

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF THE DIRECTOR

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In the matter of administrative proceedings )  
against NORTH AMERICAN NATURAL )  
RESOURCES, INC., a corporation )  
organized under the laws of the State of )  
Michigan and doing business at )  
4121 Okemos Road, Suite 17, City of )  
Okemos, County of Ingham, State of )  
Michigan )

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AQD No. 30-2013

SRN: N5910

STIPULATION FOR ENTRY OF FINAL ORDER  
BY CONSENT

This proceeding resulted from allegations by the Michigan Department of Environmental Quality (MDEQ) Air Quality Division (AQD) against North American Natural Resources (Company), a Michigan corporation doing business at 4121 Okemos Road, Suite 17, Okemos, Michigan, with State Registration Number (SRN) N5910. The MDEQ alleges that the Company is in violation of Permit to Install (PTI) 123-11. Specifically, the MDEQ alleges that the Company violated the permit limit for formaldehyde during a recent test event from EUNANRENGINE6 and EUNANRENGINE8, as cited herein and in the Violation Notices dated February 4, 2013. The Company and MDEQ stipulate to the termination of this proceeding by entry of this Stipulation for Entry of a Final Order by Consent (Consent Order).

The Company and MDEQ stipulate as follows:

1. The Natural Resources and Environmental Protection Act, 1994 PA 451 (Act 451), MCL 324.101 *et seq.* is an act that controls pollution to protect the environment and natural resources in this State.
2. Article II, Pollution Control, Part 55 of Act 451 (Part 55), MCL 324.5501 *et seq.* provides for air pollution control regulations in this State.
3. The MDEQ was created as a principal department within the Executive Branch of the State of Michigan pursuant to Executive Order 2011-1 and has all statutory authority, powers, duties, functions and responsibilities to administer and enforce all provisions of Part 55.

4. The Director has delegated authority to the Chief of the AQD (AQD Chief) to enter into this Consent Order.
5. The termination of this matter by a Consent Order pursuant to Section 5528 of Part 55 is proper and acceptable.
6. The Company and the MDEQ agree that the signing of this Consent Order is for settlement purposes only and does not constitute an admission by the Company that the law has been violated.
7. This Consent Order becomes effective on the date of execution (effective date of this Consent Order) by the AQD Chief.
8. The Company shall achieve compliance with the aforementioned regulations in accordance with the requirements contained in this Consent Order.

#### COMPLIANCE PROGRAM AND IMPLEMENTATION SCHEDULE

9. Emission Limitations

On and after the effective date of this Consent Order, the formaldehyde emission rate from FGENGINE3-6 and FGENGINE7R-10 shall not exceed the emission limits specified in Permit to Install 123-11A, attached hereto as Exhibit A.

10. Testing Requirements

a. Within 3 years of the effective date of this Consent Order, the Company shall verify formaldehyde emission rates from both engines EUNANENGINE7R and EUNANENGINES8R, by testing at owner's expense, in accordance with Department requirements.

b. Within 3 years of the effective date of this Consent Order, the Company shall verify formaldehyde emission rates from one of the following engines: EUNANENGINE3, EUNANENGINE4, or EUNANENGINES5, by testing at owner's expense, in accordance with Department requirements.

#### GENERAL PROVISIONS

11. This Consent Order in no way affects the Company's responsibility to comply with any other applicable state and federal, or local laws or regulations, including without limitation, any

amendments to the federal Clean Air Act, 42 USC 7401 *et seq.*, Act 451, Part 55 or their rules and regulations, or to the State Implementation Plan.

12. This Consent Order constitutes a civil settlement and satisfaction as to the resolution of the violations specifically addressed herein; however, it does not resolve any criminal action that may result from these same violations.

13. Within thirty (30) days after the effective date of this Consent Order, the Company shall pay to the General Fund of the State of Michigan, in the form of a check made payable to the "State of Michigan" and delivered to the Michigan Department of Environmental Quality, Financial and Business Services Division, Revenue Control, P.O. Box 30657, Lansing, Michigan 48909-8157, a settlement amount of \$5,000.00 which includes AQD costs for investigation and enforcement. This total settlement amount shall be paid within thirty (30) days of the effective date of this Consent Order. To ensure proper credit, all payments made pursuant to this Consent Order shall include the Agreement Identification No. AQD 40036 on the face of the check. This settlement amount is in addition to any fees, taxes, or other fines that may be imposed on the Company by law.

14. On and after the effective date of this Consent Order, if the Company fails to comply with paragraph 9, 10.a, or 10.b of this Consent Order, the Company is subject to a stipulated fine of up to \$7,500.00 per violation. On and after the effective date of this Consent Order, if the Company fails to comply with any other provision of this Consent Order, the Company is subject to a stipulated fine of up to \$1,000.00 per violation. The amount of the stipulated fines imposed pursuant to this paragraph shall be within the discretion of the MDEQ. Stipulated fines submitted under this Consent Order shall be by check, payable to the State of Michigan within thirty (30) days of written demand and shall be delivered to the Michigan Department of Environmental Quality, Financial and Business Services Division, Revenue Control, P.O. Box 30657, Lansing, Michigan 48909-8157. To ensure proper credit, all payments shall include the Agreement Identification No. AQD 40036-S on the face of the check. Payment of stipulated fines shall not alter or modify in any way the Company's obligation to comply with the terms and conditions of this Consent Order.

15. The AQD, at its discretion, may seek stipulated fines or statutory fines for any violation of this Consent Order which is also a violation of any provision of applicable federal and state law, rule,

regulation, permit, or MDEQ administrative order. However, the AQD is precluded from seeking both a stipulated fine under this Consent Order and a statutory fine for the same violation.

16. To ensure timely payment of the settlement amount assessed in paragraph 13 and any stipulated fines assessed pursuant to paragraph 14 of this Consent Order, the Company shall pay an interest penalty to the State of Michigan each time it fails to make a complete or timely payment under this Consent Order. The interest payment shall be determined at a rate of interest that is equal to one percent (1%) plus the average interest rate paid at auctions of 5-year United States treasury notes during the six months immediately preceding July 1 and January 1, as certified by the state treasurer, compounded annually, and using the full increment of amount due as principal, calculated from the due date specified in this Consent Order until the date that delinquent payment is finally paid in full. Payment of an interest penalty by the Company shall be made to the State of Michigan in accordance with paragraph 13 of this Consent Order. Interest payments shall be applied first towards the most overdue amount or outstanding interest penalty owed by the Company before any remaining balance is applied to subsequent payment amount or interest penalty.

17. The Company agrees not to contest the legal basis for the settlement amount assessed pursuant to paragraph 13. The Company also agrees not to contest the legal basis for any stipulated fines assessed pursuant to paragraph 14 of this Consent Order, but reserves the right to dispute in a court of competent jurisdiction the factual basis upon which a demand by MDEQ of stipulated fines is made. In addition, the Company agrees that said fines have not been assessed by the MDEQ pursuant to Section 5529 of Part 55 and therefore are not reviewable under Section 5529 of Part 55.

18. This compliance program is not a variance subject to the 12 month limitation specified in Section 5538 of Part 55.

19. This Consent Order shall remain in full force and effect for a period of at least three (3) years. Thereafter, the Consent Order shall terminate only upon written notice of termination issued by the AQD Chief. Prior to issuance of a written notice of termination, the Company shall submit a request, to the AQD Chief at the Michigan Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, consisting of a written certification that the Company has fully complied with all the requirements of this Consent Order and has made all payments including all stipulated fines required by this Consent Order. Specifically, this certification shall include: (i) the

date of compliance with each provision of the compliance program and the date any payments or stipulated fines were paid; (ii) a statement that all required information has been reported to the AQD Lansing District Office District Supervisor; (iii) confirmation that all records required to be maintained pursuant to this Consent Order are being maintained at the facility; and, (iv) such information as may be requested by the AQD Chief.

20. In the event North American Natural Resources sells or transfers the facility, with SRN N5910, it shall advise any purchaser or transferee of the existence of this Consent Order in connection with such sale or transfer. Within thirty (30) calendar days, the Company shall also notify the AQD Lansing District Office District Supervisor, in writing, of such sale or transfer, the identity and address of any purchaser or transferee, and confirm the fact that notice of this Consent Order has been given to the purchaser and/or transferee. As a condition of the sale, the North American Natural Resources must obtain the consent of the purchaser and/or transferee, in writing, to assume all of the obligations of this Consent Order. A copy of that agreement shall be forwarded to the AQD Lansing District Office District Supervisor within thirty (30) days of assuming the obligations of this Consent Order.

21. Prior to the effective date of this Consent Order and pursuant to the requirements of Sections 5511 and 5528(3) of Part 55, the public was notified of a 30-day public comment period and was provided the opportunity for a public hearing.

22. Section 5530 of Part 55 may serve as a source of authority but not a limitation under which the Consent Order may be enforced. Further, Part 17 of Act 451 and all other applicable laws and any other legal basis or applicable statute may be used to enforce this Consent Order.

23. The Company hereby stipulates that entry of this Consent Order is a result of an action by MDEQ to resolve alleged violations of its facility located at 9536 East Lennon, Lennon, Michigan. The Company further stipulates that it will take all lawful actions necessary to fully comply with this Consent Order, even if the Company files for bankruptcy in the future. The Company will not seek discharge of the settlement amount and any stipulated fines imposed hereunder in any future bankruptcy proceedings, and the Company will take necessary steps to ensure that the settlement amount and any future stipulated fines are not discharged. The Company, during and after any future bankruptcy proceedings, will ensure that the settlement amount and any future stipulated fines remain an obligation to be paid in full by the Company to the extent allowed by applicable bankruptcy law.

The undersigned certifies that he/she is fully authorized by the Company to enter into this Consent Order and to execute and legally bind the Company to it.

NORTH AMERICAN NATURAL RESOURCES, INC.

Robert C. Evans, President

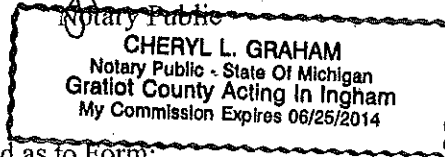
Print Name and Title

R/C E-S  
Signature

Date: 1-5-14

The above signatory subscribed and sworn to before me this 5 day of January, 2014.

Cheryl L. Graham



Approved as to Content:

Approved as to Form:

G. Vinson Hellwig

G. Vinson Hellwig, Chief  
AIR QUALITY DIVISION  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

Neil Gordon

Neil Gordon, Section Head  
ENVIRONMENTAL REGULATION SECTION  
ENVIRONMENT, NATURAL RESOURCES,  
AND AGRICULTURE DIVISION  
DEPARTMENT OF ATTORNEY GENERAL

Dated: 1/23/2014

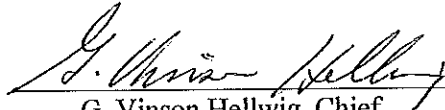
Dated: 1/21/

FINAL ORDER

The Chief of the Air Quality Division having had opportunity to review the Consent Order and having been delegated authority to enter into Consent Orders by the Director of the Michigan Department of Environmental Quality pursuant to the provisions of Part 55 of Act 451 and otherwise being fully advised on the premises,

HAS HEREBY ORDERED that the Consent Order is approved and shall be entered in the record of the MDEQ as a Final Order.

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

  
G. Vinson Hellwig, Chief  
Air Quality Division

Effective Date: 1/23/2014

Exhibit A

Permit to Install 123-11A



MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY DIVISION

December 13, 2013

PERMIT TO INSTALL  
123-11A

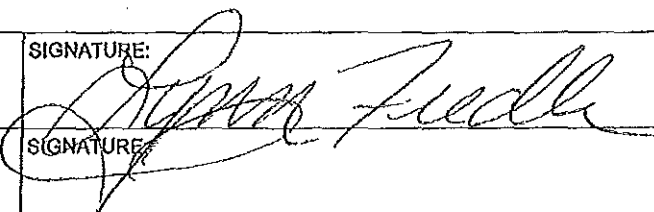
ISSUED TO  
North American Natural Resources, Inc.

LOCATED AT  
9536 East Lennon Road  
Lennon, Michigan

IN THE COUNTY OF  
Shiawassee

STATE REGISTRATION NUMBER  
N5910

The Air Quality Division has approved this Permit to Install, pursuant to the delegation of authority from the Michigan Department of Environmental Quality. This permit is hereby issued in accordance with and subject to Section 5505(1) of Article II, Chapter I, Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Pursuant to Air Pollution Control Rule 336.1201(1), this permit constitutes the permittee's authority to install the identified emission unit(s) in accordance with all administrative rules of the Department and the attached conditions. Operation of the emission unit(s) identified in this Permit to Install is allowed pursuant to Rule 336.1201(6).

DATE OF RECEIPT OF ALL INFORMATION REQUIRED BY RULE 203: <b>August 9, 2013</b>	
DATE PERMIT TO INSTALL APPROVED: <b>December 13, 2013</b>	SIGNATURE: 
DATE PERMIT VOIDED:	SIGNATURE:
DATE PERMIT REVOKED:	SIGNATURE:

**PERMIT TO INSTALL**

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**Common Abbreviations / Acronyms**

Common Acronyms		Pollutant / Measurement Abbreviations	
AQD	Air Quality Division	BTU	British Thermal Unit
BACT	Best Available Control Technology	°C	Degrees Celsius
CAA	Clean Air Act	CO	Carbon Monoxide
CEM	Continuous Emission Monitoring	dscf	Dry standard cubic foot
CFR	Code of Federal Regulations	dscm	Dry standard cubic meter
COM	Continuous Opacity Monitoring	°F	Degrees Fahrenheit
EPA	Environmental Protection Agency	gr	Grains
EU	Emission Unit	Hg	Mercury
FG	Flexible Group	hr	Hour
GACS	Gallon of Applied Coating Solids	H <sub>2</sub> S	Hydrogen Sulfide
GC	General Condition	hp	Horsepower
HAP	Hazardous Air Pollutant	lb	Pound
HVLP	High Volume Low Pressure *	m	Meter
ID	Identification	mg	Milligram
LAER	Lowest Achievable Emission Rate	mm	Millimeter
MACT	Maximum Achievable Control Technology	MM	Million
MAERS	Michigan Air Emissions Reporting System	MW	Megawatts
MAP	Malfunction Abatement Plan	ng	Nanogram
MDEQ	Michigan Department of Environmental Quality (Department)	NO <sub>x</sub>	Oxides of Nitrogen
MSDS	Material Safety Data Sheet	PM	Particulate Matter
NESHAP	National Emission Standard for Hazardous Air Pollutants	PM10	PM less than 10 microns diameter
NSPS	New Source Performance Standards	PM2.5	PM less than 2.5 microns diameter
NSR	New Source Review	pph	Pounds per hour
PS	Performance Specification	ppm	Parts per million
PSD	Prevention of Significant Deterioration	ppmv	Parts per million by volume
PTE	Permanent Total Enclosure	ppmw	Parts per million by weight
PTI	Permit to Install	psia	Pounds per square inch absolute
RACT	Reasonably Available Control Technology	psig	Pounds per square inch gauge
ROP	Renewable Operating Permit	scf	Standard cubic feet
SC	Special Condition	sec	Seconds
SCR	Selective Catalytic Reduction	SO <sub>2</sub>	Sulfur Dioxide
SRN	State Registration Number	THC	Total Hydrocarbons
TAC	Toxic Air Contaminant	tpy	Tons per year
TEQ	Toxicity Equivalence Quotient	µg	Microgram
VE	Visible Emissions	VOC	Volatile Organic Compound
		yr	Year

\* For High Volume Low Pressure (HVLP) applicators, the pressure measured at the HVLP gun air cap shall not exceed ten (10) pounds per square inch gauge (psig).

### GENERAL CONDITIONS

1. The process or process equipment covered by this permit shall not be reconstructed, relocated, or modified, unless a Permit to Install authorizing such action is issued by the Department, except to the extent such action is exempt from the Permit to Install requirements by any applicable rule. **(R 336.1201(1))**
2. If the installation, construction, reconstruction, relocation, or modification of the equipment for which this permit has been approved has not commenced within 18 months, or has been interrupted for 18 months, this permit shall become void unless otherwise authorized by the Department. Furthermore, the permittee or the designated authorized agent shall notify the Department via the Supervisor, Permit Section, Air Quality Division, Michigan Department of Environmental Quality, P.O. Box 30260, Lansing, Michigan 48909, if it is decided not to pursue the installation, construction, reconstruction, relocation, or modification of the equipment allowed by this Permit to Install. **(R 336.1201(4))**
3. If this Permit to Install is issued for a process or process equipment located at a stationary source that is not subject to the Renewable Operating Permit program requirements pursuant to R 336.1210, operation of the process or process equipment is allowed by this permit if the equipment performs in accordance with the terms and conditions of this Permit to Install. **(R 336.1201(6)(b))**
4. The Department may, after notice and opportunity for a hearing, revoke this Permit to Install if evidence indicates the process or process equipment is not performing in accordance with the terms and conditions of this permit or is violating the Department's rules or the Clean Air Act. **(R 336.1201(8), Section 5510 of Act 451, PA 1994)**
5. The terms and conditions of this Permit to Install shall apply to any person or legal entity that now or hereafter owns or operates the process or process equipment at the location authorized by this Permit to Install. If the new owner or operator submits a written request to the Department pursuant to R 336.1219 and the Department approves the request, this permit will be amended to reflect the change of ownership or operational control. The request must include all of the information required by subrules (1)(a), (b), and (c) of R 336.1219 and shall be sent to the District Supervisor, Air Quality Division, Michigan Department of Environmental Quality. **(R 336.1219)**
6. Operation of this equipment shall not result in the emission of an air contaminant which causes injurious effects to human health or safety, animal life, plant life of significant economic value, or property, or which causes unreasonable interference with the comfortable enjoyment of life and property. **(R 336.1901)**
7. The permittee shall provide notice of an abnormal condition, start-up, shutdown, or malfunction that results in emissions of a hazardous or toxic air pollutant which continue for more than one hour in excess of any applicable standard or limitation, or emissions of any air contaminant continuing for more than two hours in excess of an applicable standard or limitation, as required in Rule 912, to the Department. The notice shall be provided not later than two business days after start-up, shutdown, or discovery of the abnormal condition or malfunction. Written reports, if required, must be filed with the Department within 10 days after the start-up or shutdown occurred, within 10 days after the abnormal conditions or malfunction has been corrected, or within 30 days of discovery of the abnormal condition or malfunction, whichever is first. The written reports shall include all of the information required in Rule 912(5). **(R 336.1912)**
8. Approval of this permit does not exempt the permittee from complying with any future applicable requirements which may be promulgated under Part 55 of 1994 PA 451, as amended or the Federal Clean Air Act.
9. Approval of this permit does not obviate the necessity of obtaining such permits or approvals from other units of government as required by law nor does it affect any liability for past violations under the Environmental Quality Protection Act, 1994 PA 451.
10. Operation of this equipment may be subject to other requirements of Part 55 of 1994 PA 451, as amended and the rules promulgated thereunder.

11. Except as provided in subrules (2) and (3) or unless the special conditions of the Permit to Install include an alternate opacity limit established pursuant to subrule (4) of R 336.1301, the permittee shall not cause or permit to be discharged into the outer air from a process or process equipment a visible emission of density greater than the most stringent of the following. The grading of visible emissions shall be determined in accordance with R 336.1303. **(R 336.1301)**
  - a) A six-minute average of 20 percent opacity, except for one six-minute average per hour of not more than 27 percent opacity.
  - b) A visible emission limit specified by an applicable federal new source performance standard.
  - c) A visible emission limit specified as a condition of this permit to install.
12. Collected air contaminants shall be removed as necessary to maintain the equipment at the required operating efficiency. The collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of contaminants to the outer air. Transport of collected air contaminants in Priority I and II areas requires the use of material handling methods specified in R 336.1370(2). **(R 336.1370)**
13. The Department may require the permittee to conduct acceptable performance tests, at the permittee's expense, in accordance with R 336.2001 and R 336.2003, under any of the conditions listed in R 336.2001. **(R 336.2001)**

**SPECIAL CONDITIONS**

**EMISSION UNIT SUMMARY TABLE**

The descriptions provided below are for informational purposes and do not constitute enforceable conditions.

Emission Unit ID	Emission Unit Description (Process Equipment & Control Devices)	Installation Date / Modification Date	Flexible Group ID
EUNANREENGINE3	An 800 kW (1148 HP) CAT G3516 LE landfill gas generator engine, manufactured in Oct. 2000.	2005	FGENGINES3-6
EUNANREENGINE4	An 800 kW (1148 HP) CAT G3516 LE landfill gas generator engine, manufactured in July 2005.	2005	FGENGINES3-6, FGRICEMACT
EUNANREENGINE5	An 800 kW (1148 HP) CAT G3516 LE landfill gas generator engine, manufactured in May 2001.	2005	FGENGINES3-6
EUNANREENGINE6	An 800 kW (1148 HP) CAT G3516 LE landfill gas generator engine, manufactured in July 2007.	2005	FGENGINES3-6, FGRICEMACT
EUNANREENGINE7R	A 1600 kW (2242 HP) CAT G3520C landfill gas generator engine, will be manufactured after 2012. Equipped with an electronic air to fuel ratio controller.	Upon issuance of PTI	FGENGINES7R-10, FGRICEMACT
EUNANREENGINE8R	A 1600 kW (2242 HP) CAT G3520C landfill gas generator engine, will be manufactured after 2012. Equipped with an electronic air to fuel ratio controller.	Upon issuance of PTI	FGENGINES7R-10, FGRICEMACT
EUNANREENGINE9	A 1600 kW (2233 HP) CAT G3520C landfill gas generator engine, manufactured in 2011. Equipped with an electronic air to fuel ratio controller.	5/8/2012	FGENGINES7R-10, FGRICEMACT
EUNANREENGINE10	A 1600 kW (2233 HP) CAT G3520C landfill gas generator engine, manufactured in 2011. Equipped with an electronic air to fuel ratio controller.	5/8/2012	FGENGINES7R-10, FGRICEMACT
Changes to the equipment described in this table are subject to the requirements of R 336.1201, except as allowed by R 336.1278 to R 336.1290.			

**FLEXIBLE GROUP SUMMARY TABLE**

The descriptions provided below are for informational purposes and do not constitute enforceable conditions.

<b>Flexible Group ID</b>	<b>Flexible Group Description</b>	<b>Associated Emission Unit IDs</b>
FGENGINES3-6	Four (4) Caterpillar G3516 LE 1148 HP landfill gas fueled generator engines.	EUNANRENGINE3, EUNANRENGINE4, EUNANRENGINE5, EUNANRENGINE6
FGENGINES7R-10	Four (4) Caterpillar G3520C landfill gas fueled generator engines.	EUNANRENGINE7R, EUNANRENGINE8R, EUNANRENGINE9, EUNANRENGINE10
FGRICEMACT	New and reconstructed (commenced construction or reconstruction on or after December 19, 2002) engines located at a major source of HAP, greater than 500 HP, non-emergency use, which fire landfill gas.	EUNANRENGINE4, EUNANRENGINE6, EUNANRENGINE7R, EUNANRENGINE8R, EUNANRENGINE9, EUNANRENGINE10

The following conditions apply to: FGENGINES3-6

**DESCRIPTION** - Four (4) Caterpillar G3516 landfill gas-fired reciprocating engines. EUNANRENGINE4 and EUNANRENGINE6 are "new" engines under NESHAP ZZZZ.

**Emission Unit:** EUNANRENGINE3, EUNANRENGINE4, EUNANRENGINE5, and EUNANRENGINE6

**POLLUTION CONTROL EQUIPMENT:** N/A

**I. EMISSION LIMIT(S)**

Pollutant	Limit	Time Period/ Operating Scenario	Equipment	Monitoring/ Testing Method	Underlying Applicable Requirements
1. NOx	5.8 pph	Test Protocol shall specify averaging time	Limit applies to each engine: EUNANRENGINE3, EUNANRENGINE4, EUNANRENGINE5, EUNANRENGINE6	SC V.1	R 336.2803, R 336.2804, 40 CFR 52.21(c) & (d)
2. CO	8.7 pph	Test Protocol shall specify averaging time	Limit applies to each engine: EUNANRENGINE3, EUNANRENGINE4, EUNANRENGINE5, EUNANRENGINE6	SC V.1	R 336.2804, 40 CFR 52.21(d)
3. PM2.5	0.51 pph	Test Protocol shall specify averaging time	Limit applies to each engine: EUNANRENGINE3, EUNANRENGINE4, EUNANRENGINE5, EUNANRENGINE6	SC V.1	R 336.2803, R 336.2804, 40 CFR 52.21(c) & (d)
4. Formaldehyde <sup>1</sup>	0.71 pph	Test Protocol shall specify averaging time	Limit applies to each engine: EUNANRENGINE3, EUNANRENGINE4, EUNANRENGINE5, EUNANRENGINE6	SC V.2	R 336.1225(1) & (2)

**II. MATERIAL LIMIT(S)**

N/A



### **III. PROCESS/OPERATIONAL RESTRICTION(S)**

1. The permittee shall only burn landfill gas in FGENGINES3-6. The landfill gas must be treated in a system which complies with 40 CFR 60.752(b)(2)(iii)(C). (R 336.1225, R 336.1331, R 336.1702, 40 CFR 60.752(b)(2)(iii)(C))
2. The permittee shall maintain, a malfunction abatement/preventative maintenance plan for FGENGINES3-6. The permittee shall not operate FGENGINES3-6 unless the malfunction abatement/preventative maintenance plan, or an alternate plan approved by the AQD District Supervisor, is implemented and maintained. The plan shall incorporate procedures recommended by the equipment manufacturer as well as incorporating standard industry practices. At a minimum the plan shall include:
  - a. Identification of the equipment and, if applicable, air-cleaning device, and the supervisory personnel responsible for overseeing the inspection, maintenance, and repair.
  - b. Description of the items or conditions to be inspected and frequency of the inspections or repairs.
  - c. Identification of the equipment and, if applicable, air-cleaning device, operating parameters that shall be monitored to detect a malfunction or failure, the normal operating range of these parameters and a description of the method of monitoring or surveillance procedures.
  - d. Identification of the major replacement parts that shall be maintained in inventory for quick replacement.
  - e. A description of the corrective procedures or operational changes that shall be taken in the event of a malfunction or failure to achieve compliance with the applicable emission limits.

If the plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction at the time the plan is initially developed, the owner or operator shall revise the plan within 45 days after such an event occurs and submit the revised plan for approval to the AQD District Supervisor. Should the AQD determine the malfunction abatement/preventative maintenance plan to be inadequate, the AQD District Supervisor may request modification of the plan to address those inadequacies. (R 336.1702(a), R336.1910, R 336.1911, R 336.1912, R 336.2803, R 336.2804, 40 CFR 52.21(c) & (d))

### **IV. DESIGN/EQUIPMENT PARAMETER(S)**

1. The permittee shall equip FGENGINES3-6 with a device to monitor and record the landfill gas usage of the engines on a continuous basis. (R 336.1225, R 336.1702, R 336.1910, R 336.2803, R 336.2804, 40 CFR 52.21(c) & (d))
2. The permittee shall not operate any engine in FGENGINES3-6 unless that engine's air/fuel ratio controller is installed, maintained and operated in a satisfactory manner. (R 336.1702, R 336.1910)

### **V. TESTING/SAMPLING**

Records shall be maintained on file for a period of five years. (R 336.1213(3)(b)(ii))

1. Upon request by the AQD District Supervisor, the permittee shall verify NOx, CO, and PM2.5 emission rates from one or more engines in FGENGINES3-6, by testing at owner's expense, in accordance with Department requirements. No less than 60 days prior to testing, the permittee shall submit a complete test plan to the AQD. The AQD must approve the final plan prior to testing. Verification of emission rates includes the submittal of a complete report of the test results to the AQD within 60 days following the last date of the test. (R 336.2001, R 336.2003, R 336.2004, 40 CFR 52.21(c) & (d))
2. The permittee shall verify formaldehyde emission rates from one or more engines in FGENGINES3-6 once every 5 years, by testing at owner's expense, in accordance with Department requirements. No less than 30 days prior to testing, the permittee shall submit a complete test plan to the AQD Technical Programs Unit and District Office. The AQD must approve the final plan prior to testing. Verification of emission rates includes the submittal of a complete report of the test results to the AQD within 60 days following the last date of the test. (R 336.1225, R 336.2001, R 336.2003, R 336.2004)

#### **VI. MONITORING/RECORDKEEPING**

Records shall be maintained on file for a period of five years. (R 336.1213(3)(b)(ii))

1. The permittee shall continuously monitor, in a satisfactory manner, the kilowatt output from each engine in FGENGINES3-6. (R 336.2803, R 336.2804, 40 CFR 52.21(c) & (d))
2. The permittee shall maintain a record of all maintenance activities conducted according to the malfunction abatement/preventative maintenance plan. The permittee shall keep this record on file at the facility for a period of at least five years and make it available to the Department upon request. (R 336.1702(a), R 336.1911, R 336.2803, R 336.2804, 40 CFR 52.21(c) & (d))
3. The permittee shall record the kilowatt-hour output from each engine of FGENGINES3-6, on a daily basis, excluding holidays and weekends when an engine operator is not scheduled, or called in, to be on site. A list of excluded holidays shall be maintained on site and made available to the Air Quality Division upon request. The permittee shall keep all records on file at the facility for a period of at least five years and make them available to the Department upon request. (R 336.1225, R 336.1702(a), R 336.2803, R 336.2804, 40 CFR 52.21(c) & (d))
4. The permittee shall record the landfill gas fuel use indicated by each meter associated with each engine of FGENGINES3-6, on a daily basis, excluding holidays and weekends when an engine operator is not scheduled, or called in, to be on site. A list of excluded holidays shall be maintained on site and made available to the Air Quality Division upon request. The permittee shall keep all records on file at the facility for a period of at least five years and make them available to the Department upon request. (R 336.1225, R 336.1702(a), R 336.2803, R 336.2804, 40 CFR 52.21(c) & (d))
5. Based on kilowatt-hour output and fuel-meter data, the permittee shall calculate, on a daily basis, excluding holidays and weekends when an engine operator is not scheduled, or called in, to be on site, the fuel use of EUNANRENGINE4 and EUNANRENGINE6. (R 336.1225, R 336.1702(a), R 336.2803, R 336.2804, 40 CFR 52.21(c) & (d))
6. On a monthly basis, based on each engine's kilowatt-hour output, the permittee shall adjust the engine's air/fuel ratio, as needed, to ensure that the engine operates at its maximum design output based on the fuel available to burn. The permittee shall keep records of the adjustments on file at the facility for a period of at least five years and make them available to the Department upon request (R 336.1225, R 336.1702(a), R 336.2803, R 336.2804, 40 CFR 52.21(c) & (d))

#### **VII. REPORTING**

NA

**VIII. STACK/VENT RESTRICTION(S)**

The exhaust gases from the stacks listed in the table below shall be discharged unobstructed vertically upwards to the ambient air unless otherwise noted:

Stack & Vent ID	Maximum Exhaust Dimensions (inches)	Minimum Height Above Ground (feet)	Underlying Applicable Requirements
1. SVNANRENGINE3	9.5	63	R 336.1225, R 336.2803, R 336.2804, 40 CFR 52.21(c) & (d)
2. SVNANRENGINE4	9.5	63	R 336.1225, R 336.2803, R 336.2804, 40 CFR 52.21(c) & (d)
3. SVNANRENGINE5	9.5	63	R 336.1225, R 336.2803, R 336.2804, 40 CFR 52.21(c) & (d)
4. SVNANRENGINE6	9.5	63	R 336.1225, R 336.2803, R 336.2804, 40 CFR 52.21(c) & (d)

**IX. OTHER REQUIREMENT(S)**

1. The permittee shall comply with all applicable provisions of the National Emission Standards for Hazardous Air Pollutants, as specified in 40 CFR, Part 63, Subpart A and Subpart ZZZZ, as they apply to FGENGINES3-6. (40 CFR, Part 63, Subparts A and ZZZZ)

**Footnotes:**

<sup>1</sup>This condition is state only enforceable and was established pursuant to Rule 201(1)(b).

**The following conditions apply to: FGENGINES7R-10**

**DESCRIPTION:** Four (4) Caterpillar landfill gas fueled engines. These engines are subject to NSPS Subpart JJJJ and are "new" engines under the NESHAP ZZZZ.

**Emission Units:** EUNANRENGINE7R, EUNANRENGINE8R, EUNANRENGINE9, EUNANRENGINE10

**POLLUTION CONTROL EQUIPMENT:** N/A

**I. EMISSION LIMITS**

Pollutant	Limit	Time Period/ Operating Scenario	Equipment	Monitoring/ Testing Method	Underlying Applicable Requirements
1. NO <sub>x</sub>	2.0 g/hp-hr	Test Protocol shall specify averaging time	Limit applies to each engine in FGENGINES7R-10	SC V.2	40 CFR Part 60 Subpart JJJJ
2. NO <sub>x</sub>	2.97 pph	Test Protocol shall specify averaging time	Limit applies to each engine in FGENGINES7R-10	SC V.1	R 336.1205(1)(a) & (3), R 336.2801(ee), R 336.2803, R 336.2804
3. CO	3.30 g/hp-hr	Test Protocol shall specify averaging time	Limit applies to each engine in FGENGINES7R-10	SC V.1, SC V.2	R 336.1205(1)(a) & (b), R 336.2810(3), 40 CFR Part 60 Subpart JJJJ
4. CO	16.30 pph	Test Protocol shall specify averaging time	Limit applies to each engine in FGENGINES7R-10	SC V.1	R 336.1205(1)(a) & (b), R 336.2804
5. PM <sub>10</sub>	0.74 pph	Test Protocol shall specify averaging time	Limit applies to each engine in FGENGINES7R-10	SC V.1	R 336.1205(1)(a) & (3), 40 CFR 52.21(c) & (d)
6. PM <sub>2.5</sub>	0.74 pph	Test Protocol shall specify averaging time	Limit applies to each engine in FGENGINES7R-10	SC V.1	R 336.1205(1)(a) & (b), R 336.2801(ee), R 336.2803, R 336.2804, 40 CFR 52.21(b)(3)(i), 40 CFR 52.21(c) & (d)
8. VOC	0.63 g/hp-hr**	Test Protocol shall specify averaging time	Limit applies to each engine in FGENGINES7R-10	SC V.1, SC V.2	R 336.1205(1)(a) & (b), R 336.1702(a), R 336.2810(3), 40 CFR Part 60 Subpart JJJJ
9. SO <sub>2</sub>	2.10 pph	Test Protocol shall specify averaging time	Limit applies to each engine in FGENGINES7R-10	SC V.3	R 336.1205(1)(a) & (b), R 336.2801(ee), 40 CFR 52.21(c) & (d)
10. Formaldehyde	2.08 pph	Test Protocol shall specify averaging time	Limit applies to each engine in FGENGINES7R-10	SC V.4	R 336.1225(1) & (2)

\*\* This VOC limit includes formaldehyde

## II. MATERIAL LIMITS

NA

## III. PROCESS/OPERATIONAL RESTRICTIONS

1. The permittee shall only burn landfill gas in FGENGINES7R-10. The landfill gas must be treated in a system which complies with 40 CFR 60.752(b)(2)(iii)(C). (R 336.1225, R 336.1331, R 336.1702, 40 CFR 60.752(b)(2)(iii)(C))
2. No later than 60 days after issuance of this permit, the permittee shall submit to the AQD District Supervisor, for review and approval, a malfunction abatement/operation and preventative maintenance plan (PM/MAP) for FGENGINES7R-10. After approval of the malfunction abatement/operation and preventative maintenance plan by the AQD District Supervisor, the permittee shall not operate FGENGINES7R-10 unless the malfunction abatement/operation and preventative maintenance plan, or an alternate plan approved by the AQD District Supervisor, is implemented and maintained. The plan shall incorporate procedures recommended by the equipment manufacturer as well as incorporating standard industry practices. At a minimum the plan shall include:
  - a) Identification of the equipment and, if applicable, air-cleaning device, and the supervisory personnel responsible for overseeing the inspection, maintenance, and repair.
  - b) Description of the items or conditions to be inspected and frequency of the inspections or repairs.
  - c) Identification of the equipment and, if applicable, air-cleaning device, operating parameters that shall be monitored to detect a malfunction or failure, the normal operating range of these parameters and a description of the method of monitoring or surveillance procedures.
  - d) Identification of the major replacement parts that shall be maintained in inventory for quick replacement.
  - e) A description of the corrective procedures or operational changes that shall be taken in the event of a malfunction or failure to achieve compliance with the applicable emission limits.

If the plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction at the time the plan is initially developed, the owner or operator shall revise the plan within 45 days after such an event occurs and submit the revised plan for approval to the AQD District Supervisor. Should the AQD determine the malfunction abatement/operation and preventative maintenance plan to be inadequate, the AQD District Supervisor may request modification of the plan to address those inadequacies. (R 336.1205, R 336.1702(a), R 336.1910, R 336.1911, R 336.1912, R 336.2801(ee), R 336.2803, R 336.2804, R 336.2810, 40 CFR 52.21 (c) & (d), 40 CFR 60.4243(b))

## IV. DESIGN/EQUIPMENT PARAMETERS

1. The permittee shall not operate FGENGINES7R-10 unless the air to fuel ratio electronic controllers (lean burn technology) on each engine are installed, maintained, and operated in a satisfactory manner. (R 336.1225, R 336.1702(a), R 336.2810(3))
2. The design capacity of each engine in FGENGINES7R-10 shall not exceed 2242 BHP, as specified by the equipment manufacturer. (R 336.1205(1)(a), R 336.1225, R 336.1702, R 336.2803, R 336.2804, R 336.2810, 40 CFR 52.21(c) & (d))
3. The permittee shall equip each engine in FGENGINES7R-10 with a device to monitor and record the hours of operation for each engine on a continuous basis. (R 336.1205(1)(a), 40 CFR 60.4243)
4. The permittee shall equip FGENGINES7R-10 with a device to monitor and record the landfill gas usage of the engines on a continuous basis. (R 336.1205(1)(a), R 336.1225, R 336.1702, R 336.2803, R 336.2804, R 336.2810, 40 CFR 52.21(c) & (d))

#### **V. TESTING/SAMPLING**

Records shall be maintained on file for a period of five years. (R 336.1201(3))

1. Within 180 days after commencement of initial startup, the permittee shall verify NO<sub>x</sub>, CO, VOC, PM<sub>10</sub> and PM<sub>2.5</sub> emission rates from EUNANRENGINE7R and EUNANRENGINE8R at maximum routine operating conditions, by testing at owner's expense, in accordance with Department requirements. The permittee must complete the testing once every five years, thereafter for FGENGINES7R-10. No less than 30 days prior to any testing, the permittee shall submit a complete test plan to the AQD Technical Programs Unit and District Office. The AQD must approve the final plan prior to testing. Verification of emission rates includes the submittal of a complete report of the test results to the AQD within 60 days following the last date of the test. (R 336.1205, R 336.1702(a), R 336.2001, R 336.2003, R 336.2004, R 336.2801(ee), R 336.2803, R 336.2804, R 336.2810(3), 40 CFR 52.21(b)(3)(i), 40 CFR 52.21(c) & (d))
2. Except as provided in 40 CFR 60.4243(b), the permittee shall conduct an initial performance test for each engine in FGENGINES7R-10 within one year after startup of the engine and every 8760 hours of operation (as determined through the use of a non-resettable hour meter) or three years, whichever occurs first, to demonstrate compliance with the emission limits in 40 CFR 60.4233(e), unless the engines have been certified by the manufacturer in accordance with 40 CFR Part 60 Subpart JJJJ and the permittee maintains the engine as required by 40 CFR 60.4243(a)(1). If a performance test is required, the performance tests shall be conducted according to 40 CFR 60.4244. No less than 30 days prior to testing, a complete test plan shall be submitted to the AQD. The final plan must be approved by the AQD prior to testing. Submittal of a complete report of the test results must be made to the AQD within 60 days following the last date of the test. (40 CFR 60.8, 40 CFR 60.4243, 40 CFR 60.4244, 40 CFR 60.4245, 40 CFR Part 60 Subpart JJJJ)
3. The permittee shall verify the hydrogen sulfide or total reduced sulfur content of the treated landfill gas burned in FGENGINES7R-10 on an annual basis by gas sampling. If at any time, the concentration readings exceed 400 ppm (TRS equivalent), the permittee shall sample and record on a monthly basis and shall review all operating and maintenance activities for the landfill gas collection and treatment system along with keeping records of corrective actions taken. Once the concentration determined from the monthly readings are maintained below 400 ppm of hydrogen sulfide/total reduced sulfur concentration in the treated landfill gas for 6 months after exceeding 400 ppm, the permittee may resume annual monitoring and recordkeeping. The permittee shall notify the Department at least seven (7) days prior to sampling. The permittee shall keep all records on file at the facility for a period of at least five years and make them available to the Department upon request. (R 336.1205, R 336.1225, R 336.2001, R 336.2801(ee), 40 CFR 52.21 (c) and (d))
4. The permittee shall verify formaldehyde emission rates from one or more engines in FGENGINES7R-10 once every 5 years, by testing at owner's expense, in accordance with Department requirements. No less than 30 days prior to testing, the permittee shall submit a complete test plan to the AQD Technical Programs Unit and District Office. The AQD must approve the final plan prior to testing. Verification of emission rates includes the submittal of a complete report of the test results to the AQD within 60 days following the last date of the test. (R 336.1225, R 336.2001, R 336.2003, R 336.2004)

#### **VI. MONITORING/RECORDKEEPING**

Records shall be maintained on file for a period of five years. (R 336.1201(3))

1. The permittee shall complete all required calculations in a format acceptable to the AQD District Supervisor and make them available by the last day of the calendar month, for the previous calendar month, unless otherwise specified in any monitoring/recordkeeping special condition. (R 336.1205, R 336.1225, R 336.1702, R 336.2801(ee), R 336.2803, R 336.2804, R 336.2810, 40 CFR 52.21(c) & (d))
2. The permittee shall continuously monitor, in a satisfactory manner, the landfill gas fuel usage of the engines in FGENGINES7R-10 and the hours of operation for each engine. (R 336.1205, R 336.1225, R 336.1702, R 336.2801(ee), R 336.2803, R 336.2804, R 336.2810, 40 CFR 52.21(c) & (d))

3. The permittee shall maintain records of all information necessary for all notifications and reports as specified in these special conditions as well as that information necessary to demonstrate compliance with the emission limits of this permit. This information shall include, but shall not be limited to the following:
  - a. Compliance tests and any testing required under the special conditions of this permit;
  - b. Monitoring data for the hours of operation and landfill gas usage;
  - c. Total sulfur content of the landfill gas burned;
  - d. Calculated amount of landfill gas combusted in each engine on a monthly and 12-month rolling basis;
  - e. Hours of operation on a monthly and 12-month rolling basis;
  - f. Maintenance activities conducted according to the PM/MAF;
  - g. All records required by 40 CFR 60.7;
  - h. All calculations necessary to show compliance with the limits contained in this permit.

All of the above information shall be stored in a format acceptable to the AQD District Supervisor and shall be consistent with the requirements of 40 CFR 60.7(f). (R 336.1205, R 336.1225, R 336.1301, R 336.1331, R 336.1702(a), R 336.1910, R 336.1911, R 336.1912, R 336.2801(ee), R 336.2803, R 336.2804, R 336.2810(3), 40 CFR 52.21(c) & (d), 40 CFR 60.7(f), 40 CFR Part 60 Subpart JJJJ)

## VII. REPORTING

1. At least seven calendar days prior to start-up, the permittee shall notify the AQD District Supervisor in writing of the following start-up date of EUNANREENGINE7R and EUNANREENGINE8R covered by this permit. (R 336.1205, R 336.1225, R 336.1301, R 336.1331, R 336.1702(a), R 336.1910, R 336.1911, R 336.1912, R 336.2801(ee), R 336.2803, R 336.2804, R 336.2810(3), 40 CFR 52.21(c) & (d))
2. The permittee shall submit an initial notification as required by 40 CFR 60.7(a)(1) for each engine in FGENSES if the engines installed are not certified by an engine manufacturer to meet the emission standards in 40 CFR 60.4231. The notification shall include the information below, as specified in 40 CFR 60.4245 (c)(1) through (5):
  - a. Name and address of the owner or operator; (40 CFR 60.4245(c)(1))
  - b. The address of the affected source; (40 CFR 60.4245(c)(2))
  - c. Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement; (40 CFR 60.4245(c)(3))
  - d. Emission control equipment; and (40 CFR 60.4245(c)(4))
  - e. Fuel used. (40 CFR 60.4245(c)(5))

The permittee shall submit the initial notification to the AQD District Supervisor in an acceptable format within 30 days of commencing construction of any engine in FGENSES. (40 CFR Part 60 Subpart JJJJ)

**VIII. STACK/VENT RESTRICTIONS**

The exhaust gases from the stacks listed in the table below shall be discharged unobstructed vertically upwards to the ambient air unless otherwise noted:

Stack & Vent ID	Maximum Exhaust Diameter/Dimensions (inches)	Minimum Height Above Ground (feet)	Underlying Applicable Requirements
1. SVNANRENGINE7R	13.5	75	R 336.1225, R 336.2803, R 336.2804, 40 CFR 52.21 (c) & (d)
2. SVNANRENGINE8R	13.5	75	R 336.1225, R 336.2803, R 336.2804, 40 CFR 52.21 (c) & (d)
3. SVNANRENGINE9	13.5	73	R 336.1225, R 336.2803, R 336.2804, 40 CFR 52.21 (c) & (d)
4. SVNANRENGINE10	13.5	73	R 336.1225, R 336.2803, R 336.2804, 40 CFR 52.21 (c) & (d)

**IX. OTHER REQUIREMENTS**

1. The permittee shall comply with all applicable provisions of the New Source Performance Standards as specified in 40 CFR Part 60, Subpart A and Subpart JJJJ, as they apply to FGENGINES7R-10. (40 CFR Part 60 Subpart A and JJJJ)
2. The permittee shall comply with all applicable provisions of the National Emission Standards for Hazardous Air Pollutants, as specified in 40 CFR, Part 63, Subpart A and Subpart ZZZZ, as they apply to FGENGINES7R-10. (40 CFR, Part 63 Subparts A and ZZZZ)

**Footnotes:**

<sup>1</sup>This condition is state only enforceable and was established pursuant to Rule 201(1)(b).



**The following conditions apply to: FGRICEMACT**

**DESCRIPTION:** New and reconstructed (commenced construction or reconstruction on or after December 19, 2002) engines located at a major source of HAP, greater than 500 HP, non-emergency use which fires landfill gas.

**Emission Unit ID:** EUNANRENGINE4, EUNANRENGINE6, EUNANRENGINE7R, EUNANRENGINE8R, EUNANRENGINE9, and EUNANRENGINE10

**POLLUTION CONTROL EQUIPMENT:** NA

**I. EMISSION LIMITS**

NA

**II. MATERIAL LIMITS**

NA

**III. PROCESS/OPERATIONAL RESTRICTIONS**

1. Each engine in FGRICEMACT shall operate in a manner which reasonably minimizes HAP emissions. (40 CFR 63.6625(c))
2. Each engine in FGRICEMACT shall operate in a manner which minimizes time spent at idle during startup and minimize the startup time to a period needed for appropriate and safe loading of each engine, not to exceed 30 minutes. (40 CFR 63.6625(h))

**IV. DESIGN/EQUIPMENT PARAMETERS**

1. The engines in FGRICEMACT shall equip and maintain separate fuel meters to monitor and record the daily fuel usage and volumetric flow rate of each fuel used. (40 CFR 63.6625(c))

**V. TESTING/SAMPLING**

Records shall be maintained on file for a period of five years. (R 336.1201(3))

NA

**VI. MONITORING/RECORDKEEPING**

Records shall be maintained on file for a period of five years. (R 336.1201(3), 40 CFR 63.6660)

1. For the engines in FGRICEMACT which fire landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, the permittee shall monitor and record the daily fuel usage with separate fuel meters to measure the volumetric flow rate of each fuel. (40 CFR 63.6625(c))

**VII. REPORTING**

1. The permittee shall submit an annual report in accordance with Table 7 of 40 CFR Part 63, Subpart ZZZZ to the appropriate AQD district office by March 15th for the reporting period from January 1 to December 31. (40 CFR 63.6650(g), 40 CFR 63.6650(b)(5)) The following information shall be included in this annual report:
  - a. The fuel flow rate and the heating values that were used in the calculations to determine the gross heat input on an annual basis. Also, the permittee must 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. (40 CFR 63.6650(g)(1))
  - b. The operating limits provided in the permittee's federally enforceable permit, and any deviations from these limits. (40 CFR 63.6650(g)(2))
  - c. Any problems or errors suspected from the fuel flow rate meters. (40 CFR 63.6650(g)(3))

**VIII. STACK/VENT RESTRICTIONS**

NA

**IX. OTHER REQUIREMENTS**

1. The permittee shall comply with the provisions of the National Emission Standards for Hazardous Air Pollutants, as specified in 40 CFR, Part 63, Subpart A and Subpart ZZZZ, as they apply to each engine in FGRICEMACT, upon start-up. (40 CFR Part 63, Subparts A and ZZZZ)

**Footnotes:**

<sup>1</sup>This condition is state only enforceable and was established pursuant to Rule 201(1)(b).