


# PERMIT TO OPERATE A CLASS II (MINOR) AIR CONTAMINANT SOURCE

	<p><b>Lincoln-Lancaster County Health Department</b>                  Environmental Public Health Division                  Air Quality Program                  3131 O Street                  Lincoln, Nebraska 68510</p> <p>Phone: (402) 441-8040      Fax: (402) 441-3890</p>	<p><b>Patricia D. Lopez, RN, MSN</b>                  Health Director</p> <p><b>Brock Hanisch, MS, MPH, REHS</b>                  Environmental Public Health                  Division Manager</p> <p><b>Gary R. Bergstrom, Jr.</b>                  Air Quality Program Supervisor</p>
<b>LLCHD Air Quality Program Source Number:</b>		<b>00064</b>
<b>Effective Duration of Permit:</b>		
<b>Effective Date:</b>	<b>XX – XX – 2024</b> <small>MM-DD-YYYY</small>	<b>Expiration Date:</b>
		<b>XX – XX – 2029</b> <small>MM-DD-YYYY</small>

**A Permit to Operate a Class II Source of Air Contaminants is Hereby Issued to:**

Permit Holder Name:	Haleon US Holdings Inc.
Address:	184 Liberty Corner Road, Suite 200
City, State, ZIP:	Warren, Somerset County, New Jersey, 07059

**This permit is issued for operation of the following source:**

Facility Site Name:	Haleon US Inc.
Facility Address:	10401 Highway 6
City, County, State, ZIP:	Lincoln, Lancaster County, Nebraska, 68517
Facility NAICS:	325412: Pharmaceutical Preparation Manufacturing

**Environmental Public Health Division / Air Quality Program Recommendation:**

Permit Writer:	<input type="checkbox"/> Approve Issuance <input type="checkbox"/> Deny Issuance	PERMIT WRITER APPROVAL
Air Quality Program Supervisor:	<input type="checkbox"/> Approve Issuance <input type="checkbox"/> Deny Issuance	SUPERVISOR APPROVAL
Environmental Public Health Division Manager:	<input type="checkbox"/> Approve Issuance <input type="checkbox"/> Deny Issuance	MANAGER APPROVAL

**Health Director / Air Pollution Control Officer Authorization:**

<p><b><u>ACTION TAKEN:</u></b></p> <p><input type="checkbox"/> Approve Issuance  <input type="checkbox"/> Deny Issuance</p>	<p><u>[XXXXXXXXXXXXXXXXXX]</u>                  Date</p>	<p><u>[XXXXXXXXXXXXXXXXXX]</u>                  Patricia D. Lopez, RN, MSN                  Health Director</p>
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### Definitions

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Unless otherwise defined, or a different meaning is clearly required by context, the terms used in this permit shall be as defined in Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCPRS) Article 2, Section 1 (Definitions).

**Abbreviations, Symbols, and Units of Measure**

Abbreviations, symbols, and units of measure used in this permit shall be as follows:

AP-42	Compilation of Air Pollutant Emission Factors, Volume I, Stationary Point and Area Sources	NAAQS	National Ambient Air Quality Standards
BACT	Best Available Control Technology	NESHAP	National Emission Standards for Hazardous Air Pollutants
bhp	Brake horsepower	NO <sub>2</sub>	Nitrogen dioxide
BMP	Best Management Practice	NO <sub>x</sub>	Nitrogen oxides
Btu	British thermal unit	NSPS	New Source Performance Standard
bu	Bushel	NSR	New Source Review
CAA	Clean Air Act	PAL	Plant-wide applicability limit
CDT/CST	Central Daylight Time/Central Standard Time	Pb	Lead (chemical abbreviation)
CE	Control equipment	PEMS	Predictive Emissions Monitoring System
CEM	Continuous emissions monitor	PM	Particulate matter
CEMS	Continuous emissions monitoring system	PM <sub>10</sub>	Particulate matter with and aerodynamic diameter equal to or less than 10 microns
cf or ft <sup>3</sup>	Cubic feet	PM <sub>2.5</sub>	Particulate matter with and aerodynamic diameter equal to or less than 2.5 microns
CFR	Code of Federal Regulations	ppb	Parts per billion
CO	Carbon monoxide	ppm	Parts per million
CO <sub>2</sub>	Carbon dioxide	ppmv	Parts per million by volume
CO <sub>2e</sub>	CO <sub>2</sub> equivalent	ppmvd	Parts per million by volume, dry basis
C.P.	Construction permit	PSD	Prevention of Significant Deterioration of Air Quality
CPMS	Continuous Parametric Monitoring System	PTE	Potential to emit
dscf	Dry standard cubic feet	RVP	Reid vapor pressure
dscfm	Dry standard cubic feet per minute	RATA	Relative Accuracy Test Audit
EMIS	Emergency Management Information System	RMP	Risk Management Plan
EP	Emission point	RTO	Regenerative thermal oxidizer
ESP	Electrostatic precipitator	§	Section
EU	Emission unit	scf	Standard cubic feet
FID#	Facility Identification Number	SDS	Safety Data Sheet
FDCP	Fugitive dust control plan	SIC	Standard Industrial Classification
FGR	Flue gas recirculation	SIP	State Implementation Plan
FIP	Federal Implementation Plan	SO <sub>2</sub>	Sulfur dioxide
FR	Federal Register	SO <sub>x</sub>	Sulfur oxides
ft	Feet	TDS	Total dissolved solids
FTIR	Fourier Transform Infrared	TO	Thermal oxidizer
GHGs	Greenhouse gases	TO/HRSG	Thermal oxidizer with heat recovery steam generator
gpm	gallons per minute	tpy	Tons per year
H <sub>2</sub> S	Hydrogen sulfide	TRS	Total reduced sulfur
HAP	Hazardous air pollutant	TSP	Total suspended particulate matter
hp	Horsepower	ULNB	Ultra low-NO <sub>x</sub> burner
hr	Hour	ULSD	Ultra low-sulfur diesel (maximum sulfur content of 15 ppm)
kW	Kilowatt	UST	Underground storage tank
kWh	Kilowatt-hour	US EPA	United States Environmental Protection Agency
lb	Pound	UTM	Universal Transverse Mercator
LDAR	Leak detection and repair	VHAP	Volatile hazardous air pollutant
LLCAPPRS	Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards	VMT	Vehicle miles traveled
LLCHD	Lincoln-Lancaster County Health Department	VOC	Volatile organic compound
LNB	Low-NO <sub>x</sub> burner		
MACT	Maximum Achievable Control Technology		
Mgal	One thousand gallons		
MMBtu	One million British thermal units		
MMscf	One million standard cubic feet		
MW	Megawatt		

**Description of Permitting Action**

Haleon US Inc. (hereinafter referred to as Haleon or the ‘source’), an existing source, has applied to become a Class II ‘minor’ operating facility under the LLCHD (hereinafter also referred to as the ‘Department’). Haleon initially applied for the Class II minor operating permit on August 31, 2018, which met the requirement for a ‘timely submittal’ prior to the operating permit expiration. Haleon has been operating as a Class II ‘synthetic minor’ source until this permitting action.

Changes in source operations and a specific request for consideration of dust control equipment as inherent to the operation of process equipment have resulted in reduced potential emissions for Haleon. Further evidence to support applicability for the source was requested by the Department. Haleon submitted a response on May 12, 2023. The testimony provided was accepted by the Department as valid support, justifying the dust control equipment as ‘process inherent.’ A revised application was submitted on July 7, 2023, to account for this decision and capture any other source updates.

Construction Permits No. 077B, No. 145, and No. 221 remain applicable for source operations with the incorporation of federally enforceable limits for facility-wide VOC and HAP emissions. Under incorporation of these limits, along with source changes as described in the previous paragraph, this facility now classifies as a Class II, ‘true minor’ source of air pollution and will no longer require a ‘synthetic minor’ permit. This permit incorporates any changes made to the facility during the term of the previous permit, construction permit requirements, and operating permit requirements as applicable. The “Statement of Basis” for this permit provides additional information on this permitting action.

This operating permit is being initiated in accordance with the applicable provisions of Article 2, Section 5 of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPPRS), as well as all other applicable provisions of the LLCAPPRS.

**Permitted Source**

For the purpose of this permit, the following emission units constitute the ‘Permitted Source’.

Emission Unit	SCC Code	Emission Point Description	Emission Segment Description
1-1	1-02-006-02	Kewanee Boiler #1	Natural Gas
1-2	1-02-005-02	Kewanee Boiler #1	#2 Fuel Oil
2-1	1-02-006-02	Kewanee Boiler #2	Natural Gas
2-2	1-02-005-02	Kewanee Boiler #2	#2 Fuel Oil
3-1	1-02-006-02	Kewanee Boiler #3	Natural Gas
3-2	1-02-005-02	Kewanee Boiler #3	#2 Fuel Oil
5-1	5-01-007-01	Wastewater Treatment Plant	Sewage Treatment
8-1	3-01-060-09	SMF Fluid Bed Dryer	Air Dryer
17-1	3-01-060-11	DC A213 (Coating)	Coating Process
40-1	3-01-060-08	Weighing Operations Dust Collector	Exhaust System
43-1	3-01-060-11	DC D441 (Coating)	Coating Process
44-1	2-02-001-02	Fire Pump Engine (235 hp – 175 kW)	Fuel Oil (ULSD)

Emission Unit	SCC Code	Emission Point Description	Emission Segment Description
44-3	2-02-002-53	Natural Gas Emergency Engine (1098 hp – 725 kW)	Natural Gas Combustion
45-1	3-01-060-22	SMF West Granulation, Bin Washing Area	Misc. Fugitives
45-2	3-01-060-22	SMF, Solutions Preparation Area	Misc. Fugitives
45-3	3-01-060-22	SDF, Equipment Cleaning Area	Misc. Fugitives
45-4	3-01-060-22	Packaging Operations	Misc. Fugitives
45-5	3-01-060-22	Equipment Washing Area	Misc. Fugitives
48-1	3-01-060-08	Packaging Dust Collectors	Exhaust System
48-2	3-01-060-08	Packaging Dust Collectors	Exhaust System
50-1	3-85-001-01	Cooling Tower 1	Cooling Tower
51-1	3-85-001-01	Cooling Tower 2	Cooling Tower
52-1	3-85-001-01	Cooling Tower 3	Cooling Tower
53-1	3-85-001-01	Cooling Tower 4	Cooling Tower
54-1	3-85-001-01	Cooling Tower 5	Cooling Tower
55-1	3-01-060-11	Film Coating Dust Collectors	Coating Process
56-1	3-01-060-12	SMF Dust Collectors	Exhaust System
57-1	3-01-060-08	Compression Exhaust Dust Collectors	Exhaust System

Notes:

- Previously permitted Emission Units of 10-1 (Alcohol Storage Area) and 11-1 (Hazardous Waste Storage Area) have established emissions as captured in source processes listed as Emission Units 45-1 through 45-5 and are therefore no longer listed here.
- Previously permitted Emission Units 14-1 (Flavor Storage) and 15-1 (Flavor Dispensing) have been decommissioned from source use and are therefore no longer listed here.
- All previously permitted dust control equipment have been removed as emission units due to process inherent decision and are therefore no longer listed here.

**Insignificant Activities**

The source may operate insignificant activities, which are described in the instructions for Section 4, Insignificant Activities, of the operating permit renewal application. Insignificant activities may include diesel fuel storage tanks, space heaters, or propane or natural gas fired combustion units, such as boilers or other small combustion units, with a heat input capacity of less than eight (8) or ten (10) million British thermal units per hour (MMBtu/hr), respectively. Insignificant activities at this source include the following:

Insignificant Activity	Additional Information
Space Heaters	<100,000 Btu/hr - Natural Gas
Fuel Oil Storage	20,000 Gal. Tank – Fuel Oil for Boilers (<10 kPa)
Fuel Oil Storage	300 Gal. Tank – Fuel Oil for fire pump (<10 kPa)
Fuel Oil Storage	500 Gal. Tank –Fuel oil for outdoor lawn care equipment (<10 kPa)
Lab Equipment	Hood/Vent Equipment – for Non-process Activities (minimal exhaust losses)
Chillers	Enclosed Equipment/Boiler Water Treatment (minimal GHG losses)
Fire Suppression	Fire Suppression System (minimal GHG losses)
Water Purification System*	Purified water quality standards as set by United States Pharmacopeia (USP)

\*Previously permitted as Emission Unit 46-2 (USP Purified Water System Chlorination).

### **Permitting Action Regulatory Provisions**

This operating permit is issued in accordance with the applicable provisions of Article 2, Section 5, 7, 8, and 14 of the Lincoln-Lancaster County Health Department Air Pollution Control Program Regulations and Standards (LLCAPPRS), as well as all other applicable provisions of the LLCAPPRS. Compliance with this permit shall not be a defense to any enforcement action for violation(s) of an ambient air quality standard, or any other local, state, or Federal requirement.

### **Source Description**

The primary function of Haleon is the manufacturing and packaging of common pharmaceutical products using material handling, packaging equipment, and three natural gas/#2 fuel oil boilers. Multiple dust collectors – determined as process inherent – are also utilized for both product quality and industrial hygiene purposes.

Haleon has been operating as a Class II ‘synthetic minor’ source because its maximum potential emissions exceeded Class I (aka, major source) permitting thresholds. Emission calculations contained in the approved application have exhibited that source emissions no longer exceed major source thresholds, and this facility now classifies as a Class II source of air pollution. Pollutants primarily consist of carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), and sulfur oxides (SO<sub>x</sub>). Lesser emissions of particulate matter less than or equal to ten micrometers in diameter (PM<sub>10</sub>) and volatile organic compounds (VOCs) are also associated with this source.

This source is an ‘area source’ of hazardous air pollutants (HAP) because maximum potential emissions of both individual and combined HAPs from combustion equipment, when present at the source, are less than major source thresholds. ‘Major sources’ of HAP are those with a maximum potential to emit individual HAP in excess of 10 tons per year, and total combined HAP in excess of 25 tons per year.

### **Facility Regulatory Classification**

- The facility is an ‘area source’ of hazardous air pollutants (HAP).
- The facility is a ‘minor’ source of all criteria air pollutants.
- Emission units covered by this permit are subject to the New Source Performance Standards (NSPS) in Title 40, Part 60 of the Code of Federal Regulations (40 CFR 60), including the following:
  - 40 CFR 60, Subpart A: NSPS General Provisions
  - 40 CFR 60, Subpart Dc: NSPS for Small Industrial/Commercial/Institutional Steam Generating Units
  - 40 CFR 60, Subpart JJJ: NSPS for Stationary Spark Ignition Internal Combustion Engines
- Emission units covered by this permit are subject to the National Emissions Standards for Hazardous Air Pollutants (NESHAPs) Maximum Achievable Control Technology (MACT) in Title 40, Part 63 of the Code of Federal Regulations (40 CFR 63), including the following:
  - 40 CFR 63, Subpart A: NESHAP MACT General Provisions
  - 40 CFR 63, Subpart ZZZZ: NESHAP MACT for Stationary Reciprocating Internal Combustion Engines

- This facility is not subject to the NESHAP MACT requirements of 40 CFR Part 63 Subpart GGG (National Emission Standards for Pharmaceuticals Production), as Subpart GGG applies only to major sources of HAP emissions, and Haleon is classified as an 'area source' of HAP emissions.
- The boilers at this facility are not subject to the NESHAP MACT requirements set forth in 40 CFR Part 63, Subpart JJJJJ (NESHAPs for Industrial, Commercial, and Institutional Boilers Area Sources), as these boilers meet the definition of a 'gas-fired boiler', as defined in §63.11237 of the rule.
- This facility is not subject to Appendix S of 40 CFR Part 51 (Emission Offset Interpretative Ruling).
- This facility is not subject to 40 CFR Part 52, Subpart A §52.21 (Prevention of Significant Deterioration [PSD] of Air Quality).
- The requirements of 40 CFR Part 61, Subpart M (National Emission Standard for Asbestos) are applicable if the owner/operator performs renovation or demolition.
- This facility is not subject to 40 CFR Part 64 (Compliance Assurance Monitoring).
- This facility is not subject to 40 CFR Part 68 (Chemical Accident Prevention Provisions).
- This facility is subject to 40 CFR Part 82 (Protection of Stratospheric Ozone).

### **Public Participation**

Pursuant to Article 2, Section 14 of the LLCAPCRS, the public has been notified by prominent advertisement of this permit that approves the operation of an air contaminant source. The thirty (30) day comment period has elapsed, and all comments received have been addressed.

### **Permitting Authority**

The permitting authority for this project is the Air Quality Program in the Environmental Public Health Division of the Lincoln-Lancaster County Health Department (LLCHD). All documents related to applications for permits to operate any emissions unit or source must be submitted to the LLCHD at the following address.

Lincoln-Lancaster County Health Department  
% Air Quality Program  
3131 'O' Street  
Lincoln, NE 68510

### **Compliance Authorities**

- |   |   |
|---|---|
| <ul style="list-style-type: none"><li>• All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the following:</li></ul> | <ul style="list-style-type: none"><li>• If required or requested by the EPA, the owner/operator shall submit reports, tests, and/or notifications to the following:</li></ul> |
| <hr/> <p>Lincoln-Lancaster County Health Department<br/>% Air Quality Program<br/>3131 'O' Street<br/>Lincoln, NE 68510</p>   | <hr/> <p>US EPA Region 7<br/>ECAD/AB—Nebraska Air Compliance Coordinator<br/>11201 Renner Blvd.<br/>Lenexa, KS 66219</p>  |

**PERMIT CONDITIONS BEGIN ON FOLLOWING PAGE**

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**Regulations**

I. Applicable and Non-Applicable Regulations & Requirements.

(A) The following sections (§) of the LLCAPCPRS are requirements of this permit:

**Table 1-A: Applicable Regulations of the LLCAPCPRS**

<b>Article 1: Administration and Enforcement</b>	
§1	Intent
§2	Unlawful Acts – Permits Required
§3	Violations – Hearings – Orders
§4	Appeal Procedure
§5	Variance
§6	Fees
§7	Compliance – Actions to Enforce – Penalties for Non-Compliance
§8	Procedure for Abatement
§9	Severability
<b>Article 2: Regulations and Standards</b>	
§1	Definitions
§4	Ambient Air Quality Standards
§5	Operating Permits – When Required
§6	Emissions Reporting – When Required
§7	Operating Permits – Application
§8	Operating Permits – Content
§11	Emergency Operating Permits – Defense
§12	Operating Permit Renewal and Expiration
§14	Permits – Public Participation
§15	Permit Modifications – Reopening for Cause
§16	Stack Heights – Good Engineering Practice (GEP)
§17	Construction Permits – When Required
§18	New Source Performance Standards (NSPS)
§20	Particulate Limitations and Standards
§23	National Emission Standards for Hazardous Air Pollutants (NESHAPs)
§27	Hazardous Air Pollutants – Maximum Achievable Control Technology (MACT)
§28	Hazardous Air Pollutants – Source Category Emission Standards
§29	Operating & Construction Permit Emissions Fees
§32	Duty to Prevent Escape of Visible Airborne Dust
§33	Time Schedule for Compliance
§34	Emission Source Testing and Monitoring
§35	Compliance – Exceptions Due to Startup, Shutdown, or Malfunction
§36	Control Regulation Circumvention – When Excepted
§37	Compliance – Responsibility of Owner/Operator Pending Review by Director
§38	Emergency Episodes – Occurrence, Control, and Contingency Plans
<b>Appendices</b>	
I	Emergency Emission Reduction Regulations
II	Hazardous Air Pollutants Sorted by Pollutant Name
III	Hazardous Air Pollutants Sorted by CAS Number



- (B) The following sections of the LLCAPCPRS are not requirements of this permit:

**Table 1-B: LLCAPCPRS Regulations not Incorporated in Permit**

<b>Article 2: Regulations and Standards</b>	
§2	Major Sources Defined
§9	General Permits
§10	Operating Permits for Temporary Sources
§13	Class I Operating Permit – EPA Review – Affected States Review
§19	Prevention of Significant Deterioration (PSD) of Air Quality
§21	Compliance Assurance Monitoring (CAM)
§22	Incinerator Emission Standards
§24	Sulfur Compound Emission Standards for Existing Sources
§25	Nitrogen Oxide Emissions Standards for Existing Sources
§26	Acid Rain
§3, §30, §31	Reserved

- (C) The following State Regulations are not requirements of this permit:

**Table 1-C: Non-Applicable State Air Quality Regulations**

<b>Regulation</b>	<b>Regulation Title</b>
Chapter 4	Prevention of Significant Deterioration of Air Quality

- (D) The following chapter(s) of the Lincoln Municipal Code (LMC) are requirements of this permit:

**Table 1-D: Applicable Lincoln Municipal Code (LMC) Chapter(s)**

<b>Chapter</b>	<b>Chapter Title</b>
8.06	Air Pollution

- (E) The following Federal Regulations, including those not currently delegated to the LLCHD or not yet included in the LLCAPCPRS, are requirements of this permit:

**Table 1-E: Applicable Federal Regulations**

<b>40 CFR Part 60: New Source Performance Standards (NSPS)</b>	
<i>Subpart</i>	<i>Subpart Subject</i>
A	General Provisions
Dc	Small Industrial/Commercial/Institutional Steam Generating Units
JJJJ	Stationary Spark Ignition Internal Combustion Engines (SI ICE)
<b>40 CFR Part 61: National Emission Standards for Hazardous Air Pollutants (NESHAPs)</b>	
<i>Subpart</i>	<i>Subpart Subject</i>
A	General Provisions
M	Asbestos
<b>40 CFR Part 63: Source Category NESHAPs</b>	
<i>Subpart</i>	<i>Subpart Subject</i>
A	General Provisions
ZZZZ	NESHAP MACT for Stationary Reciprocating Internal Combustion Engines
<b>40 CFR Part 82: Protection of the Stratospheric Ozone</b>	
<i>Subpart</i>	<i>Subpart Subject</i>
A	Protection and Consumption Controls
B	Servicing Motor Vehicle Air Conditioners

E	Labeling of Products Using Ozone-Depleting Substances
F	Recycling Emissions Reduction
G	Significant New Alternatives Policy Program

(F) The following Federal Regulations are not requirements of this permit:

**Table 1-F: Non-Applicable Federal Regulations**

Regulation	Non-Applicable Subparts, Section(s), or Appendix
40 CFR Part 51	Appendix S: Emission Offset Interpretive Ruling
40 CFR Part 52	Subpart A §52.21: Prevention of Significant Deterioration of Air Quality
40 CFR Part 60	All subparts, except those listed as applicable in Table 1-E
40 CFR Part 61	All subparts, except those listed as applicable in Table 1-E
40 CFR Part 63	All subparts, except Subparts B–E and those listed as applicable in Table 1-E
40 CFR Part 64	Entire rule is non-applicable at the time of permit issuance
40 CFR Part 68	Entire rule is non-applicable at the time of permit issuance
40 CFR Part 98	Entire rule is non-applicable at the time of permit issuance

**General Conditions**

- II. In accordance with paragraph (C) of LLCAPCPRS Article 1, Section 2 (Unlawful Acts – Permits Required), it is unlawful to:
  - (A) Construct or operate an air pollution source without first obtaining a permit required under the LLCAPCPRS;
  - (B) Violate any term or condition of this permit or any emission limit set in this permit; or
  - (C) Violate any emission limit or standard established in the LLCAPCPRS.
- III. Violations, hearings, and orders shall be conducted in accordance with LLCAPCPRS Article 1, Section 3 (Violations – Hearings – Orders).
- IV. Appeals shall be conducted in accordance with LLCAPCPRS Article 1, Section 4 (Appeal Procedure).
- V. In accordance with LLCAPCPRS Article 1, Section 5 (Variance), any person who owns or is in control of any plant, building, structure, process, or equipment may apply to the LLCHD for a variance from rules or regulations. Any person who is applying for or has obtained a variance must comply with all requirements of Article 1, Section 5 of the LLCAPCPRS, as applicable.
- VI. The following provisions of LLCAPCPRS Article 1, Section 6 (Fees) are requirements of this permit:
  - (A) Paragraph (A) – Annual Emission Fees: In accordance with paragraph (A)(1) of LLCAPCPRS Article 1, Section 6 (Fees), any person who owns or operates a source as defined in Article 2, Section 1 of the LLCAPCPRS and is required to obtain a Class I or Class II operating permit in accordance with Article 2, Section 5 of the LLCAPCPRS, or is required to obtain a construction permit in accordance with Article 2, Section 17 of the LLCAPCPRS, must pay annual emission fees in accordance with all applicable provisions set forth under Article 1, Section 6, paragraph (A) of the LLCAPCPRS.
  - (B) Paragraph (D) – In accordance with paragraph (D)(2) of Section 6, Any person or source required to obtain an operating permit under Article 2, Section 5 shall pay a permit fee

for activities included under paragraphs (D)(2)(a-e) of Section 6. The permit fee shall be charged at the rate specified in paragraph (D)(2) of Section 6. Any person required to submit fees pursuant to Section 6 shall submit the fees to the Director by check or other authorized transfer payable to the Lincoln-Lancaster County Health Department. The fees shall be due and payable within thirty (30) days after issuance of the permit.

- (C) Paragraph (H) – All fees provided for herein must be payable to the Lincoln-Lancaster County Health Department. All money collected shall be deposited with the City Treasurer’s Office and credited to Fund 145 Title V Clean Air Fund.

VII. The following provisions of LLCAPCPRS Article 1, Section 7 (Compliance – Actions to Enforce – Penalties for Non-Compliance) are requirements of this permit:

- (A) Paragraph (A) – The County Attorney or Attorney General may institute enforcement proceedings pursuant to Neb. Rev. Stat., §81-1504(23), Neb. Rev. Stat. §81-1508, Neb. Rev. Stat. §81-1508.01, Neb. Rev. Stat. §81-1508.02, or Nebr. Rev. Stat. §81-1528(2) against any person who fails to comply with the requirements of the LLCAPCPRS. Nothing in the LLCAPCPRS shall preclude the control of air pollution by resolution, ordinance, or rule, regulation, or standard not in actual conflict with the state air pollution control regulations. (Ref: Neb. Rev. Stat. §71-1631(15)).
- (B) Paragraph (B) – Any person who fails to comply with the requirements of the LLCAPCPRS or who fails to perform any duty imposed by the LLCAPCPRS shall be subject to a civil penalty of not more than ten thousand dollars (\$10,000) per day per violation pursuant to Neb. Rev. Stat. §81-1508.02.
- (C) Paragraph (C) – Any person who knowingly and willfully fails to comply with the requirements of the LLCAPCPRS or who knowingly and willfully fails to perform any duty imposed by the LLCAPCPRS shall be subject to criminal prosecution under Neb. Rev. Stat. §81-1508.01.
- (D) Paragraph (D) – Enforcement proceedings may include injunctive relief in court to restrain any violation that creates an imminent and substantial endangerment to the public health or to the environment pursuant to Neb. Rev. Stat. §81-1508.

VIII. In accordance with LLCAPCPRS Article 1, Section 8 (Procedure for Abatement), if the Director has determined a violation of the Air Pollution Control Program after any hearing required hereunder or if the Director has probable cause to believe a violation has occurred, the Director shall refer the matter to the County Attorney.

IX. In accordance with LLCAPCPRS Article 1, Section 9 (Severability), if any clause, paragraph, or section of the LLCAPCPRS shall be held invalid, it shall be conclusively presumed that the City and County would have enacted the remainder of the LLCAPCPRS not directly related to such clause, paragraph, or section.

X. The following provisions of LLCAPCPRS Article 2, Section 5 (Operating Permits – When Required) are requirements of this permit:

- (A) Paragraph (A)(2) – This source is required to obtain a Class II operating permit, as the source is a minor source as defined in Article 2, Section 2 of the LLCAPCPRS.
- (B) Paragraph (C) – This operating permit is issued only for the emission units included in the approved permit application.

- XI. The following provisions of LLCAPCPRS Article 2, Section 6 (Emissions Reporting – When Required) are requirements of this permit:
- (A) Paragraph (A) – The owner/operator must complete and submit to the Department an annual emissions inventory on forms furnished by or acceptable to the Department by March 31 of each year. The inventory must include all emissions associated with the emission units included in the Permitted Source. The inventory form must be certified in accordance with Condition XII(B) of this permit.
  - (B) Paragraph (B) – The annual emissions inventory must include the information set forth under paragraphs (B)(1-3) of Section 6.
  - (C) Paragraph (C) – Actual emissions shall be calculated using the methods and procedures set forth under paragraphs (C)(1-9) of Section 6.
  - (D) Paragraph (D) – Except as otherwise provided in (C) above, any other test methods and procedures for use in determining actual emissions must be approved by the LLCHD.
  - (E) The LLCHD may require the submittal of supplemental information to verify or otherwise assure the quality of emissions reported.
- XII. The following provisions of LLCAPCPRS Article 2, Section 7 (Operating Permits – Application) are requirements of this permit:
- (A) Paragraph (B)(6) – For purposes of permit renewal, a timely application is one that is submitted at least six (6) months prior to the date of permit expiration or such longer time as may be approved by the Director after notice to the owner/operator that ensures that the permit will not expire before the permit is renewed. In no event shall this time be greater than eighteen (18) months.
  - (B) Paragraph (H) – All reports and compliance certifications submitted must contain certification by a responsible official of truth, accuracy, and completeness. This certification must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- XIII. The following provisions of LLCAPCPRS Article 2, Section 8 (Operating Permits – Content) are requirements of this permit:
- (A) Paragraph (C)(1) – This permit is issued for a fixed term of five (5) years from the date of issuance.
  - (B) Paragraph (C)(2) – The conditions of an expiring permit shall continue until the effective date of a new permit, provided that the owner/operator has submitted a timely application, and the Director does not issue a new permit with an effective date before the expiration date of the previous permit.
  - (C) Paragraph (F) – The unchallenged permit requirements shall remain valid in the event of a challenge to any portions of the permit.
  - (D) Paragraph (G)(1) – The owner/operator must comply with all conditions of the Class II permit. Any permit noncompliance shall constitute a violation of the LLCAPCPRS and the Act, and is grounds for enforcement action; permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application.

- (E) Paragraph (G)(2) – It shall not be a defense for an owner/operator in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
  - (F) Paragraph (G)(3) – The permit may be modified; revoked, reopened, and reissued; or terminated for cause in accordance with the provisions of LLCAPCPRS. The filing of a request by the owner/operator for a permit modification, revocation and re-issuance, or termination, or of a notification of planned changes or anticipated noncompliance does not supersede any permit condition.
  - (G) Paragraph (G)(4) – This operating permit does not convey any property rights of any sort, or any exclusive privilege.
  - (H) Paragraph (G)(5) – The owner/operator must furnish to the Department, within the time specified by the Department, any information requested by the Department in writing to determine whether cause exists for modifying, revoking and reissuing; or terminating the permit or to determine compliance with the permit. Upon request, the owner/operator must also furnish to the Department, copies of records required to be kept in accordance with the permit or, for information claimed to be confidential, the owner/operator may furnish such records along with a claim of confidentiality pursuant to Neb. Rev. Stat. §84-712.05.
  - (I) Paragraph (G)(6) – The owner/operator must maintain a copy of the permit application, including any supporting emission calculations or other related materials, on file at the location of the source or at the owner’s or operator’s main or corporate office.
  - (J) Paragraph (G)(7) – The owner/operator must place a copy of the permit and of the letter of transmittal on file at the location of the source no later than fourteen (14) calendar days after the date of the letter of transmittal. A copy of the permit must also be placed on file at the owner’s or operator’s main or corporate office no later than thirty (30) calendar days after the date of the letter of transmittal.
  - (K) Paragraph (J) – Conditions under which this permit may be reopened for cause, revoked and reissued, or terminated are as specified under Conditions XVI(D)-(E) of this permit.
  - (L) Paragraph (M) – The Director may place such conditions and restrictions upon a permit issued or renewed under this section as he or she deems necessary to protect public health or the environment. Such conditions or restrictions may be placed upon the permit at the time it is issued, modified, or renewed. By the way of example, and not of limitation, such conditions or restrictions may be new federal applicable requirements not yet adopted in the LLCAPCPRS.
- XIV. The following provisions of LLCAPCPRS Article 2, Section 11 (Emergency Operating Permits – Defense) are requirements of this permit:
- (A) Paragraph (A) – For the purpose of a Class II operating permit, an “emergency” means any situation arising from sudden, unavoidable, and reasonably unforeseeable events beyond the control of the source, including acts of God, which requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases

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

- (B) Paragraph (B) – An emergency constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph (C) below are met.
  - (C) Paragraph (C) – The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - (1) An emergency occurred and that the owner/operator can identify the cause(s) of the emergency;
    - (2) The permitted facility was, at the time, being properly operated;
    - (3) During the period of the emergency, the owner/operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
    - (4) The owner/operator submitted notice of the emergency to the Department within 2 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 corrective actions taken.
  - (D) Paragraph (D) – In any enforcement proceeding, the owner/operator seeking to establish the occurrence of an emergency has the burden of proof.
  - (E) Paragraph (E) – This provision is in addition to any emergency or upset provision contained in any applicable requirement.
- XV. The following provisions of LLCAPCRS Article 2, Section 12 (Operating Permit Renewal and Expiration) are requirements of this permit:
- (A) Paragraph (B) – The expiration of an operating permit terminates the source’s right to operate unless a timely and complete renewal application has been submitted consistent with LLCAPCRS Article 2, Section 7, paragraphs (B)-(C).
  - (B) Paragraph (C) – The conditions of an expired operating permit shall continue until the effective date of a new permit, provided the permittee has complied with LLCAPCRS Article 2, Section 8, paragraph (C)(3), or until the application for a permit is denied. The LLCHD shall deny the application for a permit if any of the following are true:
    - (1) The permittee is not in substantial compliance with the terms and conditions of the expired permit, or with a stipulation, agreement, or compliance schedule designed to bring the permittee into compliance with the permit;
    - (2) The Department, as a result of an action or failure to act on the part of the permittee, has been unable to take final action on the application on or before the expiration date of the permit; or
    - (3) The permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of the deficiencies.

- XVI. The following provisions of LLCAPCPRS Article 2, Section 15 (Permit Modifications – Reopening for Cause) are requirements of this permit:
- (A) Paragraph (A) – The owner/operator may request the LLCHD to make an administrative permit amendment in writing by specifying the section of the permit that is to be changed and the reason for the change. The source may implement the changes addressed in the request immediately upon submittal of the request, subject to the Department’s final action on the request. Administrative permit amendments include any permit revision that meet the criteria established in paragraphs (A)(1)(a-d) of Section 15.
  - (B) Paragraph (C) – The owner/operator may request a minor permit modification consistent with the procedures set forth under paragraph (C) of Section 15, provided that the modification meets the criteria established in paragraphs (C)(1)(a-g) of Section 15.
  - (C) Paragraph (E) – Any modification not meeting the administrative permit amendment criteria in paragraph (A) of Section 15, and/or the minor permit modification criteria in paragraph (C) of Section 15 shall be processed in accordance with the provisions for a significant permit modification established in paragraphs (E)(1-5) of Section 15.
  - (D) Paragraph (F)(1) – Conditions under which this permit may be reopened, revoked and reissued, or terminated during its term for cause, include but are not limited to:
    - (1) Additional applicable requirements under the Act or the LLCAPCPRS, which become applicable to this source with a remaining permit term of three (3) or more years. Such reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended;
    - (2) Additional requirements, including excess emissions requirements that become applicable to an affected source under the acid rain program under Title IV of the Act;
    - (3) The Administrator determines that the permit must be revoked or reissued to assure compliance with the applicable requirements;
    - (4) The Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms and conditions of the permit; and
    - (5) The Administrator determines that an applicable requirement or applicable requirement under the Act applies which was not identified by the owner/operator in its application.
  - (E) Paragraph (F)(2) – A permit may be revoked during its term for cause, including but not limited to:
    - (1) The existence at the facility of unresolved noncompliance with applicable requirements or a term or condition of the permit, and refusal of the owner/operator to agree to an enforceable schedule of compliance to resolve the noncompliance;

- (2) The owner/operator has falsely certified or submitted false, incomplete, or misleading information to the Department or EPA;
  - (3) The LLCHD determines that the permitted facility or activity endangers human health, or the environment and that the danger cannot be removed by a modification of the permit; or
  - (4) The owner/operator has failed to pay a penalty owed pursuant to court order, stipulation and agreement, or order issued by the Administrator.
- (F) Paragraph (G) – The owner/operator may make changes to a permitted facility without a permit revision if the change is not a modification under LLCAPCPRS Article 2, Sections 18, 23, 27, or 28, the change does not require a construction permit under LLCAPCPRS Article 2, Sections 17 or 19, and the change is allowed under the applicable provisions of paragraphs (G)(1) or (G)(2) of Section 15.
- (G) Paragraph (H) – No permit revisions shall be required under any State-approved programs providing for economic incentives, marketable permits, emissions trading or other similar programs or processed for changes that are provided for in the permit.
- XVII. In accordance with paragraph (A) of LLCAPCPRS Article 2, Section 16 (Stack Heights – Good Engineering Practice), the degree of emissions limitation required of any source for control of any air pollutant shall not be affected by so much of any source’s stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in paragraph (B) of Section 16.
- XVIII. In accordance with paragraph (A) of LLCAPCPRS Article 2, Section 17 (Construction Permits – When Required), no person shall cause the construction, reconstruction, or modification at any of the items specified in Article 2, Section 17 of the LLCAPCPRS without first having obtained a construction permit from the Department in the manner prescribed by the LLCAPCPRS.
- XIX. The following provisions of LLCAPCPRS Article 2, Section 20 (Particulate Limitations and Standards) are requirements of this permit:
- (A) Paragraph (A) – The owner/operator must limit the emissions of particulates from any processing machine, equipment, device or other articles, or any combination thereof to no greater than the amounts set forth in Table 20-2 of Section 20 during any one (1) hour.
  - (B) Paragraph (B) – The owner/operator must limit the emissions of particulate matter caused by the combustion of fuel in accordance with the limits set forth in Table 20-1 of Section 20, as they apply based on heat input rating.
  - (C) Paragraph (E) – The owner/operator must not cause or allow emissions from any emission point that are of opacity equal to or greater than twenty percent (20%), as evaluated by Method 9 in Appendix A of 40 CFR 60, or recorded by a continuous opacity monitoring system operated and maintained pursuant to 40 CFR Part 60 Appendix B, except as provided for in paragraph (D) of this condition.



- (D) Paragraph (F) – Emission sources subject to monitoring requirements of Article 2, Section 34, paragraph (E) of LLCAPCPRS are allowed to have one six-minute period per hour of not more than twenty-seven percent (27%) opacity. For the purpose of this permit, this exception applies to any unit equipped with a continuous opacity monitoring system (COMS) installed, calibrated, and operated in accordance with the procedures specified in 40 CFR Part 60 Appendix B.
- XX. The owner/operator must comply with regulations set forth in LLCAPCPRS Article 2, Section 23 (National Emission Standards for Hazardous Air Pollutants), if any are determined to be applicable to the Permitted Source.
- XXI. The owner/operator must comply with all regulations set forth in LLCAPCPRS Article 2, Section 28 (Hazardous Air Pollutants – Source Category Emission Standards) determined to be applicable to the source.
- XXII. The following provisions of LLCAPCPRS Article 2, Section 32 (Duty to Prevent Escape of Visible Airborne Dust) are requirements of this permit:
- (A) Paragraph (A) – The source must not cause or permit fugitive particulate matter to become airborne in such quantities and concentrations that it remains visible in the ambient air beyond the premise where it originates.
  - (B) Paragraph (B) – The source must not cause or permit a road, driveway, or open area to be used without applying all such reasonable measures to prevent particulate matter from becoming airborne so that it remains visible beyond the premises where it originates. Such reasonable measures include but are not limited to:
    - (1) Paving or frequent cleaning of roads, driveways, and parking lots;
    - (2) Application of water or chemical dust suppressants; and
    - (3) Planting and maintenance of vegetative ground cover.
- XXIII. The following provisions of LLCAPCPRS Article 2, Section 33 (Time Schedule for Compliance) are requirements of this permit:
- (A) Paragraph (A) – Except as otherwise noted in specific emission control regulations, compliance with the LLCAPCPRS shall be according to the schedule provided under paragraphs (A)(1-3) of Section 33.
  - (B) Paragraph (B) – Compliance schedules requiring more than twelve (12) months to conform with applicable rules and regulations to meet National Primary and Secondary Ambient Air Quality Standards will be accomplished in progressive steps. A report will be made in writing to the LLCHD within five (5) days after each step is completed.
  - (C) Paragraph (C) – Failure to meet time schedules approved in accordance with paragraphs (A)(1-2) of Section 33 shall constitute a violation of the LLCAPCPRS unless a request to amend the time schedule is received at least thirty (30) days before the end of any specified period approved for a particular activity. Such a request to amend the schedule shall contain the same type of information as required for the initial request for variance as described in paragraph (A)(3) of Section 33.
- XXIV. The following provisions of LLCAPCPRS Article 2, Section 34 (Emission Source Testing and Monitoring) are requirements of this permit:

- (A) Paragraph (A) – The Department may require any person responsible for the operation of an emission source to make or have tests made to determine the rate of contaminant emissions from the source whenever it has reason to believe, on the basis of estimates of potential contaminant emissions rates from the source and due consideration of probable efficiency of any existing control device, or visible emission determinations made by an official observer, that existing emissions exceed the limitations required in the LLCAPCPRS. Such tests may also be required pursuant to verifying that any newly installed control device meets performance specifications. Should the Department determine that the test did not represent normal operating conditions or emissions, additional tests may be required. Such a requirement shall be considered as an order and subject to all administrative and legal requirements specified.
- (B) Paragraph (B) – Required tests must be conducted in accordance with the test methods and procedures established in paragraphs (B)(1-6) of Section 34. Such tests shall be conducted by reputable, qualified individuals. A written copy of the test results, certified for completeness and accuracy and signed by the person conducting the test, shall be provided to the Department within sixty (60) days of completion of the test unless a different period is specified in the underlying requirements of an applicable federal rule.
- (C) Paragraph (C) – The owner or operator of a source must provide notice to the Department at least thirty (30) days prior to testing to afford the Department an opportunity to have an observer present. The Department may, in writing, approve a notice of less than thirty (30) days. If the testing is pursuant to an underlying requirement contained in a federal rule, the notice provisions of the underlying requirement shall apply.
- (D) Paragraph (D) – The Department may conduct tests of emissions of contaminants from any stationary source.
  - (1) Upon written request from the Department, the person responsible for the source to be tested shall cooperate with the Department in providing all necessary test ports in stacks or ducts and such other safe and proper facilities, exclusive of instruments and sensing devices, as may be reasonably required to conduct the test with due regard being given to expenditures and possible disruption of normal operations of the source.
  - (2) A report concerning the findings of such tests shall be furnished to the person responsible for the source upon request.
- (E) Paragraph (F) – The LLCHD may require the owner or operator of any other emission source which is subject to the provisions of these regulations to install, use and maintain such stationary monitoring equipment as is required to demonstrate continuing compliance with any applicable emissions limitations, and to maintain records and make reports regarding such measured emissions to the Department in a manner and on a schedule to be determined by the LLCHD.
- (F) Paragraph (G) – When a new or modified stationary source becomes operational, the owner or operator will submit a written report of performance tests (if required) to

the LLCHD within sixty (60) days after reaching maximum capacity but not later than one hundred eighty (180) days after the startup of operations. Failure to meet established performance standards will result in withdrawal of the provisional approval granted to operate the new or modified stationary source. Final approval and issuance of an operating permit will be withheld for operation of the affected facility until such time as the owner or operator has corrected the deficiencies determined by the performance tests. Upon satisfactory accomplishment of a valid series of performance tests, approval for operation of the new or modified stationary source will be granted through issuance of an operating permit in accordance with Article 2, Section 5.

- (G) Paragraph (H) – Notwithstanding any other provisions of LLCAPCPRS, the following methods may be used to determine compliance with applicable requirements:
  - (1) A monitoring method approved for the source and incorporated in an operating permit pursuant to LLCAPCPRS Article 2, Section 8;
  - (2) Any compliance test method specified in the State Implementation Plan (SIP);
  - (3) Any test or monitoring method approved for the source in a permit issued pursuant to LLCAPCPRS Article 2, Sections 17, 19, or 27;
  - (4) Any test or monitoring method provided for in the LLCAPCPRS; or
  - (5) Any other test, monitoring, or information gathering method that produces information comparable to that produced by any method described in paragraphs (1) through (4) of this condition.
- (H) Paragraph (I) – Where allowed by the Department, the owner or operator of any PEMS used to meet a pollutant monitoring requirement must comply with all applicable provisions set forth in paragraphs (I)(1-6) of Section 34. Owners/operators of PEMS must apply for approval of a PEMS system in accordance with paragraph (J) of Section 34 and must also comply with all applicable provisions set forth in paragraphs (K)-(O) of Section 34.

- XXV. The following provisions of LLCAPCPRS Article 2, Section 35 (Compliance – Exceptions Due to Startup, Shutdown, or Malfunction) are requirements of this permit:
  - (A) Paragraph (A) – Upon receipt of a notice of excess emissions issued by the Department, the owner/operator may provide information showing that the excess emissions were the result of a malfunction, start-up, or shutdown.
  - (B) Paragraph (B) – The information provided by the source operator under paragraph (A) of this condition must include, at a minimum, the information specified in paragraphs (B)(1-9) of Section 35.
  - (C) Paragraph (C) – The owner/operator must submit the information specified in paragraph (B) of this condition no later than fifteen (15) days after receipt of the notice of excess emissions.
  - (D) Paragraph (D) – The owner/operator must notify the LLCHD, in writing, whenever a planned start-up or shut down may result in excess emissions. This notice must be mailed, no later than ten (10) days prior to such action and must include, but not be limited to, the information specified in paragraphs (D)(1-10) of Section 35.

- (E) Paragraph (E) – The owner/operator must notify the LLCHD, in writing, whenever emissions due to malfunctions, unplanned shutdowns or ensuing start-ups are, or may be, in excess of applicable emission control regulations for one hour or more. Such notification must be mailed within forty-eight (48) hours of the beginning of each period of excess emissions and must include, but not be limited to, the information required in paragraph (D) of Section 35.
  - (F) Paragraph (H) - Nothing in Section 35 shall be construed to limit the authority of the Director to take appropriate action to enforce the provisions of the LLCAPCPRS.
- XXVI. The following provisions of LLCAPCPRS Article 2, Section 36 (Control Regulation Circumvention – When Excepted) are requirements of this permit:
- (A) Paragraph (A) – No person shall cause or permit the installation or use of any machine, equipment, device, or other article, or alter any process in any manner which conceals or dilutes the emissions of contaminants without resulting in a reduction of the total amounts of contaminants emitted.
  - (B) Paragraph (B) – Exception to paragraph (A) above may be granted by the LLCHD, upon request, provided that such action is intended to convert the physical or chemical nature of contaminant emission and that failure to reduce total contaminant emissions results solely from the introduction of contaminants which are not deemed to be detrimental to the public interest.
- XXVII. In accordance with LLCAPCPRS Article 2, Section 37 (Compliance – Responsibility of Owner/ Operator Pending Review by Director), application for review of plans or advice furnished by the LLCHD will not relieve the owner or operator of a new or modified stationary source of legal compliance with any provision of the LLCAPCPRS or prevent the Director from enforcing or implementing any provision of the LLCAPCPRS.
- XXVIII. In accordance with LLCAPCPRS Article 2, Section 38 (Emergency Episodes – Occurrence, Control, and Contingency Plans), if and when the Director declares an air pollution emergency episode as defined in Section 38, the source must perform all applicable Air Pollution Emergency Actions as required by LLCAPCPRS Appendix I, paragraphs 1.3 (a)(1) and 1.3 (b)(1)-(2) until the Director declares the air pollution episode terminated.
- XXIX. The owner/operator must comply with all applicable provisions of 40 CFR Part 82 – Protection of the Stratospheric Ozone. Affected controlled substances can be found in 40 CFR Part 82, Subpart A – Appendix A (Class I Controlled Substances) and Appendix B (Class II Controlled Substances). The following conditions are requirements of this operating permit:
- (A) The owner/operator must comply with the standards for labeling of products containing ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
    - (1) The following must bear the required warning statement if introduced into interstate commerce pursuant to §82.106:
      - (a) All containers in which a Class I or Class II substance is stored or transported;
      - (b) All products containing a Class I substance; and
      - (c) All products directly manufactured with a Class I substance.

- (2) The placement of the required warning statement must comply with the requirements pursuant to §82.108.
  - (3) The form of the label bearing the required warning statement must comply with the requirements pursuant to §82.110.
  - (4) No person may modify, remove, or interfere with the required warning statement except as described in §82.112.
- (B) The owner/operator must 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 (MVAC) in 40 CFR Part 82, Subpart B:
- (1) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to §82.156.
  - (2) 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.
  - (3) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to §82.161.
  - (4) Persons disposing of small appliances, MVAC, and MVAC-like appliances must comply with reporting and recordkeeping requirements pursuant to §82.166. ("MVAC-like appliance" as defined at §82.152)
  - (5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156.
  - (6) Owner/operator 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.
- (C) If any person manufactures, transforms, imports, or exports a Class I or Class II substance at this source, the owner/operator must ensure compliance with all requirements as specified in 40 CFR Part 82, Subpart A (Production and Consumption Controls).
- (D) If any person performs service on motor (fleet) vehicles at this source when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the MVAC, the owner/operator must ensure compliance with all applicable requirements as specified in 40 CFR Part 82, Subpart B (Servicing of MVAC). 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.
- (E) The owner/operator 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).

XXX. Requirements Established Pursuant to Department Authority. Pursuant to the authorities granted in Section 8.06.030 of the Lincoln Municipal Code (LMC 8.06.030 – Air Pollution,

Director Powers and Duties), Section 4 of the Lancaster County Air Pollution Control Resolution (R-13-0073), and Neb. Rev. Stat. §81-1504, the following conditions are requirements of this permit:

- (A) Permits. The LLCHD shall have the authority to issue, continue in effect, revoke, modify, or deny permits, under such conditions as the LLCHD may prescribe and consistent with the Clean Air Act and the LLCAPCPRS.
- (B) Testing and Sampling. The owner/operator shall allow the LLCHD, US EPA, or an authorized representative to conduct tests and take samples of air contaminants, fuel, process materials, or any other substance which affects or may affect discharges or emissions of air contaminants from any source. The owner/operator shall submit air contaminant emission information in connection with such inspections, tests, and studies.
- (C) Orders, Abatement, and Pollution Control. The LLCHD, US EPA, or an authorized representative shall have the authority to issue, modify, or revoke orders prohibiting or abating discharges of air pollutants, or requiring the construction of control systems or any parts thereof or the modification, extension, or adoption of other remedial measures to prevent, control, or abate air pollution.
- (D) Inspection. The owner/operator shall allow the LLCHD, US EPA, or an authorized representative to enter and inspect or cause to be inspected, during reasonable hours, any building, facility, or place (except a building designed for and used exclusively for a private residence) as the LLCHD deems necessary to determine compliance with the provisions of the LLCAPCPRS.
- (E) Record Keeping and Retention. The owner/operator shall allow the LLCHD, US EPA, or an authorized representative access to existing and available records relating to emissions or discharges, which cause or contribute to air pollution or the monitoring of such emissions or discharges. These records shall be readily accessible and made available for inspection upon request by the LLCHD, US EPA, or an authorized representative. For the purposes of this permit, the owner/operator shall retain records of all required monitoring data, reports, and support information required by this permit for a period of at least sixty (60) months from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. All records of required monitoring information shall include the following:
  - (1) The date and place as defined in the permit, and time of sampling or measurements;
  - (2) The date(s) analyses were performed;
  - (3) The company or entity that performed the analyses;
  - (4) The analytical techniques or methods used;
  - (5) The results of such analyses; and
  - (6) The operating conditions existing at the time of sampling or measurement.

**Specific Conditions**

- XXXI. Authority for Specific Conditions. Authority for this permitting action is established as specified in Condition XXX of this permit. The specific conditions of this permit are in accordance with the requirements of LLCAPCPRS, Article 2, Section 8, paragraphs (M) and (P); as well as Construction Permits No. 077B, No. 145, and No. 221, or other applicable requirements as indicated.
- XXXII. Minor Source Requirements. In accordance with LLCAPCPRS Article 2, Section 5, Paragraph (A), in order to operate as a ‘minor’ source of emissions, the owner/operator shall maintain compliance with the following requirements:
- (A) Emission Thresholds. In order to operate as a minor source, the owner/operator must maintain ‘potential to emit’ and actual emissions during any consecutive twelve (12) month period at levels less than the ‘major source’ thresholds set forth in Table 32-A, as follows:

**Table 32-A: Major Source Emission Thresholds**

Pollutant Name	Major Source Thresholds in Tons Per Year (tpy)
Particulate matter less than 10 micrometers in diameter (PM <sub>10</sub> )	< 100.0 tpy
Nitrogen oxides (NO <sub>x</sub> ) (calculated as nitrogen dioxide, or NO <sub>2</sub> )	< 100.0 tpy
Sulfur oxides including sulfur dioxide (SO <sub>2</sub> ), sulfur trioxide (SO <sub>3</sub> ), or any combination of the two	< 100.0 tpy
Volatile organic compounds (VOC)	< 100.0 tpy
Carbon Monoxide (CO)	< 100.0 tpy
Lead (Pb)	< 5.0 tpy
Individual Hazardous Air Pollutants (HAP)	< 10.0 tpy
Total Combined Hazardous Air Pollutants (HAP)	< 25.0 tpy

- (B) Monitoring Record Keeping, and Reporting Requirements.
- (1) Any limits on throughput/production and/or control equipment requirements set forth in this permit are designed to ensure that facility emissions remain at levels that are below the major source thresholds set forth in Table 32-A of this permit. By demonstrating compliance with all applicable limits and/or control requirements, the owner/operator shall remain a minor source of air emissions.
  - (2) The owner/operator shall maintain all monitoring information and records in accordance with Conditions XXX(E) of this permit.
  - (3) The owner/operator shall report emissions of all regulated pollutants to the Department in accordance with Condition XI of this permit.

XXXIII. Source-Wide Requirements. In accordance with LLCAPCPRS Article 2, Section 8, Paragraph (O) the owner/operator shall maintain compliance with the following:

(A) Operating Requirements, Throughput Limits, and Work Practice Standards.

- (1) The owner/operator shall limit the source-wide use of materials and/or the source-wide production in such a manner that the source maintains compliance with the requirement set forth in Condition XXXII(A) of this permit.
- (2) The owner/operator shall operate each of the Emission Units 1-1/1-2, 2-1/2-2, and 3-1/3-2 (Kewanee Boilers #1, #2, and #3) as a 'gas-fired boiler' as defined in 40 CFR Part 63, Subpart JJJJJ §63.11237. In the event that any single boiler (or multiple) are operated in a manner inconsistent with the definition of a 'gas-fired boiler,' the owner/operator shall comply with all applicable requirements set forth under 40 CFR Part 63, Subpart JJJJJ. Refer to paragraph (G)(2) of this condition for additional applicable requirements under this subpart.
- (3) The owner/operator shall operate Emission Units 44-1 (Fire Pump Engine) and 44-3 (Natural Gas Emergency Engine) as 'emergency stationary reciprocating internal combustion engines (RICE)', as defined in 40 CFR Part 63, Subpart ZZZZ §63.6675. Refer to paragraph (G) of this condition for additional applicable requirements for Emission Units 44-1 and 44-3 (respectively).
- (4) In accordance with 40 CFR Part 60, Subpart Dc §60.42c paragraph (d), the owner/operator shall limit the sulfur content of all fuel oil combusted in Emission Units 1-2, 2-2, and 3-2 (Kewanee Boilers #1, #2, and #3 – on fuel oil) to no more than 0.5% sulfur content, by weight. Refer to paragraph (F)(1) of this condition for additional applicable requirements under this subpart.
- (5) The owner/operator shall operate all emission units associated with the Permitted Source in accordance with the manufacturer's specifications. At all times to the extent practicable, the owner/operator shall maintain and operate all emission units and control devices associated with the Permitted Source in a manner consistent with good air pollution control practice for minimizing emissions. This shall include periods of startup, shutdown, and malfunction. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Department which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
- (6) The owner/operator shall comply with the applicable operating requirements, throughput limits, and work practice standards set forth in the Federal Regulations incorporated by reference in paragraphs (F) and (G) of this condition as well as all elections specified in the approved application – identifying elections in Section 6 of the approved application at a minimum.

(B) Emission Limits and Emission Control Requirements.

- (1) Emissions of particulate matter from affected emission units shall be maintained in compliance with the requirement set forth in Condition XIX(A) of this permit.



Affected emission units under this requirement include those listed in Table 33-B1, as follows:

**Table 33-B1: Equipment Subject to the Process Weight Rate Particulate Emission Limits Established Under Condition XIX(A)**

Emission Unit & Equipment Description	
EUs: 8-1 / 17-1 / 43-1	Collette Gral 300 Granulator
	Glatt WSG300 Fluid Bed Dryer (G1205)
	Vector HC170 Film Coater
	Accela Cota Film Coater
Other processing equipment associated with Rooms G1149, G1189, G1176, G1193, G1195, G1206, G1205, G1187, G1216, G1166, G1125, G1127, and G1139	

- (2) The owner/operator shall limit particulate emissions from all affected emission units in accordance with Condition XIX(B) of this permit. Affected emission units under this requirement include those listed in Table 33-B2, as follows. The applicable emission limit for each emission unit is provided.

**Table 33-B2: Emission Units Subject to the Particulate Limit Established Under Condition XIX(B)**

Emission Unit #	Emission Unit Description	Emission Limit
1-1 / 1-2	Kewanee Boiler #1 (18.0 MMBtu/hr)	0.52 lbs/MMBtu
2-1 / 2-2	Kewanee Boiler #2 (18.0 MMBtu/hr)	0.52 lbs/MMBtu
3-1 / 3-2	Kewanee Boiler #3 (18.0 MMBtu/hr)	0.52 lbs/MMBtu
44-1	Fire Pump Engine (4.37 MMBtu/hr)	0.60 lbs/MMBtu
44-3	Natural Gas Emergency Engine (9.96 MMBtu/hr)	0.60 lbs/MMBtu

- (3) The owner/operator shall limit opacity from all affected emission units, if/when in use, in accordance with Conditions XIX(C) and XIX(D) of this permit, as applicable. Affected emission units under this requirement include those listed in Table 33-B3 as follows:

**Table 33-B3: Emission Units Subject to Opacity Limit Established Under Conditions XIX(C) and XIX(D)**

Emission Unit #	Emission Unit Description
1-1 / 1-2	Kewanee Boiler #1 (18.0 MMBtu/hr)
2-1 / 2-2	Kewanee Boiler #2 (18.0 MMBtu/hr)
3-1 / 3-2	Kewanee Boiler #3 (18.0 MMBtu/hr)
8-1	SMF Fluid Bed Dryer
17-1	DC A213 (Coating)
40-1	DC 92A
44-1	Fire Pump Engine (4.37 MMBtu/hr)
44-3	Natural Gas Emergency Engine (9.96 MMBtu/hr)
48-1 / 48-2	Packaging Dust Collectors
55-1	Film Coating Dust Collectors
56-1	SMF Dust Collectors

**Table 33-B3: Emission Units Subject to Opacity Limit  
 Established Under Conditions XIX(C) and XIX(D)**

Emission Unit #	Emission Unit Description
57-1	Compression Exhaust Dust Collectors

- (4) The owner/operator shall limit emissions as required under Condition XXXIV(A) (CP No. 077B) of this permit.
- (5) The owner/operator shall limit emissions as required under Condition XXXV(B) (CP No. 145) of this permit.
- (6) The owner/operator shall comply with the applicable emission limits and/or emission control requirements set forth in the Federal Regulations incorporated by reference in paragraphs (F) and (G) of this condition.

(C) Monitoring Requirements.

- (1) At least once during each calendar month that Emission Units 1-2, 2-2, and 3-2 (Kewanee Boilers #1, #2, and #3) are operated on fuel oil, the owner/operator shall perform a 6-minute visible emission survey of the emission release point(s) for the unit(s) that is combusting fuel oil. These visible emission surveys shall be performed in accordance with the provisions of paragraph (C)(3) of this condition. If any boiler is not operated on fuel oil during a calendar month, then no visible emission survey is required for that boiler during that month.
- (2) At least once during each 6-month period per calendar year, the owner/operator shall perform 30-second visible emission surveys of all emission release points associated with the all the emission units listed in Table 33-B3 of this permit except Kewanee Boilers #1, #2, and #3 as previously specified with . These visible emission surveys shall be performed in accordance with the following provisions:
  - (a) The person(s) conducting the visible emissions survey shall conduct the survey in accordance with EPA Test Method 22 in Appendix A-7 of 40 CFR Part 60.
  - (b) If visible emissions are detected for less than 5% (less than 2 total seconds), the person(s) conducting the visible emissions survey shall record the observation and no further action shall be taken.
  - (c) If visible emissions from any emission unit or release point are detected for 5% or more (2 seconds or more) of the survey time, the person(s) conducting the survey shall either:
    - (i) Complete the necessary initial corrective action to eliminate the visible emissions no later than one (1) hour after excess visible emissions are detected, and proceed with the actions specified under paragraph (C)(3)(d) of this condition; OR
    - (ii) Proceed with the provisions set forth in paragraph (C)(2)(a) of this condition.
- (3) For the purposes of this permit, 6-minute visible emissions surveys as referenced in paragraph (C)(1) of this condition shall be conducted as follows:

- (a) The person(s) conducting the visible emissions survey shall conduct the survey in accordance with EPA Test Method 22 in Appendix A-7 to 40 CFR Part 60.
- (b) If visible emissions are detected for less than 5% (less than 18 total seconds) the person(s) conducting the visible emissions survey shall record the observation and no further action shall be taken.
- (c) If visible emissions are detected for 5% or more (18 seconds or more) of the survey time, the person(s) conducting the visible emissions survey shall either:
  - (i) Complete the necessary initial corrective action to eliminate the visible emissions no later than one (1) hour after excess visible emissions are detected, and proceed with the actions specified under paragraph (C)(3)(d) of this condition; OR
  - (ii) A qualified observer, who has fulfilled the certification requirements set forth under EPA Test Method 9 in Appendix A-4 of 40 CFR Part 60, shall conduct a formal EPA Test Method 9 observation no later than two (2) hours after visible emissions are detected. If the owner/operator elects to perform an EPA Test Method 9 observation, the owner/operator shall proceed with the actions specified under paragraph (C)(3)(e) of this condition.
- (d) If corrective action is performed, the person(s) conducting the visible emissions survey shall record the corrective action taken and perform a 6-minute follow-up visible emissions survey using EPA Test Method 22 to ensure that the corrective action addressed the excess visible emissions. The follow-up survey must be initiated no more than one (1) hour after completion of the initial visible emission survey. Once the follow-up visible emissions survey is complete, the person(s) conducting the survey shall proceed as follows:
  - (i) If visible emissions are detected for less than 5% (less than 18 total seconds) of the follow-up survey time, the observer shall record the observation and no further action is required; OR
  - (ii) If visible emissions are detected for 5% or more (18 total seconds or more) of the follow-up survey time, the owner/operator must perform a 6-minute EPA Test Method 9 observation and proceed with the corrective actions specified in paragraph (C)(3)(e) of this condition.
- (e) Upon completion of a formal 6-minute EPA Test Method 9 observation, the following actions shall be taken:
  - (i) If the result of a single, 6-minute EPA Test Method 9 observation is less than 20% opacity, the observer shall record the observation and no further action is required; OR
  - (ii) If the result of a single, 6-minute EPA Test Method 9 observation is equal to or greater than 20% opacity, the owner/operator shall:

1. Submit a report of excess emissions to the LLCHD within 48 hours in accordance with the requirements of Article 2, Section 35 of the LLCAPCPRS; AND
2. Take the necessary corrective action to reduce opacity to below 20% and perform a follow-up Method 9 observation no later than one (1) hour after the initial Method 9 observation detected opacity equal to or greater than 20%. The owner/operator shall take the following actions based on the follow-up Method 9 observation:
  - a. If the follow-up Method 9 observation detects an opacity less than 20% opacity, the observer shall record the corrective actions taken and the results of the follow-up Method 9 observation; OR
  - b. If the follow-up Method 9 observation detected opacity equal to or greater than 20%, the owner/operator shall immediately cease operation of the emission point and not resume until corrective actions are taken to reduce opacity to below 20%. The owner/operator shall record corrective actions taken during shutdown and perform a formal Method 9 observation within thirty (30) minutes of completion of the next startup. The owner/operator shall repeat the actions specified in paragraph (C)(3)(e) of this condition until occurrences of excess opacity have been eliminated.
- (f) If the observer is unable to conduct the visible emissions survey, or a subsequent EPA Test Method 9 observation, due to visual interferences caused by other visible emission sources (e.g. fugitive emissions during high wind conditions), extreme weather conditions (e.g. fog, heavy rain, or snow which impair visibility), or operations that occur after dark, the observer shall note such conditions on the data observation sheet, and conduct a follow-up visible emissions survey as soon as conditions allow.
- (g) Opacity monitoring is not required during startups, shutdowns, malfunctions, or during load/performance testing.
- (4) In accordance with the specific conditions of this permit as well as the requirements set forth in Construction Permits No. 077B and No. 145, the owner/operator shall calculate the following pollutants, if in use, for the previous calendar month within fifteen (15) days of the end of each calendar month:
  - (a) Facility-wide emissions of particulate matter;
  - (b) Facility-wide emissions of VOC;
  - (c) Facility-wide emissions of methyl alcohol (if any); and
  - (d) Emissions of VOC and methyl alcohol (if any) from equipment listed in Table 34-1 of this permit.
- (5) In accordance with the specific conditions of this permit as well as the requirements set forth in Construction Permits No. 077B and No. 145, the

owner/operator shall calculate the rolling twelve (12) month emission totals for each of following pollutants (if/when used) for the previous calendar month within 15 (fifteen) days of the end of each calendar month by adding the emissions of each pollutant for each calendar month to the emissions of each pollutant for the preceding eleven (11) calendar months:

- (a) Facility-wide emissions of particulate matter;
  - (b) Facility-wide emissions of VOC;
  - (c) Facility-wide emissions of methyl alcohol (if any); and
  - (d) Emissions of VOC and methyl alcohol (if any) from equipment listed in Table 34-1 of this permit.
- (6) The owner/operator must perform all required monitoring set forth in the Specific Conditions of this permit, including all monitoring required pursuant to the Federal Regulations under paragraphs (F) and (G) of this condition.
- (D) Record Keeping Requirements.
- (1) The owner/operator shall maintain records of all rolling twelve (12) month emission totals required under paragraph (C)(5) of this condition.
  - (2) The owner/operator shall maintain copies of the Safety Data Sheets (SDS) for all VOC- and HAP- containing materials.
  - (3) The owner/operator shall maintain records of all visible emission observations required under paragraphs (C)(1) and (C)(2) of this condition. These records shall contain all data elements specified Condition XXX(E) of this permit, and when necessary, shall also include any corrective action taken.
  - (4) The owner/operator must keep all required records set forth in the Specific Conditions of this permit, including all records required pursuant to the Federal Regulations under paragraphs (F) and (G) of this condition. If any records required under paragraph (C)(5) of this condition fulfill similar record keeping requirements of Construction Permits No. 077B and No. 145, the owner/operator may keep a single set of records to demonstrate compliance with the record keeping requirements of those construction permits.
  - (5) If required due to a change in boiler subcategory, the owner/operator shall maintain all records required under 40 CFR Part 63, Subpart JJJJJ, as referenced in Table 33-G2 under paragraph (G)(2) of this condition.
  - (6) Records must be kept to verify the operation and efficiency of all federally enforceable controls, such as limits to production or the installation and operation of emission control equipment. All records must be retained on-site in accordance with Condition XXX(E) of this permit.
  - (7) The owner/operator shall maintain all records of material use and/or throughput, emissions, and/or any other records necessary to develop and submit an annual emissions inventory to Department in accordance with Condition XI of this permit.
- (E) Notification and Reporting Requirements.
- (1) Reports of emission and/or material usage shall be submitted to the Department on an annual basis as required by Condition XI of this permit. Where required,

emission totals shall be reported in units of pounds. Each report shall contain the following information, if/when applicable, for the previous calendar year:

- (a) Throughput totals of natural gas (in units of million cubic feet, or MMcf) and/or fuel oil (in units of thousand gallons, or Mgal) associated with Emission Units 1-1/1-2, 2-1/2-2, and 3-1/3-2 (Kewanee Boilers #1, #2, and #3);
  - (b) Emissions of VOC and/or HAP associated with Emission Unit 5-1 (Wastewater Treatment Plant);
  - (c) Emissions of VOC and/or methyl alcohol associated with Emission Units 8-1 (SMF Fluid Bed Dryer), 17-1 (DC A213), and 43-1 (DC 441);
  - (d) Emissions of particulate matter associated with each emission unit listed in Table 33-B3 of this permit;
  - (e) Throughput total of fuel oil (in Mgal) associated with Emission Units 44-1 (Fire Pump Engine) and 44-3 (Natural Gas Emergency Engine) for purposes other than emergency use, maintenance, or readiness testing;
  - (f) Emissions of VOC and/or HAP associated with Emission Units 45-1 (SMF West Granulation, Bin Washing Area), 45-2 (SMF, Solutions Preparation Area), 45-3 (SDF, Equipment Cleaning Area), 45-4 (Packaging Operations), and 45-5 (LMA, Equipment Washing Area);
  - (g) Emissions of *either* particulate matter or total circulating water throughput associated with Emission Units 50-1, 51-1, 52-1, 53-1, and 54-1 (Cooling Towers 1-5); and
  - (h) Emissions of VOC and/or HAP associated with manufacturing-related processes or equipment not otherwise addressed in items (a) through (j) above.
- (2) The owner/operator shall submit all reports as required under Construction Permit No. 077B, as referenced in Condition XXXIV(C) of this permit, as well as all records required under Construction Permit No. 145, as referenced in Condition XXXV(E) of this permit. The owner/operator may submit a single set of reports if captured under paragraph (E)(1) of this condition.
  - (3) Upon request, the owner/operator shall report any and/or all emissions-related data, material use totals, fuel use totals, or material composition data as deemed necessary by the Director.
  - (4) The owner/operator shall comply with all applicable notification and reporting requirements set forth in the Federal Regulations incorporated by reference in paragraphs (F) and (G) of this condition.
- (F) Requirements of the New Source Performance Standards (NSPS) set forth in Title 40, Part 60 of the Code of Federal Regulations (40 CFR 60).
- (1) 40 CFR Part 60, Subpart Dc Requirements. The owner/operator shall operate Emission Units 1-1/1-2, 2-1/2-2, and 3-1/3-2 (Kewanee Boilers #1, #2, and #3) in accordance with the applicable requirements of 40 CFR Part 60, Subpart Dc (Standards of Performance for Small Industrial-Commercial-Institutional Steam

Generating Units). The provisions cited in Table 33-F1 below apply to Kewanee Boilers #1, #2, and #3.

**Table 33-F1: Requirements of 40 CFR 60, Subpart Dc**

Section (§)	Section Description	Applicable Paragraphs
§60.40c	Applicability and Delegation of Authority	(a)-(d)
§60.41c	Definitions	(entire section)
§60.42c	Standard for Sulfur Dioxide (SO <sub>2</sub> )	(d), (g)-(i) <sup>1</sup>
§60.43c	Standard for Particulate Matter (PM)	(e)(4)
§60.44c	Compliance and Performance Test Methods for SO <sub>2</sub>	(h)
§60.46c	Emission Monitoring for SO <sub>2</sub>	(e)
§60.47c	Emission Monitoring for PM	(c)
§60.48c	Reporting and Record Keeping Requirements	(a) <sup>1</sup> , (d), (e)(11), (f)(1) <sup>1</sup> , (g)(2) or (g)(3), (i), (j)
<b>NOTE:</b> (1) Unless otherwise specified, all sub-paragraphs of the applicable paragraphs set forth above are incorporated as applicable requirements.		

- (2) 40 CFR Part 60, Subpart JJJ Requirements. The owner/operator shall operate Emission Unit 44-3 (Natural Gas Emergency Engine) in accordance with the applicable provisions of 40 CFR Part 60, Subpart JJJ (NSPS for Stationary Spark Ignition Internal Combustion Engines (SI ICE)). Emission Unit 44-1 (Fire Pump Engine) is not subject to these requirements as Emission Unit 44-1 precedes the applicability date of July 11, 2005, specified by this regulation. The provisions cited in Table 33-F2 below apply to the Natural Gas Emergency Engine.

**Table 33-F2: Applicable Requirements of 40 CFR Part 60, Subpart JJJ for Emergency Spark Ignition Internal Combustion Engines (SI ICE)**

Section (§)	Section Name	Generally Applicable Paragraphs
§60.4230	Affected Sources	(a)(2)(ii), (a)(3)(iv), (a)(4)(iv), (a)(5)-(6), (c)-(f)
§60.4233	Emission Standards for Owners/Operators of Emergency Stationary SI ICE	(b)-(e), (f)(4)(iii), (h), also see Table 1 of Subpart JJJ
§60.4234	Duration of Emission Standard Compliance for Owners/Operators of Stationary SI ICE	Entire section
§60.4236	Deadline for Importing or Installing Stationary SI ICE Produced in Previous Model Years	(c), (e)
§60.4237	Monitoring Requirements	Entire section
§60.4243	Compliance Requirements for Owners/Operators of Stationary SI ICE	(a)-(f), (h) (of particular importance is paragraph (d))

**Table 33-F2: Applicable Requirements of 40 CFR Part 60, Subpart JJJJ for Emergency Spark Ignition Internal Combustion Engines (SI ICE)**

Section (§)	Section Name	Generally Applicable Paragraphs
§60.4212	Performance Test Methods and Procedures for Owners/Operators of Stationary SI ICE with Displacement of Less Than 30 Liters per Cylinder	Entire section ( <i>only applies if conducting performance tests</i> )
§60.4244	Performance Test Methods and Procedures for Owners/Operators of Stationary SI ICE	Entire section ( <i>only applies if conducting performance tests</i> )
§60.4245	Notification, Reporting, and Record Keeping Requirements for Owners/Operators of Stationary SI ICE	Entire section
§60.4246	Applicable General Provisions	Entire section, also see Table 3 of Subpart JJJJ
§60.4248	Definitions	Entire section
<p><b>Note:</b> 'Generally Applicable Paragraphs' means that the paragraphs identified are generally applicable to the source. The owner/operator is responsible for identifying specifically which requirements apply to their affected sources (generator engines), and which requirements do not apply.</p>		

- (3) The owner/operator must comply with all applicable requirements of 40 CFR Part 60, Subpart A (General Provisions), as they relate to applicable requirements for steam generating units pursuant to 40 CFR Part 60, Subpart Dc and for stationary spark ignition internal combustion engines pursuant to 40 CFR Part 60, Subpart JJJJ. The owner/operator shall be responsible for identifying, and maintaining compliance with, all applicable provisions of Subpart A.
- (G) Requirements of the National Emission Standards for Hazardous Air Pollutants for Source Categories (Source Category NESHAPs) Maximum Achievable Control Technology (MACT) set forth in Title 40, Part 63 of the Code of Federal Regulations (40 CFR 63).
  - (1) 40 CFR Part 63, Subpart ZZZZ Requirements. The owner/operator shall operate Emission Unit 44-1 (Fire Pump Engine) and Emission Unit 44-3 (Natural Gas Emergency Engine) in accordance with the applicable provisions of 40 CFR Part 63, Subpart ZZZZ (NESHAP for Stationary Reciprocating Internal Combustion Engines (RICE)). Due to installation date differences, regulatory applicability varies for each engine at this source. The appropriate applicability is detailed for each engine separately in the following sections.
    - (a) The provisions cited in Table 33-G1a below apply to Emission Unit 44-1:



**Table 33-G1a: Requirements of 40 CFR 63, Subpart ZZZZ for Stationary Reciprocating Internal Combustion Engines (RICE): EU 44-1**

Section (§)	Section Description	Applicable Paragraphs
§63.6580	Purpose	Entire section
§63.6585	Subject Emission Sources	(a), (c)-(d), (f)(3)
§63.6590	Affected Sources	(a)(1)(iii)
§63.6595	Compliance Dates	(a)(1) <sup>2</sup> , (c)
§63.6603	Emission Limits, Operating Limits, and Other Requirements for Existing Stationary RICE at Area Sources of HAP Emissions	(a), also see item 4 in Table 2d
§63.6604	Fuel Requirements for Stationary Compression Ignition (CI) RICE	(b)
§63.6605	General Compliance Requirements	Entire section
§63.6625	Monitoring, Installation, Collection, Operation, and Maintenance Requirements	(e)(3), (f), (h), (i)
§63.6640	Demonstrating Continuous Compliance with the Emission Limitations, Operating Limitations, and Other Requirements	(a), (b), (e), (f) <sup>1</sup> , also see item 9 in Table 6 of Subpart ZZZZ
§63.6645	Notifications Requirements	(a), (a)(2), (g), (h) <sup>1</sup> , also see Table 4
§63.6650	Reporting Requirements	(a)(1)-(2), (d) <sup>1</sup> , (e)(2)-(3), (f)(2)
§63.6655	Record Keeping Requirements	Entire section
§63.6660	Record Retention Requirements	Entire section
§63.6665	Applicable General Provisions	Entire section, also see Table 8
§63.6670	Implementation and Enforcement	Entire section
§63.6675	Definitions	Entire section
<b>NOTES:</b> (1) Unless otherwise specified, all sub-paragraphs of the applicable paragraphs set forth above are incorporated as applicable requirements. (2) If compliance with the notification requirements incorporated above has already been demonstrated, the owner/operator is not required to submit additional notifications.		

(b) The provisions cited in Table 33-G1b below apply to Emission Unit 44-3:

**Table 33-G1b: Requirements of 40 CFR 63, Subpart ZZZZ Requirements for Stationary Reciprocating Internal Combustion Engines (RICE): EU 44-3**

Section (§)	Section Name	Applicable Paragraphs
§63.6580	Purpose	Entire section
§63.6585	Subject Emission Sources	(a), (c)-(d)
§63.6590	Affected Sources	(a)(2)(iii); (c), (c)(1)

**Table 33-G1b: Requirements of 40 CFR 63, Subpart ZZZZ Requirements for Stationary Reciprocating Internal Combustion Engines (RICE): EU 44-3**

Section (§)	Section Name	Applicable Paragraphs
§63.6675	Definitions	Entire section
<b>NOTES:</b> (1) Unless otherwise specified, all sub-paragraphs of the applicable paragraphs set forth above are incorporated as applicable requirements. (2) If compliance with the notification requirements incorporated above has already been demonstrated, the owner/operator is not required to submit additional notifications.		

- (2) 40 CFR Part 63, Subpart JJJJJ Requirements. Emission Units 1-1/1-2, 2-1/2-2, and 3-1/3-2 (Kewanee Boilers #1, #2, and #3) are conditionally exempt from 40 CFR Part 63, Subpart JJJJJ (NESHAP for Industrial, Commercial, and Institutional Boilers at Area Sources) in accordance with §63.11195 paragraph (e) of Subpart JJJJJ. If Kewanee Boiler #1, #2, or #3 is operated in such a manner that it does not meet the definition of a ‘gas-fired boiler,’ as defined in 40 CFR Part 63, Subpart JJJJJ §63.11237, the owner/operator must comply with the applicable provisions of Subpart JJJJJ referenced in Table 33-G2 below:

**Table 33-G2: Applicable Requirements of 40 CFR 63, Subpart JJJJJ**

Section (§)	Section Name	Applicable Paragraphs
§63.11193	Applicability	Entire section
§63.11194	Affected Sources	(a)(1), (b), (f)
§63.11196	Compliance Dates	(a)(1), (a)(3)
§63.11200	Subcategories	(c)
§63.11201	Required Standards	(b), (d)
§63.11205	General Compliance Requirements	(a)
§63.11210	Initial Compliance Requirements & Compliance Dates	(c), (h), (j)(2)-(3)
§63.11214	Initial Compliance Demonstration for Work Practice Standards, Emission Reduction Measures, and Management Practices	(b), (c)
§63.11223	Demonstrating Continuous Compliance with Work Practice Standards and Management Practices	(a)-(c)
§63.11225	Notification, Reporting, and Record Keeping Requirements	(a)-(d), (g)
§63.11235	Applicable General Provisions	Entire section, also see Table 8 of Subpart JJJJJ
§63.11236	Implementation and Enforcement	Entire section
§63.11237	Definitions	Entire section
<b>NOTES:</b> (1) Unless otherwise specified, all sub-paragraphs of the applicable paragraphs set forth above are incorporated as applicable requirements. (2) If compliance with the notification requirements incorporated above has already been demonstrated, the owner/operator is not required to submit additional notifications.		

- (3) The owner/operator must comply with all applicable requirements of 40 CFR Part 63, Subpart A (General Provisions), as they relate to applicable requirements for stationary reciprocating internal combustion engines pursuant to 40 CFR Part 63, Subpart ZZZZ and for industrial/commercial/institutional boilers pursuant to 40 CFR Part 63, Subpart JJJJJ. The owner/operator shall be responsible for identifying, and maintaining compliance with, all applicable provisions of Subpart A.

(H) Other Requirements.

- (1) Any control or monitoring equipment that may be necessary for compliance with the LLCAPCPRS or any similar requirements of the federal EPA shall be installed within the time period or by the date specified in the applicable rule or regulation.
- (2) The owner/operator must not make any modifications to any emission units that could affect the nature, or the quantity of air pollutants emitted without written approval from the Department. This condition also applies to any changes made during installation that alter the plans/specifications presented in the permit application.
- (3) Any modification of the operational documents must have prior approval from the Department. The source shall provide all necessary information to validate the modification, including, but not limited to, additional engineering, modeling, and ambient air quality studies.
- (4) The owner/operator shall conduct any/all required testing in accordance with the applicable requirements set forth under paragraphs (F) and (G) of this condition.

XXXIV. Construction Permit No. 077B Requirements. The following requirements are derived from the provisions set forth in Construction Permit No. 077B, issued to Novartis Consumer Health, Inc. on January 14, 2009, and are applicable requirements of this permit. The owner/operator must operate the affected emission units and associated equipment under Table 34-1 of this permit in accordance with the following conditions:

**Table 34-1: Affected Emission Units & Associated Equipment under Construction Permit No. 077B**

Emission Unit & Equipment Description
Collette Gral 300 Granulator
Glatt WSG300 Fluid Bed Dryer (G1205)
Vector HC170 Film Coater
Accela Cota Film Coater

(A) Emission Limits.

- (1) The owner/operator shall limit emissions from the equipment included in Table C-1 of this permit in accordance with the following:
  - (a) The emissions of methyl alcohol shall be limited to no more than 10,000 pounds (5 tons) during any consecutive 12-month period.
  - (b) The emissions of volatile organic compounds (VOCs) shall be limited to no more than 60,000 pounds (30 tons) during any consecutive 12-month period.

(B) Record Keeping Requirements.

- (1) No later than the fifteenth (15th) day of each calendar month, the owner/operator shall calculate the total VOC emissions and the methyl alcohol emissions from the equipment listed in Table 34-1 of this permit for the previous calendar month.
- (2) The owner/operator shall utilize the VOC and methyl alcohol emissions totals calculations required under paragraph XXXIV(B)(1) of this condition to develop rolling twelve (12) month emission totals. The rolling 12-month emission totals shall be developed by combining the pollutant emissions for the previous calendar month with the pollutant emissions from the preceding eleven (11) calendar months.
- (3) All records shall be maintained in accordance with Condition XXX(E) of this permit.

(C) Reporting Requirements.

- (1) Emissions and materials usage reports shall be submitted to the Department on an annual basis as required by Condition XI of this permit. This report shall contain the following information:
  - (a) Total pounds of methyl alcohol released from the equipment listed in Table 34-1 of this permit.
  - (b) Total pounds of VOC released from the equipment listed in Table 34-1 of this permit.

(D) Other Requirements.

- (1) The calculations used to demonstrate emissions shall be performed using approved AP-42 emission factors, and/or mass balance calculations as detailed in the permit application.

XXXV. Construction Permit No. 145 Requirements. The following requirements are derived from the provisions set forth in Construction Permit No. 145, issued to the source – under ownership of Novartis Consumer Health, Inc. at the time of issuance – on August 3, 2009, and are applicable requirements of this permit. The owner/operator must operate the

affected emission units and associated equipment under Table 35-1 of this permit in accordance with the following conditions:

**Table 35-1: Affected Emission Units & Associated Equipment under Construction Permit No. 145**

<b>Emission Unit &amp; Equipment Description</b>
Line 79 – Pharmaceutical Powder, Tablet, and Caplet Packaging Line
Emission Unit 48-1 – Dust Collector (Powder Packaging Exhaust)
Emission Unit 48-2 – Dust Collector (Caplet/Tablet Packaging Exhaust)

- (A) Operating and Throughput Limits.
- (1) The owner/operator shall limit the throughput associated with Line 79 to no more than 42,284 tons during any consecutive 12-month period.
- (B) Emission Limits.
- (1) In accordance with LLCAPCRS Article 2, Section 20, Paragraph (A) Table 20-1, the owner/operator shall not cause or allow emissions of particulate matter in excess of 11.77 lbs per hour.
  - (2) In accordance with LLCAPCRS Article 2, Section 20, Paragraph (E), the owner/operator shall not cause or allow emissions from Emission Units 48-1 and 48-2 that are of opacity equal to or greater than twenty percent (20%), as evaluated by Method 9 in Appendix A of 40 CFR 60.
- (C) Emission Control Requirements.
- (1) Emission Unit 48-1 (Powder Packaging Exhaust) shall be equipped with a dust collector for the control of particulate emissions. This dust collector must maintain a minimum control efficiency of 95%. This dust collector must be operated all times Line 79 is being utilized for powder packaging.
  - (2) Emission Unit 48-2 (Tablet/Caplet Packaging Exhaust) shall be equipped with a dust collector for the control of particulate. This dust collector must maintain a minimum control efficiency of 95%. This dust collector must be operated at all times Line 79 is being utilized for tablet/caplet packaging.
  - (3) The dust collectors shall be installed, operated, and maintained in accordance with manufacturer recommendations and specifications in order to ensure the maintenance of minimum collection efficiencies.
  - (4) The dust collectors shall be equipped with gauges capable of measuring the pressure differential across the individual collectors. The collectors shall be operated within the pressure differential ranges that have been established by the manufacturer.
  - (5) The owner/operator shall perform weekly observations of the pressure differential values for each dust collector.
  - (6) The owner/operator shall take appropriate corrective action whenever the pressure drop falls outside of the range established by the manufacturer as the normal operating range for the collector.
- (D) Record Keeping Requirements.

- (1) The owner/operator shall maintain records of all pressure differential observations performed on Emission Units 48-1 and 48-2. These records shall contain all data elements specified under Condition XXX(E) of this permit.
  - (2) The owner/operator shall maintain records of all maintenance, repairs, and other corrective actions associated with Emission Units 48-1 and 48-2.
  - (3) All records shall be maintained in accordance with Condition XXX(E) of this permit.
- (E) Reporting Requirements.
- (1) Reports of emissions and materials use shall be submitted to the Department on an annual basis as required by Condition XI of this permit. This report shall contain records indicating the amount of material processed through Line 79.
- (F) Other Requirements.
- (1) The owner/operator shall make no modifications to Line 79, nor to the associated dust collectors, that could potentially affect emissions of air contaminants without the written approval of the Department. This condition also applies to any changes during installation that alter the plans/specifications presented in the permit application.

**END OF PERMIT CONDITIONS**

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