



Missouri Department of Natural Resources
Air Pollution Control Program

PART 70

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.

Operating Permit Number: OP2012-059
Expiration Date: JAN 07 2016
Installation ID: 039-0003
Project Number: 2012-01-025

Installation Name and Address

DairiConcepts, L.P.
305 West US Highway 54
El Dorado Springs, MO 64744
Cedar County

Parent Company's Name and Address

DairiConcepts, L.P.
3253 E. Chestnut Expressway
Springfield, MO 65802

Installation Description:

DairiConcepts, L.P. operates a food processing plant in El Dorado Springs, Missouri. The installation produces various dried dairy products. Processes include two boilers, three blending operations, three spray dryers, three fuel oil storage tanks and packaging lines. The installation is a major source of NO_x, SO_x, and PM₁₀ emissions. The installation is subject to 40 CFR Part 60 Subpart Dc, *Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units*.

JAN 08 2013

Effective Date

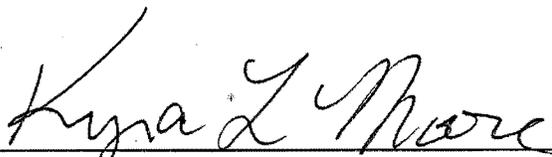

Director of Designee
Department of Natural Resources

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I. Installation Description and Equipment Listing

INSTALLATION DESCRIPTION

DairiConcepts, L.P. operates a food processing plant in El Dorado Springs, Missouri. The installation produces various dried dairy products. Processes include two boilers, three blending operations, three spray dryers, three fuel oil storage tanks and packaging lines. The installation is a major source of NO_x, SO_x, and PM₁₀ emissions.

Reported Air Pollutant Emissions, tons per year					
Pollutants	2010	2009	2008	2007	2006
Particulate Matter ≤ Ten Microns (PM ₁₀)	33.27	32.32	33.75	33.65	30.35
Particulate Matter ≤ 2.5 Microns (PM _{2.5})	33.16	32.21	33.42	28.91	26.23
Sulfur Oxides (SO _x)	0.06	0.05	0.06	0.06	0.06
Nitrogen Oxides (NO _x)	6.95	6.10	6.55	6.73	6.08
Volatile Organic Compounds(VOC)	0.54	0.48	0.54	0.55	0.51
Carbon Monoxide (CO)	8.24	7.38	8.20	8.36	7.73
Lead (Pb)	0.00	0.00	0.00	0.00	0.00
Hazardous Air Pollutants (HAPs)	0.00	0.00	0.00	0.00	0.00
Ammonia (NH ₃)	0.31	0.28	0.21	0.19	0.18

EMISSION UNITS WITH LIMITATIONS

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

<u>Emission Unit #</u>	<u>Description of Emission Unit</u>
EP1	Boiler #1
EP4	Blending for Dryer #1
EP5	Spray Dryer #1
EP9	Boiler #2
EP10	Blending for Dryer #2
EP11	Spray Dryer #2
EP13	Spray Dryer #3

EMISSION UNITS WITHOUT LIMITATIONS

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

Description of Emission Source

Blending for Dryer #3, vents indoors (EP12)

Two 12,000 gallon #6 fuel oil storage tanks, installed pre-1963 (EP6 and EP7)

One 12,000 gallon #2 fuel oil storage tank, installed pre-1963 (EP8)

0.06 MMBtu/hr Space Heater

II. Plant Wide Emission Limitations

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

None

III. Emission Unit Specific Emission Limitations

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

Boilers		
Emission Unit	Description	Manufacturer/Model #
EP1	Boiler; primary fuel - natural gas; secondary fuel - fuel oil #6; MHDR 56 MMBtu/hr; installed 1982	Nebraska/ 2D2012
EP9	Boiler; primary fuel - natural gas; secondary fuel - fuel oil #2; MHDR 25.106 MMBtu/hr; installed 1999	Cleaver Brooks/ CB 400-6000

PERMIT CONDITION (EP1 and EP9)-001
 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants

Emission Limitations

1. No owner or other person shall cause or permit emissions to be discharged into the atmosphere from any source any visible emissions with an opacity greater than 20%.
2. Exception: A person may discharge into the atmosphere from any source of emissions for a period(s) aggregating not more than six (6) minutes in any 60 minutes air contaminants with an opacity up to 60%.

Monitoring/Recordkeeping/Reporting

As detailed in core permit requirements.

PERMIT CONDITION EP1-002
 10 CSR 10-6.260 Restriction of Emission of Sulfur Compounds

Emission Limitations

No person shall cause or permit emissions of sulfur dioxide into the atmosphere from any indirect heating source in excess of eight pounds of sulfur dioxide per million BTUs actual heat input averaged on any consecutive three hour time period

Operational Limitation/Equipment Specifications

EP1 shall be limited to burning pipeline grade natural gas and fuel oil #6 with a sulfur content of no more than 1.5 % sulfur by weight.

Monitoring/Recordkeeping

1. The permittee shall maintain records of the fuel burned (natural gas or fuel oil #6) and verify the sulfur content. Fuel purchase receipts, analyzed samples or certifications that verify the fuel type and sulfur content will be acceptable.

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 Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than ten days after the permittee determined that the emission unit(s) exceeded the emission limitation listed above.
2. The permittee shall report any deviations from the standards, monitoring/testing, and reporting requirements of this permit condition in the semi-annual monitoring report and annual compliance certification required by Section V of this permit

PERMIT CONDITION EP9-002

10 CSR 10-6.070 New Source Performance Regulations
40 CFR Part 60 Subpart Dc Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units

Note: The emissions limitations, monitoring, recordkeeping and reporting requirements below apply only when EP9 burns #2 fuel oil.

Emission Limitations

1. The permittee shall not cause to be discharged into the atmosphere any gases that contain SO₂ in excess of 215 ng/J (0.50 lb/MMBtu) heat input; or, as an alternative, the permittee shall not combust oil that contains greater than 0.5 weight percent sulfur. [§60.42c(d)]
2. Compliance with the emission limits or fuel oil sulfur limits under this section may be determined based on a certification from the fuel supplier. [§60.42c(h)(1)]
3. The fuel oil sulfur limit applies at all times, including periods of startup, shutdown, and malfunction. [§60.42c(i)]

Monitoring

The monitoring requirements of §60.46c shall not apply to affected facilities where the owner or operator of the affected facility seeks to demonstrate compliance with the SO₂ standards based on fuel supplier certification. [§60.46c(e)]

Recordkeeping/Reporting

1. The permittee shall keep records and submit reports as required including the following information, as applicable: [§60.48c(e)]
 - a) Calendar dates covered in the reporting period. [§60.48c(e)(1)]
 - b) If fuel supplier certification is used to demonstrate compliance, records of fuel supplier certification as described in (i.) below. [§60.48c(e)(11)]
 - i. Fuel supplier certification for distillate oil shall include the following information: [§60.48c(f)(1)]
 1. The name of the oil supplier; and [§60.48c(f)(1)(i)]
 2. A statement from the oil supplier that the oil complies with the specifications under the definition of distillate oil in §60.41c. [§60.48c(f)(1)(ii)]
 - c) In addition to records of fuel supplier certifications, the report shall include a certified statement signed by the responsible official that the records of fuel supplier certifications submitted represent all of the fuel combusted during the reporting period. [§60.48c(e)(11)]

2. The permittee shall record and maintain records of the amounts of each fuel combusted during each day. [§60.48c(g)]
3. All records shall be maintained for five years and shall be made available immediately for inspection to the Department of Natural Resources' personnel upon request.
4. The reporting period for the reports required under subpart Dc is each six-month period. All reports shall be submitted to the MDNR and shall be postmarked by the 30th day following the end of the reporting period. [§60.48c(i)]
5. The permittee shall report any deviations from the standards, monitoring/testing, and reporting requirements of this permit condition in the semi-annual monitoring report and annual compliance certification required by Section V of this permit

Blending for Dryers #2 and #3		
Emission Unit	Description	Manufacturer/ Model #
EP4	Blending operation; Natural gas fired dryer; MHDR 4.0 ton/hr; equipped with rotoclone dynamic wet separator; installed 1997	AAF International/ Model 1428606-1
EP10	Blending of raw material in mixing tank; Natural Gas fired dryer; MHDR 2.0 ton/hr; equipped with rotoclone dynamic wet separator; installed 2002	AAF International/ Model BR2

<p>PERMIT CONDITION (EP4 and EP10)-001 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants</p>
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Emission Limitations

1. No owner or other person shall cause or permit emissions to be discharged into the atmosphere from any source any visible emissions with an opacity greater than 20%.
2. Exception: A person may discharge into the atmosphere from any source of emissions for a period(s) aggregating not more than six (6) minutes in any 60 minutes air contaminants with an opacity up to 60%.

Monitoring/Recordkeeping/Reporting

As detailed in core permit requirements.

<p>PERMIT CONDITION (EP4 and EP10)-002 10 CSR 10-6.400 Restriction of Emission of Particulate Matter From Industrial Processes</p>
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Emission Limitations

1. Particulate matter shall not be emitted from EU0030 in excess of 10.38 lb/hr.
2. Particulate matter shall not be emitted from EU0040 in excess of 6.52 lb/hr.
3. These emission rates were calculated using the following equation:

$$E = 4.10(P)^{0.67}$$
 Where:
 E = rate of emission in lb/hr
 P = process weight rate in ton/hr
4. The concentration of particulate matter in the exhaust gases shall not exceed 0.30 gr/scf.

Monitoring

The permittee shall calibrate, maintain and operate the wet dust collectors according to the manufacturer’s specifications and recommendations.

Recordkeeping

1. The permittee shall maintain a written record of all inspections, maintenance, calibration and any action resulting from these actions.
2. Attachment C contains a log including these recordkeeping requirements. This recordkeeping sheet, or an equivalent created by the permittee, must be used to certify compliance with this requirement.
3. These records shall be made available to the Missouri 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 Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than ten days after the permittee determined that the emission unit(s) exceeded the emission limitation listed above.
2. The permittee shall report any deviations from the standards, monitoring/testing, and reporting requirements of this permit condition in the semi-annual monitoring report and annual compliance certification required by Section V of this permit

Spray Dryer #1		
Emission Unit	Description	Manufacturer/ Model #
EP5	Spray dryer #1; MHDR 4 ton/hr, spray dryer installed 1978; heated with natural gas direct-fired burner; MHDR 16.6 MMBtu/hr; burner installed 2011; spray dryer and burner are part of an integral process and share the same control equipment and stack; equipped with primary and secondary dust collectors and wet scrubber	Dryer - Niro/ SD-500 Burner - Maxon

PERMIT CONDITION EP5-001
10 CSR 10-6.060 Construction Permits Required Construction Permit 032000-004, Issued January 31, 2000 and 10 CSR 10-6.400 Restriction of Emission of Particulate Matter From Industrial Processes

Emission Limitations

1. Particulate matter shall not be emitted from EP5 in excess of 10.38 lb/hr.
2. This emission rate was calculated using the following equation:

$$E = 4.10(P)^{0.67}$$
 Where:
 E = rate of emission in lb/hr
 P = process weight rate in ton/hr
3. The concentration of particulate matter in the exhaust gases shall not exceed 0.30 gr/scf.
4. The permittee shall control emissions of particulate matter less than ten microns in aerodynamic diameter (PM₁₀) from the spray dryer (EP5) with a wet venturi scrubber at all times when the dryer is in use. This scrubber shall be equipped with a gauge or meter which indicates the pressure drop

across the scrubber. This gauge or meter shall be located such that it may be easily observed by the Department of Natural Resources' employees. [Special Condition #1]

Monitoring/Recordkeeping

1. The permittee shall monitor and record the operating pressure drop across the scrubber at least once every twenty-four hours. The operating pressure drop shall be maintained within the design conditions specified by the manufacturer's performance warranty. (see Attachment E) [Special Condition 2]
2. The permittee shall maintain an operating and maintenance log for the scrubber which shall include the following: (see Attachment D) [Special Condition 3]
 - a) Incident of malfunction, with impact on emissions, duration of event, probable cause, and corrective actions; and
 - b) Maintenance activities, with inspection schedule, repair actions, and replacements, etc.
3. Attachments D and F contain logs including these recordkeeping requirements. These logs, or equivalent forms created by the permittee, must be used to certify compliance with this requirement.
4. These records shall be made available to the Missouri Department of Natural Resources' personnel upon request.
5. All records shall be maintained for five years.

Reporting

1. The permittee shall report to the Air Pollution Control Program Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than ten days after the permittee determined that the emission unit exceeded the emission limitation listed above.
2. The permittee shall report any deviations from the standards, monitoring/testing, and reporting requirements of this permit condition in the semi-annual monitoring report and annual compliance certification required by Section V of this permit.

PERMIT CONDITION EP5-002

10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants

Emission Limitations

1. No owner or other person shall cause or permit emissions to be discharged into the atmosphere from any source any visible emissions with an opacity greater than 20%.
2. Exception: A person may discharge into the atmosphere from any source of emissions for a period(s) aggregating not more than six (6) minutes in any 60 minutes air contaminants with an opacity up to 60%.

Monitoring/Recordkeeping/Reporting

As detailed in core permit requirements.

Spray Dryer #2 and #3		
Emission Unit	Description	Manufacturer/ Model #
EP11	Spray dryer #2; MHDR 2 ton/hr, spray dryer installed 2002; heated with natural gas indirect-fired burner; MHDR 4 MMBtu/hr; burner installed 2002; spray dryer and burner are part of an integral process and share the same control equipment and stack; equipped with primary and secondary dust collectors and wet scrubber	Dryer - Myers-Sterner Burner - Maxon
EP13	Spray dryer #3; MHDR 2.5 ton/hr, spray dryer installed 2002; heated with natural gas indirect-fired burner; MHDR 8 MMBtu/hr; burner installed 2002; spray dryer and burner are part of an integral process and share the same control equipment and stack; equipped with primary and secondary dust collectors and wet scrubber	Dryer - Myers-Sterner Burner - Maxon

PERMIT CONDITION (EP11 and EP13)-001

10 CSR 10-6.060 Construction Permits Required
 Construction Permit 012002-007, Issued November 7, 2001 and
 10 CSR 10-6.400 Restriction of Emission of Particulate Matter From Industrial Processes

Emission Limitations

1. Particulate matter shall not be emitted from EP11 in excess of 6.52 lb/hr.
2. Particulate matter shall not be emitted from EP13 in excess of 7.58 lb/hr.
3. This emission rate was calculated using the following equation:

$$E = 4.10(P)^{0.67}$$
 Where:
 E = rate of emission in lb/hr
 P = process weight rate in ton/hr
4. The concentration of particulate matter in the exhaust gases shall not exceed 0.30 gr/scf.
5. The permittee shall control emissions of particulate matter less than ten (10) microns in aerodynamic diameter (PM₁₀) from the spray dryers (EP11 and EP13) with a wet scrubber at all times when the dryer is in use. This scrubber shall be equipped with a gauge or meter, which indicates the pressure drop across the scrubber. This gauge or meter shall be located such that the Department of Natural Resources' employees may easily observe it. [Special Condition #1]

Monitoring/Recordkeeping

1. The permittee shall monitor and record the operating pressure drop across the scrubber at least once every twenty-four hours. The operating pressure drop shall be maintained within the design conditions specified by the manufacturer's performance warranty. (see Attachment E) [Special Condition 2]
2. The permittee shall maintain an operating and maintenance log for the scrubber which shall include the following: [Special Condition 3]
 - a) Incident of malfunction, with impact on emissions, duration of event, probable cause, and corrective actions; and
 - b) Maintenance activities, with inspection schedule, repair actions, and replacements, etc.

3. Attachments D and F contain logs including these recordkeeping requirements. These logs, or equivalent forms created by the permittee, must be used to certify compliance with this requirement.
4. These records shall be made available to the Missouri Department of Natural Resources' personnel upon request.
5. All records shall be maintained for five years.

Reporting

1. The permittee shall report to the Air Pollution Control Program Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, no later than ten days after the permittee determined that the emission unit(s) exceeded the emission limitation listed above.
2. The permittee shall report any deviations from the standards, monitoring/testing, and reporting requirements of this permit condition in the semi-annual monitoring report and annual compliance certification required by Section V of this permit

IV. Core Permit Requirements

The installation shall comply with each of the following regulations or codes. Consult the appropriate sections in the Code of Federal Regulations (CFR), the Code of State Regulations (CSR), and local ordinances for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued. 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 a residential premises having not more than four dwelling units, provided that the refuse originates on the same premises, with the following exceptions:
 - i) Kansas City metropolitan area. The open burning of household refuse must take place in an area zoned for agricultural purposes and outside that portion of the metropolitan area surrounded by the corporate limits of Kansas City and every contiguous municipality;
 - ii) Springfield-Greene County area. The open burning of household refuse must take place outside the corporate limits of Springfield and only within areas zoned A-1, Agricultural District;
 - iii) St. Joseph area. The open burning of household refuse must take place within an area zoned for agricultural purposes and outside that portion of the metropolitan area surrounded by the corporate limits of St. Joseph; and
 - iv) St. Louis metropolitan area. The open burning of household refuse is prohibited;
 - b) Yard waste, with the following exceptions:
 - i) Kansas City metropolitan area. The open burning of trees, tree leaves, brush or any other type of vegetation shall require an open burning permit;
 - ii) Springfield-Greene County area. The City of Springfield requires an open burning permit for the open burning of trees, brush or any other type of vegetation. The City of Springfield prohibits the open burning of tree leaves;
 - iii) St. Joseph area. Within the corporate limits of St. Joseph, the open burning of trees, tree leaves, brush or any other type of vegetation grown on a residential property is allowed during the following calendar periods and time-of-day restrictions:
 - (1) A three (3)-week period within the period commencing the first day of March through April 30 and continuing for twenty-one (21) consecutive calendar days;
 - (2) A three (3)-week period within the period commencing the first day of October through November 30 and continuing for twenty-one (21) consecutive calendar days;
 - (3) The burning shall take place only between the daytime hours of 10:00 a.m. and 3:30 p.m.; and
 - (4) In each instance, the twenty-one (21)-day burning period shall be determined by the director of Public Health and Welfare of the City of St. Joseph for the region in which the City of St. Joseph is located provided, however, the burning period first shall receive the approval of the department director; and

- iv) St. Louis metropolitan area. The open burning of trees, tree leaves, brush or any other type of vegetation is limited to the period beginning September 16 and ending April 14 of each calendar year and limited to a total base area not to exceed sixteen (16) square feet. Any open burning shall be conducted only between the hours of 10:00 a.m. and 4:00 p.m. and is limited to areas outside of incorporated municipalities;
- 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 owner or operator fails to comply with the conditions or any provisions of the permit.
- 4) DairiConcepts, L.P. 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 two hundred (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 DairiConcepts, L.P. 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, paragraph (2)(N)5., the director shall not issue a permit under this section unless the owner or operator 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. New Source Performance Standard (NSPS) 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 40 CFR 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 NSPS 40 CFR 60.2245-60.2260, sources must 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 Section 643.140, RSMo, the permittee may provide information showing that the excess emissions were the consequence of a malfunction, start-up or shutdown. The information, at a minimum, should be the paragraph 1 list and shall be submitted not later than 15 days after receipt of the notice of excess emissions. Based upon information submitted by the permittee or any other pertinent information available, the director or the commission shall make a determination whether the excess emissions constitute a malfunction, start-up or shutdown and whether the nature, extent and duration of the excess emissions warrant enforcement action under Section 643.080 or 643.151, RSMo.
 - 4) Nothing in this rule shall be construed to limit the authority of the director or commission to take appropriate action, under Sections 643.080, 643.090 and 643.151, RSMo to enforce the provisions of the Air Conservation Law and the corresponding rule.
 - 5) Compliance with this rule does not automatically absolve the permittee of liability for the excess emissions reported.

10 CSR 10-6.060 Construction Permits Required

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

10 CSR 10-6.065 Operating Permits

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

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 10-6.100 Alternate Emission Limits

Proposals for alternate emission limitations shall be submitted on Alternate Emission Limits Permit forms provided by the department. An installation owner or operator must obtain an Alternate Emission Limits Permit in accordance with 10 CSR 10-6.100 before alternate emission limits may become effective.

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 pay an annual emission fee per ton of regulated air pollutant emitted according to the schedule in the rule. This fee is an emission fee assessed under authority of RSMo 643.079.
- 5) The fees shall be payable to the Department of Natural Resources and shall be accompanied by the emissions report.
- 6) 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.
- 7) 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 twelve (12)-month period immediately preceding the end of the reporting period.
- 8) 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 Particulate Matter 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 particulate matter emissions to go beyond the premises of origin in quantities that the particulate matter may be found on surfaces beyond the property line of origin. The nature or origin of the particulate matter shall be determined to a reasonable degree of certainty by a technique proven to be accurate and approved by the director.
- 2) The permittee shall not cause nor allow to occur any fugitive particulate matter emissions to remain visible in the ambient air beyond the property line of origin.
- 3) Should it be determined that noncompliance has occurred, the director may require reasonable control measures as may be necessary. These measures may include, but are not limited to, the following:
 - a) Revision of procedures involving construction, repair, cleaning and demolition of buildings and their appurtenances that produce particulate matter emissions;
 - b) Paving or frequent cleaning of roads, driveways and parking lots;
 - c) Application of dust-free surfaces;
 - d) Application of water; and
 - e) Planting and maintenance of vegetative ground cover.

Monitoring:

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.

The permittee shall maintain the following monitoring schedule:

- 1) The permittee shall conduct weekly observations for a minimum of eight (8) consecutive weeks after permit issuance.
- 2) Should no violation of this regulation be observed during this period then-
 - a) The permittee may observe once every two (2) weeks for a period of eight (8) weeks.
 - b) If a violation is noted, monitoring reverts to weekly.
 - c) Should no violation of this regulation be observed during this period then-
 - i) The permittee may observe once per month.
 - ii) If a violation is noted, monitoring reverts to weekly.
- 3) If the permittee reverts to weekly monitoring at any time, monitoring frequency will progress in an identical manner to the initial monitoring frequency.

Recordkeeping:

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

- 1) Whether air emissions (except water vapor) remain visible in the ambient air beyond the property line of origin.
- 2) Whether the visible emissions were normal for the installation.
- 3) Whether equipment malfunctions contributed to an exceedance.
- 4) 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. This odor evaluation shall be taken at a location outside of the installation's property boundary.

10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants

Emission Limitation:

No owner or other person shall cause or permit to be discharged into the atmosphere from any source any visible emissions in excess of the limits specified by this rule. This permit will contain the opacity limits identified (10, 20 or 40 percent) for the specific emission units.

Monitoring:

- 1) The permittee shall conduct opacity readings on each emission unit using the procedures contained in U.S. EPA Test Method 22. The permittee is only required to take readings when the emission unit is operating and when the weather conditions allow. If the permittee observes no visible or other significant emissions using these procedures, then no further observations are required. For emission units with visible emissions perceived or believed to exceed the applicable opacity standard, the source representative would then conduct a Method 9 observation.
- 2) The permittee must maintain the following monitoring schedule:
 - a) The permittee shall conduct weekly observations for a minimum of eight (8) consecutive weeks after permit issuance.
 - b) Should the permittee observe no violations of this regulation during this period then-
 - i) The permittee may observe once every two (2) weeks for a period of eight (8) 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.
- 3) If the source reverts to weekly monitoring at any time, monitoring frequency will progress in an identical manner from the initial monitoring frequency.

Recordkeeping:

The permittee shall maintain records of all observation results using Attachment B (or its equivalent), noting:

- 1) Whether any air emissions (except for water vapor) were visible from the emission units;
- 2) All emission units from which visible emissions occurred;
- 3) Whether the visible emissions were normal for the process;
- 4) The permittee shall maintain records of any equipment malfunctions, which may contribute to visible emissions; and,
- 5) The permittee shall maintain records of all U.S. EPA Method 9 opacity tests performed.

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 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 Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.
- 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 (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, Significant New Alternatives Policy Program. *Federal Only - 40 CFR Part 82*

10 CSR 10-6.280 Compliance Monitoring Usage

- 1) The permittee is not prohibited from using the following in addition to any specified compliance methods for the purpose of submission of compliance certificates:
 - a) Monitoring methods outlined in 40 CFR Part 64;
 - b) Monitoring method(s) approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and
 - c) Any other monitoring methods approved by the director.
- 2) Any credible evidence may be used for the purpose of establishing whether a permittee has violated or is in violation of any such plan or other applicable requirement. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred by a permittee:
 - a) Monitoring methods outlined in 40 CFR Part 64;
 - b) A monitoring method approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and
 - c) Compliance test methods specified in the rule cited as the authority for the emission limitations.
- 3) The following testing, monitoring or information gathering methods are presumptively credible testing, monitoring, or information gathering methods:
 - a) Applicable monitoring or testing methods, cited in:
 - i) 10 CSR 10-6.030, "Sampling Methods for Air Pollution Sources";
 - ii) 10 CSR 10-6.040, "Reference Methods";
 - iii) 10 CSR 10-6.070, "New Source Performance Standards";
 - iv) 10 CSR 10-6.080, "Emission Standards for Hazardous Air Pollutants"; or
 - b) Other testing, monitoring, or information gathering methods, if approved by the director, that produce information comparable to that produced by any method listed above.

V. General Permit Requirements

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

10 CSR 10-6.065(6)(C)1.B Permit Duration

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

10 CSR 10-6.065(6)(C)1.C 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 Enforcement Section, P. O. Box 176, Jefferson City, MO 65102.
 - b) The permittee shall submit a report of all required monitoring by:
 - i) October 1st for monitoring which covers the January through June time period, and
 - ii) April 1st for monitoring which covers the July through December time period.
 - iii) Exception. Monitoring requirements which require reporting more frequently than semi-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, this includes deviations or Part 64 exceedances.
 - d) Submit supplemental reports as required or as needed. Supplemental reports are required no later than ten days after any exceedance of any applicable rule, regulation or other restriction. All reports of deviations shall identify the cause or probable cause of the deviations and any corrective actions or preventative measures taken.
 - i) Notice of any deviation resulting from an emergency (or upset) condition as defined in paragraph (6)(C)7.A of 10 CSR 10-6.065 (Emergency Provisions) shall be submitted to the permitting authority either verbally or in writing within two working days after the date on which the emission limitation is exceeded due to the emergency, if the permittee wishes to assert an affirmative defense. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that indicate an emergency occurred and the permittee can identify the cause(s) of the emergency. The permitted installation must show that it was operated properly at the time and that during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or requirements in the permit. The notice must contain a description of the emergency, the steps taken to mitigate emissions, and the corrective actions taken.

- ii) Any deviation that poses an imminent and substantial danger to public health, safety or the environment shall be reported as soon as practicable.
- iii) Any other deviations identified in the permit as requiring more frequent reporting than the permittee's semi-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(6)(C)1.D Risk Management Plan Under Section 112(r)

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

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

10 CSR 10-6.065(6)(C)1.F Severability Clause

In the event of a successful challenge to any part of this permit, all uncontested permit conditions shall continue to be in force. All terms and conditions of this permit remain in effect pending any administrative or judicial challenge to any portion of the permit. If any provision of this permit is invalidated, the permittee shall comply with all other provisions of the permit.

10 CSR 10-6.065(6)(C)1.G 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 pursuant to 10 CSR 10-6.065(6)(C)1.

10 CSR 10-6.065(6)(C)1.H Incentive Programs Not Requiring Permit Revisions

No permit revision will be required for any installation changes made under any approved economic incentive, marketable permit, emissions trading, or other similar programs or processes provided for in this permit.

10 CSR 10-6.065(6)(C)1.I Reasonably Anticipated Operating Scenarios

None

10 CSR 10-6.065(6)(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 EPA Region VII, 11201 Renner Boulevard, Lenexa, KS 66219, as well as the Air Pollution Control Program Enforcement Section, P.O. Box 176, Jefferson City, MO 65102. All deviations and Part 64 exceedances and excursions 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(6)(C)6 Permit Shield

- 1) Compliance with the conditions of this permit shall be deemed compliance with all applicable requirements as of the date that this permit is issued, provided that:
 - a) The applicable requirements are included and specifically identified in this permit, or
 - b) The permitting authority, in acting on the permit revision or permit application, determines in writing that other requirements, as specifically identified in the permit, are not applicable to the installation, and this permit expressly includes that determination or a concise summary of it.
- 2) Be aware that there are exceptions to this permit protection. The permit shield does not affect the following:
 - a) The provisions of Section 303 of the Act or Section 643.090, RSMo concerning emergency orders,
 - b) Liability for any violation of an applicable requirement which occurred prior to, or was existing at, the time of permit issuance,
 - c) The applicable requirements of the acid rain program,
 - d) The authority of the Environmental Protection Agency and the Air Pollution Control Program of the Missouri Department of Natural Resources to obtain information, or
 - e) Any other permit or extra-permit provisions, terms or conditions expressly excluded from the permit shield provisions.

10 CSR 10-6.065(6)(C)7 Emergency Provisions

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

10 CSR 10-6.065(6)(C)8 Operational Flexibility

An installation that has been issued a Part 70 operating permit is not required to apply for or obtain a permit revision in order to make any of the changes to the permitted installation described below if the changes are not Title I modifications, the changes do not cause emissions to exceed emissions allowable

under the permit, and the changes do not result in the emission of any air contaminant not previously emitted. The permittee shall notify the Air Pollution Control Program Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 11201 Renner Boulevard; Lenexa, KS 66219, at least seven days in advance of these changes, except as allowed for emergency or upset conditions. Emissions allowable under the permit means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

- 1) Section 502(b)(10) changes. Changes that, under Section 502(b)(10) of the Act, contravene an express permit term may be made without a permit revision, except for changes that would violate applicable requirements of the Act or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting or compliance requirements of the permit.
 - a) Before making a change under this provision, The permittee shall provide advance written notice to the Air Pollution Control Program Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 11201 Renner Boulevard, Lenexa, KS 66219, describing the changes to be made, the date on which the change will occur, and any changes in emission and any permit terms and conditions that are affected. The permittee shall maintain a copy of the notice with the permit, and the Air Pollution Control Program shall place a copy with the permit in the public file. Written notice shall be provided to the EPA and the Air Pollution Control Program as above at least seven days before the change is to be made. If less than seven days notice is provided because of a need to respond more quickly to these unanticipated conditions, the permittee shall provide notice to the EPA and the Air Pollution Control Program as soon as possible after learning of the need to make the change.
 - b) The permit shield shall not apply to these changes.

10 CSR 10-6.065(6)(C)9 Off-Permit Changes

- 1) Except as noted below, the permittee may make any change in its permitted operations, activities or emissions that is not addressed in, constrained by or prohibited by this permit without obtaining a permit revision. Insignificant activities listed in the application, but not otherwise addressed in or prohibited by this permit, shall not be considered to be constrained by this permit for purposes of the off-permit provisions of this section. 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 subject to any requirements under Title IV of the Act or is a Title I modification;
 - b) The permittee must provide written notice of the change to the Air Pollution Control Program Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII 11201 Renner Boulevard, Lenexa, KS 66219, no later than the next annual emissions report. This notice shall not be required for changes that are insignificant activities under 10 CSR 10-6.065(6)(B)3. 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.
 - 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; and
 - d) The permit shield shall not apply to these changes.

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

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

10 CSR 10-6.065(6)(E)6 Reopening-Permit for Cause

This permit may be reopened for cause if:

- 1) The Missouri Department of Natural Resources (MDNR) receives notice from the Environmental Protection Agency (EPA) that a petition for disapproval of a permit pursuant to 40 CFR § 70.8(d) has been granted, provided that the reopening may be stayed pending judicial review of that determination,
- 2) 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,
- 3) Additional applicable requirements under the Act become applicable to the installation; however, reopening on this ground is not required if—:
 - a) The permit has a remaining term of less than three years;
 - b) The effective date of the requirement is later than the date on which the permit is due to expire;or
 - c) The additional applicable requirements are implemented in a general permit that is applicable to the installation and the installation receives authorization for coverage under that general permit,
- 4) The installation is an affected source under the acid rain program and additional requirements (including excess emissions requirements), become applicable to that source, provided that, upon approval by EPA, excess emissions offset plans shall be deemed to be incorporated into the permit; or
- 5) The Missouri Department of Natural Resources or EPA determines that the permit must be reopened and revised to assure compliance with applicable requirements.

10 CSR 10-6.065(6)(E)1.C Statement of Basis

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

VI. Attachments

Attachments follow.

Attachment C

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

STATEMENT OF BASIS

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) Part 70 Operating Permit Application, received January 10, 2012;
- 2) 2010 Emissions Inventory Questionnaire, received March 18, 2011; and
- 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 (FIRE) Date System 6.25
- 5) Construction Permit #032000-004, Issued January 31, 2000
- 6) Construction Permit #012002-007, Issued November 7, 2001

Applicable Requirements Included in the Operating Permit but Not in the Application or Previous Operating Permits

In the operating permit application, the installation indicated they were not subject to the following regulation(s). However, in the review of the application, the agency has determined that the installation is subject to the following regulation(s) for the reasons stated.

None

Other Air Regulations Determined Not to Apply to the Operating Permit

The Air Pollution Control Program (APCP) has determined the following requirements to not be applicable to this installation at this time for the reasons stated.

10 CSR 10-6.405 *Restriction of Particulate Matter Emissions From Fuel Burning Equipment Used For Indirect Heating*

This rule does not apply because all of the indirect heating at the installation uses natural gas, fuel oil #2, or fuel oil #6. [10 CSR 10-6.405(1)(C)]

Construction Permits

- 1) Construction Permit 032000-004, Issued January 31, 2000
This construction permit was issued for the replacement of a Therminol hot oil heating system for a spray dryer with a direct fired natural gas burning system. This permit contains special conditions which are included in this operating permit in Permit Condition EP5-001.
Special Condition 2 states that the permittee "...shall monitor and record the operating pressure drop across the *baghouse*..." However, this statement should read "...shall monitor and record the operating pressure drop across the *scrubber*..." because Special Condition 1 required that a wet venturi scrubber, not a baghouse, be installed and operated at all times the dryer is in use.
- 2) Construction Permit 012002-007, Issued November 7, 2001
This construction permit was issued for the installation of two new blenders, two new dryers, and product coolers. This permit contains special conditions which appear in this operating permit in Permit Condition (EP11 and EP13)-001.

New Source Performance Standards (NSPS) Applicability

40 CFR Part 60 Subpart Dc, *Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units*

This rule applies to a steam generating unit for which construction, modification, or reconstruction is commenced after June 9, 1989, and that has a maximum design heat input capacity of less than or equal to 100 MMBtu/hr but greater than or equal to 10 MMBtu/hr.

- 1) EP1 (Boiler #1) was constructed in 1982 and therefore is not subject to this rule.
- 2) EP9 (Boiler #2) was constructed in 1999 and has a maximum design input capacity of 25.106 MMBtu/hr and therefore is subject to this subpart when burning fuel oil #2.

40 CFR Part 60 Subpart K, *Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978*

40 CFR Part 60 Subpart Ka, *Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984*

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*

The three storage vessels at this facility were constructed prior to 1963 and therefore are not subject to these rules.

Maximum Achievable Control Technology (MACT) Applicability

40 CFR Part 63 Subpart JJJJJ, *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers at Area Sources*

This rule does not apply to EP1 or EP9 because these boilers are considered gas-fired boilers. The boiler burns gaseous fuels not combined with any solid fuels, burns liquid fuel only during periods of gas curtailment, gas supply emergencies, or periodic testing on liquid fuel. Periodic testing of liquid fuel shall not exceed a combined total of 48 hours during any calendar year. If liquid fuel consumption exceeds 48 hours, then this rule would apply.

National Emission Standards for Hazardous Air Pollutants (NESHAP) 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).

Compliance Assurance Monitoring (CAM) Applicability

40 CFR Part 64, *Compliance Assurance Monitoring (CAM)*

The CAM rule applies to each pollutant specific emission unit that:

- Is subject to an emission limitation or standard, and
- Uses a control device to achieve compliance, and
- Has pre-control emissions that exceed or are equivalent to the major source threshold.

40 CFR Part 64 is not applicable because none of the pollutant-specific emission units have pre-control emissions that exceed or are equivalent to the major source threshold.

Greenhouse Gas Emissions

On May 13, 2010, EPA issued the GHG Tailoring Rule which set the major source threshold for CO₂e to be 100,000 tons per year within 40 CFR Part 70. As of July 1, 2011, all Title V operating permits are required to include GHG emissions. Potential emissions of greenhouse gases (CO₂e) for this installation are calculated to be 49,153 tons, classifying the installation as a minor source of GHGs.

This source is not subject to 40 CFR Part 98 - *Mandatory Greenhouse Gas Reporting Rule* at this time. However, should the installation's actual emissions exceed the 25,000 metric ton threshold, it would be subject at that time. In addition, Missouri regulations do not require the installation to report CO₂ emissions in their Missouri Emissions Inventory Questionnaire; therefore, the installation's actual CO₂ emissions were not included within this permit.

Updated Potential to Emit for the Installation

Pollutant	Potential to Emit (tons/yr) ¹
CO	39.10
CO ₂ e	49,153
HAP	0.77
NO _x	107.81
PM ₁₀	287.63
PM ₂₅	20.25
SO _x	440.69
VOC	5.74

¹Each emission unit was evaluated at 8,760 hours of uncontrolled annual operation unless otherwise noted.

The installation will be scrapping the oil tanks in the near future and the boilers will no longer be using No. 2 and No. 6 fuel oil as a backup fuel. This will result in a lower potential to emit SO_x.

Other Regulatory Determinations

10 CSR 10-6.260, *Restriction of Emission of Sulfur Compounds*

According to §(1)(A)1, emission sources subject to an applicable sulfur compound emission limit under 10 CSR 10-6.070 are exempt from this rule. Since EP9 (Boiler #2) is subject to 10 CSR 10-6.070, the unit is not subject to this rule.

According to §(1)(A)2, this rule does not apply to any combustion equipment that uses exclusively pipeline grade natural gas as defined in 40 CFR 72.2 and therefore it has not been applied to any of the natural gas fired equipment.

10 CSR 10-6.400, *Restriction of Emission of Particulate Matter From Industrial Processes*

- 1) This rule is not applicable to EP1 (Boiler #1) and EP9 (Boiler #2) because according to §(1)(B)6 the burning of fuels for indirect heat is exempt.
- 2) This rule has been applied to EP4 (Blending for Dryer #1), EP10 (Blending for Dryer #2), EP5 (Spray Dryer #1), EP11 (Spray Dryer #2), and EP13 (Spray Dryer #3). The calculations below verify compliance provided the required control devices are in operation and working properly

PM Emission Rate Compliance

Emission Rate Limit (lb/hr) $E = 4.1(P)^{0.67}$

Where: P = process weight rate (ton/hr)

Emission Unit #	Emission Unit Description	MHDR (ton/hr)	Emission Factor (lb/ton)	Overall Control Efficiency (%)	PM Emission Rate (lb/hr)	Allowable Emission Rate (lb/hr)
EP4	Blending for Dryer #1	4	5.5	0.98	0.44	10.38
EP10	Blending for Dryer #2	2	5.5	0.98	0.22	6.52
EP5	Spray Dryer #1	4	2.5	See note 2	10.00	10.38
EP11	Spray Dryer #2	2	2.5	See note 2	5.00	6.52
EP13	Spray Dryer #3	2.5	2.5	See note 2	6.25	7.58

EP4 and EP10: The uncontrolled PM emission factor was reported by facility; Brent Rottinghaus' 1/27/2000 letter to the MDNR states "the uncontrolled PM emission rate for blending was recently determined to be 5.5 pounds per ton."

EP5, EP11, and EP13: EPA document AP-42 does not list a PM emission factor for SCC# 30203001, milk spray dryer. The PM emission factor for SCC 30203020, cheese dryer with wet scrubber or venturi scrubber, is given as 2.5 lb/ton in AP-42 Chapter 9.6.1.

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:

Mr. Brian A. Bonebright
DairiConcepts, L.P.
305 West US Highway 54
El Dorado Springs, MO 64744

Re: DairiConcepts, L.P., 039-0003
Permit Number: **OP2012-059**

Dear Mr. Bonebright:

Enclosed with this letter is your Part 70 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 thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed. If it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the AHC.

If you have any questions or need additional information regarding this permit, please do not hesitate to contact Colin Janssen 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:cjk

Enclosures

c: Southwest Regional Office
PAMS File: 2012-01-025

MEMORANDUM

DATE: October 23, 2012

TO: 2012-01-025, DairiConcepts, L.P. (039-0003)

FROM: Colin Janssen, EIT

SUBJECT: Response to Public Comments Comments

The draft Part 70 Operating Permit for DairiConcepts, L.P. (039-0003) was placed on public notice as of August 20, 2012 for a 30-day comment period. The public notice was published on the Department of Natural Resources' Air Pollution Control Program's web page at: <http://www.dnr.mo.gov/env/apcp/PermitPublicNotices.htm>. On September 14, 2012 the Air Pollution Control Program received comments from EPA Region 7's Mark A. Smith, Air Permitting and Compliance Branch Chief. The comments will be addressed within this Response to Public Comments document.

Public Comment #1:

The draft Part 70 operating permit identifies emission units as EP with a one or two digit number. These identifiers appear to be emission point numbers and not emission unit numbers. This approach is not in step with what MDNR has customarily used. Additionally, the current Part 70 operating permit identifies the emission units as EU with a four digit number. This approach has been the customary practice employed by MDNR.

Therefore EPA recommends MDNR consider using the terms EUxxxx in lieu of the EPx or EPxx identification for emission units.

Missouri Air Pollution Control Program Response to Public Comment #1:

The Air Pollution Control Program believes identifying emission units in Title V operating permits with the same number that they are identified with in emission inventories and construction permitting will aid both the facility and the program in achieving compliance with applicable regulations. The emission unit numbers used in the draft Part 70 permit are identical to the numbers used in the facility's 2011 Emission Inventory Questionnaire. Therefore, the draft has not been changed.

Public Comment #2:

The Statement of Basis included in this draft Part 70 operating permit identifies 10 CSR 10-6.400, *Restriction of Emission of Particulate Matter From Industrial Processes* as **“Other Air Regulations Determined Not to Apply to the Operating Permit.** Item b) says this rule has not been applied to EP4 (Blending for Dryer #1), EP10 (Blending for Dryer #2), EP5 (Spray Dryer #1), EP11 (Spray Dryer #2), and EP13 (Spray Dryer #3) because the calculations show PM emissions will be below the allowable emissions based on process weight.

10 CSR 10-6.400, *Restriction of Emission of Particulate Matter From Industrial Processes* does in fact include several exceptions including emission units that at maximum hourly design rate (MHDR) have an uncontrolled potential to emit less than the allowable emissions. The table included in the Statement of Basis, that verifies the PM Emission Rate Compliance is below the allowable emission rate, uses the overall air pollutant control device efficiency to justify exclusion of this requirement from the identified emission units. However, the uncontrolled emission rates for EP4 and EP10 are above the allowable emission rate.

Therefore, EPA believes the exception in 10 CSR 10-6.400 would not apply. The current DairiConcepts Part 70 operating permit includes specific emission limitations, monitoring, record keeping and reporting requirements within an identified permit condition for 10 CSR 10-6.400, *Restriction of Emission of Particulate Matter From Industrial Processes* for each of these emission units and EPA suggests that MDNR should consider including these same permit conditions in this draft operating permit renewal.

Secondly, it is noted in the PM Emission Rate Compliance table for EP5, EP11, and EP13 are taken from AP-42 *Compilation of Air Pollutant Emission Factors*; Volume I, Stationary Point and Area Sources, Fifth Edition; in the section “Uses of Emission Factors” says the following. “Emission Factors in AP-42 are neither EPA-recommended emission limits nor standards. Use of these emission factors as source-specific permit limits and/or as emission regulation compliance determinations is not recommended by EPA.” This section goes “source-specific tests or continuous emission monitors can determine the actual pollutant contribution from an existing source better than can emission factors. A material balance approach also may provide reliable average emission estimates for specific sources. If representative source-specific data cannot be obtained, emissions information from equipment vendors, particular performance guarantees or

actual test data from similar equipment is a better source of information for permitting decisions than an AP-42 emission factor.”

Furthermore, a “D” rated emission factor is stated as “below average.” Test data quality for the “D” rating are based on a generally unacceptable method, but the method may provide an order-of-magnitude value for the source. AP-42 goes on to say that the “D” factor is developed from A-, B-, and/or C-rated test data from a small number of facilities, and there may be reason to suspect that these facilities do not represent a random sample of the industry. There also may be evidence of variability within the source population.

The current DairiConcepts Part 70 operating permit includes specific emission limitations, monitoring, record keeping and reporting requirements within an identified permit condition for 10 CSR 10-6.400, *Restriction of Emission of Particulate Matter From Industrial Processes* for each of these emission units and EPA suggests that MDNR should consider including these same permit conditions in this draft operating permit renewal.

Missouri Air Pollution Control Program Response to Public Comment #2:

Since the uncontrolled PM emissions from EP4 and EP10 are above the maximum allowed by process weight, conditions for 10 CSR 10-6.400 have been added for EP4 (Blending for Dryer #1) and EP10 (Blending for Dryer #2) which require DairiConcepts to use wet dust collectors in order to maintain compliance.

Conditions of 10 CSR 10-6.400 have also been added to EP5, EP11, and EP13 to limit emissions to below the amount allowed by process weight since the emission factor used in the calculation for the draft permit uses an emission factor which includes control equipment.

Public Comment #3:

The Statement of Basis of this draft Part 70 operating permit includes a section on **Maximum Achievable Control Technology (MACT) Applicability** relating to 40 CFR Part 63 Subpart JJJJJ, *National Emission Standards for Hazardous Air Pollutants for Industrial Boilers at Area Sources*. MDNR indicates that this rule does not apply to EP1 or EP9 because these boilers are considered gas-fired boilers, as defined within the MACT Standard. This is true, as long as periodic testing of liquid fuel does not exceed 48 hours during any calendar year. However, if DairiConcepts exceeds 48 hours, they are subject to the MACT Standard and must comply with the requirements of 40 CFR Subpart JJJJJ.

There is no indication within either the Statement of Basis or the specific permit conditions associated with EP1 or EP9 that reminds DairiConcepts of this requirement. Draft Permit Condition EP1-003 and EP9-003 both require DairiConcepts to maintain records of the #6 fuel oil and the #2 fuel oil burned in EP1 and EP9, respectively. However, there is no warning of the added requirements if these boilers liquid fuel consumption exceeds the combined total of 48 hours.

Therefore EPA recommends that MDNR should consider the addition of a note within these permit conditions that reminds DairiConcepts that 40 CFR Subpart JJJJJ applies in the event that liquid fuel consumption exceeds a combined 48 hours.

Missouri Air Pollution Control Program Response to Public Comment #3:

The sentence, “If liquid fuel consumption exceeds 48 hours, then this rule would apply” has been added to the discussion of 40 CFR Subpart JJJJJ in the Statement of Basis.