Missouri Department of Natural Resources
Air Pollution Control Program

INTERMEDIATE STATE PERMIT TO OPERATE

Under the authority of RSMo 643 and the Federal Clean Air Act the applicant is authorized to operate the air contaminant source(s) described below, in accordance with the laws, rules, and conditions set forth here in.

Intermediate Operating Permit Number: OP2007-056
Expiration Date: NOV 25 2012
Installation ID: 097-0117
Project Number: 2006-12-077

Installation Name and Address
EaglePicher Technologies, LLC
C & Porter Streets
Joplin, MO 64801
Jasper County

Parent Company's Name and Address
EaglePicher Corporation
2424 John Daly Road
Inkster, MI 48141

Installation Description:
EaglePicher Technologies, LLC operates a special purpose battery manufacturing plant in Joplin, Missouri. This facility is a major source for Volatile Organic Compounds (VOCs) and Hazardous Air Pollutants (HAPs) and has taken voluntary emission limits to stay below the major source threshold.

NOV 26 2007
Effective Date

Director or Designee
Department of Natural Resources

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I. Installation Description and Equipment Listing

INSTALLATION DESCRIPTION

EaglePicher Technologies, LLC operates a special purpose battery manufacturing plant in Joplin, Missouri. This facility is a major source for VOCs and HAPs and has taken voluntary emission limits to stay below the major source threshold.

Reported Air Pollutant Emissions, tons per year							
Year	Particulate Matter ≤ Ten Microns (PM-10)	Sulfur Oxides (SO_x)	Nitrogen Oxides (NO_x)	Volatile Organic Compounds (VOC)	Carbon Monoxide (CO)	Lead (Pb)	Hazardous Air Pollutants (HAPs)
2006	0.0100	0.0100	1.170	5.610	0.2400	--	1.890
2005	--	--	--	5.315	--	--	1.390
2004	0.0100	0.0100	1.080	16.81	0.2200	--	2.320
2003	0.0100	0.0100	1.070	4.610	0.2200	--	0.0800
2002	0.0100	0.0100	1.040	15.37	0.2100	--	1.500

EMISSION UNITS WITH LIMITATIONS

The following list provides a description of the equipment at this installation, which emits air pollutants and which is identified as having unit-specific emission limitations.

Emission Unit #	Description of Emission Unit
EU0010	Batch Vapor Degreaser

EMISSION UNITS WITHOUT LIMITATIONS

The following list provides a description of the equipment, which does not have unit specific limitations at the time of permit issuance.

Description of Emission Source	Capacity
Boiler (Natural Gas)	4.5 MMBtu/hr
Space Heating (Natural Gas)	2.73 MMBtu/hr
Cell Case Assembly	
Methanol Room	
Parts Cleaning (Methyl Ethyl Ketone)	
Solder Flux Cleaning (Isopropyl Alcohol)	

DOCUMENTS INCORPORATED BY REFERENCE

This document has been incorporated by reference into this permit.

Construction Permit #012005-012

II. Plant Wide Emission Limitations

The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date this permit is issued.

Permit Condition PW001

10 CSR 10-6.065(2)(C)
Operating Permits
Voluntary Limitations and Construction Permit #012005-012

Emission Limitations:

1) The installation shall emit less than 100 tons of VOCs in any consecutive 12-month period.
2) The installation shall emit less than 10 tons of any individual HAPs in any consecutive 12-month period.
3) The installation shall emit less than 25 tons of combined HAPs in any consecutive 12-month period.

Monitoring/Recordkeeping:

1) The permittee shall calculate and record facility-wide emissions of VOCs and HAPs on a rolling 12-month basis.
2) The permitee shall calculate and record facility-wide emissions of the following individual HAPs on a rolling 12-month basis (see Attachment A):
   a) Trichloroethylene (TCE)
   b) Methanol
   c) Dichloromethane
3) All records shall be maintained onsite for a minimum of five years and shall be made available to Department of Natural Resources' personnel upon request.
4) These records shall include Material Safety Data Sheets (MSDS) for all materials used in the Batch Vapor Degreaser (EU0010).

Reporting:

The permittee shall report to the departments' Air Pollution Control Program, Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than ten days after any exceedance of any of the terms imposed by this regulation. Any deviations from this permit condition shall be reported in the annual compliance certification, as required by 10 CSR 10-6.065(5)(C)1.B.

III. Emission Unit Specific Emission Limitations

The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the CFR and Code of CSR for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued.

EU0010
Batch Vapor Degreaser (TCE) – 9 square foot solvent/air interface area
EIQ Reference (2006): EP104

Permit Condition EU0010-001
10 CSR 10-6.075
Maximum Achievable Control Technology Regulations
40 CFR Part 63 Subpart T
National Emission Standards for Halogenated Solvent Cleaning

Design Standards:
The permittee shall ensure that the batch vapor solvent cleaning machine conforms to the following design requirements: [§63.463(a)]

1) The cleaning machine shall be designed or operated to meet the following control equipment or technique requirements: [§63.463(a)(1)]
    a) An idling and downtime mode cover, as described in §63.463(d)(1)(i), that may be readily opened or closed, that completely covers the cleaning machine openings when in place, and is free of cracks, holes, and other defects. [§63.463(a)(1)(i)]
    b) A reduced room draft as described in §63.463(e)(2)(ii). [§63.463(a)(1)(ii)]
2) The cleaning machine shall have a freeboard ratio of 0.75 or greater. [§63.463(a)(2)]
3) The cleaning machine shall have an automated parts handling system capable of moving parts or parts baskets at a speed of 3.4 meters per minute (11 feet per minute) or less from the initial loading of parts through removal of cleaned parts. [§63.463(a)(3)]
4) The vapor cleaning machine shall be equipped with a device that shuts off the sump heat if the sump liquid solvent level drops to the sump heater coils. This requirement does not apply to a vapor cleaning machine that uses steam to heat the solvent. [§63.463(a)(4)]
5) The vapor cleaning machine shall be equipped with a vapor level control device that shuts off sump heat if the vapor level in the vapor cleaning machine rises above the height of the primary condenser. [§63.463(a)(5)]
6) The vapor cleaning machine shall have a primary condenser. [§63.463(a)(6)]
7) Each cleaning machine that uses a lip exhaust shall be designed and operated to route all collected solvent vapors through a properly operated and maintained carbon adsorber that meets the requirements of §63.463(e)(2)(vii). [§63.463(a)(7)]

Control Requirements:
A batch vapor cleaning machine with a solvent/air interface area of 1.21 square meters (13 square feet) or less shall comply with one of the following requirements specified in either §63.463(b)(1)(i) or (b)(1)(ii). [§63.463(b)(1)]

1) The permittee shall employ one of the control combinations listed in the following table or other equivalent methods of control as determined using the procedure in §63.469, equivalent methods of control, [§63.463(b)(1)(i)]

(NOTE: The facility is currently using a cleaning machine that is in compliance with control combination option 2.)

Option	Control Combinations
1	Working-mode cover, freeboard ratio of 1.0, superheated vapor.
2	Freeboard refrigeration device, superheated vapor.
3	Working-mode cover, freeboard refrigeration device.
4	Reduced room draft, freeboard ratio of 1.0, superheated vapor.
5	Freeboard refrigeration device, reduced room draft.
6	Freeboard refrigeration device, freeboard ratio of 1.0.
7	Freeboard refrigeration device, dwell.
8	Reduced room draft, dwell, freeboard ratio of 1.0.
9	Freeboard refrigeration device, carbon adsorber.
10	Freeboard ratio of 1.0, superheated vapor, carbon adsorber.

2) Or, the permittee shall demonstrate that their solvent cleaning machine can achieve and maintain an idling emission limit of 0.22 kilograms per hour per square meter (0.045 pounds per hour per square foot) of solvent/air interface area as determined using the procedures in §63.465(a) and appendix A of 40 CFR 63 Subpart T. [§63.463(b)(1)(ii)]

Work Practice Standards:

The permittee shall meet all the following required work and operational practices as applicable: [§63.463(d)]

1) Control air disturbances across the cleaning machine opening(s) by incorporating the control equipment or techniques in §63.463(d)(1)(i) or (d)(1)(ii). [§63.463(d)(1)]
   a) Cover(s) to each solvent cleaning machine shall be in place during the idling mode, and during the downtime mode unless either the solvent has been removed from the machine or maintenance or monitoring is being performed that requires the cover(s) to not be in place. [§63.463(d)(1)(ii)]
   b) A reduced room draft as described in §63.463(e)(2)(ii). [§63.463(d)(1)(ii)]

2) The parts baskets or the parts being cleaned in an open-top batch vapor cleaning machine shall not occupy more than 50 percent of the solvent/air interface area unless the parts baskets or parts are introduced at a speed of 0.9 meters per minute (3 feet per minute) or less. [§63.463(d)(2)]
3) Any spraying operations shall be done within the vapor zone or within a section of the solvent cleaning machine that is not directly exposed to the ambient air (i.e., a baffled or enclosed area of the solvent cleaning machine). [§63.463(d)(3)]
4) Parts shall be oriented so that the solvent drains from them freely. Parts having cavities or blind holes shall be tipped or rotated before being removed from any solvent cleaning machine unless an equally effective approach has been approved by the Administrator. [§63.463(d)(4)]
5) Parts baskets or parts shall not be removed from any solvent cleaning machine until dripping has stopped. [§63.463(d)(5)]
6) During startup of each vapor cleaning machine, the primary condenser shall be turned on before the sump heater. [§63.463(d)(6)]
7) During shutdown of each vapor cleaning machine, the sump heater shall be turned off and the solvent vapor layer allowed to collapse before the primary condenser is turned off. [§63.463(d)(7)]
8) When solvent is added or drained from any solvent cleaning machine, the solvent shall be transferred using threaded or other leakproof couplings and the end of the pipe in the solvent sump shall be located beneath the liquid solvent surface. [§63.463(d)(8)]
9) Each solvent cleaning machine and associated controls shall be maintained as recommended by the manufacturers of the equipment or using alternative maintenance practices that have been demonstrated to the Administrator's satisfaction to achieve the same or better results as those recommended by the manufacturer. [§63.463(d)(9)]
10) Each operator of a solvent cleaning machine shall complete and pass the applicable sections of the test of solvent cleaning procedures in appendix A to 40 CFR 63 Subpart T if requested during an inspection by the Administrator. [§63.463(d)(10)]
11) Waste solvent, still bottoms, and sump bottoms shall be collected and stored in closed containers. The closed containers may contain a device that would allow pressure relief, but would not allow liquid solvent to drain from the container. [§63.463(d)(11)]
12) Sponges, fabric, wood, and paper products shall not be cleaned. [§63.463(d)(12)]

Monitoring:

1) The permittee shall conduct monitoring of each control device used to comply with §63.463 of this subpart as provided in §63.466. [§63.463(e)(1)]
2) Determine during each monitoring period whether each control device used to comply with these standards meets the following requirements: [§63.463(e)(2)]
    a) If a freeboard refrigeration device is used to comply with these standards, the permittee shall ensure that the chilled air blanket temperature (in °F), measured at the center of the air blanket, is no greater than 30 percent of the solvent's boiling point. [§63.463(e)(2)(i)]
    b) If a superheated vapor system is used to comply with these standards, the permittee shall comply with the following requirements: [§63.463(e)(2)(vi)]
        i) Ensure that the temperature of the solvent vapor at the center of the superheated vapor zone is at least 10 °F above the solvent's boiling point. [§63.463(e)(2)(vi)(A)]

ii) Ensure that the manufacturer's specifications for determining the minimum proper dwell time within the superheated vapor system is followed. [§63.463(e)(2)(vi)(B)]
iii) Ensure that parts remain within the superheated vapor for at least the minimum proper dwell time. [§63.463(e)(2)(vi)(C)]

3) If any of the requirements of §63.463(e)(2) are not met, determine whether an exceedance has occurred using the following criteria: [§63.463(e)(3)]
   a) An exceedance has occurred if the requirements of §63.463(e)(2)(vi)(B) have not been met. [§63.463(e)(3)(i)]
   b) An exceedance has occurred if the requirements of §63.463(e)(2)(i) or (e)(2)(vi)(A) have not been met and are not corrected within 15 days of detection. Adjustments or repairs shall be made to the solvent cleaning system or control device to reestablish required levels. The parameter must be remeasured immediately upon adjustment or repair and demonstrated to be within required limits. [§63.463(e)(3)(ii)]
4) The permittee shall report all exceedances and all corrections and adjustments made to avoid an exceedance as specified in §63.468(h). [§63.463(e)(4)]
5) The permittee shall conduct monitoring and record the results on a weekly basis for the control devices, as appropriate, the following: [§63.466(a)]
   a) If a freeboard refrigeration device is used to comply with these standards, the owner or operator shall use a thermometer or thermocouple to measure the temperature at the center of the air blanket during the idling mode. [§63.466(a)(1)]
   b) If a superheated vapor system is used to comply with these standards, the owner or operator shall use a thermometer or thermocouple to measure the temperature at the center of the superheated solvent vapor zone while the solvent cleaning machine is in the idling mode. [§63.466(a)(2)]
6) The permittee can use alternative monitoring procedures as approved by the Administrator. [§63.466(g)]

Recordkeeping:

1) The permittee shall maintain the following records in written or electronic form for the lifetime of the machine: [§63.467(a)]
   a) Owner's manuals, or if not available, written maintenance and operating procedures, for the solvent cleaning machine and control equipment. [§63.467(a)(1)]
   b) The date of installation for the solvent cleaning machine and all of its control devices. If the exact date for installation is not known, a letter certifying that the cleaning machine and its control devices were installed prior to, or on, November 29, 1993, or after November 29, 1993, may be substituted. [§63.467(a)(2)]
   c) Records of the halogenated HAP solvent content for each solvent used in a solvent cleaning machine subject to the provisions of this subpart. [§63.467(a)(5)]
2) The permittee shall maintain the following records either in electronic or written form for a period of 5 years: [§63.467(b)]
   a) The results of control device monitoring required under §63.466. [§63.467(b)(1)]
   b) Information on the actions taken to comply with §63.463(e). This information shall include records of written or verbal orders for replacement parts, a description of the repairs made, and additional monitoring conducted to demonstrate that monitored parameters have returned to accepted levels. [§63.467(b)(2)]
   c) Estimates of annual solvent consumption for each solvent cleaning machine. [§63.467(b)(3)]

Reporting:

1) The permittee shall submit an annual report by February 1 of the year following the one for which the reporting is being made. This report shall include the following requirements: [§63.468(f)]
    a) A signed statement from the facility owner or his designee stating that, "All operators of solvent cleaning machines have received training on the proper operation of solvent cleaning machines and their control devices sufficient to pass the test required in §63.463(d)(10)." [§63.468(f)(1)]
    b) An estimate of solvent consumption for each solvent cleaning machine during the reporting period. [§63.468(f)(2)]
2) The permittee shall submit an exceedance report to the Administrator semiannually except when, the Administrator determines on a case-by-case basis that more frequent reporting is necessary to accurately assess the compliance status of the source or, an exceedance occurs. Once an exceedance has occurred the permittee shall follow a quarterly reporting format until a request to reduce reporting frequency under §63.468(i) is approved. Exceedance reports shall be delivered or postmarked by the 30th day following the end of each calendar half or quarter, as appropriate. The exceedance report shall include the following information as applicable: [§63.468(h)]
    a) Information on the actions taken to comply with §63.463 (e). This information shall include records of written or verbal orders for replacement parts, a description of the repairs made, and additional monitoring conducted to demonstrate that monitored parameters have returned to accepted levels. [§63.468(h)(1)]
    b) If an exceedance has occurred, the reason for the exceedance and a description of the actions taken. [§63.468(h)(2)]
    c) If no exceedances of a parameter have occurred, or a piece of equipment has not been inoperative, out of control, repaired, or adjusted, such information shall be stated in the report. [§63.468(h)(3)]

Facility-wide Standards:

(NOTE: The compliance date for the standards in §63.471 is May 3, 2010. The following conditions will apply to the facility at that time.)

1) The permittee must maintain a log of solvent additions and deletions for each solvent cleaning machine. [§63.471(b)(1)]
2) The permittee must ensure that the total emissions of TCE at the affected facility are equal to or less than the applicable facility-wide 12-month rolling total emission limit of 14,100 kg (15.5 tons) as determined using the procedures in §63.471(c) . [§63.471(b)(2), Table 1]
3) The permittee shall on the first operating day of every month, demonstrate compliance with the applicable facility-wide emission limit on a 12-month rolling total basis using the following procedures. [§63.471(c)]
    a) The permittee shall, on the first operating day of every month, ensure that each solvent cleaning machine system contains only clean liquid solvent. This includes, but is not limited to, fresh unused solvent, recycled solvent, and used solvent that has been cleaned of soiled materials. A fill line must be indicated during the first month the measurements are made. The solvent level within the machine must be returned to the same fill-line each month, immediately prior to calculating monthly emissions as specified in §63.471(c)(2) and (3).

The solvent cleaning machine does not have to be emptied and filled with fresh unused solvent prior to the calculations. [§63.471(c)(1)]

b) The permittee shall, on the first operating day of the month, using the records of all solvent additions and deletions for the previous month, determine solvent emissions (E_{unit}) from each solvent cleaning machine using the following equation: [§63.471(c)(2)]

$$E_{unit} = SA_i - LSR_i - SSR_i$$

Where:
E_{unit} = the total halogenated HAP solvent emissions from the solvent cleaning machine during the most recent month i, (kilograms of solvent per month).
SA_i = the total amount of halogenated HAP liquid solvent added to the solvent cleaning machine during the most recent month i, (kilograms of solvent per month).
LSR_i = the total amount of halogenated HAP liquid solvent removed from the solvent cleaning machine during the most recent month i, (kilograms of solvent per month).
SSR_i = the total amount of halogenated HAP solvent removed from the solvent cleaning machine in solid waste, obtained as described in §63.471(c)(3), during the most recent month i, (kilograms of solvent per month).

c) Each owner or operator of an affected facility shall, on the first operating day of the month, determine SSR_i using the method specified in §63.471(c)(3)(i) or (c)(3)(ii). [§63.471(c)(3)]
   i) From tests conducted using EPA reference method 25d. [§63.471(c)(3)(i)]
   ii) By engineering calculations included in the compliance report. [§63.471(c)(3)(ii)]

d) Each owner or operator of an affected facility shall on the first operating day of the month, after 12 months of emissions data are available, determine the 12-month rolling total emissions, ET_{unit}, for the 12-month period ending with the most recent month using the following equation: [§63.471(c)(4)]

$$ET_{unit} = \left[\sum_{j=1}^{12} E_{unit} \right]$$

Where:
ET_{unit} = the total halogenated HAP solvent emissions over the preceding 12 months, (kilograms of solvent emissions per 12-month period).
E_{unit} = halogenated HAP solvent emissions for each month (j) for the most recent 12 months (kilograms of solvent per month).

e) Each owner or operator of an affected facility shall on the first operating day of the month, after 12 months of emissions data are available, determine the 12-month rolling total emissions, $ET_{facility}$, for the 12-month period ending with the most recent month using the following equation: [§63.471(c)(5)]

$$ET_{facility} = \left[\sum_{j=1}^{i} ET_{unit} \right]$$

Where:
$ET_{facility}$ = the total halogenated HAP solvent emissions over the preceding 12 months for all cleaning machines at the facility, (kilograms of solvent emissions per 12-month period).
ET_{unit} = the total halogenated HAP solvent emissions over the preceding 12 months for each unit j, where i equals the total number of units at the facility (kilograms of solvent emissions per 12-month period).

4) If the applicable facility-wide emission limit presented in of §63.471(b)(2), Table 1, is not met, an exceedance has occurred. All exceedances shall be reported as required in §63.468(h). [§63.471(d)]
5) Each owner or operator of an affected facility shall maintain the following records either in electronic or written form for a period of 5 years. For purposes of this paragraph, "each solvent cleaning machine" means each solvent cleaning machine that is part of an affected facility regulated by §63.471. [§63.471(e)]
    a) The dates and amounts of solvent that are added to each solvent cleaning machine. [§63.471(e)(1)]
    b) The solvent composition of wastes removed from each solvent cleaning machines as determined using the procedure described in §63.471(c)(3). [§63.471(e)(2)]
    c) Calculation sheets showing how monthly emissions and the 12-month rolling total emissions from each solvent cleaning machine were determined, and the results of all calculations. [§63.471(e)(3)]
6) Each owner or operator of an affected facility shall submit an initial notification report to the Administrator no later than May 3, 2010. This report shall include the following information: [§63.471(f)]
    a) The name and address of the owner or operator of the affected facility. [§63.471(f)(1)]
    b) The address (*i.e.* , physical location) of the solvent cleaning machine(s) that is part of an affected facility regulated by this section. [§63.471(f)(2)]
    c) A brief description of each solvent cleaning machine at the affected facility including machine type (batch vapor, batch cold, vapor in-line or cold in-line), solvent/air interface area, and existing controls. [§63.471(f)(3)]
    d) The date of installation for each solvent cleaning machine. [§63.471(f)(4)]
    e) An estimate of annual halogenated HAP solvent consumption for each solvent cleaning machine. [§63.471(f)(5)]
7) Each owner or operator of an affected facility shall submit to the Administrator an initial statement of compliance on or before May 3, 2010. The statement shall include the following information: [§63.471(g)]
    a) The name and address of the owner or operator of the affected facility. [§63.471(g)(1)]
    b) The address (*i.e.* , physical location) of each solvent cleaning machine that is part of an affected facility regulated by this section. [§63.471(g)(2)]
    c) The results of the first 12-month rolling total emissions calculation. [§63.471(g)(3)]
8) Each owner or operator of an affected facility shall submit a solvent emission report every year. This solvent emission report shall contain the following requirements: [§63.471(h)]

a) The average monthly solvent consumption for the affected facility in kilograms per month. [§63.471(h)(1)]
b) The 12-month rolling total solvent emission estimates calculated each month using the method as described in §63.471(c). [§63.471(h)(2)]
c) This report can be combined with the annual report required in §63.468(f) and (g) into a single report for each facility. [§63.471(h)(3)]

IV. Core Permit Requirements

The installation shall comply with each of the following requirements. Consult the appropriate sections in the CFR, CSR, and local ordinances for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued.

10 CSR 10-6.050 Start-up, Shutdown and Malfunction Conditions

1) In the event of a malfunction, which results in excess emissions that exceed one hour, the permittee shall submit to the director within two business days, in writing, the following information:
   a) Name and location of installation;
   b) Name and telephone number of person responsible for the installation;
   c) Name of the person who first discovered the malfunction and precise time and date that the malfunction was discovered.
   d) Identity of the equipment causing the excess emissions;
   e) Time and duration of the period of excess emissions;
   f) Cause of the excess emissions;
   g) Air pollutants involved;
   h) Best estimate of the magnitude of the excess emissions expressed in the units of the applicable requirement and the operating data and calculations used in estimating the magnitude;
   i) Measures taken to mitigate the extent and duration of the excess emissions; and
   j) Measures taken to remedy the situation that caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.
2) The permittee shall submit the paragraph 1 information list to the director in writing at least ten days prior to any maintenance, start-up or shutdown, which is expected to cause an excessive release of emissions that exceed one hour. If notice of the event cannot be given ten days prior to the planned occurrence, it shall be given as soon as practicable prior to the release. If an unplanned excess release of emissions exceeding one hour occurs during maintenance, start-up or shutdown, the director shall be notified verbally as soon as practical during normal working hours and no later than the close of business of the following working day. A written notice shall follow within ten working days.
3) Upon receipt of a notice of excess emissions issued by an agency holding a certificate of authority under section 643.140, RSMo, the permittee may provide information showing that the excess emissions were the consequence of a malfunction, start-up or shutdown. The information, at a minimum, should be the paragraph 1 list and shall be submitted not later than 15 days after receipt of the notice of excess emissions. Based upon information submitted by the permittee or any other pertinent information available, the director or the commission shall make a determination whether the excess emissions constitute a malfunction, start-up or shutdown and whether the nature, extent and duration of the excess emissions warrant enforcement action under section 643.080 or 643.151, RSMo.
4) Nothing in this rule shall be construed to limit the authority of the director or commission to take appropriate action, under sections 643.080, 643.090 and 643.151, RSMo to enforce the provisions of the Air Conservation Law and the corresponding rule.

5) Compliance with this rule does not automatically absolve the permittee of liability for the excess emissions reported.

10 CSR 10-6.060 Construction Permits Required

The permittee shall not commence construction, modification, or major modification of any installation subject to this rule, begin operation after that construction, modification, or major modification, or begin operation of any installation which has been shut down longer than five years without first obtaining a permit from the permitting authority.

10 CSR 10-6.065 Operating Permits

The permittee shall file a complete application for renewal of this operating permit at least six months before the date of permit expiration. In no event shall this time be greater than eighteen months. [10 CSR 10-6.065(5)(B)1.A(III)] The permittee shall retain the most current operating permit issued to this installation on-site. [10 CSR 10-6.065, §(5)(C)(1) and §(6)(C)1.C(II)] The permittee shall immediately make such permit available to any Missouri Department of Natural Resources' personnel upon request. [10 CSR 10-6.065, §(5)(C)(1) and §(6)(C)3.B]

10 CSR 10-6.110 Submission of Emission Data, Emission Fees and Process Information

1) The permittee shall complete and submit an Emission Inventory Questionnaire (EIQ) in accordance with the requirements outlined in this rule.
2) The permittee shall pay an annual emission fee per ton of regulated air pollutant emitted according to the schedule in the rule. This fee is an emission fee assessed under authority of RSMo. 643.079.
3) The fees shall be payable to the Department of Natural Resources and shall be accompanied by the Emissions Inventory Questionnaire (EIQ) form or equivalent approved by the director.

10 CSR 10-6.130 Controlling Emissions During Episodes of High Air Pollution Potential

This rule specifies the conditions that establish an air pollution alert (yellow/orange/red/purple), or emergency (maroon) and the associated procedures and emission reduction objectives for dealing with each. The permittee shall submit an appropriate emergency plan if required by the Director.

10 CSR 10-6.150 Circumvention

The permittee shall not cause or permit the installation or use of any device or any other means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission or air contaminant which violates a rule of the Missouri Air Conservation Commission.

10 CSR 10-6.170 Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin

1) The permittee shall not cause or allow to occur any handling, transporting or storing of any material; construction, repair, cleaning or demolition of a building or its appurtenances; construction or use of a road, driveway or open area; or operation of a commercial or industrial installation without applying reasonable measures as may be required to prevent, or in a manner which allows or may allow, fugitive particulate matter emissions to go beyond the premises of origin in quantities that the particulate matter may be found on surfaces beyond the property line of origin.

The nature or origin of the particulate matter shall be determined to a reasonable degree of certainty by a technique proven to be accurate and approved by the director.

2) The permittee shall not cause nor allow to occur any fugitive particulate matter emissions to remain visible in the ambient air beyond the property line of origin.
3) Should it be determined that noncompliance has occurred, the director may require reasonable control measures as may be necessary. These measures may include, but are not limited to, the following:
   a) Revision of procedures involving construction, repair, cleaning and demolition of buildings and their appurtenances that produce particulate matter emissions;
   b) Paving or frequent cleaning of roads, driveways and parking lots;
   c) Application of dust-free surfaces;
   d) Application of water; and
   e) Planting and maintenance of vegetative ground cover.

10 CSR 10-6.180 Measurement of Emissions of Air Contaminants

1) The director may require any person responsible for the source of emission of air contaminants to make or have made tests to determine the quantity or nature, or both, of emission of air contaminants from the source. The director may specify testing methods to be used in accordance with good professional practice. The director may observe the testing. All tests shall be performed by qualified personnel.
2) The director may conduct tests of emissions of air contaminants from any source. Upon request of the director, the person responsible for the source to be tested shall provide necessary ports in stacks or ducts and other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.
3) The director shall be given a copy of the test results in writing and signed by the person responsible for the tests.

10 CSR 10-3.030 Open Burning Restrictions

1) The permittee shall not conduct, cause, permit or allow a salvage operation, the disposal of trade wastes or burning of refuse by open burning.
2) Exception - Open burning of trade waste or vegetation may be permitted only when it can be shown that open burning is the only feasible method of disposal or an emergency exists which requires open burning.
3) Any person intending to engage in open burning shall file a request to do so with the director. The request shall include the following:
   a) The name, address and telephone number of the person submitting the application; The type of business or activity involved; A description of the proposed equipment and operating practices, the type, quantity and composition of trade wastes and expected composition and amount of air contaminants to be released to the atmosphere where known;
   b) The schedule of burning operations;
   c) The exact location where open burning will be used to dispose of the trade wastes;
   d) Reasons why no method other than open burning is feasible; and
   e) Evidence that the proposed open burning has been approved by the fire control authority which has jurisdiction.

4) Upon approval of the open burning permit application by the director, the person may proceed with the operation under the terms of the open burning permit. Be aware that such approval shall not exempt EaglePicher Technologies, LLC from the provisions of any other law, ordinance or regulation.
5) The permittee shall maintain files with letters from the director approving the open burning operation and previous Department of Natural Resources inspection reports.

10 CSR 10-3.090 Restriction of Emission of Odors

No person may cause, permit or allow the emission of odorous matter in concentrations and frequencies or for durations that odor can be perceived when one volume of odorous air is diluted with seven volumes of odor-free air for two separate trials not less than 15 minutes apart within the period of one hour. **This requirement is not federally enforceable.**

10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants and 40 CFR Part 61 Subpart M National Emission Standard for Asbestos

1) The permittee shall follow the procedures and requirements of 40 CFR Part 61, Subpart M for any activities occurring at this installation which would be subject to provisions for 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos.
2) The permittee shall conduct monitoring to demonstrate compliance with registration, certification, notification, and Abatement Procedures and Practices standards as specified in 40 CFR Part 61, Subpart M.

10 CSR 10-6.250 Asbestos Abatement Projects – Certification, Accreditation, and Business Exemption Requirements

The permittee shall conduct all asbestos abatement projects within the procedures established for certification and accreditation by 10 CSR 10-6.250. This rule requires individuals who work in asbestos abatement projects to be certified by the Air Pollution Control Program. This rule requires training providers who offer training for asbestos abatement occupations to be accredited by the Air Pollution Control Program. This rule requires persons who hold exemption status from certain requirements of this rule to allow the department to monitor training provided to employees. Each individual who works in asbestos abatement projects must first obtain certification for the appropriate occupation from the department. Each person who offers training for asbestos abatement occupations must first obtain accreditation from the department. Certain business entities that meet the requirements for state-approved exemption status must allow the department to monitor training classes provided to employees who perform asbestos abatement.

Title VI – 40 CFR Part 82 Protection of Stratospheric Ozone

1) The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
   a) All containers in which a class I or class II substance is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to §82.106.
   b) The placement of the required warning statement must comply with the requirements pursuant to §82.108.
   c) The form of the label bearing the required warning statement must comply with the requirements pursuant to §82.110.
   d) No person may modify, remove, or interfere with the required warning statement except as described in §82.112.
2) The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B:

a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to §82.156.
b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.
c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to §82.161.
d) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with record keeping requirements pursuant to §82.166. ("MVAC-like" appliance as defined at §82.152).
e) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156.
f) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to §82.166.

3) If the permittee manufactures, transforms, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR part 82, Subpart A, Production and Consumption Controls.
4) If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR part 82, Subpart B, Servicing of MVACs. The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.

The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR part 82, Subpart G, Significant New Alternatives Policy Program. *Federal Only – 40 CFR part 82*

10 CSR 10-6.280 Compliance Monitoring Usage

1) The permittee is not prohibited from using the following in addition to any specified compliance methods for the purpose of submission of compliance certificates:
   a) Monitoring methods outlined in 40 CFR Part 64;
   b) Monitoring method(s) approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and
   c) Any other monitoring methods approved by the director.
2) Any credible evidence may be used for the purpose of establishing whether a permittee has violated or is in violation of any such plan or other applicable requirement. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred by a permittee:
   a) Monitoring methods outlined in 40 CFR Part 64;
   b) A monitoring method approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and
   c) Compliance test methods specified in the rule cited as the authority for the emission limitations.
3) The following testing, monitoring or information gathering methods are presumptively credible testing, monitoring, or information gathering methods:

a) Applicable monitoring or testing methods, cited in:
   i) 10 CSR 10-6.030, "Sampling Methods for Air Pollution Sources";
   ii) 10 CSR 10-6.040, "Reference Methods";
   iii) 10 CSR 10-6.070, "New Source Performance Standards";
   iv) 10 CSR 10-6.080, "Emission Standards for Hazardous Air Pollutants"; or
b) Other testing, monitoring, or information gathering methods, if approved by the director, that produce information comparable to that produced by any method listed above.

V. General Permit Requirements

The installation shall comply with each of the following requirements. Consult the appropriate sections in the CFR and CSR for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued.

10 CSR 10-6.065, §(5)(C)1 and §(6)(C)1.B Permit Duration

This permit is issued for a term of five years, commencing on the date of issuance. This permit will expire at the end of this period unless renewed.

10 CSR 10-6.065, §(5)(C)1 and §(6)(C)1.C General Record Keeping and Reporting Requirements

1) Recordkeeping
   a) All required monitoring data and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report or application.
   b) Copies of all current operating and construction permits issued to this installation shall be kept on-site for as long as the permits are in effect. Copies of these permits shall be made immediately available to any Missouri Department of Natural Resources' personnel upon request.
2) Reporting
   a) All reports shall be submitted to the Air Pollution Control Program, Enforcement Section, P. O. Box 176, Jefferson City, MO 65102.
   b) The permittee shall submit a report of all required monitoring by:
      i) June 1st for monitoring which covers the January through December time period.
      ii) Exception. Monitoring requirements which require reporting more frequently than annually shall report no later than 30 days after the end of the calendar quarter in which the measurements were taken.
   c) Each report shall identify any deviations from emission limitations, monitoring, record keeping, reporting, or any other requirements of the permit.
   d) Submit supplemental reports as required or as needed. Supplemental reports are required no later than ten days after any exceedance of any applicable rule, regulation or other restriction. All reports of deviations shall identify the cause or probable cause of the deviations and any corrective actions or preventative measures taken.
      i) Notice of any deviation resulting from an emergency (or upset) condition as defined in paragraph (6)(C)7 of 10 CSR 10-6.065 (Emergency Provisions) shall be submitted to the permitting authority either verbally or in writing within two working days after the date on which the emission limitation is exceeded due to the emergency, if the permittee wishes to assert an affirmative defense. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that indicate an emergency occurred and the permittee can identify the cause(s) of the emergency. The permitted installation must show that it was operated properly at the time and that during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or requirements in the permit. The notice must contain a description of the emergency, the steps taken to mitigate emissions, and the corrective actions taken.

ii) Any deviation that poses an imminent and substantial danger to public health, safety or the environment shall be reported as soon as practicable.
iii) Any other deviations identified in the permit as requiring more frequent reporting than the permittees' annual report shall be reported on the schedule specified in this permit, and no later than ten days after any exceedance of any applicable rule, regulation, or other restriction.

e) Every report submitted shall be certified by the responsible official, except that, if a report of a deviation must be submitted within ten days after the deviation, the report may be submitted without a certification if the report is resubmitted with an appropriate certification within ten days after that, together with any corrected or supplemental information required concerning the deviation.
f) The permittee may request confidential treatment of information submitted in any report of deviation.

10 CSR 10-6.065 §(5)(C)1 and §(6)(C)1.D Risk Management Plan Under Section 112(r)

The permittee shall comply with the requirements of 40 CFR Part 68, Accidental Release Prevention Requirements. If the permittee has more than a threshold quantity of a regulated substance in process, as determined by 40 CFR Section 68.115, the permittee shall submit a Risk Management Plan in accordance with 40 CFR Part 68 no later than the latest of the following dates:

1) June 21, 1999;
2) Three years after the date on which a regulated substance is first listed under 40 CFR Section 68.130; or
3) The date on which a regulated substance is first present above a threshold quantity in a process.

10 CSR 10-6.065(5)(C)1.A General Requirements

1) The permittee must comply with all of the terms and conditions of this permit. Any noncompliance with a permit condition constitutes a violation and is grounds for enforcement action, permit termination, permit revocation and re-issuance, permit modification or denial of a permit renewal application.
2) The permittee may not use as a defense in an enforcement action that it would have been necessary for the permittee to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit
3) The permit may be modified, revoked, reopened, reissued or terminated for cause. Except as provided for minor permit modifications, the filing of an application or request for a permit modification, revocation and reissuance, or termination, or the filing of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
4) This permit does not convey any property rights of any sort, nor grant any exclusive privilege.
5) The permittee shall furnish to the Air Pollution Control Program, upon receipt of a written request and within a reasonable time, any information that the Air Pollution Control Program reasonably may require to determine whether cause exists for modifying, reopening, reissuing or revoking the permit or to determine compliance with the permit. Upon request, the permittee also shall furnish to the Air Pollution Control Program copies of records required to be kept by the permittee. The permittee may make a claim of confidentiality for any information or records submitted under this rule.

6) Failure to comply with the limitations and conditions that qualify the installation for an Intermediate permit make the installation subject to the provisions of 10 CSR 10-6.065(6) and enforcement action for operating without a valid part 70 operating permit.

10 CSR 10-6.065, §(5)(B)4; §(5)(C)1, §(6)(C)3.B; and §(6)(C)3.D; and §(5)(C)3 and §(6)(C)3.E.(I) – (III) and (V) – (VI) Compliance Requirements

1) Any document (including reports) required to be submitted under this permit shall contain a certification signed by the responsible official.
2) Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized officials of the Missouri Department of Natural Resources, or their authorized agents, to perform the following (subject to the installation's right to seek confidential treatment of information submitted to, or obtained by, the Air Pollution Control Program):
   a) Enter upon the premises where a permitted installation is located or an 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 and using reasonable safety practices, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
   d) As authorized by the Missouri Air Conservation Law, Chapter 643, RSMo or the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the terms of this permit, and all applicable requirements as outlined in this permit.
3) All progress reports required under an applicable schedule of compliance shall be submitted semiannually (or more frequently if specified in the applicable requirement). These progress reports shall contain the following:
   a) Dates for achieving the activities, milestones or compliance required in the schedule of compliance, and dates when these activities, milestones or compliance were achieved, and
   b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measures adopted.
4) The permittee shall submit an annual certification that it is in compliance with all of the federally enforceable terms and conditions contained in this permit, including emissions limitations, standards, or work practices. These certifications shall be submitted annually by June 1st, unless the applicable requirement specifies more frequent submission. These certifications shall be submitted to the Air Pollution Control Program, Enforcement Section, P.O. Box 176, Jefferson City, MO 65102. All deviations and exceedances must be included in the compliance certifications. The compliance certification shall include the following:
   a) The identification of each term or condition of the permit that is the basis of the certification;
   b) The current compliance status, as shown by monitoring data and other information reasonably available to the installation;
   c) Whether compliance was continuous or intermittent;
   d) The method(s) used for determining the compliance status of the installation, both currently and over the reporting period; and

e) Such other facts as the Air Pollution Control Program will require in order to determine the compliance status of this installation.

10 CSR 10-6.065, §(5)(C)1 and §(6)(C)7 Emergency Provisions

1) An emergency or upset as defined in 10 CSR 10-6.065(6)(C)7.A shall constitute an affirmative defense to an enforcement action brought for noncompliance with technology-based emissions limitations. To establish an emergency- or upset-based defense, the permittee must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, the following:
   a) That an emergency or upset occurred and that the permittee can identify the source of the emergency or upset,
   b) That the installation was being operated properly,
   c) That the permittee took all reasonable steps to minimize emissions that exceeded technology-based emissions limitations or requirements in this permit, and
   d) That the permittee submitted notice of the emergency to the Air Pollution Control Program within two working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and any corrective actions taken.
2) Be aware that an emergency or upset shall not include noncompliance caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

10 CSR 10-6.065(5)(C)5 Off-Permit Changes

1) Except as noted below, the permittee may make any change in its permitted installation's operations, activities or emissions that is not addressed in, constrained by or prohibited by this permit without obtaining a permit revision. Off-permit changes shall be subject to the following requirements and restrictions:
   a) The change must meet all applicable requirements of the Act and may not violate any existing permit term or condition; the permittee may not change a permitted installation without a permit revision if this change is a Title I modification; Please Note: Changes at the installation which affect the emission limitation(s) classifying the installation as an intermediate source (add additional equipment to the record keeping requirements, increase the emissions above major source level) do not qualify for off-permit changes.
   b) The permittee must provide written notice of the change to the Air Pollution Control Program, Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as Environmental Protection Agency (EPA) Region VII, 901 North 5th Street, Kansas City, Kansas 66101, no later than the next annual emissions report. This written notice shall describe each change, including the date, any change in emissions, pollutants emitted and any applicable requirement that would apply as a result of the change; and
   c) The permittee shall keep a record describing all changes made at the installation that result in emissions of a regulated air pollutant subject to an applicable requirement and the emissions resulting from these changes.

10 CSR 10-6.020(2)(R)12 Responsible Official

The application utilized in the preparation of this permit was signed by Mr. Steve Westfall, President If this person terminates employment, or is reassigned different duties such that a different person becomes the responsible person to represent and bind the installation in environmental permitting affairs, the owner or operator of this air contaminant source shall notify the director of the Air Pollution Control Program of the change. Said notification shall be in writing and shall be submitted within 30 days of the change. The notification shall include the name and title of the new person assigned by the source owner or operator to represent and bind the installation in environmental permitting affairs. All representations, agreement to terms and conditions and covenants made by the former responsible person that were used in the establishment of limiting permit conditions on this permit will continue to be binding on the installation until such time that a revision to this permit is obtained that would change said representations, agreements and covenants.

10 CSR 10-6.065 §(5)(E)4 and §(6)(E)6.A(III)(a)-(c) Reopening-Permit for Cause

This permit may be reopened for cause if:

1) The Missouri Department of Natural Resources or EPA determines the permit contains a material mistake or that inaccurate statements were made which resulted in establishing the emissions limitation standards or other terms of the permit,
2) Additional applicable requirements under the Act become applicable to the installation; however, reopening on this ground is not required if—:
   a) The permit has a remaining term of less than three years;
   b) The effective date of the requirement is later than the date on which the permit is due to expire; or
   c) The additional applicable requirements are implemented in a general permit that is applicable to the installation and the installation receives authorization for coverage under that general permit,
3) Department of Natural Resources or EPA determines the permit must be reopened and revised to assure compliance with applicable requirements.

10 CSR 10-6.065 §(5)(E)1.A and §(6)(E)1.C Statement of Basis

This permit is accompanied by a statement setting forth the legal and factual basis for the permit conditions (including references to applicable statutory or regulatory provisions). This Statement of Basis, while referenced by the permit, is not an actual part of the permit.

VI. Attachments

Attachments follow.

ATTACHMENT A

Monthly HAP Tracking Record

This sheet covers the month of _____ in the year _____.

Column 1 Material Used (Name)	Column 2 (a) Amount of Material Used (Include Units)	Column 3 Density (lbs/gal)	Column 4 HAP Content (Weight %)	Column 5 HAP Emissions (Tons)
(b) Total Emissions Calculated for this Month in Tons:				
(c) 12-Month Emissions Total from Previous Months Attachment in Tons:				
(d) Monthly Emissions Total (b) from Previously Years Attachment in Tons:				
(e) Current 12-month Total of Emissions in Tons: [(b) + (c) - (d)]				

INSTRUCTIONS: Choose appropriate HAP calculation method for units reported:

(a) 1) If usage is in tons - [Column 2] x [Column 4] = [Column 5];
2) If usage is in pounds - [Column 2] x [Column 4] x [0.0005] = [Column 5];
3) If usage is in gallons - [Column 2] x [Column 3] x [Column 4] x [0.0005] = [Column 5];

(b) Summation of [Column 5] in Tons;

(c) 12-Month emissions (e) from last month's Attachment A in Tons;

(d) Monthly emissions total (b) from the previous year's Attachment A in Tons;

(e) Calculate the new 12-month combined emissions total. A 12-Month individual HAP emissions total (e) of less than 10.0 tons indicates compliance.

STATEMENT OF BASIS

Voluntary Limitations
In order to qualify for this Intermediate State Operating Permit, the permittee has accepted voluntary, federally enforceable emission limitations. Per 10 CSR 10-6.065(5)(C)1.A.(VI), if these limitations are exceeded, the installation immediately becomes subject to 10 CSR 10-6.065(6) and enforcement action for operating without a valid part 70 operating permit. It is the permittee's responsibility to monitor emission levels and apply for a part 70 operating permit far enough in advance to avoid this situation. This may mean applying more than eighteen months in advance of the exceedance, since it can take that long or longer to obtain a part 70 operating permit.

Permit Reference Documents
These documents were relied upon in the preparation of the operating permit. Because they are not incorporated by reference, they are not an official part of the operating permit.

1) Intermediate Operating Permit Application, received December 26, 2006;
2) 2006 Emissions Inventory Questionnaire, received April 13, 2007; and
3) U.S. EPA document AP-42, *Compilation of Air Pollutant Emission Factors*; Volume I, Stationary Point and Area Sources, Fifth Edition.

Other Air Regulations Determined Not to Apply to the Operating Permit
The Air Pollution Control Program has determined that the following requirements are not applicable to this installation at this time for the reasons stated.

10 CSR 10-6.100, *Alternate Emission Limits*
This rule is not applicable because the installation is in an ozone attainment area.

10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants*
It is highly unlikely that any of the natural-gas fired units will exhibit visual emissions. As long as the boiler and space heater continue to be exclusively fueled by natural gas, no periodic opacity monitoring is required.

10 CSR 10-6.260, *Restriction of Emission of Sulfur Compounds*
This rule does not apply to combustion equipment that uses exclusively pipeline grade natural gas. The boiler and space heater are exclusively natural gas-fired units.

10 CSR 10-6.400, *Restriction of Emission of Particulate Matter from Industrial Processes*
The only emission units that have the potential to emit particulate matter are the boiler and space heater. However, these emission units are indirect heating units, and are not subject to this rule in accordance with 10 CSR 10-6.400(1)(B)6.

Construction Permit Revisions
The following revisions were made to construction permits for this installation:

Construction Permit #0797-011
The only special condition in this permit was a reference to 10 CSR 10-3.090, *Restriction of Emission of Odors*. This rule is referenced in the Core Permit Requirements section of the permit, therefore, it is not necessary to include this special condition.

Construction Permit #012007-015
This permit was issued under both installation ID 097-0117 and the new site ID 097-0160, however these sites are not on contiguous property. In accordance with 10 CSR 6.065(3)(A)1., a single operating permit can only be issued for emission units located in a contiguous area. Therefore, this construction permit was not included as part of this operating permit.

Construction Permit #012005-012
The special conditions of this permit require compliance with 40 CFR 63 Subpart T and an annual limit on TCE emissions. The TCE emission limit was included as part of the plant wide conditions and compliance with 40 CFR 63 Subpart T is addressed in the operating permit. Since the special conditions were addressed in the operating permit, it was not necessary to list them separately.

New Source Performance Standards (NSPS) Applicability
40 CFR Part 60, Subpart D, *Standards of Performance for Fossil-Fuel-Fired Stem Generators for Which Construction is Commenced After August 17, 1971*
40 CFR Part 60, Subpart Db, *Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units*
40 CFR Part 60, Subpart Dc, *Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units*
The boiler was installed in 1987 and is rated at 4.5 MMBtu/hr. This boiler was installed prior to the applicability dates for Subpart Dc and is less than applicability threshold for these rules.

Maximum Available Control Technology (MACT) Applicability
40 CFR Part 63, Subpart T, *National Emission Standards for Halogenated Solvent Cleaning*
This rule applies by definition.

Other Regulatory Determinations
10 CSR 10-3.060, *Maximum Allowable Emissions of Particulate Matter from Fuel Burning Equipment Used for Indirect Heating*
The boiler (4.5 MMBtu/hr) and space heater (2.73 MMBtu/hr) are subject to this rule as indirect heating sources, however, emission units fired exclusively by natural gas should be in continuous compliance with this rule as demonstrated below:

$$\text{Natural gas PM emission factor (lbs/MMBtu)} = \frac{7.6 \text{ lbs}/10^6 \text{ scf}}{1020 \text{ } MMBtu/10^6 \text{ scf}} = 7.45 \times 10^{-03} \text{ lb/MMBtu}$$

(AP - 42 Table 1.4 - 2(7/98))

Other Regulations Not Cited in the Operating Permit or the Above Statement of Basis
Any regulation which is not specifically listed in either the Operating Permit or in the above Statement of Basis does not appear, based on this review, to be an applicable requirement for this installation for one or more of the following reasons.

1) The specific pollutant regulated by that rule is not emitted by the installation.
2) The installation is not in the source category regulated by that rule.
3) The installation is not in the county or specific area that is regulated under the authority of that rule.
4) The installation does not contain the type of emission unit, which is regulated by that rule.
5) The rule is only for administrative purposes.

Should a later determination conclude that the installation is subject to one or more of the regulations cited in this Statement of Basis or other regulations which were not cited, the installation shall determine and demonstrate, to the Air Pollution Control Program's satisfaction, the installation's compliance with that regulation(s). If the installation is not in compliance with a regulation which was not previously cited, the installation shall submit to the Air Pollution Control Program a schedule for achieving compliance for that regulation(s).

Prepared by:

for Michael Stansfield

Andrea D. Collier, P.E.
Environmental Engineer