2012

**AMENDMENT NO.: I**

**TO**

**REQUEST FOR PROPOSAL NO.: GPA-RFP-12-004**


**FOR**

**OPERATION AND MAINTENANCE OF THE CONTINUOUS EMISSIONS MONITORING  
SYSTEM**

Interested Firms/Individuals are hereby notified of the following:

1. **Include attached copy of Tenjo Power Plant Title V Permit.**
2. **Deadline for inquiries is changed from Wednesday, January 25, 2012 to now read Tuesday, January 31, 2012.**

Should you require any additional information, please contact Mrs. Jamie L.C. Pangelinan, Supply Management Administrator at (671) 648-3054/55 or fax 648-3165.



JOAQUIN C. FLORES, P.E.  
General Manager

# GUAM ENVIRONMENTAL PROTECTION AGENCY AIR POLLUTION CONTROL PERMIT

Permit No. FO-008

IS HERBY ISSUED TO

Guam Power Authority

LOCATED AT

Tenjo Diesel Engine Power Generating Facility, Tenjo

in accordance with the Guam Air Pollution Control Standards and Regulations (GAPCSR),  
Public Law 24-20, 10 Guam Code Annotated (GCA), Chapter 49.

This Permit is non-transferable and the permittee is subject to the requirements for holding and transfer of  
permits in Section 1104.4 of the GAPCSR.

No person shall willfully deface, alter, forge, counterfeit, or falsify this Permit.

This Permit shall expire **03/01/2014**. The renewal application shall be submitted no later than **09/01/2013**.



**LORILEE T. CRISOSTOMO**

Administrator

Date: 11 MAY 2009





# GUAM ENVIRONMENTAL PROTECTION AGENCY

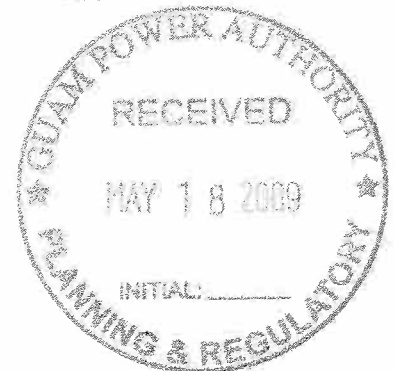


## AHENSIAN PRUTEKSION LINA'LA GUAHAN

P.O. Box 22439 GMF • BARRIGADA, GUAM 96921 • TEL: 475-1658 /9 • FAX: 477-9402

### TITLE V PERMIT TO OPERATE

Permit Number: **FO-008**  
Issue Date: **March 2, 2009**  
Expiration Date: **March 1, 2014**



In accordance with the provisions of Title V of the Clean Air Act (CAA) and the Guam Air Pollution Control Standards and Regulations (GAPCSR), Public Law 24-322, and the Guam Air Pollution Control Act (GAPCA), Public Law 24-20, 10 Guam Code Annotated (GCA), Chapter 49,

**Guam Power Authority  
Tenjo Diesel Engine Power Generating Facility  
Tenjo, Guam**

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit. Terms and conditions not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by the United States Environmental Protection Agency (USEPA), the Guam Environmental Protection Agency (GEPA), and citizens under the CAA. The issuance of this permit is based on the plans, specifications, and additional information submitted as part of the application dated December 1, 2003.

If all proposed control measures and/or equipment are not installed and properly operated and maintained, this will be considered a violation of the permit.

Acceptance of this permit constitutes an agreement and acknowledgement that the holder will comply with all the rules and regulations of GEPA and these permit conditions.

This permit, (a) does not in any manner affect the title of the premises upon which the equipment is located, (b) does not release the permittee from any liability for any loss due to personal injury or property damage caused by, resulting from or arising out of the design, installation, maintenance, or operation of the equipment, and (c) in no manner implies or suggests that GEPA, or its officers, agents, or employees assumes any liability, directly or indirectly, for any loss due to personal injury or property damage caused by, resulting from or arising out of the design, installation, maintenance, or operation of the equipment.

*“ALL LIVING THINGS OF THE EARTH ARE ONE”*

**Guam EPA**

Title V Federal Operating Permit


Guam Power Authority – Tenjo

Permit No. FO-008

Expires: March 1, 2014

This permit is valid for a period of five (5) years and shall expire at midnight on the date specified above unless a timely and complete renewal application has been submitted at least 6 months but not more than 18 months prior to the date of expiration. The permit number cited above should be referenced in future correspondence regarding this facility.

11 MAY 2009  
Date

  
LORILEE T. CRISOSTOMO  
Administrator  
Guam EPA

**Guam EPA**

Title V Federal Operating Permit

Guam Power Authority -- Tenjo

Permit No. FO-008

Expires: March 1, 2014

**Abbreviations and Acronyms**

CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CEM	Continuous Emission Monitoring
CFR	Code of Federal Regulations
CO	Carbon Monoxide
GAPCSR	Guam Air Pollution Control Standards and Regulations
GCA	Guam Code Annotated
GEPA	Guam Environmental Protection Agency
hr	hour
lb	pound
MMBtu	Million British thermal units
MW	Megawatt
NAAQS	National Ambient Air Quality Standard
NO <sub>x</sub>	Nitrogen Oxides
NSPS	New Source Performance Standards
O <sub>2</sub>	Oxygen
PEM	Predictive Emissions Monitoring
PM	Particulate Matter
PM <sub>10</sub>	Particulate matter less than 10 microns in diameter
ppm	parts per million
PSD	Prevention of Significant Deterioration
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SO <sub>2</sub>	Sulfur Dioxide
USEPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

## TABLE OF CONTENTS

Cover Page  
Abbreviations and Acronyms

### **I. Source Identification**

### **II. Facility-wide and Unit Specific Permit Conditions**

- A. Equipment Description
- B. Emission Limits
- C. Work Practice and Operational Requirements
- D. Monitoring and Testing Requirements
- E. Recordkeeping Requirements
- F. Reporting Requirements
- G. Compliance Schedule
- H. Compliance Certifications
- I. General Air Quality Protections
- J. Annual Emissions Reporting Requirements
- K. Fee Payment

### **IV. Title V Administrative Requirements**

- A. Blanket Compliance Statement
- B. Duty to Provide and Supplement Information
- C. Submissions
- D. Severability Clause
- E. Circumvention
- F. Permit Actions
- G. Reopening for Cause
- H. Property Rights
- I. Inspection and Entry
- J. Emergency Provisions
- K. Transfer of Ownership or Operation
- L. Permit Expiration and Renewal
- M. Permit Modifications
- N. Malfunctions
- O. Agency Notifications
- P. Miscellaneous Conditions

**Guam EPA**

Title V Federal Operating Permit  
Guam Power Authority – Tenjo  
Permit No. FO-008  
Expires: March 1, 2014

**I. Source Identification**

Facility Name: Guam Power Authority - Tenjo Diesel Engine Power  
Generating Facility  
Facility Location: Lot 19, Tract 2411, off Route 2A, Tenjo Vista,  
(UTM<sub>x</sub>: 249,479.1 m, UTM<sub>y</sub>: 1,484,389.6 m)  
City: Tenjo  
Territory: Guam  
USEPA Region: 9  
SIC Code: 4911

Responsible Official: Joaquin C. Flores, P.E., General Manager  
Phone Number: (671) 648-3202

Facility Manager/Contact: Andriano E. Balajadia  
Phone Number: (671) 648-3204

Person Responsible for Recordkeeping: Sylvia L. Ipanag  
Phone Number: (671) 648-3217

**Description of Process:**

Guam Power Authority Tenjo facility is a power generating plant. Activities that have the potential to cause significant emissions of air pollutants are the six 5 megawatt (MW) medium speed diesel engine generators, a 250 kW black start diesel generator unit, and a 125,000 gallon vertical, fixed roof diesel fuel storage tank. Other insignificant emission sources include two 30,000 gallon capacity fuel storage tanks, six 400 gallon capacity fuel storage day tanks, a 2,000 gallon capacity waste oil tank, a 1,000 gallon capacity lube oil tank, and a black start diesel generator service tank.

## II. Facility-wide and Unit Specific Permit Conditions

### II.A. Equipment Description

II.A.1 This permit encompasses the following equipment and associated appurtenances that are considered significant sources of emissions. [GAPCSR, Section 1104.12(12)]

Emission Unit ID	Description	Manufacturer	Model	Serial Number
DEG-1	4.88 MW diesel engine generator	Caterpillar	3616	01PD00069
DEG-2	4.88 MW diesel engine generator	Caterpillar	3616	01PD00051
DEG-3	4.88 MW diesel engine generator	Caterpillar	3616	01PD00072
DEG-4	4.88 MW diesel engine generator	Caterpillar	3616	01PD00068
DEG-5	4.88 MW diesel engine generator	Caterpillar	3616	01PD00067
DEG-6	4.88 MW diesel engine generator	Caterpillar	3616	01PD00071
BSG-1	250 kW black start diesel generator	Caterpillar	3306	9NR01289
DFST-1	125,000 gallon diesel fuel storage tank			

II.A.2 The permittee shall have installed an identification tag or nameplate on each piece of equipment that identifies the model number, serial number, and manufacturer. The identification tag or nameplate shall be permanently attached to the equipment at a conspicuous location. [Section 49107(7)(B) of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the GCA]

### II.B. Emission Limits

#### II.B.1 Black Start Diesel Generator (Unit BSG-1)

II.B.1.a Particulate emissions from this emission unit shall not exceed 1.3 lb/MMBtu. [State Implementation Plan (SIP), Section 7.5]

II.B.1.b The permittee shall not cause or permit the continuous emission of visible air pollutants with a density equal to or darker than twenty (20) percent opacity from any emission unit nor the emission of visible air pollutants of a density darker than sixty (60) percent

opacity for a period aggregating more than three (3) minutes in any sixty (60) minute period. [GAPCSR, Section 1103.3; SIP, Section 10.1]

II.B.2 Diesel-Electric Generators (Units DEG-1 through DEG-6)

II.B.2.a The permittee shall not discharge or cause the discharge into the atmosphere the following pollutants in excess of the specified limits from each of the diesel-electric generators (Units DEG-1 through DEG-6), averaged over a three hour period:

Pollutant	Emission Limit
Particulate matter less than 10 microns (PM <sub>10</sub> )	6.5 pounds per hour (lb/hr)
Carbon monoxide (CO)	240 parts per million (ppm) at 15% oxygen 24 lb/hr
Nitrogen oxides (NO <sub>x</sub> )	660 ppm at 15% oxygen 120 lb/hr
Volatile organic compounds (VOC)	5 lb/hr
Sulfur dioxide (SO <sub>2</sub> )	13.5 lb/hr

[USEPA PSD Permit GU 93-02, Conditions X.E, X.F, X.G, X.H, and X.I, Issued May 16, 1996 and Revised October 7, 1998; USEPA PSD Permit GU 98-01, Conditions X.E, X.F, X.G, X.H, and X.I, Issued November 24, 1998]

II.B.2.b The USEPA may set new lower allowable emission rates for the PM<sub>10</sub>, NO<sub>x</sub>, CO, and VOC emission limits specified in the table in Condition II.B.2.a of this permit after reviewing the performance test results. If an emission limit is revised, the difference between the emission limit set forth above and the revised lower emission limit shall not be allowed as an emission offset for future construction or modification. [USEPA PSD Permit GU 93-02, Conditions X.F, X.G, X.H, and X.I, Issued May 16, 1996; USEPA PSD Permit GU 98-01, Conditions X.F, X.G, X.H, and X.I, Issued November 24, 1998]

II.B.2.c Particulate emissions from these emission units shall not exceed 0.66 lb/MMBtu. [SIP, Section 7.5]

II.B.2.d The permittee shall not discharge or cause the discharge into the atmosphere from the diesel engine generator exhaust stack gases which exhibit an opacity of 20% or greater for any period or periods

aggregating more than six (6) minutes in any one hour, except during periods of startup and shutdown. [GAPCSR, Section 1103.3; SIP, Section 10.1; USEPA PSD Permit GU 93-02, Condition X.F, Issued May 16, 1996; USEPA PSD Permit GU 98-01, Condition X.F, Issued November 24, 1998]

## **II.C. Work Practice and Operational Requirements**

- II.C.1 All equipment, facilities, and systems installed or used to achieve compliance with terms and conditions of this permit shall at all times, including periods of startup, shutdown and malfunction, be maintained in good working order and be operated as efficiently as possible so as to minimize air pollutant emissions. The permittee shall conduct proper preventative maintenance procedures for the diesel engine generators (Units DEG-1 through DEG-6) and the 125,000 gallon diesel fuel storage tank (DFST-1) in accordance with the manufacturer's recommendations. [GAPCSR, Section 1104.12(12); USEPA PSD Permit GU 93-02, Condition III, Issued May 16, 1996; USEPA PSD Permit GU 98-01, Condition III, Issued November 24, 1998]
- II.C.2 Adequate control measures approved by GEPA shall be implemented to prevent exceedences of any applicable air quality standards during the operation of the facility. [GAPCSR, Section 1104.12(8); GEPA Permit TNJ-672, Condition 6, Issued July 8, 1997]
- II.C.3 The permittee shall not cause or permit visible fugitive dust to become airborne without taking reasonable precautions. Examples of reasonable precautions are [GAPCSR, Section 1103.4(a); SIP, Sections 8.1, 8.4, and 8.7]:
- II.C.3.a Use of water or suitable chemicals for control of fugitive dust in the demolition of existing buildings or structures, construction and retrofitting operations, the grading of roads, or the clearing of land;
  - II.C.3.b Application of asphalt, water, or suitable chemicals on roads, material stockpiles, and other surfaces which may allow release of fugitive dust;
  - II.C.3.c Installation of appurtenances that provide an enclosure and ventilation for all crushing, aggregate screening, and conveying of material likely to become airborne;
  - II.C.3.d Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Reasonable containment

**Guam EPA**

Title V Federal Operating Permit

Guam Power Authority – Tenjo

Permit No. FO-008

Expires: March 1, 2014

methods shall be employed during sandblasting, spray painting, or other similar operations;

II.C.3.e Covering all moving, open-bodied trucks transporting materials which may release fugitive dust;

II.C.3.f Conducting agricultural operations, such as tilling of land and the application of fertilizers, in such manner as to reasonably minimize fugitive dust;

II.C.3.g Maintenance and sealing of road-ways and parking lots so as to prevent the exposure of such surfaces to wind, water, or vehicular travel erosion; and

II.C.3.h Prompt removal of earth or other materials from paved streets which have been transported there by trucking, earth-moving equipment, erosion, or other means.

II.C.4 Except for persons engaged in agricultural operations or persons who can demonstrate to the Administrator that the best practical operation or treatment is being implemented, no person shall cause or permit the discharge of visible fugitive dust beyond the property lot line on which the fugitive dust originates. [GAPCSR, Section 1103.4(b); SIP, Section 8.2]

II.C.5 The permittee shall install, continuously operate, and maintain 8° fuel injection timing retard on the diesel engine generators (Units DEG-1 through DEG-6) to control NO<sub>x</sub> emissions. [USEPA PSD Permit GU 93-02, Condition X.B, Issued May 16, 1996; USEPA PSD Permit GU 98-01, Condition X.B, Issued November 24, 1998]

II.C.6 The sulfur content of the fuel oil used to fire the diesel engine generators (Units DEG-1 through DEG-6) shall not exceed 0.3 percent by weight. [USEPA PSD Permit GU 93-02, Condition X.D.1, Issued May 16, 1996 and Revised October 7, 1998; USEPA PSD Permit GU 98-01, Condition X.D.1, Issued November 24, 1998]

II.C.7 The permittee shall not operate the diesel engine generators (Units DEG-1 through DEG-6) below 50 percent of rated load except during periods of startup, shutdown, testing, or maintenance. [USEPA PSD Permit GU 93-02, Condition X.D.3, Issued May 16, 1996; USEPA PSD Permit GU 98-01, Condition X.D.3, Issued November 24, 1998]

**Guam EPA**

Title V Federal Operating Permit

Guam Power Authority – Tenjo

Permit No. FO-008

Expires: March 1, 2014

**II.D. Monitoring and Testing Requirements**

- II.D.1 The permittee shall provide sampling and testing facilities at its own expense. The tests shall be conducted at the maximum expected operating capacity of the diesel engine generators (Units DEG-1 through DEG-6) and GEPA may monitor the tests. For performance test purposes, sampling ports, platforms, and access shall be provided by the permittee on the diesel exhaust systems in accordance with 40 CFR 60.8 (e). [GAPCSR, Section 1102.4; SIP, Sections 3.6(a), 3.9, and 4.1; USEPA PSD Permit GU 93-02, Condition X.C.3, Issued May 16, 1996; USEPA PSD Permit GU 98-01, Condition X.C.3, Issued November 24, 1998]
- II.D.2 At least thirty (30) days prior to a performance test, the permittee shall submit a written performance test plan to GEPA that describes the test date(s), duration, locations, and methods, source operation and other parameters that may affect test results. Such a plan shall conform to USEPA guidelines including quality assurance procedures. The USEPA shall also be notified in writing at least thirty (30) days prior to a performance test to allow time for the development of an approvable performance test plan and to arrange for an observer to be present at the test. [GAPCSR, Section 1102.4; USEPA PSD Permit GU 93-02, Condition X.C.2, Issued May 16, 1996; USEPA PSD Permit GU 98-01, Condition X.C.2, Issued November 24, 1998]
- II.D.3 The permittee shall conduct performance tests for NO<sub>x</sub>, SO<sub>2</sub>, CO, VOC, and PM for the diesel engine generators (Units DEG-1 through DEG-6) on an annual basis and furnish the USEPA with a written report of the results of such test. The tests for NO<sub>x</sub>, SO<sub>2</sub>, CO, VOC, and PM shall be conducted at the maximum operating capacity of the facilities being tested. Upon written request from the permittee, the USEPA may approve the conducting of performance tests at a lower specified production rate. Upon written request and adequate justification from the permittee, the USEPA may waive a specified annual test for the facility. [USEPA PSD Permit GU 93-02, Condition X.C.1, Issued May 16, 1996; USEPA PSD Permit GU 98-01, Condition X.C.1, Issued November 24, 1998; GAPCSR Section 1104.12(12)]
- II.D.4 Performance tests for the emissions of NO<sub>x</sub>, SO<sub>2</sub>, CO, VOC, and PM for the diesel engine generators (Units DEG-1 through DEG-6) shall be conducted and the results reported in accordance with the test methods set forth in 40 CFR 60.8 and Appendix A. The test methods listed below shall be used. In lieu of these test methods, equivalent methods may be used with prior written approval from the USEPA.

II.D.4.a Performance tests for the emissions of SO<sub>2</sub> shall be conducted using USEPA Methods 1-4 and 6C.

II.D.4.b Performance tests for the emissions of PM shall be conducted using USEPA Methods 1-5.

II.D.4.c Performance tests for the emissions of NO<sub>x</sub> shall be conducted using USEPA Methods 1-4 and 7E.

II.D.4.d Performance tests for the emissions of CO shall be conducted using USEPA Methods 1-4 and 10.

II.D.4.e Performance tests for the emissions of VOC shall be conducted using USEPA Methods 1-4 and 25A.

II.D.4.f Performance test for opacity shall be conducted using USEPA Method 9.

[USEPA PSD Permit GU 93-02, Condition X.C.2, Issued May 16, 1996; USEPA PSD Permit GU 98-01, Condition X.C.2, Issued November 24, 1998]

II.D.5 Within sixty (60) days after completion of the performance test, the permittee shall submit to GEPA and the USEPA Regional Administrator, the test report which shall include the operating conditions of the equipment at the time of the test, the analyses of the fuel, the summarized test results, comparative results with the permit emissions limits, and other pertinent field and laboratory data. [GAPCSR, Section 1102.4; SIP, Section 4.2]

II.D.6 Any deviations from these conditions, test methods, or procedures may be cause for rejections of the test results unless such deviations are approved by GEPA before the tests are conducted. [GAPCSR, Section 1102.4]

II.D.7 Upon written request and justification by the permittee, GEPA may waive the requirement for a specific annual source test. The waiver request is to be submitted at least sixty (60) days prior to the required test and must include documentation justifying such action. Documentation should include, but is not limited to, the results of the prior test indicating compliance by a wide margin, documentation of continuing compliance, and further that operations of the source have not changed since the previous source test. [GAPCSR, Section 1102.4]

II.D.8 The permittee shall install, maintain, and operate either a continuous emission monitoring (CEM) or predictive emissions monitoring (PEM)

system on select diesel engine generators (Units DEG-1 through DEG-4) as described in Conditions II.D.9 and II.D.10, respectively, of this permit. Excess emission indicated by the CEM or PEM system shall be considered violations of the applicable permit limit for the purpose of this permit. [USEPA PSD Permit GU 93-02, Conditions X.J.1, X.J.2, and X.J.6, Issued May 16, 1996]

II.D.9 If the permittee elects to install, maintain, and operate a CEM system in the exhaust stacks of the diesel engine generators specified in Condition II.D.8 of this permit (Units DEG-1 through DEG-4) to comply with Condition II.D.8 of this permit, the CEM system shall include:

II.D.9.a A continuous monitoring system to measure stack gas NO<sub>x</sub> concentrations. The system shall meet USEPA monitoring performance specifications (40 CFR 60.13 and 40 CFR 60, Appendix B, Performance Specifications 2 and 3).

II.D.9.b A continuous monitoring system to measure stack gas volumetric flow rates. The system shall meet USEPA performance specifications (40 CFR 52, Appendix E).

II.D.9.c The quality assurance project plan used by the permittee for the certification and operation of the CEM, which meets the requirements of 40 CFR 60, Appendix F and the document "Guidelines for Developing a Quality Assurance Project Plan" (QAMS 005/80), shall be available upon request to the USEPA.

[USEPA PSD Permit GU 93-02, Condition X.J, Issued May 16, 1996; GAPCSR Section 1104.12(12)]

II.D.10 If the permittee elects to install, maintain, and operate a PEM system for determining stack gas volumetric flow rates and NO<sub>x</sub> concentrations in the exhaust stacks of the diesel engine generators specified in Condition II.D.8 of this permit (Units DEG-1 through DEG-4) to comply with Condition II.D.8 of this permit, the system shall monitor engine operating conditions and predict NO<sub>x</sub> emission rates as specified in a plan submitted to the USEPA for approval. The plan shall identify the operating conditions to be monitored and meet all the requirements of 40 CFR 75, Subpart E, including an application for certification of an alternative monitoring system. [USEPA PSD Permit GU 93-02, Condition X.J.2, Issued May 16, 1996]

II.D.11 The permittee shall conduct weekly visible emission observations for selected diesel engine generators (Units DEG-5 and DEG-6) in accordance with 40 CFR 60, Appendix A, Method 9 or by use of a Ringlemann chart. For each period, two (2) observations shall be taken at fifteen (15) second

**Guam EPA**

Title V Federal Operating Permit

Guam Power Authority – Tenjo

Permit No. FO-008

Expires: March 1, 2014

intervals for six (6) consecutive minutes for each engine. [USEPA PSD Permit GU 98-01, Condition X.J.2, Issued November 24, 1998; GAPCSR Section 1104.12(12)]

II.D.12 The permittee shall install, maintain, and operate a CEM system in the exhaust stacks of selected diesel engine generators (Units DEG-5 and DEG-6). Excess emissions indicated by the CEM system shall be considered violations of the applicable emission limit for the purpose of this permit. The CEM system shall include:

II.D.12.a A continuous monitoring system to measure stack gas NO<sub>x</sub> concentrations. The system shall meet USEPA monitoring performance specifications (40 CFR 60.13 and 40 CFR 60, Appendix B, Performance Specifications 2 and 3).

II.D.12.b A continuous monitoring system to measure stack gas volumetric flow rates. The system shall meet USEPA performance specifications (40 CFR 52, Appendix E).

[USEPA PSD Permit GU 98-01, Conditions X.J.1 and X.J.6, Issued November 24, 1998; GAPCSR Section 1104.12(12)]

**II.E. Recordkeeping Requirements**

II.E.1 All records, including support information, shall be maintained for at least five (5) years following the date of such records compiled in a permanent form suitable for inspection and made available to GEPA or their representative upon request. [GAPCSR, Section 1104.12(7)(H)]

II.E.2 The permittee shall record and maintain records of the amounts of fuel oil fired, fuel sulfur content, and the plant hours of operation for each calendar quarter. All information shall be recorded in a permanent form suitable for inspection. The file shall be retained for at least five years for the diesel engine generators (Units DEG-1 through DEG-6) following the date of such measurements, calculation, and record. [USEPA PSD Permit GU 93-02, Condition X.D.2, Issued May 16, 1996; USEPA PSD Permit GU 98-01, Condition X.D.2, Issued November 24, 1998; GAPCSR, Section 1104.12(7)(H)]

II.E.3 The permittee shall maintain a file of all measurements, including continuous monitoring systems evaluations; all continuous monitoring systems or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; performance and all other information required by 40 CFR 60 recorded in a permanent form suitable for inspection. The file shall be retained for at least five years

following the date of such measurements, maintenance, reports, and records. [USEPA PSD Permit GU 93-02, Condition X.J.3, Issued May 16, 1996; USEPA PSD Permit GU 98-01, Condition X.J.3, Issued November 24, 1998; GAPCSR, Section 1104.12(7)(H)]

II.E.4 The permittee shall maintain a log of the date and nature of all inspections and maintenance activities performed at the facility [GAPCSR Section 1104.12(12)].

## **II.F. Reporting Requirements**

II.F.1 As required in Section II.J and in conjunction with the requirements of Section II.K of this permit the permittee shall report annually the total tons per year emitted of each regulated air pollutant, including hazardous air pollutants. The reporting of annual emissions is due within sixty (60) days following the end of the each calendar year. Upon the written request of the permittee, the deadline for reporting of annual emissions may be extended, if GEPA determines that reasonable justification exists for the extension. [GAPCSR Section 1104.24(c)]

II.F.2 The permittee shall report in writing within thirty (30) days the modification, relocation, discontinuance of operation or dismantlement of the diesel engine generators (Units DEG-1 through DEG-6). [GEPA Permit TNJ-672, Condition 11, Issued July 8, 1997]

II.F.3 The permittee shall provide a report to GEPA of the results of all monitoring and recordkeeping required by this permit at least once every six (6) months. Reports shall be submitted for monitoring and recordkeeping performed between January 1<sup>st</sup> and June 30<sup>th</sup> and between July 1<sup>st</sup> and December 31<sup>st</sup> and shall be postmarked by the 30<sup>th</sup> day following the end of the reporting period. The first monitoring and recordkeeping report will cover the period from the date of issuance of this permit to December 31, 2008. [GAPCSR, Section 1104.12(7)(I)]

II.F.4 The permittee shall submit a written report of all excess emissions from the diesel engine generators (Units DEG-1 through DEG-6) to the USEPA for every calendar quarter. The report shall include the following:

II.F.4.a The magnitude of the excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factors used, and the date and time of commencement and compilation of each time period of excess emissions.

II.F.4.b Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the engine

exhaust systems. The nature and cause of any malfunction (if known) and the corrective action taken or preventative measures adopted shall also be reported.

II.F.4.c The date and time identifying each period during which the CEM or PEM system was inoperative except for zero and span checks, and the nature of the system repairs or adjustments.

II.F.4.d When no excess emissions have occurred or the CEM or PEM system has not been imperative, repaired, or adjusted, such information shall be stated in the report.

II.F.4.e Excess emissions shall be defined as any 3-hour period during which the average emissions of NO<sub>x</sub>, as measured by the CEM or predicted by the PEM, exceed the maximum NO<sub>x</sub> emission limits set forth in Condition II.B.2.a of this permit.

[USEPA PSD Permit GU 93-02, Condition X.J.5, Issued May 16, 1996; USEPA PSD Permit GU 98-01, Condition X.J.5, Issued November 24, 1998]

II.F.5 By the 15<sup>th</sup> of February of every year, the permittee shall record and submit to the Administrator of the GEPA the annual fuel consumption, average sulfur content by weight, and the plant hours of operation of the previous year for diesel engine generators (Units DEG-1 through DEG-4). [GEPA Permit TNJ-672, Condition 5, Issued July 8, 1997]

## **II.G. Compliance Schedule**

II.G.1 For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements. [GAPCSR, Section 1104.8(b)(2)(A)]

II.G.2 For applicable requirements which become applicable during the permit term, the source shall meet such applicable requirements on a timely basis. [GAPCSR, Section 1104.8(b)(2)(B)]

II.G.3 Within 90 days of the issuance of this permit, the permittee shall have the CEMS unit operational as required by Conditions II.D.8 and II.D.12 of this permit. [GAPCSR, Section 1104.8(b)(2)(C)]

## **II.H. Compliance Certifications**

II.H.1 The compliance plan and compliance certification submittal requirements shall be in accordance with Sections 1104.8 and 1104.9 of the GAPCSR.

**Guam EPA**

Title V Federal Operating Permit

Guam Power Authority – Tenjo

Permit No. FO-008

Expires: March 1, 2014

The compliance certification shall be submitted to GEPA and the USEPA Regional Administrator once per year, or more frequently as set by any applicable requirement. [GAPCSR, Sections 1104.8 and 1104.9]

II.H.2 During the permit term, the permittee shall submit at least annually to GEPA, a compliance certification pursuant to Section 1104.9 of the GAPCSR. This certification shall be postmarked by January 30<sup>th</sup> of each year, and shall cover the previous calendar year (January 1 through December 31). The first compliance certification will cover the period from the date of issuance of this permit to December 31, 2008. The permittee shall indicate whether or not compliance is being met with each term or condition of this permit. [GAPCSR, Section 1104.9]

**II.I. General Air Quality Protections**

II.I.1 The permittee shall not dispose of combustible material by open burning, or cause, suffer, allow, or permit open burning of combustible material within Guam, except as provided in Sections 1103.11 (b) through (e) of the GAPCSR. [GAPCSR, Section 1103.11; SIP, Section 6.1]

**II.I.2 Control of Odors in Ambient Air**

II.I.2.a The permittee shall not discharge or cause to be discharged into the atmosphere from any source whatsoever, such quantities of odorous emissions which is injurious to health, or is indecent or offensive to the senses, which affects at the same time an entire community or neighborhood, or any considerable number of persons, so as to unduly interfere with the comfortable enjoyment of life or property of such community, neighborhood or persons. It is a creation of a condition which causes injury to the public welfare. [GAPCSR, Section 1103.12(a); SIP, Section 11.1]

II.I.2.b An odor occurrence shall be deemed a violation when a complaint is received by the Administrator and the Administrator is able to detect the odor. This detection must be verified by the Department of Public Health, Environmental Health Section for a person to be found in violation of Subsection (a) of this Condition. [GAPCSR, Section 1103.12(b); SIP, Section 11.2]

II.I.2.c The odor of growing vegetation, and chemical fertilizers and insecticides when used properly, or when persons can demonstrate to the Administrator that the best practical operation or treatment is being implemented, shall not be considered objectionable for the purposes of this requirement. [GAPCSR, Section 1103.12(c); SIP, Section 11.3]

**Guam EPA**

Title V Federal Operating Permit

Guam Power Authority – Tenjo

Permit No. FO-008

Expires: March 1, 2014

II.I.3 The permittee shall comply with the asbestos requirements of 40 CFR 61, Subpart M (as amended and incorporated in Section 1103.13 of the GAPCSR), including requirements for demolition and renovation projects. [GAPCSR, Section 1103.13]

**II.J. Annual Emissions Reporting Requirements**

II.J.1 The reporting period for the annual emissions, including total tons per year emitted of each regulated air pollutant (including hazardous air pollutants), shall be from January 1 to December 31 of each calendar year. All reports shall be submitted to GEPA along with the annual fee due. The report shall be mailed to [GAPCSR, Section 1104.24(c)]:

**Administrator  
Guam Environmental Protection Agency  
Air and Land Division  
Air Pollution Control Program  
P.O. Box 22439 GMF  
Barrigada, Guam 96921**

All applicable correspondences and records with this permit submitted to GEPA shall have duplicate copies forwarded to:

**Director, Air Division (Attn: AIR-5)  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105**

II.J.2 The permittee shall retain the information submitted, including all emissions calculations. These records shall be in a permanent form suitable for inspection, retained for a minimum of five (5) years, and made available to GEPA upon request. [GAPCSR, Section 1104.12(7)(H)]

II.J.3 Any information submitted to GEPA without a request for confidentiality shall be considered public record. [GAPCSR, Section 1102.7]

II.J.4 The permittee may request confidential treatment of specific information by submitting a written request to the Administrator identifying the specific information that is to be accorded confidential treatment. [GAPCSR, Section 1102.7(b)]

**II.K. Fee Payment**

II.K.1 The permittee shall submit fees in accordance with GAPCSR, Sections 1104.21 through 1104.24. [GAPCSR, Section 1104.12(9)(K)]

**Guam EPA**

Title V Federal Operating Permit

Guam Power Authority – Tenjo

Permit No. FO-008

Expires: March 1, 2014

- II.K.2 The permittee shall complete and submit the Annual Fee Calculation Worksheet, including all emissions calculations, with the required annual fee. The permittee shall make copies for future use. [GAPCSR, Section 1104.24(l)]
- II.K.3 Annual fees shall be paid in full: [GAPCSR, Section 1104.24 (a)]
- II.K.3.a Within sixty (60) days after the end of each calendar year;
- II.K.3.b Within thirty (30) days after permanent discontinuance of the air emission source.
- II.K.4 The permittee shall be assessed a Six Dollars (\$6.00) per ton per pollutant base rate of the total annual emission. However, the minimum annual fee due shall be Five Hundred Dollars (\$500.00) for each valid permit held during the prior calendar year; or Forty-Two Dollars (\$42.00) per month for any fraction of the year the permit is valid after the last calendar year for which annual fee was paid. [GAPCSR, Section 1104.24(g)]
- II.K.5 If any part of the annual fee is not paid within thirty (30) days after the due date, a late penalty of five percent (5%) of the amount due shall at once accrue and be added thereto. Thereafter, on the first day of each calendar month during which part of the annual fee or any prior accrued late payment penalty remains unpaid, an additional late payment penalty of five percent (5%) of the then unpaid balance shall accrue and be added thereto. [GAPCSR, Section 1104.25(b)]
- II.K.6 If any annual fee, including the late payment penalty required by the GAPCSR is not paid in full within thirty (30) days after the due date, the Administrator may terminate or suspend any or all of the owner or operator's air pollution control permit, after affording the opportunity for a hearing in accordance with Section 1104.19 or Section 1102.14 of the GAPCSR [GAPCSR, Section 1104.25(c)]
- II.K.7 The annual emissions data for which the annual fees are based shall accompany the submittal of any annual fees and submitted on forms furnished by GEPA. [GAPCSR, Section 1104.24(c)]
- II.K.8 Check payments shall be made payable to the Treasurer of Guam along with a notation that the funds be deposited into GEPA's Air Pollution Control Special Fund. [GAPCSR, Section 1104.21(d)]

**Guam EPA**  
Title V Federal Operating Permit  
Guam Power Authority – Tenjo  
Permit No. FO-008  
Expires: March 1, 2014

II.K.9 The annual fees and emissions data shall be mailed to [GAPCSR, Section 1104.24]:

**Administrator  
Guam Environmental Protection Agency  
Air and Land Division  
Air Pollution Control Program  
P.O. Box 22439 GMF  
Barrigada, Guam 96921**

All applicable correspondences and records with this permit submitted to GEPA shall have duplicate copies forwarded to:

**Director, Air Division (Attn: AIR-5)  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105**

### **III. Title V Administrative Requirements**

#### **III.A. Blanket Compliance Statement**

III.A.1 The permittee shall comply with all the terms and conditions of this permit. Any permit noncompliance constitutes a violation of the GAPCSR and, for all federally enforceable terms and conditions, the CAA, and is grounds for enforcement action, permit termination, suspension, reopening, or amendment, or for denial of a permit renewal application. Permit noncompliance shall be subject to the penalties and remedies provided for in Section 49116 of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the GCA. [GAPCSR, Section 1104.12(9)(A) and 1102.12; SIP, Section 4.4]

III.A.2 The owner and operator of the facility shall construct and operate the diesel engine generators (Units DEG-1 through DEG-6) in compliance with all other applicable provisions of 40 CFR Parts 52, 60, and 61 and all other applicable federal, state, and local air quality regulations. [USEPA PSD Permit GU 93-02, Condition VIII, Issued May 16, 1996; USEPA PSD Permit GU 98-01, Condition VIII, Issued November 24, 1998]

#### **III.B. Duty to Provide and Supplement Information**

The permittee shall furnish, in a timely manner, any information or record requested in writing by GEPA to determine whether cause exists for terminating, suspending, reopening, or amending the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to GEPA copies of records required to be kept by the permit. For information claimed confidential, the permittee shall furnish such records to GEPA with a claim of confidentiality. [GAPCSR, Section 1104.12(9)(H)]

#### **III.C. Submissions**

Any document (including reports, compliance plans and compliance certifications) required to be submitted by this permit shall be certified by a responsible official. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete in accordance with 1102.3 and shall be mailed or forwarded to the following address [GAPCSR, Sections 1102.3 and 1104.12(9)(L)]:

**Administrator  
Guam Environmental Protection Agency  
Air and Land Division  
Air Pollution Control Program  
P.O. Box 22439 GMF  
Barrigada, Guam 96921**

**Guam EPA**  
Title V Federal Operating Permit  
Guam Power Authority – Tenjo  
Permit No. FO-008  
Expires: March 1, 2014

All applicable correspondences and records with this permit submitted to GEPA shall have duplicate copies forwarded to:

**Director, Air Division (Attn: AIR-5)**  
**U.S. Environmental Protection Agency**  
**75 Hawthorne Street**  
**San Francisco, CA 94105**

### **III.D. Severability Clause**

If any term or condition of this permit becomes invalid as a result of a challenge to a portion of this permit, the other terms and conditions of this permit shall not be affected and remain valid. [GAPCSR, Section 1104.12(9)(B); USEPA PSD Permit GU 93-02, Condition VII, Issued May 16, 1996; USEPA PSD Permit GU 98-01, Condition VII, Issued November 24, 1998]

### **III.E. Circumvention**

The permittee shall not cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant which would otherwise violate these regulations. This provision does not prohibit recycling, burning as fuel or otherwise further processing material which would violate an emission regulation if released to the atmosphere, so long as the facility in which that material is used does not violate applicable emission regulations. [SIP, Section 17.2]

### **III.F. Permit Actions**

This permit will be revoked if the Agency finds willful or continued violations of the standards and regulations. [GAPCSR, Sections 1104.12(9)(A), 1104.18(a)(4), and 1104.18(b)(3); SIP, Section 3.7(c)]

### **III.G. Reopening for Cause**

This permit may be terminated, suspended, reopened, or amended for cause pursuant to Section 1104.18 of the GAPCSR, after affording the permittee an opportunity for a hearing in accordance with GAPCSR, Section 1102.14 or 10 GCA 49111. [GAPCSR, Section 1104.12(9)(D)]

### **III.H. Property Rights**

This permit does not convey any property rights of any sort, or any exclusive privilege. [GAPCSR, Section 1104.12(9)(E)]

### **III.I. Inspection and Entry**

III.I.1 The permittee shall allow GEPA, the Regional Administrator for the USEPA and/or an authorized representative, upon presentation of credentials or other documents required by law:

**Guam EPA**

Title V Federal Operating Permit

Guam Power Authority – Tenjo

Permit No. FO-008

Expires: March 1, 2014

III.I.1.a To enter the premises where a source is located or emission-related activity is conducted, or where records must be kept under the conditions of the permit and inspect at reasonable times all facilities, equipment, practices, operations, or records covered under the terms and conditions of the permit and request copies of records or copy records required by the permit; and

III.I.1.b To sample or monitor at reasonable times substances or parameters to assure compliance with the permit or applicable requirements.

[GAPCSR, Section 1104.12(9)(M); USEPA PSD Permit GU 93-02, Condition V, Issued May 16, 1996; USEPA PSD Permit GU 98-01, Condition V, Issued November 24, 1998]

**III.J. Emergency Provisions**

III.J.1 In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate to the Administrator the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

III.J.1.a An emergency occurred and the permittee can identify the cause(s) of the emergency;

III.J.1.b The permitted facility was at the time being properly operated;

III.J.1.c During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission limitations or other requirements in this permit; and

III.J.1.d The permittee submitted notice of the emergency to the Administrator within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the prompt reporting of deviations pursuant to Section 1102.9 of the GAPCSR. [GAPCSR, Sections 1104.17(a) and 1104.1(c)]

III.J.1.e In any enforcement proceeding the permittee attempting to establish the occurrence of an emergency has the burden of proof. [GAPCSR, Section 1104.17(b)]

### **III.K. Transfer of Ownership or Operation**

- III.K.1 This permit is not transferable, whether by operation of law or otherwise, either from one location to another or from one piece of equipment to another. [GAPCSR, Section 1104.4(c); SIP Section 3.8; GEPA Permit TNJ-672, Condition 7, Issued July 8, 1997]
- III.K.2 This permit shall not be transferable, whether by operation of law or otherwise, from person to person without the approval of the Administrator. [GAPCSR, Section 1104.4(d); SIP Section 3.8; GEPA Permit TNJ-672, Condition 7, Issued July 8, 1997]
- III.K.3 In the event of any changes in control or ownership of facilities to be operated or modified, the resulting modification of this permit shall be made as an administrative amendment pursuant to Section 1104.20 of the GAPCSR. [GAPCSR, Section 1104.20]
- III.K.4 In the event of any changes in control or ownership of facilities to be constructed or modified, this permit shall be binding on all subsequent owners and operators. The applicant shall notify the succeeding owner and operator of the existence of this permit and its conditions by letter, a copy of which shall be forwarded to the Regional Administrator and the State and local Air Pollution Control Agency. [USEPA PSD Permit GU 93-02, Condition VI, Issued May 16, 1996; USEPA PSD Permit GU 98-01, Condition VI, Issued November 24, 1998]

### **III.L. Permit Expiration and Renewal**

- III.L.1 This permit is issued for a fixed term of five years from the date of issuance. [GAPCSR, Section 1104.11; SIP Section 3.1(b)(4)]
- III.L.2 Application for permit renewal shall be submitted no more than eighteen (18) months prior to the date of permit expiration. Application for permit renewal shall be submitted no later than six (6) months prior to the date of permit expiration. Late applications shall be subject to penalties pursuant to Section 1104.25 of the GAPCSR. [GAPCSR, Section 1104.6(d); SIP Section 3.1(b)(4)]
- III.L.3 This permit shall remain valid past the expiration date and the air pollution emission source shall not be in violation for failing to have an air pollution

control permit, until the Administrator has issued or denied the renewal of the air pollution control permit, provided [GAPCSR, Section 1104.2(d)]:

III.L.3.a A complete renewal application has been submitted and the owner or operator acts consistently with the permit previously granted, and the application on which it was based, and all plans, specifications, and other information submitted as part of the application; and

III.L.3.b The owner or operator has submitted to the Administrator within the specified deadlines, all requested additional information deemed necessary to evaluate or take final action on the renewal application as described in Section 1104.6 of the GAPCSR.

### III.M. Permit Modifications

Applications for modification of this permit are subject to the same requirements as the initial application including all requirements pursuant to Section 1104.6(c) of the GAPCSR. The permittee shall submit a description of the modification, identifying all proposed changes, including any changes to the source operations, work practices, equipment design, source emissions, or any monitoring, record keeping, and reporting procedures. Each change from the permit application for this permit shall be identified on the application for the permit modification. [GAPCSR, Section 1104.6(f)]

### III.N. Malfunction

III.N.1 Except for emergencies which result in noncompliance with any technology-based emission limitation in accordance with Section 1104.17 of the GAPCSR, in the event any emission unit, air pollution control equipment, or related equipment breaks down in such a manner as to cause the emission of air pollutants in violation of GAPCSR, or this permit, the permittee shall immediately notify, within twenty-four (24) hours, GEPA of the failure or breakdown, unless the protection of personnel or public health or safety demands immediate attention to the failure or breakdown and makes such notification infeasible. In the latter case, the notice shall be provided as soon as practicable. The submittal of these notices shall not be a defense to an enforcement action. Within five (5) working days of this initial notification, the permittee shall also submit, in writing, the following information:

III.N.1.a Identification of emission points;

III.N.1.b Magnitude of the excess emissions;

III.N.1.c Time and duration of the excess emissions;

**Guam EPA**

Title V Federal Operating Permit

Guam Power Authority – Tenjo

Permit No. FO-008

Expires: March 1, 2014

III.N.1.d Identity of the process or control equipment causing the excess emissions;

III.N.1.e Cause and nature of the excess emissions;

III.N.1.f Description of the steps taken to remedy the situation, prevent a recurrence, limit the excessive emissions, and assure that the breakdown does not interfere with the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) and Guam ambient air quality standards;

III.N.1.g Documentation that the equipment or process was at all times maintained and operated in a manner consistent with good practice for minimizing emissions; and

III.N.1.h A statement that the excess emissions are not part of a recurring pattern indicative of inadequate design, operation, or maintenance.

[GAPCSR, Section 1102.9, USEPA PSD Permit GU 93-02, Condition IV, Issued May 16, 1996; USEPA PSD Permit GU 98-01, Condition IV, Issued November 24, 1998]

**III.O. Agency Notifications**

III.O.1 The permittee shall notify the Administrator in writing of the following dates:

III.O.1.a The anticipated date of initial start-up for each emission unit of a new source or significant modification not more than sixty (60) days or less than thirty (30) days prior to such date.

III.O.1.b The actual date of construction commencement within fifteen (15) days after such date.

III.O.1.c The actual date of start-up within fifteen (15) days after such date.  
[GAPCSR, Section 1104.12(9)(G); USEPA PSD Permit GU 93-02, Condition II, Issued May 16, 1996; USEPA PSD Permit GU 98-01, Condition II, Issued November 24, 1998]

III.O.2 The permittee shall notify GEPA in writing, of the intent to shut down air pollution control equipment for necessary scheduled maintenance at least twenty-four (24) hours prior to the planned shutdown. The submittal of this notice shall not be a defense to an enforcement action. The notice shall include the following:

- III.O.2.a Identification of the specific equipment to be taken out of service, as well as its location and permit number;
  - III.O.2.b The expected length of time that the air pollution control equipment will be out of service;
  - III.O.2.c The nature and quantity of emissions of air pollutants likely to be emitted during the shutdown period;
  - III.O.2.d Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period; and
  - III.O.2.e The reasons why it would be impossible or impractical to shut down the source operation during the maintenance period. [GAPCSR, Section 1102.8; SIP, Section 4.3]
- III.O.3 A copy of applicable correspondence or records submitted to GEPA shall be provided to the USEPA pursuant to Section 1104.15 of the GAPCSR. [GAPCSR, Section 1104.12(9)(I)]
- III.O.4 Within thirty (30) days of permanent discontinuance of the operation, modification, relocation, or construction of any of the units, the responsible official shall report the discontinuance in writing to the Administrator. [GAPCSR, Section 1104.5(a); [GEPA Permit TNJ-672, Condition 11, Issued July 8, 1997]

### **III.P. Miscellaneous Conditions**

- III.P.1 Unless specifically identified, the terms and conditions contained in this permit are consistent with the applicable requirement on which each term or condition is based. [Section 49107(7)(c)(2) of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the GCA]
- III.P.2 This permit, or a copy thereof, shall be maintained at or near the source for which this permit was issued and shall be made available for inspection upon request. [GAPCSR, Section 1104.4(a); SIP, Section 3.12]
- III.P.3 This permit shall not be willfully defaced, altered, forged, counterfeited, or falsified. [GAPCSR, Section 1104.4(b); SIP, Section 3.13]
- III.P.4 The facility covered by this permit shall be constructed and operated in accordance with the application, and any information submitted as part of the application, for this permit. There shall be no deviation from this permit condition unless additional or revised plans are submitted to and approved

by GEPA, and the permit is amended to allow for such deviation. [GAPCSR, Section 1104.12(12)]

- III.P.5 The conditions contained in this permit to operate may at any time be revised by the USEPA if the Administrator deems necessary in response to changes of the applicable law, regulations, upon receipt of the performance testing or other requested documents, or other factors affecting the compliance of the source or facility with the standards or conditions of this permit. [GEPA Permit TNJ-672, Condition 9, Issued July 8, 1997]
- III.P.6 This permit (a) does not release the permittee from compliance with other applicable statutes of Guam, or with applicable local or federal laws, regulations, or ordinances, and (b) shall not constitute, nor be construed to be an approval of the design of the source. [GAPCSR, Sections 1104.2(e) and 1104.12(11); GEPA Permit TNJ-672, Conditions 8 and 12, Issued July 8, 1997]
- III.P.7 The permittee shall not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the terms and conditions of this permit. [GAPCSR, Section 1104.12(9)(C)]
- III.P.8 The filing of a request by the permittee for a permit termination, suspension, reopening, or amendment, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [GAPCSR, Section 1104.12(9)(D)]
- III.P.9 The permittee may request confidential treatment of any records in accordance with Section 1102.7 of the GAPCSR. [GAPCSR, Section 1104.12(9)(J)]
- III.P.10 The terms and conditions included in this permit, including any provision designed to limit a source's potential to emit, are federally enforceable unless such terms, conditions, or requirements are specifically designated as not federally enforceable. [GAPCSR, Section 1104.14]