

**Criteria Required for Determination of a Complete Application
in Accordance with Section 33.1-15-14-06, Title V
Permit to Operate Program**

Note: Each criteria includes a reference to the applicable North Dakota Air Pollution Control Rules (NDAPCR) and to the corresponding Code of Federal Regulation (CFR).

CHECK
IF INCLUDED
COMMENTS

CRITERIA

- | | |
|-----------|--|
| [] _____ | A. Standard Information:
Identifying information, including company name and address (or plant name and address if different from the company name), owners name and agent, responsible official's name and address, and telephone number and names of plant site manager/contact.
[NDAPCR 33.1-15-14-06.4.c.]
[40 CFR 70.5(c)(1)] |
| [] _____ | B. Process Classification:
A description of the source's processes and products, [by Standard Industrial Classification (SIC) Code], including any associated with each alternate scenario identified by the source.
[NDAPCR 33.1-15-14-06.4.c.]
[40 CFR 70.5(c)(2)] |
| [] _____ | C. Insignificant Activities:
For insignificant activities or emissions levels which are exempted (as not needing to be included in permit applications) because of size or production rate, a list of such insignificant activities and information sufficient to show that the exemption applies.
[NDAPCR 33.1-15-14-06.4.c.]
[40 CFR 70.5 (c)] |
| [] _____ | D. The following emissions related information:
1. Descriptions of all emissions of pollutants for which the source is major, all emissions of regulated air pollutants, and any additional emissions information necessary to verify which requirements are applicable or to collect permit fees.
[NDAPCR 33.1-15-14-06.4.c.]
[40 CFR 70.5(c)(3)(i)] |

- [] _____
2. Fugitive emissions shall be included in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in sections (2)(i) through (xxvii) of the definition of major source in section 70.2 of the Part 70 regulations.
[NDAPCR 33.1-15-14-06.04.c.]
[40 CFR 70.3(d)]
- [] _____
3. Identification and description of all emissions points in sufficient detail to establish the basis for fees and applicability of the requirements of the Act.
[NDAPCR 33.1-15-14-06.04.c.]
[40 CFR 70.5(c)(3)(ii)]
- [] _____
4. Emissions rates in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method.
[NDAPCR 33.1-15-14-06.04.c.]
[40 CFR 70.5(c)(3)(iii)]
- [] _____
5. Fuels, fuel use, raw materials production rates, and operating schedules to the extent needed to determine or regulate emissions.
[NDAPCR 33.1-15-14-06.04.c.]
[40 CFR 70.5(c)(3)(iv)]
- [] _____
6. Identification and description of all air pollution control equipment and compliance monitoring devices or activities.
[NDAPCR 33.1-15-14-06.04.c.]
[40 CFR 70.5(c)(3)(v)]
- [] _____
7. Descriptions of limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants emitted at the source.
[NDAPCR 33.1-15-14-06.04.c.]
[40 CFR 70.5(c)(3)(vi)]
- [] _____
8. Other information required by any applicable requirements.
[NDAPCR 33.1-15-14-06.04.c.]
[40 CFR 70.5(c)(3)(vii)]
- [] _____
9. Calculations on which emissions related information is based.
[NDAPCR 33.1-15-14-06.04.c.]
[40 CFR 70.5(c)(3)(viii)]

- [] _____ E. **The following air pollution control requirements:**
 [NDAPCR 33.1-15-14-06.04.c.]
 [40 CFR 70.5(c)(4)]
1. A citation and description of all applicable requirements.
 2. A description of, or reference to, any applicable test method for determining compliance with each applicable requirement.
- [] _____ F. **Regulation Determinations:**
 Other specific information necessary to implement and enforce other applicable requirements or requirements of the operating permits program, or to determine the applicability of such requirements.
 [NDAPCR 33.1-15-14-06.04.c.]
 [40 CFR 70.5(c)(5)]
- [] _____ G. **Exemptions:**
 An explanation of any proposed exemptions from otherwise applicable requirements.
 [NDAPCR 33.1-15-14-06.04.c.]
 [40 CFR 70.5(c)(6)]
- [] _____ H. **Alternative Operating Scenarios/Emissions Cap:**
 Additional information, as deemed necessary by the permitting authority, to define alternative operating scenarios identified by the source or the define permit terms and conditions allowing emissions trading under a federally-enforceable emissions cap established in the permit independent of otherwise applicable requirements or emissions trading when the applicable requirement provides for it without case-by-case approval of each trade.
 [NDAPCR 33.1-15-14-06.04.c.]
 [40 CFR 70.5(c)(7), 70.4(b)(12)(iii) & 70.6(a)(10)]
- I. **Compliance Plan:**
 A compliance plan for all part 70 sources that includes the following information:
 [NDAPCR 33.1-15-14-06.4.c.]
 [40 CFR 70.5(c)(8)]
1. A description of the compliance status of the source with respect to all applicable requirements.
 2. A statement of how compliance will be maintained or achieved as follows:
 - a. A statement that the source will continue to comply with applicable requirements with which it is in compliance.
- [] _____
- [] _____

[] _____

b. A statement that the source will, in a timely manner, meet all applicable requirements that will become effective during the permit term and a detailed schedule, if needed, for meeting the requirements.

3. For sources out of compliance at the time of permit issuance:

[] _____

a. A narrative description of how the source will achieve compliance with requirements with which the source is not in compliance at the time of permit issuance.

[] _____

b. A schedule of compliance including remedial measures (including an enforceable sequence of actions with milestones) leading to compliance.

[] _____

c. Provisions that the compliance schedule resembles and is at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject.

[] _____

4. A schedule for submission of certified progress reports no less frequently than every 6 months for sources required to have a schedule of compliance to remedy a violation.

J. Compliance Certification:

A compliance certification requiring the following:

[NDAPCR 33.1-15-14-06.4.c.]

[40 CFR 70.5(c)(9)]

[] _____

1. A certification of compliance with all applicable requirements by a responsible official as defined as:

[] _____

a. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

[] _____

(1) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

(2) The delegation of authority to such representatives is approved in advance by the permitting authority.

[] _____

b. For a partnership or sole proprietorship, a general partner or the proprietor, respectively.

[] _____

c. For a municipality, State, Federal, or other public agency, either a principal executive officer or ranking elected official. The principal executive officer of a Federal agency includes the chief executive officer having responsibility of the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA).

[] _____

d. For Acid Rain sources, the designated representative.

[] _____

2. A statement of methods used for determining compliance, including a description of monitoring, recordkeeping, reporting requirements, and test methods.

[] _____

3. A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually or more frequently if specified by the underlying applicable requirement or by the permitting authority.

[] _____

4. A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the Act.

[] _____

K. **Responsible Official:**

Provisions that any application form, report, or compliance certification submitted in the permit application shall contain a certification by a responsible official of truth, accuracy, and completeness based on information and belief formed after reasonable inquiry.

[NDAPCR 33.1-15-14-06.4.c.]

[40 CFR 70.5(a)(2) and (d)]