



## 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 herein.

**Intermediate Operating Permit Number:** OP2013-070  
**Expiration Date:** JAN 27 2019  
**Installation ID:** 195-0004  
**Project Number:** 2013-05-011

**Installation Name and Address**

ConAgra Foods  
200 North Banquet Street  
Marshall, MO 65340-1718  
Saline County

**Parent Company's Name and Address**

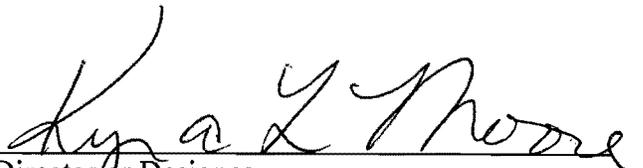
ConAgra Foods  
11 ConAgra Drive  
Omaha, NE 68102

**Installation Description:**

The installation produces frozen foods. The installation is a synthetic minor source of Sulfur Oxides (SO<sub>x</sub>). The installation emits SO<sub>x</sub> from combusting distillate fuel oil #2/diesel in their dual-fired boilers and diesel-fired emergency generators.

**JAN 28 2014**

Effective Date

  
\_\_\_\_\_  
Director or Designee  
Department of Natural Resources

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## I. Installation Description and Equipment Listing

### INSTALLATION DESCRIPTION

The installation produces frozen foods. The installation is a synthetic minor source of SO<sub>x</sub>. The installation emits SO<sub>x</sub> from combusting distillate fuel oil #2/diesel in their dual-fired boilers and diesel-fired emergency generators.

<b>Reported Air Pollutant Emissions, tons per year</b>					
<b>Pollutants</b>	<b>2012</b>	<b>2011</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>
Particulate Matter ≤ Ten Microns (PM <sub>10</sub> )	5.84	6.32	7.32	9.69	8.93
Particulate Matter ≤ 2.5 Microns (PM <sub>2.5</sub> )	0.46	0.47	0.49	0.51	0.37
Sulfur Oxides (SO <sub>x</sub> )	0.04	0.04	0.04	0.90	0.03
Nitrogen Oxides (NO <sub>x</sub> )	7.02	7.29	7.58	6.93	5.96
Volatile Organic Compounds (VOC)	1.17	1.25	1.41	1.28	1.20
Carbon Monoxide (CO)	5.06	5.22	5.36	4.81	4.08
Ammonia (NH <sub>3</sub> )	0.19	0.20	0.20	0.19	0.16
Hazardous Air Pollutants (HAP)	-	-	-	0.09	0.09
Hexane (110-54-3)	-	-	-	0.09	0.09
Formaldehyde (50-00-0)	-	-	-	0.004	0.004
Toluene (108-88-3)	-	-	-	0.0002	0.0002
Benzene (71-43-2)	-	-	-	0.0001	0.0001
Naphthalene (91-20-3)	-	-	-	0.00003	0.00003

### EMISSION UNITS WITH LIMITATIONS

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

<b>Emission Unit</b>	<b>Description</b>
1	Boiler #1 - West Boiler
2	Boiler #2 - East Boiler
3	Fryer - East
5	Fryer - West
11	Tray-in-Tray Flour Unloading
13	Emergency Engine - East
14	Emergency Engine - West
16	Pie Line Unloading

### 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.

<b>Emission Unit</b>	<b>Description</b>
7	Pie Line
8	Boiler - SW Warehouse
10	Space Heaters
12	Tray-in-Tray Flour Silos to Roof
15	Fuel Oil #2 Storage Tank

## **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 on the date of permit issuance.

None.

### 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 CSR for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect on the date of permit issuance.

<b>PERMIT CONDITION 001</b>	
10 CSR 10-6.020(2)(I)23 and 10 CSR 10-6.065(5)(C)2 Voluntary Limitation(s) 10 CSR 10-6.260 Restriction of Emission of Sulfur Compounds	
Emission Unit	Description
EP-01	Boiler #1 – West Boiler
EP-02	Boiler #2 – East Boiler

**Operational Limitation:**

The permittee shall not combust distillate fuel oil #2 with a sulfur content in excess of 0.1 percent by weight.

**Monitoring/Recordkeeping:**

1. The permittee shall maintain fuel purchase receipts indicating the sulfur content of the diesel.
2. Attachment A contains a compliance demonstration documenting that adherence to the 0.1 percent by weight sulfur content demonstrates compliance with the sulfur dioxide standard of 10 CSR 10-6.260(3)(B)2.A and limits the installation to synthetic minor source status for SO<sub>x</sub>.
3. These records shall be made available immediately for inspection to the Department of Natural Resources' personnel upon request.
4. All records shall be maintained for five years.

**Reporting:**

1. The permittee shall report to the Air Pollution Control Program's 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.
2. The permittee shall report any deviations from the requirements of this permit condition in the annual monitoring report and compliance certification required by Section V of this permit.

<b>PERMIT CONDITION 002</b>	
10 CSR 10-6.075 Maximum Achievable Control Technology Regulations 40 CFR Part 63, Subpart ZZZZ – National Emissions Standards for HAP for Stationary Reciprocating Internal Combustion Engines (RICE)	
Emission Unit	Description
EP-13	166 HP CI Emergency Engine - East, 1987
EP-14	166 HP CI Emergency Engine - West, 1994

**Emission and Operating Limitations:**

1. The permittee shall comply with the requirements in Table 2d to 40 CFR Part 63, Subpart ZZZZ that apply. [§63.6603(a)]
2. Beginning January 1, 2015, if the emergency engines are contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii) or operate for the purpose specified in §63.6640(f)(4)(ii), the permittee shall use diesel fuel that meets

the requirements in §80.510(b) for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to January 1, 2015, may be used until depleted. [§63.6604(b)]

**Table 2d to 40 CFR Part 63, Subpart ZZZZ – Requirements for Existing Stationary RICE Located at Area Sources of HAP Emissions**

For each...	The permittee shall meet the following requirements, except during periods of startup...	During periods of startup the permittee shall...
4. Emergency stationary CI RICE <sup>2</sup>	a. Change oil and filter every 500 hours of operation or annually, whichever comes first; <sup>1</sup> b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.	Minimize the engine’s time spent at idle and minimize the engine’s startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes.

<sup>1</sup>The permittee has the option to utilize an oil analysis program as described in §63.6625(i) in order to extend the specified oil change requirement in Table 2d of 40 CFR Part 63, Subpart ZZZZ.

<sup>2</sup>If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice requirements on the schedule required in Table 2d to 40 CFR Part 63, Subpart ZZZZ, or if performing the management practice on the required schedule would otherwise pose an unacceptable risk under federal, state, or local law, the management practice can be delayed until the emergency is over and the unacceptable risk under federal, state, or local law has abated. The management practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under federal, state, or local law has abated. The permittee shall report any failure to perform the management practice on the schedule required and the federal, state, or local law under which the risk was deemed unacceptable.

**General Compliance Requirements:**

1. The permittee shall be in compliance with the requirements in 40 CFR Part 63, Subpart ZZZZ that apply at all times. [§63.6605(a)]
2. At all times the permittee shall operate and maintain the engines in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. [§63.6605(b)]

**Initial Compliance Requirements:**

1. The permittee shall operate and maintain the stationary RICE according to the manufacturer's emission-related written instructions or develop a maintenance plan which shall provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. [§63.6625(e)]
2. The permittee shall install a non-resettable hour meter if one is not already installed. [§63.6625(f)]
3. The permittee shall minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes. [§63.6625(h)]

4. The permittee has the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Table 2d to 40 CFR Part 63, Subpart ZZZZ. The oil analysis shall be performed at the same frequency specified for changing the oil in Table 2d to 40 CFR Part 63, Subpart ZZZZ. The analysis program shall at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the permittee is not required to change the oil. If any of the limits are exceeded, the permittee shall change the oil within two business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the permittee shall change the oil within two business days or before commencing operation, whichever is later. The permittee shall keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program shall be part of the maintenance plan for the engine. [§63.6625(i)]

**Continuous Compliance Requirements:**

1. The permittee shall demonstrate continuous compliance with each requirement in Table 2d to 40 CFR Part 63, Subpart ZZZZ that applies according to methods specified in Table 6 to 40 CFR Part 63, Subpart ZZZZ. [§63.6640(a)]
2. The permittee shall report each instance in which the permittee did not meet each requirement in Table 2d to 40 CFR Part 63, Subpart ZZZZ that applies. These instances are deviations from the requirements of 40 CFR Part 63, Subpart ZZZZ. These deviations shall be reported according to the requirements in §63.6650. [§63.6640(b)]
3. The permittee shall also report each instance in which the permittee did not meet the requirements in Table 8 to 40 CFR Part 63, Subpart ZZZZ that apply. [§63.6640(e)]
4. The permittee shall operate the emergency stationary RICE according to the requirements in §63.6640(f)(1) through (4). In order for the engine to be considered an emergency stationary RICE under 40 CFR Part 63, Subpart ZZZZ, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in §63.6640(f)(1) through (4), is prohibited. If the permittee does not operate the engine according to the requirements in §63.6640(f)(1) through (4), the engine will not be considered an emergency engine under 40 CFR Part 63, Subpart ZZZZ and shall meet all requirements for non-emergency engines. [§63.6640(f)]
  - a) There is no time limit on the use of emergency stationary RICE in emergency situations. [§63.6640(f)(1)]
  - b) The permittee may operate the emergency stationary RICE for any combination of the purposes specified in §63.6640(f)(2)(i) through (iii) for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by §63.6640(f)(4) counts as part of the 100 hours per calendar year allowed by this paragraph. [§63.6640(f)(2)]
    - i) Emergency stationary RICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The permittee may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the permittee

- maintains records indicating that federal, state, or local standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year. [§63.6640(f)(2)(i)]
- ii) Emergency stationary RICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see §63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3. [§63.6640(f)(2)(ii)]
  - iii) Emergency stationary RICE may be operated for periods where there is a deviation of voltage or frequency of five percent or greater below standard voltage or frequency. [§63.6640(f)(2)(iii)]
- c) Emergency stationary RICE located at area sources of HAP may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in §63.6640(f)(2). Except as provided in §63.6640(f)(4)(i) and (ii), the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity. [§63.6640(f)(4)]
- i) Prior to May 3, 2014, the 50 hours per year for non-emergency situations can be used for peak shaving or non-emergency demand response to generate income for a facility, or to otherwise supply power as part of a financial arrangement with another entity if the engine is operated as part of a peak shaving (load management program) with the local distribution system operator and the power is provided only to the facility itself or to support the local distribution system. [§63.6640(f)(4)(i)]
  - ii) The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met: [§63.6640(f)(4)(ii)]
    - (1) The engine is dispatched by the local balancing authority or local transmission and distribution system operator. [§63.6640(f)(4)(ii)(A)]
    - (2) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region. [§63.6640(f)(4)(ii)(B)]
    - (3) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines. [§63.6640(f)(4)(ii)(C)]
    - (4) The power is provided only to the facility itself or to support the local transmission and distribution system. [§63.6640(f)(4)(ii)(D)]
    - (5) The permittee identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the permittee. [§63.6640(f)(4)(ii)(E)]

**Table 6 to 40 CFR Part 63, Subpart ZZZZ – Continuous Compliance with Requirements**

For each...	Complying with the requirement to...	The permittee shall demonstrate continuous compliance by...
9. Existing emergency stationary RICE located at an area source of HAP	a. Work or Management practices	i. Operating and maintain the stationary RICE according to the manufacturer’s emission-related operation and maintenance instructions; or ii. Develop and follow a maintenance plan which shall provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.

**General Provisions:**

The permittee shall refer to Table 8 to 40 CFR Part 63, Subpart ZZZZ for 40 CFR Part 63, Subpart A applicability.

**Reporting and Recordkeeping:**

1. The permittee shall submit each report in Table 7 of 40 CFR Part 63, Subpart ZZZZ that applies. [§63.6650(a)]
2. If the emergency stationary RICE with a site rating of more than 100 brake HP operates or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii) or operates for the purpose specified in §63.6640(f)(4)(ii), the permittee shall submit an annual report according to the following requirements: [§63.6650(h)]
  - a) The report shall contain the following information: [§63.6650(h)(1)]
    - i) Company name and address where the engine is located. [§63.6650(h)(1)(i)]
    - ii) Date of the report and beginning and ending dates of the reporting period. [§63.6650(h)(1)(ii)]
    - iii) Engine site rating and model year. [§63.6650(h)(1)(iii)]
    - iv) Latitude and longitude of the engine in decimal degrees reported to the fifth decimal place. [§63.6650(h)(1)(iv)]
    - v) Hours operated for the purposes specified in §63.6640(f)(2)(ii) and (iii), including the date, start time, and end time for engine operation for the purposes specified in §63.6640(f)(2)(ii) and (iii). [§63.6650(h)(1)(v)]
    - vi) Number of hours the engine is contractually obligated to be available for the purposes specified in §63.6640(f)(2)(ii) and (iii). [§63.6650(h)(1)(vi)]
    - vii) Hours spent for operation for the purpose specified in §63.6640(f)(4)(ii), including the date, start time, and end time for engine operation for the purposes specified in §63.6640(f)(4)(ii). The report shall also identify the entity that dispatched the engine and the situation that necessitated the dispatch of the engine. [§63.6650(h)(1)(vii)]
    - viii) If there were no deviations from the fuel requirements in §63.6604 that apply to the engine (if any), a statement that there were no deviations from the fuel requirements during the reporting period. [§63.6650(h)(1)(viii)]
    - ix) If there were deviations from the fuel requirements in § 3.6604 that apply to the engine (if any), information on the number, duration, and cause of deviations, and the corrective action taken. [§63.6650(h)(1)(ix)]
  - b) The first annual report shall cover the calendar year 2015, and shall be submitted no later than March 31, 2016. Subsequent annual reports for each calendar year shall be submitted no later than March 31 of the following calendar year. [§63.6650(h)(2)]

- c) The annual report shall be submitted electronically using the subpart specific reporting form in the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) (www.epa.gov/cdx). However, if the reporting form specific to 40 CFR Part 63, Subpart ZZZZ is not available in CEDRI at the time that the report is due, the written report shall be submitted to the Administrator at the appropriate address listed in §63.13. [§63.6650(h)(3)]
3. The permittee shall keep the records required in Table 6 of 40 CFR Part 63, Subpart ZZZZ to show continuous compliance with each limitation that applies. [§63.6655(d)]
  4. The permittee shall keep records of the maintenance conducted on the stationary RICE in order to demonstrate that the permittee operated and maintained the stationary RICE according to a maintenance plan. [§63.6655(e)]
  5. The permittee shall keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The permittee shall document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engine is used for the purposes specified in §63.6640(f)(2)(ii) or (iii) or §63.6640(f)(4)(ii), the permittee shall keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for these purposes. [§63.6655(f)]
  6. Records shall be in a form suitable and readily available for expeditious review according to §63.10(b)(1). [§63.6660(a)]
  7. As specified in § 63.10(b)(1), the permittee shall keep each record for five years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. [§63.6660(b)]
  8. The permittee shall keep each record readily accessible in hard copy or electronic form for at least five years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to § 63.10(b)(1). [§63.6660(c)]
  9. These records shall be made available immediately for inspection to the Department of Natural Resources' personnel upon request.
  10. The permittee shall report any deviations from the requirements of this permit condition in the annual monitoring report and compliance certification required by Section V of this permit.

**Table 7 to 40 CFR Part 63, Subpart ZZZZ – Requirements for Reports**

<b>For each...</b>	<b>The permittee shall submit a...</b>	<b>The report shall contain...</b>	<b>The permittee shall submit the report...</b>
4. Emergency stationary RICE that operate or are contractually obligated to be available for more than 15 hours per year for the purposes specified in §63.6640(f)(2)(ii) and (iii) or that operate for the purposes specified in §63.6640(f)(4)(ii)	Report	a. The information in §63.6650(h)(1)	i. annually according to the requirements in §63.6650(h)(2) – (3)

<b>PERMIT CONDITION 003</b>	
10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants	
<b>Emission Unit</b>	<b>Description</b>
EP-01	Boiler #1 – West Boiler
EP-02	Boiler #2 – East Boiler
EP-03	Fryer – East
EP-05	Fryer – West
EP-11	Tray-in-Tray Flour Unloading
EP-16	Pie Line Unloading

**Emission Limitation:**

1. The permittee shall not cause or permit to be discharged into the atmosphere from these emission units any visible emissions with an opacity greater than 20 percent.
2. Exception: The permittee may discharge into the atmosphere from any source of emissions for a period(s) aggregating not more than six minutes in any 60 minutes air contaminants with an opacity up to 60 percent.

**Monitoring:**

1. The permittee shall conduct opacity readings on these emission units using the procedures contained in U.S. EPA Test Method 22. Readings are only required when the emission units are operating and when the weather conditions allow. If no visible emissions are observed using Method 22, then no further observations would be required. For emission units with visible emissions, the permittee representative would then conduct a Method 9 observation.
2. The following monitoring schedule shall be maintained:
  - a) Weekly observations shall be conducted for a minimum of eight consecutive weeks after permit issuance. Should no violation of this regulation be observed during this period then
  - b) Observations must be made once every two weeks for a period of eight weeks. If a violation is noted, monitoring reverts to weekly. Should no violation of this regulation be observed during this period then
  - c) Observations shall be made once per month. If a violation is noted, monitoring reverts to weekly.
3. If the source reverts to weekly monitoring at any time, monitoring frequency will progress in an identical manner from the initial monitoring frequency.
4. If at the time of permit issuance the permittee has progressed to making observations once per month, the permittee may continue monthly observations unless a violation occurs. If a violation occurs the permittee shall restart the monitoring schedule.

**Recordkeeping:**

1. The permittee shall maintain records of all observation results (see Attachments C & D, or equivalent forms generated by the permittee), noting:
  - a) Whether any air emissions (except for water vapor) were visible from the emission units and
  - b) All emission units from which visible emissions occurred.
2. The permittee shall maintain records of any equipment malfunctions and maintenance using Attachment E.
3. The permittee shall maintain records of any Method 9 opacity test performed in accordance with this permit condition.
4. These records shall be made available immediately for inspection to the Department of Natural Resources' personnel upon request.

5. All records must be maintained for five years.

**Reporting:**

1. The permittee shall report to the Air Pollution Control Program’s 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, or any malfunction which could possibly cause an exceedance of this regulation.
2. The permittee shall report any deviations from the requirements of this permit condition in the annual monitoring report and compliance certification required by Section V of this permit.

<b>PERMIT CONDITION 004</b>	
10 CSR 10-6.260 Restriction of Emission of Sulfur Compounds	
Emission Unit	Description
EP-13	Emergency Engine - East
EP-14	Emergency Engine - West

**Emission Limitation:**

The permittee shall not cause or permit the emission into the atmosphere of gases containing more than 500 ppmv of SO<sub>2</sub> or more than 35 mg/m<sup>3</sup> of H<sub>2</sub>SO<sub>4</sub> or SO<sub>3</sub> or any combination of these gases averaged on any consecutive three-hour time period.

**Operational Limitation:**

The permittee shall not combust distillate fuel oil #2 with a sulfur content in excess of 0.05 percent by weight.

**Monitoring/Recordkeeping:**

1. The permittee shall maintain fuel purchase receipts indicating the sulfur content of the diesel.
2. These records shall be made available immediately for inspection to the Department of Natural Resources' personnel upon request.
3. All records shall be maintained for five years.

**Reporting:**

1. The permittee shall report to the Air Pollution Control Program’s 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.
2. The permittee shall report any deviations from the requirements of this permit condition in the annual monitoring report and compliance certification required by Section V of this permit.

<b>PERMIT CONDITION 005</b>	
10 CSR 10-6.400 Restriction of Emission of PM From Industrial Processes	
Emission Unit	Description
EP-03	Fryer – East
EP-05	Fryer – West
EP-16	Pie Line Unloading

**Emission Limitation:**

The permittee shall not emit PM in excess of the limits given in the following table:

<b>Emission Unit</b>	<b>Description</b>	<b>PM Emission Limit (lb/hr)</b>
EP-03	Fryer – East	7.88
EP-05	Fryer – West	7.88
EP-16	Pie Line Unloading	25.16

**Monitoring/Recordkeeping:**

1. The permittee shall retain the potential to emit calculations in Attachment F which demonstrate that the above emission limitations will never be exceeded. No further recordkeeping shall be required to demonstrate compliance with the emission limitations.
2. The calculation shall be made available immediately for inspection to the Department of Natural Resources' personnel upon request.
3. All records shall be kept for a period of five years.

**Reporting:**

1. The permittee shall report to the Air Pollution Control Program's 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, or any malfunction which could possibly cause an exceedance of this regulation.
2. The permittee shall report any deviations from the requirements of this permit condition in the annual monitoring report and compliance certification required by Section V of this permit.

## 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 on the date of permit issuance. The following is only an excerpt from the regulation or code, and is provided for summary purposes only.

### **10 CSR 10-6.045 Open Burning Requirements**

1. General Provisions. The open burning of tires, petroleum-based products, asbestos containing materials, and trade waste is prohibited, except as allowed below. Nothing in this rule may be construed as to allow open burning which causes or constitutes a public health hazard, nuisance, a hazard to vehicular or air traffic, nor which violates any other rule or statute.
2. Refer to the regulation for a complete list of allowances. The following is a listing of exceptions to the allowances:
  - a) Burning of household or domestic refuse. Burning of household or domestic refuse is limited to open burning on residential premises having not more than four dwelling units, provided that the refuse originates on the same premises.
  - b) Yard waste.
3. Certain types of materials may be open burned provided an open burning permit is obtained from the director. The permit will specify the conditions and provisions of all open burning. The permit may be revoked if the permittee fails to comply with the conditions or any provisions of the permit.
4. ConAgra Foods may be issued an annually renewable open burning permit for open burning provided that an air curtain destructor or incinerator is utilized and only tree trunks, tree limbs, vegetation or untreated wood waste are burned. Open burning shall occur at least 200 yards from the nearest occupied structure unless the owner or operator of the occupied structure provides a written waiver of this requirement. Any waiver shall accompany the open burning permit application. The permit may be revoked if ConAgra Foods fails to comply with the provisions or any condition of the open burning permit.
  - a) In a nonattainment area, as defined in 10 CSR 10-6.020(2)(N)5., the director shall not issue an open burning permit unless the permittee can demonstrate to the satisfaction of the director that the emissions from the open burning of the specified material would be less than the emissions from any other waste management or disposal method.
5. Reporting and Recordkeeping. 40 CFR Part 60, Subpart CCCC establishes certain requirements for air curtain destructors or incinerators that burn wood trade waste. These requirements are established in §60.2245 - §60.2260. The provisions of 40 CFR Part 60, Subpart CCCC promulgated as of September 22, 2005 shall apply and are hereby incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N Capitol Street NW, Washington, DC 20401. To comply with §60.2245 - §60.2260, sources shall conduct an annual Method 9 test. A copy of the annual Method 9 test results shall be submitted to the director.
6. Test Methods. The visible emissions from air pollution sources shall be evaluated as specified by 40 CFR Part 60, Appendix A – Test Methods, Method 9 – Visual Determination of the Opacity of Emissions from Stationary Sources. The provisions of 40 CFR Part 60, Appendix A, Method 9 promulgated as of December 23, 1971 is incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N Capitol Street NW, Washington, DC 20401.

### **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 §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 §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 §§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 18 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)] 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)]

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

1. The permittee shall submit full emissions report either electronically via MoEIS, which requires Form 1.0 signed by an authorized company representative, or on Emission Inventory Questionnaire (EIQ) paper forms on the frequency specified in this rule and in accordance with the requirements outlined in this rule. Alternate methods of reporting the emissions, such as spreadsheet file, can be submitted for approval by the director.
2. The permittee may be required by the director to file additional reports.
3. Public Availability of Emission Data and Process Information. Any information obtained pursuant to the rule(s) of the Missouri Air Conservation Commission that would not be entitled to confidential treatment under 10 CSR 10-6.210 shall be made available to any member of the public upon request.
4. The permittee shall submit a full EIQ for the 2014, 2017, and 2020 reporting years. In the interim years the installation may submit a Reduced Reporting Form; however, if the installation's emissions increase or decrease by more than five tons when compared to their last submitted full EIQ, the installation shall submit a full EIQ rather than a Reduced Reporting Form.
5. In addition to the EIQ submittal schedule outlined above, any permit issued under 10 CSR 10-6.060(5) or (6) triggers a requirement that a full EIQ be submitted in the first full calendar year after the permitted equipment initially operates.
6. The fees shall be payable to the Department of Natural Resources and shall be accompanied by the emissions report.
7. The permittee shall complete required reports on state supplied EIQ forms or electronically via MoEIS. Alternate methods of reporting the emissions can be submitted for approval by the director. The reports shall be submitted to the director by April 1 after the end of each reporting year. If the full emissions report is filed electronically via MoEIS, this due date is extended to May 1.
8. The reporting period shall end on December 31 of each calendar year. Each report shall contain the required information for each emission unit for the 12-month period immediately preceding the end of the reporting period.
9. The permittee shall collect, record, and maintain the information necessary to complete the required forms during each year of operation of the installation.

**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 PM to the Ambient Air Beyond the Premises of Origin**

**Emission Limitation:**

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 PM emissions to go beyond the premises of origin in quantities that the PM may be found on surfaces beyond the property line of origin. The nature or origin of the PM 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 PM 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.

**Monitoring:**

1. The permittee shall conduct inspections of its facilities sufficient to determine compliance with this regulation. If the permittee discovers a violation, the permittee shall undertake corrective action to eliminate the violation.
2. The permittee shall maintain the following monitoring schedule:
  - a) The permittee shall conduct weekly observations for a minimum of eight consecutive weeks after permit issuance.
  - b) Should no violation of this regulation be observed during this period then-
    - i) The permittee may observe once every two weeks for a period of eight weeks.
    - ii) If a violation is noted, monitoring reverts to weekly.
    - iii) Should no violation of this regulation be observed during this period then-
      - (1) The permittee may observe once per month.
      - (2) If a violation is noted, monitoring reverts to weekly.
  - c) If the permittee reverts to weekly monitoring at any time, monitoring frequency will progress in an identical manner to the initial monitoring frequency.

**Recordkeeping:**

1. The permittee shall document all readings on Attachment B, or its equivalent, noting the following:

- a) Whether air emissions (except water vapor) remain visible in the ambient air beyond the property line of origin.
- b) Whether equipment malfunctions contributed to an exceedance.
- c) Any violations and any corrective actions undertaken to correct the violation.

#### **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 10-6.165 Restriction of Emission of Odors**

**This requirement is not federally enforceable.**

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.

#### **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 Missouri Department of Natural Resources Air Pollution Control Program. This rule requires training providers who offer training for asbestos abatement occupations to be accredited by the Missouri Department of Natural Resources 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 40 CFR Part 82, 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 recordkeeping 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 Motor Vehicle Air Conditioners. The term "motor vehicle" as used in 40 CFR Part 82, Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in 40 CFR Part 82, 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.
  5. The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program 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)(E)2 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 General Recordkeeping 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's Enforcement Section, P. O. Box 176, Jefferson City, MO 65102.
  - b) The permittee shall submit a report of all required monitoring by:
    - i) April 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, recordkeeping, 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 10 CSR 10-6.065(5)(C)1 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 permittee's 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 Risk Management Plan Under §112(r)**

1. 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 §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:
  - a) June 21, 1999;
  - b) Three years after the date on which a regulated substance is first listed under §68.130; or
  - c) 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, (C)1, and (C)3 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 semi-annually (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 April 1st, unless the applicable requirement specifies more frequent submission. These certifications shall be submitted to the Air Pollution Control Program's 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 Emergency Provisions**

1. An emergency or upset as defined in 10 CSR 10-6.065(5)(C)1 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 recordkeeping 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's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 11201 Renner Blvd., Lenexa, KS 66219, 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 David Ripley, Plant Manager. 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 permittee 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 permittee 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 Reopening-Permit for Cause**

1. This permit may be reopened for cause if:

- a) The Missouri Department of Natural Resources or EPA determines that 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,
- b) Additional applicable requirements under the Act become applicable to the installation; however, reopening on this ground is not required if—:
  - i) The permit has a remaining term of less than three years;
  - ii) The effective date of the requirement is later than the date on which the permit is due to expire; or
  - iii) 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,
- c) The Missouri Department of Natural Resources or EPA determines that the permit must be reopened and revised to assure compliance with applicable requirements.

<b>10 CSR 10-6.065(5)(E)1.A Statement of Basis</b>
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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**

10 CSR 10-6.260 and PW Synthetic Minor SO<sub>x</sub> Source Compliance Demonstration

Emission Unit	SO <sub>2</sub> Emission Factor	Potential SO <sub>2</sub> Emissions (lb/MMBtu)	SO <sub>2</sub> Emission Limit (lb/MMBtu)
EP-01	144S lb/1000 gal	0.1	8
EP-02	144S lb/1000 gal	0.1	8

The SO<sub>2</sub> emission factor for EP-01 Boiler #1 – West Boiler and EP-02 Boiler #2 – East Boiler was obtained from AP-42 Table 1.3-1. S represents the percent sulfur in the fuel. A heating value of 140 MMBtu/1000 gallons of distillate fuel oil #2 was obtained from AP-42 Appendix A. The installation is limited to 0.1 weight percent sulfur by Permit Condition 001. Note: only sulfur emissions from distillate fuel oil #2 combustion were calculated for these boilers as distillate fuel oil #2 combustion results in higher sulfur emissions than natural gas combustion.

Emission Unit	Description	Maximum Hourly Design Rate	SO <sub>x</sub> Emission Factor	Emission Factor Source	SO <sub>x</sub> Potential to Emit (tpy)
EP-01	Boiler #1 – West Boiler <sup>1</sup>	25.106 MMBtu (0.18193 Mgal)	144S lb/Mgal <sup>2</sup>	AP-42 Table 1.3-1	11.47
EP-02	Boiler #2 – East Boiler <sup>1</sup>				11.47
EP-03	Fryer – East	3.5 MMBtu (0.003405 MMscf)	0.6 lb/MMscf	FIRE Process SCC 30290003	0.01
EP-05	Fryer – West				0.01
EP-08	Boiler – SW Warehouse	3.35 MMBtu (0.003259 MMscf)	0.6 lb/MMscf	FIRE Process SCC 10200603	0.01
EP-10	Space Heaters	13.197 MMBtu (0.012838 MMscf)	0.6 lb/MMscf	FIRE Process SCC 10500106	0.03
EP-13	Emergency Engine - East	166 HP	0.00205 lb/HP-hr	AP-42 Table 3.3-1	0.09 <sup>3</sup>
EP-14	Emergency Engine - West				0.09 <sup>3</sup>
<b>Plantwide:</b>					23.18 <sup>4</sup>

<sup>1</sup>Only sulfur emissions from distillate fuel oil #2 combustion were calculated for this boiler as distillate fuel oil #2 combustion results in higher sulfur emissions than natural gas combustion.

<sup>2</sup>This emission factor was obtained from AP-42 Table 1.3-1. S represents the percent sulfur in the fuel. The sulfur content of the distillate fuel oil #2 combusted in limited to 0.1 weight percent by Permit Condition 001.

<sup>3</sup>Based on 500 hours of annual operation per EPA guidance document, *Calculating Potential to Emit for Emergency Generators* (September 6, 1995).

<sup>4</sup>Plantwide SO<sub>x</sub> Emissions are voluntarily limited below 100 tpy; therefore, the installation is a synthetic minor SO<sub>x</sub> source.





**Attachment D**

Method 9 Opacity Emissions Observations								
Company					Observer			
Location					Observer Certification Date			
Date					Emission Unit			
Time					Control Device			
Hour	Minute	Seconds				Steam Plume (check if applicable)		Comments
		0	15	30	45	Attached	Detached	
	0							
	1							
	2							
	3							
	4							
	5							
	6							
	7							
	8							
	9							
	10							
	11							
	12							
	13							
	14							
	15							
	16							
	17							
	18							
SUMMARY OF AVERAGE OPACITY								
Set Number	Time				Opacity			
	Start	End		Sum	Average			

Readings ranged from \_\_\_\_\_ to \_\_\_\_\_ % opacity.

Was the emission unit in compliance at the time of evaluation? \_\_\_\_\_  
 YES NO Signature of Observer



**Attachment F**  
 10 CSR 10-6.400 Compliance Demonstration

This attachment may be used to demonstrate that the listed emission units are in compliance with 10 CSR 10-6.400 *Restriction of Emission of PM From Industrial Processes*.

Allowable PM Emission Rate (E) for Process Weights (P) of less than or equal to 30 tph is calculated by:

$$E \text{ (lb/hr)} = 4.1(P)^{0.67}$$

Allowable PM E for P greater than 30 tph is calculated by:

$$E \text{ (lb/hr)} = 55(P)^{0.11} - 40$$

Potential PM Emission Rate = MHDR (tph) x Emission Factor (lb/ton)

**Uncontrolled Calculations**

<b>Emission Unit</b>	<b>Description</b>	<b>MHDR (tph)</b>	<b>Emission Factor (lb/ton)</b>	<b>Emission Factor Source</b>	<b>Potential PM Emission Rate (lb/hr)</b>	<b>PM Emission Limit (lb/hr)</b>
EP-03	Fryer – East	2.65	0.8	FIRE Process SCC 30203602	2.12	7.88
EP-05	Fryer – West	2.65	0.8	FIRE Process SCC 30203602	2.12	7.88
EP-16	Pie Line Unloading	15	0.061	FIRE Process SCC 30200732	0.92	25.16

## 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 18 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 May 3, 2013
- 2) 2012, 2011, 2010, 2009, and 2008 Emissions Inventory Questionnaires
- 3) U.S. EPA document AP-42, *Compilation of Air Pollutant Emission Factors*; Volume I, Stationary Point and Area Sources, Fifth Edition
- 4) U.S. EPA's Factor Information Retrieval System (FIRE)

### **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* is not applicable to the installation as the installation is located in an ozone attainment area.

10 CSR 10-6.390 *Control of NO<sub>x</sub> Emissions From Large Stationary Internal Combustion Engines* is not applicable to the installation and has not been applied within this permit. EP-13 Emergency Engine - East and EP-14 Emergency Engine - West are below the 1,300 HP threshold within 10 CSR 10-6.390(1).

10 CSR 10-6.405 *Restriction of PM Emissions From Fuel Burning Equipment Used For Indirect Heating* is not applicable to the installation and has not been applied within this permit. Installation's that exclusively combust natural gas and fuel oil #2 (with less than 1.2 percent sulfur) are exempt from this regulation per 10 CSR 10-6.405(1)(E).

### **Construction Permits**

The installation is a grandfathered source and has no issued construction permits at this time from the Air Pollution Control Program.

### **New Source Performance Standards Applicability**

40 CFR Part 60, Subpart Dc – *Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units* is not applicable to the installation and has not been applied within this permit. EP-01 Boiler #1 – West Boiler and EP-02 Boiler #2 – East Boiler were installed in 1964 and 1971, respectively, prior to June 9, 1989 and; therefore, do not meet the applicability requirements of §60.40c(a). EP-08 Boiler – SW Warehouse has a maximum hourly design rate of 3.35 MMBtu/hr which is below the 10 MMBtu/hr threshold of §60.40c(a).

40 CFR Part 60, Subpart Kb – *Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984* is not applicable to the installation and has not been applied within this permit. EP-15 Fuel Oil Storage Tank has a maximum capacity of 15,000 gallons which is below the 75 m<sup>3</sup> (19,812 gallons) threshold of §60.110b(a).

40 CFR Part 60, Subpart IIII – *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines* is not applicable to the installation and has not been applied within this permit. EP-13 Emergency Engine – East and EP-14 Emergency Engine – West were installed in 1987 and 1994, respectively, prior to July 11, 2005 and; therefore, do not meet the applicability requirements of §60.4200(a)(2).

### **Maximum Achievable Control Technology Applicability**

40 CFR Part 63, Subpart ZZZZ – *National Emissions Standards for HAP for Stationary RICE* is applicable to EP-13 Emergency Engine – East and EP-14 Emergency Engine – West and has been applied within this permit (see Permit Condition 002).

40 CFR Part 63, Subpart JJJJJ – *National Emission Standards for HAP for Industrial, Commercial, and Institutional Boilers Area Sources* is not applicable to the installation and has not been applied within this permit. EP-01 Boiler #1 – West Boiler and EP-02 Boiler #2 – East Boiler meet the definition of *gas-fired boiler* in §63.11237 and are not subject to this regulation per §63.11195(e).

### **National Emission Standards for Hazardous Air Pollutants Applicability**

40 CFR Part 61, Subpart M – *National Emission Standards for Asbestos* is applicable to the installation and has been applied within this permit (see Section IV. Core Permit Requirements).

### Updated Potential to Emit for the Installation

Pollutant	Potential to Emit (tpy) <sup>1</sup>
CO	20.29
GHG	48,151.77
NO <sub>x</sub>	45.67
PM	34.17
PM <sub>10</sub>	28.35
PM <sub>25</sub>	27.15
SO <sub>x</sub>	1,760.42 <sup>2</sup>
VOC	3.97
HAP	0.43

<sup>1</sup>Each emission unit was evaluated at 8,760 hours of uncontrolled annual operation unless otherwise noted:

- ♦ EP-13 and EP-14 Emergency Engines was evaluated at 500 hours of annual operation per EPA guidance.

<sup>2</sup>The installation is limited to 0.1 percent sulfur content in the fuel oil combusted by EP-01 Boiler #1 – West Boiler and EP-02 Boiler #2 – East Boiler by Permit Condition 001 which limits the installation’s SO<sub>x</sub> PTE to 23.18 tpy.

### Other Regulatory Determinations

10 CSR 10-6.220 *Restriction of Emission of Visible Air Contaminants* is applicable to the installation and has been applied within this permit (see Permit Condition 003). EP-13 Emergency Engine – East and EP-14 Emergency Engine – West are exempt from this regulation per 10 CSR 10-6.220(1)(A). The following emission units are subject to this regulation, but as potential PM emissions from each emission unit are less than 0.5 lb/hr, no further monitoring, recordkeeping, or reporting is required at this time:

Emission Unit	Description
EP-07	Pie Line
EP-08	Boiler – SW Warehouse
EP-10	Space Heaters
EP-12	Tray-in-Tray Flour Silos

10 CSR 10-6.260 *Restriction of Emission of Sulfur Compounds* is applicable to the installation and has been applied within this permit (see Permit Conditions 001 and 004). EP-03 Fryer – East, EP-05 Fryer – West, EP-08 Boiler – SW Warehouse, and EP-10 Space Heaters are exempt from this regulation per 10 CSR 10-6.260(1)(A)2 as they exclusively combust pipeline grade natural gas.

10 CSR 10-6.400 *Restriction of Emission of PM From Industrial Processes* is applicable to the installation and has been applied within this permit (see Permit Condition 005). EP-01 Boiler #1 – West Boiler and EP-02 Boiler #2 – East Boiler are exempt from this regulation per 10 CSR 10-6.400(1)(B)6 as they burn fuel for indirect heating. The following emissions units are exempt from this regulation per 10 CSR 10-6.400(1)(B)12 as they have potential PM emissions below 0.5 lb/hr:

Emission Unit	Description
EP-07	Pie Line
EP-08	Boiler – SW Warehouse
EP-10	Space Heaters
EP-12	Tray-in-Tray Flour Silos
EP-13	Emergency Engine – East
EP-14	Emergency Engine – West

EP-11 Tray-in-Tray Flour Unloading is exempt from this regulation per 10 CSR 10-6.400(1)(B)8.

**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:

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Alana L. Rugen, P.E.  
Environmental Engineer III

Mr. David Ripley  
ConAgra Foods  
200 North Banquet Street  
Marshall, MO 65340-1718

Re: ConAgra Foods, 195-0004  
Permit Number: **OP2013-070**

Dear Mr. Ripley:

Enclosed with this letter is your intermediate operating permit. Please review this document carefully. Operation of your installation in accordance with the rules and regulations cited in this document is necessary for continued compliance. It is very important that you read and understand the requirements contained in your permit.

You may appeal this permit to the Administrative Hearing Commission (AHC), P.O. Box 1557, Jefferson City, MO 65102, as provided in RSMo §643.078.16 and §621.250.3. If you choose to appeal, you must file a petition with the AHC within 30 days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If you send your appeal by registered or certified mail, we will deem it filed on the date you mailed it. If you send your appeal by a method other than registered or certified mail, we will deem it filed on the date the AHC receives it.

If you have any questions or need additional information regarding this permit, please do not hesitate to contact Alana Rugen at the Department of Natural Resources, Air Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102, or by telephone at (573) 751-4817. Thank you for your time and attention to this matter.

Sincerely,

**AIR POLLUTION CONTROL PROGRAM**

Michael J. Stansfield, P.E.  
Operating Permit Unit Chief

MJS/ark

Enclosures

c: Northeast Regional Office  
PAMS File: 2013-05-011