

- (a) copies of all reports required by the conditions of the permit;
 - (b) calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation;
 - (c) records of the date, exact location, and time of monitoring and testing which is related to compliance with the terms and conditions of the permit or compliance with Tribal and federal pollution control statutes and rules, the name of the individual who performed the sampling or measurements, the date the analysis was performed, the name of the individual who performed the analysis, the analytical techniques or methods used, and the results of the analysis;
- (3) The permittee shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.
- (4) The permittee shall install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the permit and, for all permits other than hazardous waste facility permits, if these backup or auxiliary facilities are technically and economically feasible.
- (5) The permit shall require the permittee to submit to the Air Quality Program the reports described in 12.5 (1) to 12.5 (4) by March 1 of each year.

Section 13.0 Synthetic Minor Facilities

13.1 Purpose

13.2 Request for Synthetic Minor Status

13.3 Record Keeping

13.4 Compliance

13.5 Renewal

13.1 Purpose

This Section authorizes the owners or operators of specified stationary sources that would otherwise be major sources to request and accept Tribally and federally enforceable emission limits sufficient to allow the source to be considered "synthetic minor sources". A synthetic minor source is not subject to Title V-Federal Operating Permit Program, unless it is subject to that rule for any reason other than being a major source. In addition, a synthetic minor source is subject to all applicable Tribal rules, regulations and other requirements.

13.2 Request for Synthetic Minor Status:

(1) A request for designation as a synthetic minor source shall include:

- (a) The identification and description of all existing emission units at the source;**
- (b) The calculation of each emission unit's maximum annual and maximum monthly emissions of regulated air pollutants for all operating scenarios to be permitted, including any existing federally-enforceable limits established by a mechanism other than this rule;**
- (c) Proposed federally enforceable conditions which:**
 - (i) Limit source-wide emissions to below major source thresholds; and**
 - (ii) Are permanent, quantifiable, and otherwise enforceable as a practical matter;**
- (d) Proposed federally enforceable conditions to impose monitoring, record keeping, and reporting requirements sufficient to determine compliance;**
- (e) Any additional information requested by the Air Quality Program; and**
- (f) Certification by a responsible official that the contents of the request are true, accurate, and complete.**

(2) The owner or operator of a major source who chooses to request synthetic minor source status shall make such a request within the following timeframes:

- (a) For any major source that is operating or is scheduled to commence operating on the effective date of this TIP, the owner or operator shall request synthetic minor source status no later than 60 days from the effective date of this Plan.**
- (b) For any major source that commences operating after the effective date of this TIP, the owner or operator shall request synthetic minor source status no later than 180 days prior to commencing operation.**

(3) The Air Quality Program shall determine if the request for synthetic minor status is complete within 30 days of receipt, unless a longer period of time is agreed upon by the Air Quality Program and the source's owner or operator.

(4) Federally-enforceable conditions enabling a source to become a synthetic minor source shall be identified as federally enforceable and included in a source's operating permit issued by the Air Quality Program, and shall be:

- (a) Permanent, quantifiable, and practically enforceable permit conditions, including any operational limitations or conditions, which limit the source's potential to emit to below major source thresholds;**
- (b) Monitoring, record keeping, and reporting conditions sufficient to determine on-going compliance with the emission limits; and**

(c) Subject to public notice and U.S. EPA review pursuant to Sections 6.0 of this rule. Permits that do not conform to the requirements of this Section, and other requirements of this Plan, or any underlying federal regulations that set forth criteria for federal-enforceability may be deemed not federally enforceable by the U.S. EPA.

(5) Permits and permit modifications involving federally-enforceable conditions must be subjected to the public notice and comment procedures required for permit applications under Section 6 of this Plan which must include at a minimum, publication of a notice of complete application in a prominent newspaper serving the area and a 30 day public comment period. Copies of permits shall be forwarded to the Administrator through the appropriate Regional Office.

13.3 Record Keeping

The owner or operator of any facility subject to this Section must maintain all required records on-site for a period of five years and make them available to representatives of the Air Quality Program upon request. Program representatives must be granted access to any facility regulated by this Section, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

13.4 Compliance

(1) On an annual basis, beginning one year after the granting of federally enforceable conditions, the responsible official shall provide a certification to the Air Quality Program that the facility has operated all emission units within the limits imposed by the conditions. This certification shall include a brief summary of the emissions subject to the conditions for that time period and a comparison to those threshold levels that would require the submission of an application for a Title V facility permit, or compliance with an applicable requirement.

(2) The emission of pollutants in exceedance of the applicability thresholds for obtaining a Title V facility permit or other applicable requirements constitutes a violation of this Section and of the Plan and may be subject to one or a combination of the following actions: enforcement action, permit termination, permit revocation and reissuance and permit renewal denial.

13.5 Renewal

Renewal of synthetic minor source permits shall occur every 5 years from the date of original issuance. Owners or operators of affected facilities must submit their application no later than 180 days before the date of expiration.

Section 14.0 Source Surveillance

14.1 Emission Reports and Record keeping

14.2 Testing, enforcement, inspection and complaints