

West Virginia Department of Environmental Protection

Division of Air Quality

*Earl Ray Tomblin
Governor*

*Randy C. Huffman
Cabinet Secretary*

Permit to Modify



R13-1506C

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45 C.S.R. 13 — Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The permittee identified at the facility listed below is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Issued to:

**Pilgrim's Pride Corporation
Moorefield Feed Mill
031-00005**

*William F. Durham
Director*

Issued: DRAFT

This permit will supercede and replace Permit R13-1506B.

Facility Location: Moorefield, Hardy County, West Virginia

Mailing Address: P.O. Box 539, Moorefield, WV 26836

Facility Description: Prepared Feed and Feed Ingredients for Animals and Fowls, Except Dogs and Cats

SIC Codes: 2048 - Prepared Feed and Feed Ingredients for Animals and Fowls, Except Dogs and Cats

NAICS: 311611 - Animal (except Poultry) Slaughtering

UTM Coordinates: 674.2868 km Easting • 4,323.63 km Northing • Zone 17

Lat/Long Coordinates: Latitude 39.0444 Longitude -78.9861

Permit Type: Modification

Description of Change:

Double the facility's grain unloading rate to 1,120 ton/hr (from train) by replacing handling equipment (conveyors, elevator, and turn heads to existing silos) and building a silo. Increase truck activity for soybean mill, corn, and additives delivery.

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

This permit does not affect 45CSR30 applicability, the source is a nonmajor source subject to 45CSR30.

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1.0 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed/Modified	Design Capacity		Control Device
1S	1E	Boiler 1	2002	21.0 mmBtu/hr		None
2AS	2A	Grain Receiving (North Rail Station)	2015	1,120 tph Corn	Combined Total 330,000 tpy Corn & 120,000 tpy Soybean Mill	FE
		(South Rail Station and Truck Station)	1992	200 tph Soybean Mill		FE
2BS	2BE	Headhouse and Grain Handling	1992/2015	1,120 tph (Max)/330,000 tpy Corn North Railcar Receiving & 120,000 tpy Soybean Mill		FE
3S	3E	All Grain Storage ⁽¹⁾	1992/2015	1,120 tph into Corn storage 200 tpy/120,000 tpy Corn or Soybean Mill		FE
4S	4E	Pneumatic System (Truck Unloading)	1992	Variable ⁽²⁾		4C Baghouse
5S	5E	Crusher (Hammermill)	1992	38 tph	330,000 tpy Corn	5C Baghouse
6S	6E	Crusher (Hammermill)	1992	38 tph		6C Baghouse
10S	10E	Crusher (Hammermill)	2005	38 tph		10C
7S	7E	Pellet System	1992	50 tph	478,000 tpy	7C Cyclone
9S	9E	Pellet System	2002	40 tph		9C Cyclone
8S	8E	Boiler 2	2002	21.0 mmBtu/hr		None
11S	11E	Feed Shipping	1992	60 tph/478,000 tpy		FE
12S	12E	Vehicle Activity	1992	24,883 trucks maximum		None

1.0 Emission Units

Control Equipment					
4C	4E	Baghouse (for Pneumatic Truck Unloading System)	1992	NA	None
5C	5E	Baghouse (for Crusher)	1992	NA	None
6C	6E	Baghouse (for Crusher)	1992	NA	None
7C	7E	Cyclone [for Pellet System (7S)]	1992	NA	None
9C	9E	Cyclone [for Pellet System (9S)]	2002	NA	None
10C	10E	Pulse Jet Dust Collector (for Crusher)	2005	NA	None
(1)	Grain Storage (Silos 1 thru 4, 6, 7 and new Silo) is listed herein because the hourly feed rate into the unit will be increased from 560 tons per hour to 1,120 tons per hour and a new corn silo is proposed to be installed.				
(2)	Pneumatic System is used to receive material from pneumatic trucks and the transfer rate depends on the trucks and the type of material being delivered.				

2.0. General Conditions

2.1. Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

2.2. Acronyms

CAAA	Clean Air Act Amendments	NO_x	Nitrogen Oxides
CBI	Confidential Business Information	NSPS	New Source Performance Standards
CEM	Continuous Emission Monitor	PM	Particulate Matter
CES	Certified Emission Statement	PM_{2.5}	Particulate Matter less than 2.5µm in diameter
C.F.R. or CFR	Code of Federal Regulations	PM₁₀	Particulate Matter less than 10µm in diameter
CO	Carbon Monoxide	Ppb	Pounds per Batch
C.S.R. or CSR	Codes of State Rules	pph	Pounds per Hour
DAQ	Division of Air Quality	ppm	Parts per Million
DEP	Department of Environmental Protection	Ppmv or ppmv	Parts per million by volume
dscm	Dry Standard Cubic Meter	PSD	Prevention of Significant Deterioration
FOIA	Freedom of Information Act	psi	Pounds per Square Inch
HAP	Hazardous Air Pollutant	SIC	Standard Industrial Classification
HON	Hazardous Organic NESHAP	SIP	State Implementation Plan
HP	Horsepower	SO₂	Sulfur Dioxide
lbs/hr	Pounds per Hour	TAP	Toxic Air Pollutant
LDAR	Leak Detection and Repair	TPY	Tons per Year
M	Thousand	TRS	Total Reduced Sulfur
MACT	Maximum Achievable Control Technology	TSP	Total Suspended Particulate
MDHI	Maximum Design Heat Input	USEPA	United States Environmental Protection Agency
MM	Million	UTM	Universal Transverse Mercator
MMBtu/hr or mmbtu/hr	Million British Thermal Units per Hour	VEE	Visual Emissions Evaluation
MMCF/hr or mmcf/hr	Million Cubic Feet per Hour	VOC	Volatile Organic Compounds
NA	Not Applicable	VOL	Volatile Organic Liquids
NAAQS	National Ambient Air Quality Standards		
NESHAPS	National Emissions Standards for Hazardous Air Pollutants		

2.3. Authority

This permit is issued in accordance with West Virginia Air Pollution Control Law W.Va. Code §§22-5-1 et seq. and the following Legislative Rules promulgated thereunder:

- 2.3.1. 45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation;*

2.4. Term and Renewal

- 2.4.1. This permit supercedes and replaces previously issued Permit R13-1506B. This permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any applicable legislative rule;

2.5. Duty to Comply

- 2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application R13-1506, R13-1506A, R13-1506B, R13-1506C and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to; **[45CSR§§13-5.11 and 13-10.3]**
- 2.5.2. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;
- 2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;
- 2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses and/or approvals from other agencies; i.e., local, state and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

2.6. Duty to Provide Information

The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for administratively updating, modifying, revoking or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

2.7. Duty to Supplement and Correct Information

Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

2.8. Administrative Update

The permittee may request an administrative update to this permit as defined in and according to the procedures specified in 45CSR13.

[45CSR§13-4]

2.9. Permit Modification

The permittee may request a minor modification to this permit as defined in and according to the procedures specified in 45CSR13.

[45CSR§13-5.4.]

2.10. Major Permit Modification

The permittee may request a major modification as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.

[45CSR§13-5.1]

2.11. Inspection and Entry

The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

2.12. Emergency

- 2.12.1. An "emergency" means any situation arising from sudden and reasonable unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission

limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

- 2.12.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section 2.12.3 are not met.
- 2.12.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
 - d. The permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.
- 2.12.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
- 2.12.5. The provisions of this section are in addition to any emergency or upset provision contained in any applicable requirement.

2.13. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

2.14. Suspension of Activities

In the event the permittee should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by this permit, the permittee shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.

2.15. Property Rights

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

2.16. Severability

The provisions of this permit are severable and should any provision(s) be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.

2.17. Transferability

This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13. [45CSR§13-10.1.]

2.18. Notification Requirements

The permittee shall notify the Secretary, in writing, no later than thirty (30) calendar days after the actual startup of the operations authorized under this permit.

2.19. Credible Evidence

Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defense otherwise available to the permittee including, but not limited to, any challenge to the credible evidence rule in the context of any future proceeding.

3.0. Facility-Wide Requirements

3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.
[45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management, and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.
[40CFR§61.145(b) and 45CSR§34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1] *[State-Enforceable Only]*
- 3.1.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.
[45CSR§13-10.5.]
- 3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45 CSR 11.
[45CSR§11-5.2.]

3.2. Monitoring Requirements

[Reserved]

3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit

and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
The permittee shall submit a report of the results of the stack test within sixty (60) days of
- d. completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1.; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:
 1. The permit or rule evaluated, with the citation number and language;
 2. The result of the test for each permit or rule condition; and,
 3. A statement of compliance or noncompliance with each permit or rule condition.

[WV Code § 22-5-4(a)(14-15) and 45CSR13]

3.4. Recordkeeping Requirements

- 3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.
- 3.4.2. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.
[45CSR§4. State-Enforceable only.]

3.5. Reporting Requirements

- 3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
- 3.5.2. **Confidential information.** A permittee may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
- 3.5.3. **Correspondence.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street, SE
Charleston, WV 25304-2345

If to the US EPA:

Associate Director
Office of Air Enforcement and Compliance Assistance
(3AP20)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

- 3.5.4. **Operating Fee.**

- 3.5.4.1. In accordance with 45CSR30 – Operating Permit Program, the permittee shall submit a Certified Emissions Statement (CES) and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.
- 3.5.5. **Emission inventory.** At such time(s) as the Secretary may designate, the permittee herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

4.0. Source-Specific Requirements

4.1. Limitations and Standards

4.1.1. Boiler 1 (Emission Unit ID: 1S; Emission Point ID: 1E) and Boiler 2 (8S; 8E) shall fire only natural gas and No. 2 fuel oil and shall not be operated in a manner to exceed 16,595 lb/hr of steam or a maximum heat input of 21.0 MMBtu/hr per boiler.

4.1.2. Each of the above discussed boilers (1E; 8E) shall not exceed the following emission rates:

Pollutant	Natural Gas		No. 2 Fuel Oil	
	lb/hr	ton/yr ⁽¹⁾	lb/hr	ton/yr ⁽²⁾
CO	1.76	7.73	0.75	2.28
NO _x	2.10	9.20	3.00	9.13
PM	0.16	0.70	0.50	1.50
PM ₁₀	0.16	0.70	0.35	1.05
SO ₂	0.01	0.06	10.65	32.42
VOCs	0.12	0.51	0.05	0.16

(1) 8,760 hours per year.
 (2) 6,000 hours per year.

4.1.3. Each of the above discussed boilers (1E; 8E) shall not burn/consume more than the following amounts of fuel:

Natural Gas		#2 Fuel Oil	
(ft ³ /hr)	(ft ³ /yr)	(gal/hr)	(gal/yr)
21,000	183,960,000	150	913,230

4.1.4. Controlled Particulate Matter (PM) emissions from the following source vents shall not exceed the values listed below:

Emission		Source		PM After Controls	
Unit ID No.	Point ID No.	Equipment	Control Device	lb/hr	tpy
2AS	2AE	Grain Receiving	Full Enclosure	4.49	0.77
2BS	2BE	Headhouse and Grain Handling	Full Enclosure	16.10	2.75
3S	3E	All Grain Storage	Full Enclosure	6.60	1.13

Emission		Source		PM After Controls	
Unit ID No.	Point ID No.	Equipment	Control Device	lb/hr	tpy
4S	4E	Pneumatic system (Truck Unloading)	Baghouse	0.03	0.13
5S	5E	Crusher (Hammermill)	Baghouse	0.51	2.23
6S	6E	Crusher (Hammermill)	Baghouse	0.51	2.23
7S	7E	Pellet System	Cyclone	3.96	17.34
9S	9E	Pellet System	Cyclone	3.96	17.34
10S	10E	Crusher (Hammermill)	Baghouse	0.51	2.23
11S	11E	Feed Shipping	Full Enclosure	0.04	0.16

4.1.5. The maximum sulfur content of No. 2 fuel oil used to fire the permitted boilers shall not exceed 0.5%. Records of supplier certification for sulfur content shall be maintained on site for five years.

4.1.6. No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any fuel burning unit which is greater than ten (10) percent opacity based on a six minute block average. **[45CSR2-3.1]** (1E and 8E)

4.1.7. No person shall cause, suffer, allow or permit the discharge of particulate matter into the open air from all fuel burning units located at one plant, measure in terms of pounds per hour in excess of the amount determined as follows:

For Type 'b' fuel burning units, the product of 0.09 and the total design heat inputs for such units in million B.T.U.'s per hour, provided however that no more than six hundred (600) pounds per hour of particulate matter shall be discharged into the open air from all such units;

[45CSR2-4.1 and 45CSR2-4.1.b.] (1E and 8E)

4.1.8. No person shall cause, suffer, allow, or permit emissions of smoke and/or particulate matter into the open air from any process source operation which is greater than twenty (20) percent opacity. **[45CSR7-3.1]** (2AE, 2BE, 3E, 4E, 5E, 6E, 7E, 9E, 10E and 11E)

4.1.9. No person shall cause, suffer, allow, or permit particulate matter to be vented into the open air from any type source operation or duplicate source operation, or from all air pollution control equipment installed on any type source operation or duplicate source operation in excess of the quantity specified under the appropriate source operation type in Table 45-7A of 45CSR7. **[45CSR7-4.1.]** (2AE, 2BE, 3E, 4E, 5E, 6E, 7E, 9E, 10E and 11E)

4.1.10. No person shall cause, suffer, allow, or permit any manufacturing process or storage structure generating fugitive particulate matter to operate that is not equipped with a system to minimize the emissions of fugitive particulate matter. To minimize means such system shall be installed, maintained, and operated to ensure the lowest fugitive particulate emissions reasonably achievable. **[45CSR7-5.1.]** (2AE, 2BE, 3E, 4E, 5E, 6E, 7E, 9E, 10E and 11E)

4.1.11. Maximum Allowable Emission Rates for Similar Units in All Priority III Regions Except Region IV. -- No Person shall cause, suffer, allow or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant, measured in terms of pounds per hour, in excess of the amount determined as follows:

For type 'b' and Type 'c' fuel burning units, the product of 3.2 and the total design heat inputs for such units discharging through those stacks in million BTU's per hour.

[45CSR10-3.3 and 45CSR10-3.3.f.] (1E and 8E)

4.1.12. No owner or operator of an affected facility that combusts oil shall combust oil in the affected facility that contains greater than 0.5 weight percent sulfur. **[40 CFR 60.42c(d)]** (1E and 8E)

4.1.13. The owner or operator of each affected facility subject to the fuel oil sulfur limits shall submit to the quarterly reports to the Administrator. **[40 CFR 60.48(d)]** (1E and 8E)

4.1.14. If fuel supplier certification is used to demonstrate compliance, records of fuel supplier certification as described under paragraph (f)(1), (2), or (3) of this section, as applicable. In addition to records of fuel supplier certifications, the quarterly report shall include a certified statement signed by the owner or operator of the affected facility that the records of fuel supplied certifications submitted represent all of the fuel combusted during the quarter. **[40 CFR 60.48(e)(11)]** (1E and 8E)

4.1.15. Fuel supplier certification shall include the following information:

(1) For distillate oil:

(i) The name of the oil supplier; and

(ii) A statement from the oil supplier that the oil complies with the specifications under the definition of distillate oil in §60.41c.

[40 CFR 60.48(f)] (1E and 8E)

4.1.16. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary. **[45CSR§13-5.11.]** (4E, 5E, 6E, 7E, 9E, and 10E)

4.2. Monitoring Requirements

4.2.1. For the purpose of determining compliance with the opacity limits of 45CSR2-3.1. and 45CSR7-3.1. and condition 4.1.6. and 4.1.8. of this permit, the permittee shall conduct visible emission checks and/or opacity monitoring and recordkeeping for all emission sources subject to an opacity limit.

The visible emission check shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40CFR Part 60, Appendix A, Method 22 or from the lecture portion of the 40CFR Part 60, Appendix A, Method 9 certification course.

Visible emission checks shall be conducted at least once per calendar month with a maximum of forty-five (45) days between consecutive readings. These checks shall be performed at each source (stack, transfer point, fugitive emission source, etc.) for a sufficient time interval, but no less than one (1) minute, to determine if any visible emissions are present. Visible emission checks shall be performed during periods of normal facility operation and appropriate weather conditions.

If visible emissions are present at a source(s) for three (3) consecutive monthly checks, the permittee shall conduct an opacity reading at that source(s) using the procedures and requirements of 45CSR§7A (2AE, 2BE, 3E, 4E, 5E, 6E, 7E, 9E, 10E and 11E) or Method 9 (1E and 8E) as soon as practicable, but within seventy-two (72) hours of the final visual emission check. A 45CSR§7A observation at a source(s) restarts the count of the number of consecutive readings with the presence of visible emissions.

4.3. Testing Requirements

N/A

4.4. Recordkeeping Requirements

- 4.4.1. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:
- a. The date, place as defined in this permit and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;
 - d. The analytical techniques or methods used;
 - e. The results of the analyses; and
 - f. The operating conditions existing at the time of sampling or measurement. *(4E, 5E, 6E, 7E, 9E, and 10E)*
- 4.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures. *(4E, 5E, 6E, 7E, 9E, and 10E)*
- 4.4.3. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:
- a. The equipment involved.
 - b. Steps taken to minimize emissions during the event.
 - c. The duration of the event.

- d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

- e. The cause of the malfunction.
- f. Steps taken to correct the malfunction.
- g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

(4E, 5E, 6E, 7E, 9E, and 10E)

- 4.4.4. The permittee shall maintain records of all monitoring data required by Section 4.2.1. documenting the date and time of each visible emission check, the emission point or equipment/source identification number, the name or means of identification of the observer, the results of the check(s), whether the visible emissions are normal for the process, and, if applicable, all corrective measures taken or planned. The permittee shall also record the general weather conditions (i.e. sunny, approximately 80°F, 6 - 10 mph NE wind) during the visual emission check(s). An example form is supplied as Appendix A. Should a visible emission observation be required to be performed per the requirements specified in 45CSR§7A (2AE, 2BE, 3E, 4E, 5E, 6E, 7E, 9E, 10E and 11E) and Method 9 (1E and 8E), the data records of each observation shall be maintained per the requirements of 45CSR§7A (2AE, 2BE, 3E, 4E, 5E, 6E, 7E, 9E, 10E and 11E) and Method 9 (1E and 8E). For an emission unit out of service during the normal monthly evaluation, the record of observation may note "out of service" (O/S) or equivalent.
- 4.4.5. For determining compliance with the hourly and annual limitations from the combustion of natural gas and #2 fuel oil established in conditions 4.1.2. and 4.1.3. of the permit, the permittee shall maintain accurate records of the amount of all natural gas and diesel fuel consumed and hours of operation for each fuel type. These records shall be certified by the responsible official and maintained on site for a period of no less than five (5) years, and made available to the Director of the Division of Air Quality or his/her duly authorized representative upon request. *(1E and 8E)*
- 4.4.5. For determining compliance with the PM emission limitations established under permit condition 4.1.4., the permittee shall maintain accurate records for each truck/railcar shipment detailing the arrival/departure: date and time, specific load/unloading location, and amount of material(s) (corn, soybean mill, additives, product, etc.) entering or leaving the facility. These records shall be certified by the responsible official and maintained on site for a period of no less than five (5) years, and made available to the Director of the Division of Air Quality or his/her duly authorized representative upon request. *(2AE, 4E, 11E and 12E)*

4.5. Reporting Requirements

- 4.5.1. Any violation(s) of the allowable visible emission requirement for any emission source discovered during observations using 45CSR§7A (2AE, 2BE, 3E, 4E, 5E, 6E, 7E, 9E, 10E and 11E) and Method 9 (1E and 8E) must be reported in writing to the Director of the Division of Air Quality as soon as practicable, but within ten (10) calendar days, of the occurrence and shall include, at a minimum, the following information: the results of the visible determination of opacity of emissions, the cause or suspected cause of the violation(s), and any corrective measures taken or planned.

CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached _____, representing the period beginning _____ and ending _____, and any supporting documents appended hereto, is true, accurate, and complete.

Signature¹ _____ Date _____
(please use blue ink) Responsible Official or Authorized Representative

Name and Title _____ Title _____
(please print or type) Name

Telephone No. _____ Fax No. _____

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- ¹ This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:
- a. For a corporation: The 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:
 - (i) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or
 - (ii) the delegation of authority to such representative is approved in advance by the Director;
 - b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
 - c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA); or
 - d. The designated representative delegated with such authority and approved in advance by the Director.