

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

MAY 29 2014

Mr. Karl Brooks
Regional Administrator
U.S. EPA, Region VII
11201 Renner Boulevard
Lenexa, KS 66219

Dear Mr. Brooks:

The Missouri Department of Natural Resources' Air Pollution Control Program (Air Program) hereby submits the following Missouri State Implementation Plan (SIP) revision for your approval:

Americold Logistics, LLC 24-Hour Particulate Matter (PM₁₀) National Ambient Air Quality Standard (NAAQS) Consent Judgment

The Air Program is requesting that EPA approve the consent judgment in order to strengthen the Missouri SIP to address violations of the 24-hour coarse particulate matter (PM₁₀) NAAQS of 150 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) near the Americold Logistics' Carthage Crushed Limestone (CCL) facility.

The Missouri Air Conservation Commission adopted this plan at the March 27, 2014 commission meeting. A public hearing for the proposed plan was held on January 30, 2014 and comments were accepted from December 30, 2013 through February 6, 2014. During the public comment period for the proposed plan, the Air Program received four comments from two sources: one comment from an attorney with Bryan Cave LLP and three comments from the U.S. Environmental Protection Agency (EPA). A summary of the comments received and our responses are attached.

In order to comply with Attachment A of the "Regional Consistency for the Administrative Requirements of State Implementation Plan Submittals and the Use of 'Letter Notices'" memo dated April 6, 2011, a searchable pdf version of this document will be emailed to the EPA Regional Office and will be posted on our website at <http://dnr.mo.gov/env/apcp/stateplans.htm>.

Thank you for your attention to this matter. If you have any questions regarding this submittal, please contact Ms. Wendy Vit with the Missouri Department of Natural

Mr. Karl Brooks
Page Two

Resources' Air Pollution Control Program at P.O. Box 176, Jefferson City, MO 65102 or by telephone at (573) 751-4817.

Sincerely,

AIR POLLUTION CONTROL PROGRAM

Original signed by Kyra L. Moore

Kyra L. Moore
Director

KLM:wvc

Enclosures:

Copy of plan
Copy of commission signature page certifying Missouri Air Conservation Commission adoption
Copy of public hearing notices
Copy of public hearing transcript introductory statement
Copy of recommendation for adoption
Copy of the summary of comments and responses

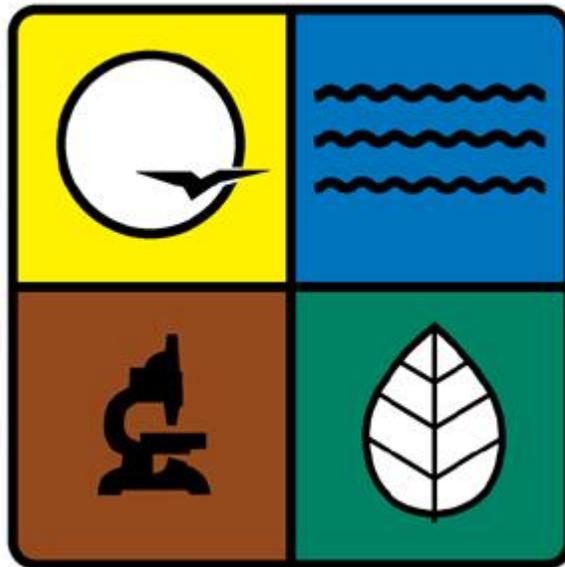
c: Missouri Air Conservation Commission
File# 1987-PM-6 Carthage

Missouri State Implementation Plan Revision

**Americold Logistics, LLC
24-Hour Particulate Matter (PM₁₀)
National Ambient Air Quality Standard (NAAQS)
Consent Judgment**

**Adoption
March 27, 2014**

**Prepared for the
Missouri Air Conservation Commission**



**Missouri Department of Natural Resources
Division of Environmental Quality
Air Pollution Control Program
Jefferson City, Missouri**

I. Purpose

As required by Section 110(a) of the Clean Air Act, Missouri's State Implementation Plan (SIP) must ensure attainment and maintenance of all National Ambient Air Quality Standards (NAAQS). The Missouri Department of Natural Resources' Air Pollution Control Program is amending and strengthening the Missouri SIP to address violations of the 24-hour coarse particulate matter (PM₁₀) NAAQS of 150 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) near the Americold Logistics, LLC's Carthage Crushed Limestone (CCL) facility. The SIP revision consists of a consent judgment with CCL for measures intended to reduce PM₁₀ emissions at the facility, all of which are scheduled for installation and operation by March 31, 2014.

II. Background and History

Particulate Matter is a mixture of extremely small solid particles and liquid droplets made up of a variety of components, including acids (such as nitrates and sulfates), organic chemicals, and soil or dust particles. Coarse particles (coarse fraction of PM₁₀) are inhalable and are between 2.5 and 10 micrometers in diameter. Common PM₁₀ emission sources include windblown dust; dust from roadways; agricultural tilling; construction activities; and crushing, quarrying, and grinding operations. PM₁₀ poses health problems because these particles can bypass the body's natural defense mechanisms and affect both the heart and lungs.

EPA's current health-based PM₁₀ NAAQS was set in 1987 at a level of 150 $\mu\text{g}/\text{m}^3$ measured over 24 hours. An *exceedance* of the NAAQS is a daily (24-hour average) PM₁₀ concentration that is above the level of the standard. A *violation* of the NAAQS occurs when an exceedance occurs more than once per year on average over three years.

CCL is a limestone quarry operation located near Carthage, Missouri in Jasper County. The Carthage Air Quality monitoring site was established in January 1999 as a State or Local Air Monitoring Station (SLAMS) site for PM₁₀ NAAQS compliance monitoring. The monitor is located very near CCL's operations as shown in the aerial photograph in Attachment 1. It is a continuous Federal Equivalent Method (FEM) PM₁₀ monitor that provides both hourly and 24-hour integrated PM₁₀ data.

The Air Program has worked with CCL to address exceedances and violations of the PM₁₀ NAAQS measured at the Carthage monitor dating back to 2001. In October 2003, all parties entered into a settlement agreement containing measures for reducing CCL's fugitive particulate matter emissions. Under the agreement, CCL was required to purchase an 8,000 gallon water truck, relocate the dust collector at the rail site, pave entrances, implement usage of chemical surfactants, purchase a street sweeper, install wheel wash units, relocate the fine grind scale, establish a single roadway to the fine grind plant, and improve the grind feed transfer system, all by December 31, 2004. In addition, CCL was to implement dust collection at truck loadout points by August 2005. Activities conducted under the agreement addressed the issues at the Carthage monitor for several years.

As discussed above, the PM₁₀ NAAQS is not met if the three-year average number of days per year that 150 $\mu\text{g}/\text{m}^3$ was exceeded is greater than one day per year. Figure 1 shows this number of days for 1999 through 2013 based on measurements at the State's Carthage monitoring site.

Exceedance days shown in the figure are queried from the Environmental Protection Agency (EPA) Air Quality System (AQS) (*EPA AQS AMP488 Report, 02/25/2014*).

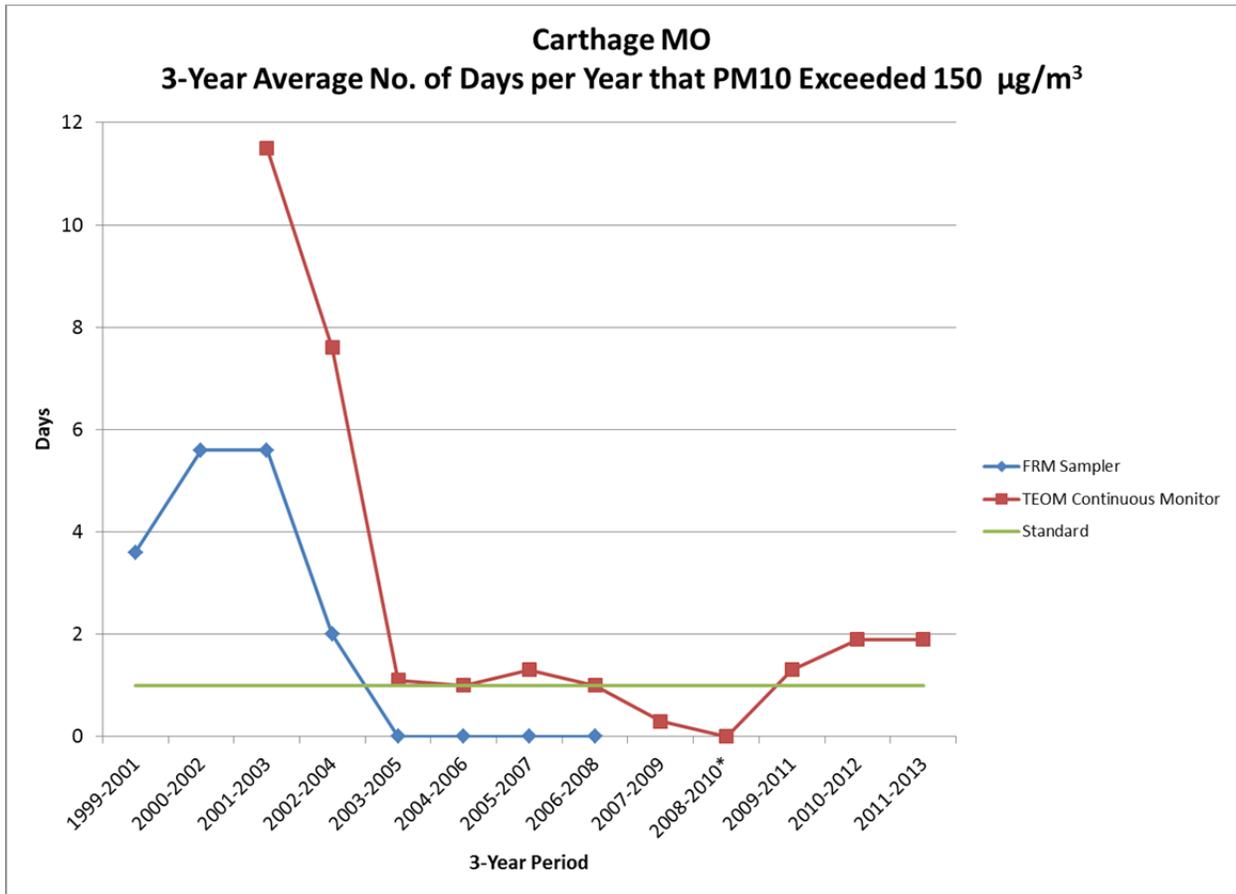
The federal reference method (FRM) sampler (results shown in blue) collected an integrated 24-hour filter sample every third day. The every-third day schedule is based on requirements in 40 CFR 58.12. The total number of days that the standard was exceeded each year was estimated based on the results from the every-third-day samples. These annual results were then averaged over each three-year period.

The tapered element oscillating microbalance (TEOM) monitor (results shown in red) measured the PM₁₀ concentration continuously and reported hourly average results. The total number of days that the standard was exceeded each year was estimated based on 24-hour block averages if the monitor did not operate every day, or the number of days per year that the standard was exceeded was used directly if the sampler operated every day. These annual results were then averaged over each three-year period.

Because of the difference between the operating schedules of the two instruments, the number of days that the standard is exceeded can be different between the two instruments, for example if relatively high PM₁₀ days are observed with the TEOM but missed by the FRM because of its intermittent schedule. The difference for the 2001-2003 and 2002-2004 periods results primarily from the number of observed exceedance days in 2002 for the TEOM being higher than that for the FRM.

The significant features of the figure are that the standard was not met for the first four periods, was met or nearly met for the next seven periods, and then was not met for the two most recent overlapping three-year periods.

Figure 1



*The average number of exceedance days measured by the TEOM for 2008-2010 is labeled as not valid in the AMP488 report, possibly because only 3 quarters of valid data were reported for 2010. However, no exceedances of the standard were observed in 2008 through 2010.

III. Current PM₁₀ NAAQS Violations

The Carthage monitor again began recording elevated PM₁₀ concentrations from March 2010 through January 2012. These exceedances are summarized in the chart below along with data validity and certification status in EPA's Air Quality System (AQS). Based on validated air quality data for the 2009-2011 period, the monitor is in violation of the PM₁₀ NAAQS with an estimated number of exceedances of 1.7. Preliminary 2012 monitoring data, which has been quality-assured through June 30, 2013, indicates an estimated number of exceedances of 2.3 for the 2010-2012 period. Validated data through June 30, 2013 projects a number of expected exceedances of 2.0 for the 2011-2013 period. Assuming no additional exceedances are monitored, the site is expected to meet the PM₁₀ NAAQS in the 2012-2014 period with a number of expected exceedances of 0.6.

Carthage PM ₁₀ AQS Data Validity and Certification Status as of 6/30/2013			
Date	24-hour PM ₁₀ Exceedance (µg/m ³)	Data Validated in AQS (Yes/No)	Data Certified in AQS (Yes/No)*
3/18/2010	151	Yes	Yes
6/23/2011	174	Yes	Yes
9/9/2011	159	Yes	Yes
9/26/2011	258	Yes	Yes
11/30/2011	192	Yes	Yes
1/16/2012	222	Yes	Yes

**The data for calendar year 2012 is certified in the Environmental Protection Agency's (EPA) Air Quality System (AQS) as of May 1, 2013.*

IV. 2014 Consent Judgment and Voluntary Alarm System

The Air Program initiated assistance discussions with CCL in January 2012 and conducted an on-site assistance visit on February 1, 2012. As a result of these discussions, the Air Program worked with CCL to establish a protocol to provide preliminary near-real-time ambient air monitoring data directly to CCL staff for episode analysis. Former practice for handling ambient air monitoring data was to wait until monitoring data had been validated and reported to AQS prior to reporting that an 'official' exceedance or violation had occurred, a process which can take up to 90 days after the quarter in which the monitoring data was collected. Recent advances in technological and management practices for handling near-real time ambient air monitoring data has improved to the point where obvious equipment malfunctions can be determined relatively quickly and evaluations about data validity for exceedance events can be relayed relatively quickly to stakeholders.

In response to the Air Program's inquiries about the causes of the recent PM₁₀ NAAQS violations, CCL re-evaluated their operations and emission sources and submitted a letter on

June 8, 2012 to the Air Program proposing additional control measures. As summarized in their letter, CCL determined that excessive emissions occurred when the haulage equipment malfunctioned and the Telsmith Crusher ran short on processing material. The letter also indicated that a malfunctioning compressor for the Chip Plant, Cedar Rapids Dryer and Collector had been repaired, which was expected to reduce visible emissions from this equipment. In addition, a newly designed transition and bin top was expected to address excessive emissions from the Cedar Rapids Long Lime Belt Discharge. Another significant measure identified in the letter was replacing the smooth bags in the Cedar Rapids Torrit collector with pleated bags expected to have better cleaning efficiency, fewer bag failures, and a reduction in the number of start-up and shut-down operations. With these and other measures in the letter as a starting point, the Air Program and CCL worked cooperatively to develop an enforceable consent judgment for implementing controls to further reduce PM₁₀ emissions at the facility. CCL proactively put several of the controls in place during 2012 and 2013 prior to finalization of the consent judgment (e.g., replacing smooth bags with pleated bags in two bag houses, the Cedar Rapids Torrit Dust Collector and the Line #1 BHA West Dust Collector).

The 2014 consent judgment being submitted to the EPA for incorporation into the Missouri SIP is in Attachment 2. The control measures include the installation of dust suppression equipment, baghouse and dust collection improvements, adjustments to material transition points, and other measures. The agreement sets specific milestones on an expedited schedule in order to address the NAAQS violations in a timely manner; all control measures are to be installed and operational no later than March 31, 2014. The consent judgment includes additional controls referred to as “contingency measures” to be implemented immediately in the event of a future monitored PM₁₀ NAAQS exceedance. Within 10 days, CCL is to conduct an investigation and submit to the department a detailed report addressing the cause and mitigation of any monitored exceedance and a plan for preventing similar exceedances in the future. Further specific contingency measures identified in the consent judgment include connecting additional conveyor transfer points to the dust collection system, enhancing the wet suppression system, and reducing the use of compressed air for cleaning certain equipment. The aerial photograph of CCL’s operations in Attachment 1 illustrates the locations of the controls and contingency measures.

As specified in section XII, the 2014 consent judgment will terminate if CCL ceases operation of PM₁₀ emission units or elements in Exhibit A, Compliance Plan, are imposed in a permit or permit amendment. In the event the 2014 consent judgment is terminated, the Air Program would incorporate applicable contingency measures into a new consent judgment or into a permit/permit amendment and submit to EPA for inclusion in the Missouri SIP.

The consent judgment also includes additional Emissions Inventory Questionnaire (EIQ) reporting requirements. Per 10 CSR 10-6.110, CCL is required to submit periodic emission inventory data to the Air Program. Upon review of their 2008 emission year report (EIQ), the Air Program determined that the nomenclature and calculations used in the EIQ did not match those used in the issued permits and the facility was not using the current emission estimation equations. Because this issue was never resolved, the consent judgment requires Americold to submit a full EIQ for calendar year 2012 by February 1, 2014.

In addition to installing control measures, CCL voluntarily agreed to participate in a near-real-time PM₁₀ concentration alarm notification system for monitored hourly PM₁₀ levels that exceed 150 µg/m³. The notification consists of an automated email to the department and CCL from the department's data acquisition system when this hourly threshold is exceeded. Although the near-real-time data is preliminary, the notification allows CCL to investigate elevated levels early to determine what emissions sources could be contributing and to take corrective actions, if needed, to prevent a 24-hour exceedance. The department also posts the hourly PM₁₀ and on-site wind speed and wind direction data to the department's webpage to provide immediate information about whether or not the prevailing winds are out of the direction of the facility's emission sources. Since the inclusion of CCL into the automated alarm system, staff at the facility has been able to identify causes for elevated PM₁₀ concentrations that are likely attributable to facility emission sources and have communicated their findings, in detail, to the department in a timely manner. These voluntary investigations by CCL have been useful in understanding how equipment performance and best management practices may affect monitored particulate concentrations. The PM₁₀ concentration alarm notification system is strictly voluntary; the Air Program is not submitting requirements for CCL to participate in the alarm notification system for inclusion in the Missouri SIP.

CCL will continue to implement all permanent and enforceable control measures in place prior to the 2014 consent judgment. In particular, CCL will maintain all best management practices, including application of 100 gallons of water per day per 1,000 square feet of unpaved/untreated surface area, as required by Construction Permits 062005-013 and 062005-014. The 2013 consent judgment builds on and complements existing measures at the CCL facility to ensure continued compliance with the PM₁₀ NAAQS.

The recently implemented control measures, plus CCL's attentiveness to elevated hourly readings via the voluntary alarm system have resulted in a positive impact on the Carthage monitor. No exceedances have been recorded at the monitor since January 16, 2012. It is important to note that Missouri experienced severe drought conditions during the summer and fall of 2012, which would tend to exacerbate fugitive particulate matter emissions. The fact that no exceedances of the PM₁₀ NAAQS occurred during these conditions gives further support to the effectiveness of CCL's efforts. Full implementation of the control measures outlined in the consent judgment, along with any contingency measures if triggered, is expected to further reduce PM₁₀ emissions at the facility and ensure continued maintenance of the 24-hour PM₁₀ NAAQS in the future.

V. Public Participation

In accordance with Section 110(a)(2) of the CAA, the Missouri Air Conservation Commission is required to hold a public hearing prior to adoption of this plan and the subsequent submittal to the EPA. The department notifies the public and other interested parties of an upcoming public hearing and comment period thirty (30) days prior to holding such hearing for this SIP revision as follows:

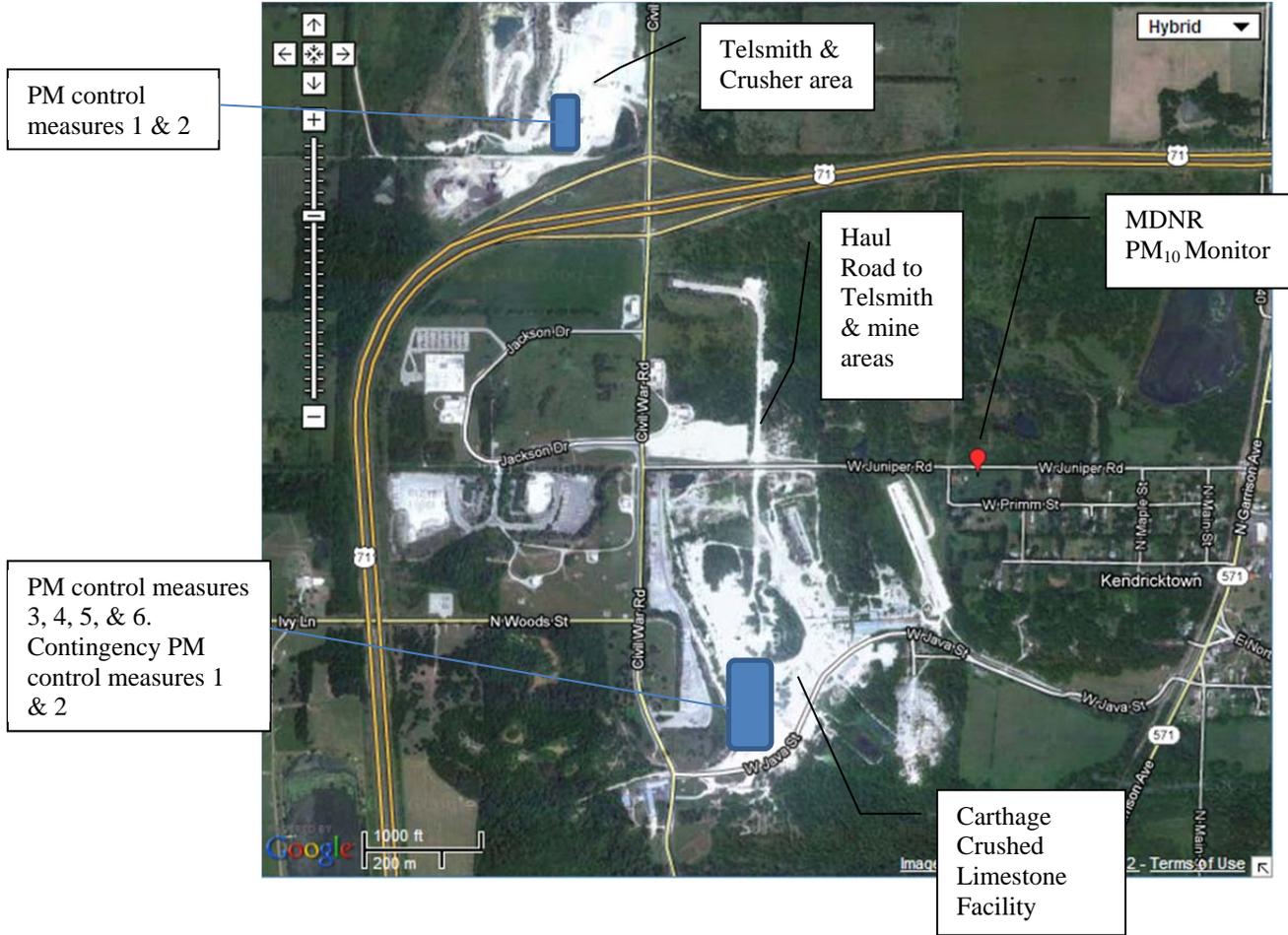
- Notice of availability of the SIP revision was posted on the Department of Natural Resources' Air Pollution Control Program website on December 30, 2013: <http://www.dnr.mo.gov/env/apcp/stateplanrevisions.htm>
- The public hearing was held on January 30, 2014 beginning at 9:00 a.m. at the Elm Street Conference Center, in Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, MO 65101.
- The public comment period for the plan opened when it was posted on the Department of Natural Resources' Air Pollution Control Program website on December 30, 2013, and closed on February 6, 2014, seven days after the public hearing.

VI. Conclusion

The Air Program is submitting a consent judgment with CCL for incorporation into the Missouri SIP in order to strengthen the SIP and make these requirements federally enforceable. The consent judgment includes a number of controls designed to reduce fugitive particulate matter emissions at this facility on an expedited schedule. CCL's proactive approach, including early implementation of several control measures and participation in a near real-time alarm system on a voluntary basis, is already yielding positive results at the Carthage monitor, which has not measured an exceedance of the PM₁₀ NAAQS since January 16, 2012. The Air Program expects complete implementation of all measures in the 2014 consent judgment, along with continuation of best management practices as required by the facility's permanent and enforceable construction permits, will ensure continued compliance with the 24-hour PM₁₀ NAAQS.

Attachment 1

Carthage Monitoring Site AQS# 29-097-0003
530 Juniper, Carthage, MO 64836



PM Control Measures as outlined in the Consent Judgment:

1. Wet suppression system for crushers.
2. Eliminate screen, OR, reduce free fall distance of rock & use wet suppression system.
3. Install new compressor on baghouse controlling the dryer.
4. New drop point transition to improved seal at conveyor transfer point.
5. New bin top on west lime hopper.
6. New drop point transitions to improved seals at conveyor transfer points.

Contingency PM Control Measures 1 & 2 both entail connecting additional conveyor transfer points to the dust collection system.



Missouri
Department of
Natural Resources

Crushers

MODNR ID	Description
1 CRUSHER-TS-01	Telsmith 4856 Horizontal Impact Crusher
2 CRUSHER-TS-02	Telsmith 5263 Horizontal Impact Crusher
3 CRUSHER-CR-01	El-Jay RC-54 Cone Crusher
4 TORN-CR-01	Tornado Vertical Shaft Impact Crusher at Cedar Rapids plant
5 TORN-L1-01	Tornado Vertical Shaft Impact Crusher at Line #1
6 TORN-L2-01	Tornado Vertical Shaft Impact Crusher at Line #2

Collectors

MODNR ID	Description
7 COLLECTOR-CR-01	American Air Filter collector on the Cedar Rapids Dryer and all connected duct work.
8 COLLECTOR-CR-02	American Air Filter Collector on the high frequency screen, drop points, and all connected duct work.
9 COLLECTOR-CR-04	Torit collector on the Cedar Rapids Tornado and Elevator and all connected duct work.
10 COLLECTOR-RM-01	BHA Collector for Roller Mill System and all connected duct work.
11 COLLECTOR-L1-01	BHA Collector for Screen and Drop points on Line #2 and all connected duct work.
12 COLLECTOR-L1-03	Mack Collector for Line #1 Load out tunnel and all connected duct work.
13 COLLECTOR-L2-01	BHA Collector for the Retractable Rail Loadout spout and all connected duct work.
14 COLLECTOR-L2-02	BHA Collector for Screen and Drop points on Line #2 and all connected duct work.
15 COLLECTOR-L2-03	Mack Collector for Line #2 Load out tunnel and all connected duct work.



Missouri
Department of
Natural Resources

**Attachment 2 – Missouri State Implementation Plan Revision
2014 Consent Judgment for Americold Logistics, LLC for 24-Hour Particulate Matter
(PM₁₀) National Ambient Air Quality Standard (NAAQS)**

IN THE CIRCUIT COURT OF JASPER COUNTY, MISSOURI

STATE OF MISSOURI ex rel. Chris Koster,)
 the Attorney General of Missouri, and the)
 Missouri Department of Natural Resources,)
)
 Plaintiff,)
)
 v.)
)
 AMERICOLD LOGISTICS, LLC.)
)
 Defendant.)

FILED
MELISSA HOLCOMB-CLERK
 5-13-2014
JASPER COUNTY CIRCUIT COURT
JOPLIN MO

Case No.

CONSENT JUDGMENT

Plaintiff, by and through its relators Attorney General Chris Koster and the Missouri Department of Natural Resources, and Defendant Americold Logistics, LLC, by and through counsel, consent to the entry of this Consent Judgment.

The Court has read Plaintiffs Petition for Injunctive Relief and Civil Penalties, in which Plaintiff alleges that Defendant violated the Missouri Air Conservation Law. The Court is satisfied that the provisions of this Consent Judgment are intended to resolve the issues raised by the Petition and that the parties want to terminate this controversy and consent to the entry of this judgment without trial.

Each and every term of this Judgment shall be enforceable by further order of this Court, and to that end, the Court retains jurisdiction of the matter in order to enforce each and every term of this Consent Judgment. The Court finds that the terms of this Consent Judgment protect the public's interest.

The parties, having consented to the entry of this Consent Judgment, it is hereby ORDERED, ADJUDGED AND DECREED that:

I. Objectives of the Parties

The objectives of the parties to this Consent Judgment are to protect human health and the environment and to compromise, satisfy and resolve allegations contained in Plaintiff's Petition without any admission of liability with regard to the alleged violations in the Petition on the part of the Defendant.

II. Definitions

2. Terms used herein shall have the same meaning as provided in the Missouri Air Conservation Law, Chapter 643 and the regulations adopted thereunder ("MACL"). In addition, the following terms are specifically defined:

- a. "Consent Judgment" means this Consent Judgment and all attachments, which are included by reference and fully enforceable as a term of the judgment.
- h. "Defendant" means Americold Logistics, LLC
- c. "Department" means the Missouri Department of Natural Resources.
- d. "Effective Date" means the date that the Court enters an order approving this Consent Judgment.
- e. "Installation" means the Defendant's limestone crushing operation known as Carthage Crushed Limestone at 1331 Civil War Road, Carthage, Jasper County, Missouri.
- f. "Plaintiff" and "State" means the State of Missouri on the relationship of Attorney General Chris Koster and the Department.

III. Jurisdiction and Venue

3. This Court has jurisdiction over the subject matter and the parties in this case pursuant to § 643.151.1 RSMo. Venue is proper in this court pursuant to § 643.151.1 RSMo because the Defendant's conduct giving rise to this action took place in Jasper County.

IV. Parties Bound

4. The provisions of this Judgment shall be binding upon the parties to this action as well as their agents, servants, employees, heirs, successors, assigns, and to all persons, firms, corporations and other entities who are, or who will be, acting in concert or privity with, or on behalf of the parties to this action or their agents, servants, employees, heirs, successors, and

assigns. Defendant shall provide a copy of this order to all persons or entities retained to perform work required by this order. To the extent that any prior agreement between the parties is in conflict with this Consent Judgment, this Consent Judgment controls.

V. Satisfaction and Reservation of Rights

5. The Department and Attorney General agree not to bring or cause to be brought any civil action against Defendant or its officers, directors, employees or agents for violations alleged in the Petition, except to enforce the terms of this Consent Judgment. Upon the completion of all terms of this Consent Judgment, including the payment of civil penalties, completion of all schedules of compliance and the payment of any stipulated penalties due under the terms of this Consent Judgment, Defendant is relieved of liability for the violations alleged in the Petition and of any further obligations under this Consent Judgment.

6. This Consent Judgment shall not be construed to limit the rights of the State to obtain penalties or injunctive relief under the MACL or its implementing regulations or under other federal or state laws, or regulations, except as expressly stated in the preceding paragraph of this Consent Judgment. Without limiting the foregoing, the parties expressly agree that:

a. Nothing in this Consent Judgment shall prevent the State from applying to this Court for further orders or relief if violations of this Consent Judgment occur.

b. Nothing in this Consent Judgment shall preclude the State from seeking equitable or legal relief for violations of the Missouri laws or regulations that were not alleged in the petition.

c. Nothing in this Consent Judgment shall preclude the State from seeking equitable or legal relief for future violations of the MACL,

d. The State of Missouri further reserves all legal and equitable remedies to address any imminent and substantial endangerment to the public health or welfare or the environment arising at, or posed by, Defendant' facility, acts or omissions, whether related to the violations addressed in this Consent Judgment or otherwise.

e. Nothing in this Consent Judgment shall in any way limit the availability of any defenses that Defendant may have to the actions identified in paragraphs 6 (a-d).

VI. Injunctive Relief

7. Defendant shall implement the Compliance Plan, which is attached to this Consent Judgment as Exhibit A, the terms of which are incorporated into this Consent Judgment as if fully set forth herein.

8. Defendant shall obtain all approvals and permits necessary to perform the terms of the Compliance Plan, if any, at Defendant's cost.

VII. Information Collection and Retention

9. The State, through its authorized representatives, shall have the right of entry into the Installation at all reasonable times, upon presentation of credentials, to:

- a. monitor the progress of activities required under this Consent Judgment;
- b. verify any data or information submitted to the State in accordance with the terms of this Consent Judgment;
- c. obtain samples and, upon request, splits of any samples taken by Defendant or Defendant's representatives, contractors, or consultants;
- d. obtain documentary evidence, including photographs and similar data; and
- e. assess Defendant's compliance with this Consent Judgment.

10. Upon request, Defendant shall provide the State, through its authorized representatives, splits of any samples taken by Defendant.

11. Until five years after the termination of this Consent Judgment, Defendant shall retain, and shall instruct its contractors and agents to preserve, all non-identical copies of all documents, records, or other information (including documents, records, or other information in electronic form) in its or its contractors' or agents' possession or control, or that come into its or its contractors' or agents' possession or control, and that relate in any manner to Defendant's performance of its obligations under this Consent Judgment. This information-retention requirement shall apply regardless of any contrary corporate or institutional policies or

procedures. At any time during this information-retention period, upon request by the State, Defendant shall provide copies of any non-privileged documents, records, or other information required to be maintained under this Paragraph.

12. This Consent Judgment in no way limits or affects any right of entry and inspection, or any right to obtain information, held by the State pursuant to applicable federal or state laws, regulations, or permits, nor does it limit or affect any duty or obligation of Defendant to maintain documents, records, or other information imposed by applicable federal or state laws, regulations, or permits.

VIII. Stipulated Penalties

13. In the event that Defendant fail to comply with the requirements of the Compliance Plan, Exhibit A, Defendant shall pay stipulated penalties in accordance with the following schedule :

A. \$100.00 per day for each day of each violation up to thirty days.

B. \$250.00 per day for each day of each violation, from thirty-one days to sixty days.

C. \$500.00 per day for each day of each violation, beyond sixty days.

14. Stipulated penalties shall be due and payable within ten days of demand being made by the Attorney General's Office. Defendant shall pay stipulated penalties by check made payable to the "*State of Missouri (Jasper County)*" and mailed, along with a copy of the State's stipulated penalty demand letter, to: Collections Specialist, Missouri Attorney General's Office, P.O. Box 899, Jefferson City, MO 65102-0899. That check will be deposited and processed in accordance with the consent judgment and Missouri law.

15. The inclusion of stipulated penalty provisions in this Consent Judgment, and the payment of stipulated penalties, does not limit the State's ability to pursue other penalties for the same acts; where a violation of this Consent Judgment also constitutes a violation of a statute, stipulated penalties may be collected in addition to statutory penalties imposed for those violations.

IX. Dispute Resolution

16. Unless otherwise expressly provided for in this Consent Judgment, the dispute resolution procedures of this section shall apply to resolve disputes arising under or with respect to this Consent Judgment.

A. Informal Dispute Resolution. Any dispute under this Consent Judgment shall first be the subject of informal negotiations. The dispute shall be considered to have arisen when Defendant sends the Department a written Notice of Dispute. Such Notice of Dispute shall state clearly the matter in dispute. The period of informal negotiations shall not exceed thirty (30) Days from the date of the Notice of Dispute, unless that period is modified by written agreement between the Parties. If the Parties cannot resolve a dispute by informal negotiations, then the position advanced by the Department shall be considered binding unless, within twenty (20) Days after the conclusion of the informal negotiation period, Defendant invokes formal dispute resolution procedures as set forth below.

B. Formal Dispute Resolution. Defendant shall invoke formal dispute resolution procedures, within the time period provided in the preceding subparagraph, by serving on the Department and the Plaintiff a written Statement of Position regarding the matter in dispute. The Statement of Position shall include, but need not be limited to, any factual data, analysis, or opinion supporting Defendant's position and any supporting documentation relied upon by Defendant.

C. The Department shall serve its Statement of Position within sixty (60) Days of receipt of Defendant's Statement of Position. The Department's Statement of Position shall include, but need not be limited to, any factual data, analysis, or opinion supporting that position and any supporting documentation relied upon by the Department. The Department's Statement of Position shall be binding on Defendant, unless Defendant files a petition for judicial review of the dispute in accordance with the following subparagraph.

D. Defendant may seek judicial review of the dispute by filing a motion with this Court and serving on the Department, the motion requesting judicial resolution of the dispute. The Motion must be filed within fifteen (15) Days of receipt of the Department's Statement of Position pursuant to the preceding subparagraph.

E. The Department shall respond to Defendant's motion within thirty (30) Days.

F. The invocation of dispute resolution procedures under this section shall not, by itself, extend, postpone, or affect in any way any obligation of Defendant under this Agreement not in dispute. As part of the resolution of any dispute under this Section, in appropriate circumstances the disputing Parties may agree, or this Court may order, an extension or modification of the schedule for the completion of the work required under this Consent Judgment.

X. Modification

17. Except as otherwise specified herein, there shall be no modification of this Consent Judgment without the written agreement of the Parties. There shall be no material modification of this Consent Judgment without the written agreement of the Parties and the approval of the Court. All modifications shall be in writing and filed with the Court.

XI. Costs

18. Defendant shall pay all court costs in this action.

XII. Termination

19. In the event Defendant ceases operation of PM₁₀ emission units at Defendant's Installation subject to this Consent Judgment, Defendant shall notify MDNR and will be relieved of the injunctive relief or other required practices that were for the purpose of reducing PM₁₀ emissions from the subject units at Defendant's Installation.

20. In the event that elements of Exhibit A, Compliance Plan, are imposed in a permit or permit amendment and incorporated into the State of Missouri's State Implementation Plan, Defendant shall be relieved of the injunctive relief or other required practices that

were for the purpose of reducing PM₁₀ emissions from the subject units at Defendant's Installation and this Consent Judgment shall terminate. MDNR shall cooperate with Defendant in the issuance of a permit amendment or permit incorporating the elements of the Compliance Plan.

The parties hereby consent to this Consent Judgment through their duly authorized representatives as indicated below.

AMERICOLD LOGISTICS, LLC

By: Original signature on file

Title: EVF

Date: 2/2/14

MISSOURI ATTORNEY GENERAL'S OFFICE

By: Original signed by Don A. Willoh

Don A. Willoh
Assistant Attorney General

Date: 3-28-14

MISSOURI DEPARTMENT OF NATURAL RESOURCES

By: Original signed by Kyra L. Moore

Kyra L. Moore, Director
Air Pollution Control Program

Date: 3-27-14

MISSOURI AIR CONSERVATION COMMISSION

By: Original signed by Gary J. Pendergrass

Date: 03-27-14

SO ORDERED.

Original signature on file

Circuit Judge

Date: 5-13-14

COURT SEAL OF



JASPER COUNTY

The Missouri Air Conservation Commission **ADOPTS** the following action on this 27th day of March, 2014:

Missouri State Implementation Plan Revision – Americold Logistics, LLC
Particulate Matter (PM₁₀) Consent Judgement

Original signed by Commissioners:	
Gary J Pendergrass	, Chairman
Mark Garnett	, Vice Chairman
David C. Zimmermann	, Member
Jack C Baker	, Member

_____, Member

_____, Member

_____, Member

Jay Nixon, Governor
Sara Parker Pauley, Director

Air Pollution Control Program



State Plan Actions

[On Public Notice](#) | [Proposed for Adoption](#)

On Public Notice

Supplement/Revision to the Redesignation Demonstration and Maintenance Plan for the Missouri Portion of the St. Louis Nonattainment Area for the 1997 Annual Fine Particulate Matter National Ambient Air Quality Standard

Based on monitoring data from 2007-2009, the St. Louis nonattainment area achieved attainment of the 1997 annual fine particulate matter (PM_{2.5}) national ambient air quality standard (NAAQS). In August 2011, the Missouri Air Conservation Commission adopted the Redesignation Demonstration and Maintenance Plan for the Missouri Portion of the St. Louis Nonattainment Area for the 1997 Annual PM_{2.5} NAAQS. This plan was then submitted to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan. The Missouri Department of Natural Resources Air Pollution Control Program has developed a technical supplement/revision to this plan. The technical supplement/revision to this plan makes corrections to the emissions inventories included in the plan, includes emissions inventories and a discussion on controls for the Illinois portion of the nonattainment area, and changes the future year of the plan from 2022 to 2025. This technical supplement also establishes motor vehicle emissions budgets to be used in regional transportation conformity determinations for the base year (2008) and the future year (2025) of the plan. Through this SIP submittal, the Missouri Department of Natural Resources Air Pollution Control Program is requesting that:

- EPA redesignate the Missouri Portion of the St. Louis 1997 PM_{2.5} nonattainment area to attainment pursuant to the provisions of the Clean Air Act, section 107;
- Concurrently, EPA approve the associated maintenance plan as a revision to the State Implementation Plan (SIP) meeting the requirements of the Clean Air Act, section 175A;
- That EPA approve the 2008 base year inventory as meeting the requirements under Clean Air Act section 172(c)(3); and
- Approve the Motor Vehicle Emissions Budgets (MVEBs) for the years 2008 and 2025 pursuant to Clean Air Act Section 176(c).

[Proposed Supplement/Revision to the Redesignation Demonstration and Maintenance Plan for the Missouri Portion of the St. Louis Nonattainment Area for the 1997 Annual Fine Particulate Matter National Ambient Air Quality Standard Appendices A through L](#)

[Submit Comments](#)

A public hearing is scheduled for this plan action on January 30, 2014. Comments about this plan action will be accepted through the close of business on February 6, 2014.

Missouri State Implementation Plan Revision - Limited Maintenance Plan for the St. Louis Nonclassifiable Maintenance Area for the 8-Hour Carbon Monoxide National Ambient Air Quality Standard

The initial maintenance plan for the St. Louis nonclassifiable Carbon Monoxide (CO) maintenance area ensured attainment of the CO NAAQS through 2008. Pursuant to Section 175A(b) of the Clean Air Act, the State must submit a subsequent plan revision for maintaining the standard for an additional 10 year period after the expiration of the first maintenance period. The Air Program has developed a second maintenance plan that provides for continued attainment of the 8-hour CO NAAQS for the St. Louis area from 2008 through 2018. The plan provides assurances that, in the event of a subsequent violation of the CO NAAQS, additional control options, called contingency measures, can quickly be implemented to prevent any future violations. In addition, this plan includes CO ambient air quality monitoring data from the last seven years and an updated emission inventory for average winter day CO emissions in the St. Louis area.

[Proposed Revision to Limited Maintenance Plan for the St. Louis Nonclassifiable Maintenance Area for the 8-Hour Carbon Monoxide National Ambient Air Quality Standard Appendices A and B](#)

[Submit Comments](#)

A public hearing for this plan action will be held on Jan. 30, 2014. Comments about this plan action will be accepted through the close of business on Feb. 6, 2014.

Missouri State Implementation Plan Revision - Americold Logistics, LLC 24-Hour Particulate Matter (PM10) National Ambient Air Quality Standard (NAAQS) Consent Judgment

As required by Section 110(a) of the Clean Air Act, Missouri's State Implementation Plan (SIP) must ensure attainment and maintenance of all National Ambient Air Quality Standards (NAAQS). The Missouri Department of Natural Resources' Air Pollution Control Program is proposing to amend and strengthen the Missouri SIP to address violations of the 24-hour coarse particulate matter (PM10) NAAQS of 150 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) near the Americold Logistics, LLC's Carthage Crushed Limestone (CCL) facility. The SIP revision consists of a consent judgment with CCL for measures intended to reduce PM10 emissions at the facility, all of which are scheduled for installation and operation by March 31, 2014.

[Proposed CCL PM10 SIP Revision](#)
[Attachment 2 - Proposed CCL Consent Judgment](#)
[Exempt Equipment List](#)

[Submit Comments](#)

A public hearing for this plan action will be held on Jan. 30, 2014. Comments about this plan action will be accepted through the close of business on Feb. 6, 2014.

Proposed for Adoption

None at this time.

[Back to top](#)

Bechtel, Cheri

From: Missouri DNR <MODNR@public.govdelivery.com>
Sent: Tuesday, December 24, 2013 8:33 AM
To: Bungart, Renee; Archer, Larry; Beydler, Van; Lovejoy, Victoria; Moore, Kyra; Vit, Wendy; Bechtel, Cheri; Crawford, Betsy
Subject: Courtesy Copy: Missouri DNR Air Public Notices Update - Missouri Air Conservation Commission Public Hearing, Jan. 30, 2014

This is a courtesy copy of an email bulletin sent by Cheri Bechtel.

This bulletin was sent to the following groups of people:

Subscribers of Air Public Notices (535 recipients)



Having trouble viewing this email? [View it as a Web page.](#)



**MISSOURI AIR CONSERVATION COMMISSION
WILL HOLD PUBLIC HEARING**

JEFFERSON CITY, MO -- The Missouri Air Conservation Commission will hold a public hearing on Thursday, January 30, 2014 beginning at 9 a.m. at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. The commission will hear testimony related to the following proposed action(s):

- * 10 CSR 10-6.200 (amendment) Hospital, Medical, Infectious Waste Incinerators

This proposed amendment will remove language from the compliance and performance testing provisions that provide an exemption to the emission limits for hospital, medical, and infectious waste incinerators (HMIWI) during start-up, shutdown, or malfunction conditions. In addition, the hierarchy of definitions will clearly state that the applicable definitions in the Code of Federal Regulations take precedence over those in 10 CSR 10-6.020 Definitions and Common Reference Tables. At the same time, EPA test method references in the state rule will be revised to match how these methods are referred to in the federal HMIWI regulations.

The above rule action will not be submitted for inclusion in the Missouri State Implementation Plan but will be submitted for inclusion in the plan established under Clean Air Act Section 111(d) covering existing sources of noncriteria pollutants.

- * 10 CSR 10-5.240 (rescission) Additional Air Quality Control Measures May be Required When Sources Are Clustered in a Small Land Area

This proposed rescission will remove an outdated rule originally written in 1967, prior to the federal Clean Air Act. This rule was intended to provide the Missouri Air Conservation Commission authority to regulate particulate matter and sulfur dioxide emissions from concentrated sources in the St. Louis area. Given that section 643.050, RSMo provides the commission authority to promulgate regulations necessary to enforce the provisions of the Clean Air Act, this rule is no longer necessary.

The above rule action will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan.

* 10 CSR 10-6.010 (amendment) Ambient Air Quality Standards

This proposed amendment will update the standards for ambient air quality throughout Missouri in order to reflect recent changes in the National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM_{2.5}), nitrogen dioxide (NO₂), and sulfur dioxide (SO₂); reorganize the standards table for clarity; and update the rule purpose statement to more accurately reflect the rule. The Clean Air Act requires periodic reviews of the air quality criteria, the science upon which the standards are based, and the NAAQS themselves. As a result of federal review, the U.S. Environmental Protection Agency has recently updated the PM_{2.5}, NO₂, and SO₂ NAAQS, and this rulemaking would revise these values in the state rule for consistency.

* Missouri State Implementation Plan Revision – Supplement/Revision to the Redesignation Demonstration and Maintenance Plan for the Missouri Portion of the St. Louis Nonattainment Area for the 1997 Annual Fine Particulate Matter National Ambient Air Quality Standard

In August 2011, the Missouri Air Conservation Commission adopted the Redesignation Demonstration and Maintenance Plan for the Missouri Portion of the St. Louis Nonattainment Area for the 1997 Annual Fine Particulate Matter National Ambient Air Quality Standard. This plan was then submitted to the U.S. Environmental Protection Agency on August 26, 2011 for inclusion in the Missouri State Implementation Plan. The Missouri Department of Natural Resources Air Pollution Control Program has developed a technical supplement/revision to this plan. The technical supplement/revision to this plan makes corrections to the emissions inventories included in the plan, includes emissions inventories and a discussion on controls for the Illinois portion of the nonattainment area, and changes the future year of the plan from 2022 to 2025. This technical supplement also establishes motor vehicle emissions budgets to be used in regional transportation conformity determinations for the base year (2008) and the future year (2025) of the plan.

* Missouri State Implementation Plan Revision – Americold Logistics, LLC 24-Hour Particulate Matter (PM₁₀) National Ambient Air Quality Standard (NAAQS) Consent Judgment

As required by Section 110(a) of the Clean Air Act, Missouri's State Implementation Plan (SIP) must ensure attainment and maintenance of all National Ambient Air Quality Standards (NAAQS). The Missouri Department of Natural Resources' Air Pollution Control Program is proposing to amend and strengthen the Missouri SIP to address violations of the 24-hour coarse particulate matter (PM₁₀) NAAQS of 150 micrograms per cubic meter (µg/m³) near the Americold Logistics, LLC's Carthage Crushed Limestone (CCL) facility. The SIP revision consists of a consent judgment with CCL for measures intended to reduce PM₁₀ emissions at the facility, all of which are scheduled for installation and operation by March 31, 2014.

* Missouri State Implementation Plan Revision – Limited Maintenance Plan For The St. Louis Nonclassifiable Maintenance Area For The 8-Hour Carbon Monoxide National Ambient Air Quality Standard (NAAQS)

The initial maintenance plan for the St. Louis nonclassifiable Carbon Monoxide (CO) maintenance area ensured attainment of the CO NAAQS through 2008. Pursuant to Section 175A(b) of the Clean Air Act, the State must submit a subsequent plan revision for maintaining the standard for an additional 10 year period after the expiration of the first maintenance period. The Air Program has developed a second maintenance plan that provides for continued attainment of the 8-hour CO NAAQS for the St. Louis area from 2008 through 2018. The plan provides assurances that, in the event of a subsequent violation of the CO NAAQS, additional control options, called contingency measures, can quickly be implemented to prevent any future violations. In addition, this plan includes CO ambient air quality monitoring data from the last seven years and an updated emission inventory for average winter day CO emissions in the St. Louis area.

If the Commission adopts these action(s), it will be the Department's intention to submit the action(s) to the U.S. Environmental Protection Agency to be included in Missouri's State Implementation Plan unless otherwise noted above.

Documents for the above item(s) will be available for review at the Missouri Department of Natural Resources, Air Pollution Control Program, 1659 Elm Street, Jefferson City, (573) 751-4817 and in the Public Notices section of the program web site <http://dnr.mo.gov/env/apcp/public-notices.htm>. This information will be available at least 30 days prior to the public hearing date.

The Department will accept written or email comments for the record until 5 p.m. on February 6, 2014. Please send written comments to Chief, Air Quality Planning Section, Air Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102-0176. Email comments may be submitted via the program web site noted above. All written and email comments and public hearing testimony will be equally considered.

Citizens wishing to speak at the public hearing should notify the secretary to the Missouri Air Conservation Commission, Missouri Department of Natural Resources, Air Pollution Control Program, P.O. Box 176, Jefferson City, Missouri 65102-0176, or telephone (573) 526-3420. The Department requests persons intending to give verbal presentations also provide a written copy of their testimony to the commission secretary at the time of the public hearing.

Persons with disabilities requiring special services or accommodations to attend the meeting can make arrangements by calling the Program directly at (573) 751-4817, the Division of Environmental Quality's toll free number at (800) 361-4827, or by writing two weeks in advance of the meeting to: Missouri Department of Natural Resources, Air Conservation Commission Secretary, P.O. Box 176, Jefferson City, MO 65102. Hearing impaired persons may contact the program through Relay Missouri, (800) 735-2966.

You are subscribed to the Air Public Notices topic for Missouri DNR. This information has recently been updated, and is now available at the link below. Thank you for your interest in the Air Public Notices.

<http://dnr.mo.gov/env/apcp/stateplanrevisions.htm>

Update your subscriptions, modify your password or email address, or stop subscriptions at any time on your [Subscriber Preferences Page](#). You will need to use your email address to log in. If you have questions or problems with the subscription service, please contact subscriberhelp.govdelivery.com.

This service is provided to you at no charge by [Missouri DNR](#).

1 PROCEEDINGS

2 CHAIRMAN PENDERGRASS: The hearing will
3 come to order. Let the record show the
4 following Commissioners are present: Jack
5 Baker, Mark Garnett, Gary Pendergrass, and David
6 Zimmerman.

7 The Air Conservation Commission of the
8 State Of Missouri has called this public hearing
9 pursuant to Section 643.070, Revised Statutes of
10 Missouri; EPA promulgated rule 40 CFR 51.102,
11 for the purpose of hearing testimony related to:

12 Missouri State Implementation Plan
13 Revision - Supplement/Revision to the
14 Redesignation Demonstration and Maintenance Plan
15 for the Missouri Portion of the St. Louis
16 Nonattainment Area for the 1997 Annual Fine
17 Particulate Matter National Ambient Air Quality
18 Standard.

19 Missouri State Implementation Plan
20 Revision - Americold Logistics, LLC Particulate
21 Matter (PM10) Consent Judgment.

22 Missouri State Implementation Plan
23 Revision - Limited Maintenance Plan for the St.
24 Louis Nonclassifiable Maintenance Area for the
25 8-hour Carbon Monoxide National Ambient Air

1 next item is Missouri State Implementation Plan
2 Revision - Americold Logistics, LLC Particulate
3 Matter Consent Judgment.

4 Wendy Vit.

5 WENDY VIT,

6 being first duly sworn to tell the truth, the
7 whole truth and nothing but the truth deposes
8 and says as follows:

9 MS. VIT: Chairman, members of the
10 Commission, my name is Wendy Vit. I am employed
11 with the Air Pollution Control Program as Air
12 Quality Planning Section Chief. I work at 1659
13 East Elm Street, Jefferson City, Missouri, and
14 I'm here today to present testimony on a
15 Missouri State Implementation Plan, or SIP,
16 revision consisting of a consent judgment with
17 Americold Logistics, LLC. The information can
18 be found starting on Page 99 of your briefing
19 document.

20 As required by Section 110(a) of the
21 Clean Air Act, Missouri's SIP must ensure
22 attainment and maintenance of all National
23 Ambient Air Quality Standards, or NAAQS. The
24 Missouri Department of Natural Resources' Air
25 Pollution Control Program is proposing to amend

**RECOMMENDATION FOR ADOPTION ON
PROPOSED REVISION TO
MISSOURI STATE IMPLEMENTATION PLAN —
AMERICOLD LOGISTICS, LLC
24-HOUR PARTICULATE MATTER (PM₁₀)
NATIONAL AMBIENT AIR QUALITY STANDARD (NAAQS)
CONSENT JUDGMENT**

As required by Section 110(a) of the Clean Air Act, Missouri's State Implementation Plan (SIP) must ensure attainment and maintenance of all National Ambient Air Quality Standards (NAAQS). The Missouri Department of Natural Resources' Air Pollution Control Program is strengthening the Missouri SIP to address violations of the 24-hour coarse particulate matter (PM₁₀) NAAQS of 150 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) near the Americold Logistics' Carthage Crushed Limestone (CCL) facility. The SIP revision consists of a consent judgment with CCL for measures intended to reduce PM₁₀ emissions at the facility, all of which are scheduled for installation and operation by March 31, 2014.

A summary of comments received and the Air Program's corresponding responses is included on the following page. Revisions were made to the proposed plan as a result of comments received.

The revised plan has not been reprinted in the briefing document due to its volume. The entire revised plan is available for review at the Missouri Department of Natural Resources' Air Pollution Control Program, 1659 East Elm Street, Jefferson City, Missouri, 65101, (573)751-4817. It is also available online at <http://dnr.mo.gov/env/apcp/stateplanrevisions.htm>.

The Air Program recommends the commission adopt the plan as revised. If the commission adopts this plan, it will be the department's intention to submit this plan to EPA for inclusion in the Missouri State Implementation Plan.

COMMENTS AND RESPONSES ON
PROPOSED REVISION TO
MISSOURI STATE IMPLEMENTATION PLAN —
AMERICOLD LOGISTICS, LLC
24-HOUR PARTICULATE MATTER (PM₁₀)
NATIONAL AMBIENT AIR QUALITY STANDARD (NAAQS)
CONSENT JUDGMENT

The public comment period for the proposed revision to the Missouri State Implementation Plan (SIP) entitled Americold Logistics, LLC 24-Hour Particulate Matter (PM₁₀) National Ambient Air Quality Standard (NAAQS) Consent Judgment opened on December 30, 2013 and closed on February 6, 2014. Revisions to the proposed plan were made as a result of comments.

The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program's (Air Program's) corresponding responses. Any changes to the proposed plan are included in the response to comments.

SUMMARY OF COMMENTS: During the public comment period for the proposed plan, the Air Program received four comments from two sources: one comment from an attorney with Bryan Cave LLP and three comments from the U.S. Environmental Protection Agency (EPA).

COMMENT #1: The attorney with Bryan Cave LLP commented on behalf of Americold Logistics. He suggested revisions to item 2 in the list of required particulate matter control measures in Exhibit A, Compliance Plan, of the consent judgment in order to clarify that the Americold's Carthage Crushed Limestone (CCL) facility has eliminated the use of the Tyler screen.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the Air Program revised item 2 in Exhibit A, Compliance Plan, of the consent judgment as suggested.

COMMENT #2: EPA suggested adding monitoring data dating back to 2004, as well as a discussion about monitoring data trends, to Section II. of the main SIP document.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the Air Program added Figure 1 to illustrate the PM₁₀ monitoring data trends dating back to 1999 along with discussion of the trends in the main SIP document.

COMMENT #3: EPA suggested adding to Section IV. of the SIP document a reference to the date that the Air Program originally contacted CCL regarding the most recent violation of the PM₁₀ NAAQS.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the Air Program clarified in Section IV. of the main SIP document when CCL was originally contacted regarding the most recent PM₁₀ NAAQS violation.

COMMENT #4: EPA requested clarification on what happens to the contingency measures in the consent judgment if the judgment is terminated per paragraph 20. Specifically, EPA asked if the contingency measures would be incorporated into a permit or SIP.

RESPONSE AND EXPLANATION OF CHANGE: In the event the consent judgment is terminated based on the conditions in paragraph 20, the intention is to incorporate applicable contingency measures into a new consent judgment or permit/permit amendment and submit to EPA for approval into the SIP. The Air Program has added language to the main SIP document to clarify this.

EXHIBIT A COMPLIANCE PLAN

A. REQUIRED PARTICULATE MATTER EMISSION CONTROL MEASURES

The following requirements shall be implemented in accordance with the schedule set forth herein. Equipment acquired or used by Americold shall be approved by the Department before installation unless already installed.

1. Telsmith Primary and Secondary Crushers: Americold installed and is operating a wet suppression system designed to control fugitive particulate matter emissions from the Telsmith primary and secondary crushers. The wet suppression system consists of installing at least four spray heads on the primary crusher, three spray heads on the secondary crusher, and four spray heads on the splitter. Each spray head consists of at least seven fogging nozzles. The wet suppression system was installed and operating by November 1, 2012. This system will be maintained and operated in good working order.

2. Chip Plant, Pre-1983 Tyler Screen: Americold eliminated use of the Tyler screen in December 2012.

3. Cedar Rapids Dryer and Collector: Americold shall purchase and install a 40 horsepower 100 CFM compressor for the baghouse controlling the Cedar Rapids dryer. The compressor was installed and operating by August 31, 2013. This system will be maintained and operated in good working order.

4. Cedar Rapids Long Lime Belt Discharge: Americold completed temporary means to control emissions including sealing the transition point and any leaks by January 1, 2014. Americold shall design and install a new drop point/transition at the drop point from the Cedar Rapids long lime conveyor belt (COCR-06) to the West Lime Hopper. The new drop point/transition shall be installed by January 31, 2014. Americold shall submit verification of installation to the Department within 30 days of the completion of the installation. This system will be maintained and operated in good working order.

5. West Lime Hopper: Americold shall install a new bin top on the West Lime hopper. The new bin top shall be installed by January 31, 2014. Americold shall submit verification of installation to the Department within 30 days of the completion of the installation. This system will be maintained and operated in good working order.

6. Line #1 C5 Belt: Americold implemented a temporary measure to seal the drop point between C5 #1 belt and the C5 Elevator by December 1, 2012. Americold shall also fabricate a new transition on the C5 elevator (Elev-L1-03) head where it drops onto the tail of the line #1 CS conveyor belt (Conv-L1-05). Americold shall also install a new head house and boot that seals to the C5 elevator (Elev-L1-03). This permanent equipment shall be installed and operating by January 31, 2014. Americold shall submit verification of installation and operation to the Department within 30 days of the completion of the installation. This system will be maintained and operated in good working order.

7. Water Truck for Haul Roads: Americold shall modify an existing CAT 769 haul truck and rebuild it into an 8,000 gallon water truck for the haul roads. The rebuilt water truck shall be in service by March 31, 2014. Americold will submit verification to the Department within 30 days of the rebuilt water truck being placed into service. The water truck currently used by Americold for this purpose shall be kept in good working order until the rebuilt water truck is in service and shall be kept available as a backup in the event the rebuilt water truck becomes inoperable. Both water trucks shall be maintained and operated in good working order.

8. Waste Fines Haul Truck: Americold will enclose the bed of the D350 haul truck that hauls waste fines to the stock pile area. This project was completed on December 1, 2012. The enclosure system and haul truck will be maintained and operated in good working order.

9. Operation and Maintenance Plan: Americold shall develop an operation and maintenance (O&M) plan, and shall submit this plan to the Department on or before January 31, 2014, for Department review and approval. Implementation of the plan must commence immediately upon acceptance of the plan by the Department and any changes must be reviewed in advance and approved by the Department. This O&M plan must address, at a minimum, the following:

- a. Baghouses and dust collectors including, but not limited to, continuing to use the pleated dust collector bags in the Cedar Rapids Torrit dust collector and the Line #1 BHA West dust collector. The bags must be capable of achieving 99.5% control, as certified by the manufacturer. The pleated dust collector bags in the Cedar Rapids Torrit dust collector and the Line #1 BHA West dust collector shall be replaced as necessary and those particular dust collector systems shall be maintained and operated in good working order.
- b. Wet suppression systems
- c. Water truck
- d. Cold weather operations
- e. Stockpile areas
- f. Level and overflow sensors/indicators for bins and silos

10. Emissions Inventory Questionnaire: Americold will submit a full EIQ for calendar year 2012 by February 1, 2014.

B. CONTINGENCY PARTICULATE MATTER EMISSION CONTROL MEASURES

Initial investigation of a monitored PM₁₀ Exceedance:

Americold shall conduct the following evaluation when preliminary ambient air monitoring data recorded by the Carthage ambient air monitor located off of Juniper Road east of the Americold facility and operated by the State of Missouri (the "Ambient Monitor") indicates that an exceedance of the PM₁₀ NAAQS may have occurred:

1. Any exceedance shall be immediately investigated and addressed to the extent possible in a timely manner. Americold will submit, to the Department, a detailed report addressing the cause of the exceedance, the mitigation of the exceedance and the plan for prevention of future similar exceedances. If Americold wants to claim that an exceedance was caused by a startup, shutdown or malfunction, then Americold shall follow the requirements of 10 CSR 10-6.050 "Start-up, Shutdown and Malfunction Conditions" at a minimum.
2. The report shall be submitted to the Department within 10 days. Extensions to the reporting deadline may be granted at the Departments' discretion.
3. For purposes of this provision, "Exceedance" for PM₁₀ means a daily value that is above the level of the 24-hour standard after rounding to the nearest 10 µg/m³ (i.e., values ending in 5 or greater are to be rounded up). The level of the national primary and secondary 24-hour ambient air quality standards for particulate matter is 150 micrograms per cubic meter (µg/m³), 24 hour average concentration (See 40 CFR 50.6). The standards are attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³, as determined in accordance with appendix K to 40 CFR Part 50, is equal to or less than one.

Further Contingency Measures:

If, after execution of this Consent Judgment and implementation of all measures in Section A of this Compliance Plan, Americold has a validated exceedance of the PM₁₀ NAAQS recorded by the Ambient Monitor and the validated exceedance resulted from Americold's operations, Americold shall initiate implementation of the contingency measures listed below within thirty days of receiving notification of the validated exceedance. For purposes of this provision, "Validated" means Monitoring data that has undergone comprehensive evaluation of quality control results and has been reported to EPA's Air Quality System (AQS). Validated data may be reported to AQS by the Department weeks or months but not later than 90 days after the calendar quarter in which the monitoring data was measured.

Implementation of a subset of these contingencies may be approved at the Department's discretion if a definitive cause of the exceedance has been determined in the initial exceedance investigation and provided within the report as described above. In the event that alternate Contingency Measures are identified through the investigation process for any specific exceedance, Americold shall propose, within the report of the investigation, additional or alternate Contingency Measures for Department review and approval.

Americold shall submit verification of completion of these contingency measures or a request for extension for completion to the Department within 60 days of notification of the exceedance.

1. Connect Line #1 C5 Belt (Conv-L1-05) Tail to the Dust Collection System:
Americold will connect the transfer point from the C5 elevator (Elev-L1-03) head to the line #1 C5 conveyor belt (Conv-L1-05) tail, to the existing dust collection system.

2. Line #1 and Line #2 of the Fine Grind plant: Americold will review other drop points of Line #1 and Line #2 of the Fine Grind plant that could be connected to the existing dust control systems.
3. Wet Suppression System(s): Americold will install (an) additional wet suppression system(s), or enhance the existing wet suppression systems, in order to further reduce fugitive particulate matter emissions from the processing of non-metallic minerals. This system, upon installation, shall be maintained and kept in good working order.
4. Cessation of the use of compressed air to clean certain equipment: Americold will discontinue the use of compressed air for the external cleaning of the crushers, dust collectors, duct work, or other process equipment at the facility. Compressed air will only be used for the maintenance of the internal workings of the crushers and dust collectors and duct work identified on the attached list.