


CLASS I (TITLE V) PERMIT TO OPERATE A MAJOR SOURCE OF AIR CONTAMINANTS

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LLCHD Air Quality Program Source Number:	00032
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Effective Duration of Permit:			
Effective Date:	XX – XX – 2024	Expiration Date:	XX – XX – 2029
	<small>MM-DD-YYYY</small>		<small>MM-DD-YYYY</small>

A Title V Permit to Operate a Class I Source of Air Contaminants is Hereby Issued to:

Permit Holder Name:	Smithfield Packaged Meats Corp. – Lincoln, Nebraska
Address:	200 S. 2 nd Street
City, State, ZIP:	Lincoln, Nebraska 68508

This permit is issued for operation of the following source:

Facility Site Name:	Smithfield Packaged Meats Corp. – Lincoln, Nebraska
Facility Address:	200 S. 2 nd Street
City, County, State, ZIP:	Lincoln, Nebraska 68508
Facility NAICS:	311612: Meat Processed from Carcasses

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><u>ACTION TAKEN:</u></p> <p><input type="checkbox"/> Approve Issuance</p> <p><input type="checkbox"/> Deny Issuance</p>	<p style="text-align: center;">{XXXXXXXXXXXXXXXXXXXXX}</p> <p>Date</p>	<p style="text-align: center;">{XXX}</p> <p>Patricia D. Lopez, RN, MSN Health Director</p>
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Table of Contents

Description of Permitting Action 4
Permitted Source..... 4
Insignificant Activities..... 4
Permitting Action Regulatory Provisions 5
Source DescriptionError! Bookmark not defined.
Facility Regulatory Classification 6
Public Participation, EPA Review, and Affected States Review..... 6
Permitting Authority..... 7
Compliance Authorities 7
Definitions.....Error! Bookmark not defined.
Regulations 8
General Conditions 10
Specific Conditions 22

Attachments

Attachment A: Permit Shield..... 32

Definitions

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 (LLCAPPRS) 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 ₂	Nitrogen dioxide
BMP	Best Management Practice	NO _x	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 ₁₀	Particulate matter with and aerodynamic diameter equal to or less than 10 microns
cf or ft ³	Cubic feet	PM _{2.5}	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 ₂	Carbon dioxide	ppmv	Parts per million by volume
CO ₂ e	CO ₂ 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 ₂	Sulfur dioxide
FR	Federal Register	SO _x	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 ₂ S	Hydrogen sulfide	TRS	Total reduced sulfur
HAP	Hazardous air pollutant	TSP	Total suspended particulate matter
hp	Horsepower	ULNB	Ultra low-NO _x 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
LLCAPCPRS	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 _x 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

Smithfield Packaged Meats Corp. (hereinafter referred to as ‘Smithfield’, ‘the owner/operator’, or ‘the source’) has applied to obtain a Class I (Title V) operating permit for the Lincoln, Nebraska facility. Smithfield submitted the initial air quality operating permit application on June 30, 2020 after determining that carbon monoxide emissions from the facility were in excess of major source thresholds. Prior to issuance of this permit, Smithfield held a Class II operating permit as a ‘synthetic minor’ source of air pollutant emissions. The most recent Class II operating permit renewal was issued on April 16, 2018.

As a ‘major source’ of emissions, Smithfield is required to hold a Class I operating permit. This permit incorporates any changes made to the facility during the term of the previous Class II permit, and subsequent to the Class I (Title V) operating permit application.

Description of Source

This facility is an existing source, the primary operation of which is a meat processing facility. The operations at this facility can be categorized as follows:

- Receiving of carcasses/parts of hogs butchered at another facility;
- Curing/smoking of received hog carcasses/parts;
- Packaging of cured/smoked finished products;
- Refrigeration of finished products; and
- Shipping/distribution of finished products.

Permitted Source

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

Emission Unit (EU) #	SCC Code	Emission Point Description	Emission Segment Description
1-1	1-02-006-02	Boiler #4 (25.0 MMBtu/hr)	Natural Gas
2-1	1-02-006-03	Boiler #2 (8.37 MMBtu/hr)	Natural Gas
3-1	3-02-013-02	Smokehouse #1 – Batch Smoking Cycle (24 lb/hr)	Wood*
3-2	3-02-900-03	Smokehouse #1 – Process Heater (1.65 MMBtu/hr)	Natural Gas
4-1	3-02-013-02	Smokehouse #2 – Batch Smoking Cycle (24 lb/hr)	Wood*
4-2	3-02-900-03	Smokehouse #2 – Process Heater (1.65 MMBtu/hr)	Natural Gas
5-1	3-02-013-02	Smokehouse #3 – Batch Smoking Cycle (24 lb/hr)	Wood*
5-2	3-02-900-03	Smokehouse #3 – Process Heater (3.85 MMBtu/hr)	Natural Gas
6-1	3-02-013-02	Smokehouse #4 – Batch Smoking Cycle (24 lb/hr)	Wood*
6-2	3-02-900-03	Smokehouse #4 – Process Heater (3.85 MMBtu/hr)	Natural Gas
7-1	3-02-013-02	Smokehouse #5 – Batch Smoking Cycle (24 lb/hr)	Wood*
7-2	3-02-900-03	Smokehouse #5 – Process Heater (3.85 MMBtu/hr)	Natural Gas
8-1	3-02-013-02	Smokehouse #6 – Batch Smoking Cycle (24 lb/hr)	Wood*
8-2	3-02-900-03	Smokehouse #6 – Process Heater (3.85 MMBtu/hr)	Natural Gas
9-1	3-02-013-02	Smokehouse #7 – Batch Smoking Cycle (24 lb/hr)	Wood*
9-2	3-02-900-03	Smokehouse #7 – Process Heater (3.85 MMBtu/hr)	Natural Gas
10-1	3-02-013-02	Smokehouse #8 – Batch Smoking Cycle (24 lb/hr)	Wood*
10-2	3-02-900-03	Smokehouse #8 – Process Heater (3.85 MMBtu/hr)	Natural Gas
11-1	3-02-013-02	Smokehouse #9 – Batch Smoking Cycle (24 lb/hr)	Wood*
11-2	3-02-900-03	Smokehouse #9 – Process Heater (3.85 MMBtu/hr)	Natural Gas

Emission Unit (EU) #	SCC Code	Emission Point Description	Emission Segment Description
12-1	3-02-013-02	Smokehouse #10 – Batch Smoking Cycle (24 lb/hr)	Wood*
12-2	3-02-900-03	Smokehouse #10 – Process Heater (3.85 MMBtu/hr)	Natural Gas
13-1	3-02-013-02	Smokehouse #11 – Batch Smoking Cycle (24 lb/hr)	Wood*
13-2	3-02-900-03	Smokehouse #11 – Process Heater (3.85 MMBtu/hr)	Natural Gas
14-1	3-02-013-02	Smokehouse #12 – Batch Smoking Cycle (24 lb/hr)	Wood*
14-2	3-02-900-03	Smokehouse #12 – Process Heater (3.85 MMBtu/hr)	Natural Gas
21-1	2-53-500-00	Bulk Salt Receiving (2 Brine Tanks)	Fugitive Particulate

* For the purposes of this permit, 'Wood' is defined as chips and sawdust derived from hardwoods and fruitwoods which are placed in an electric-heated smoke generator.

Insignificant Activities

The source may operate insignificant activities, which are described in the instructions for Section 4 (Insignificant Activities) of the operating permit 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	Description
Comfort Heating / HVAC	(1) 0.5 MMBtu/hr computer room unit
Comfort Heating / HVAC	(2) 0.5 MMBtu/hr breakroom building units
Comfort Heating / HVAC	(3) 0.5 MMBtu/hr locker room units
Comfort Heating / HVAC	(2) 0.5 MMBtu/hr warehouse units
Comfort Heating / HVAC	(1) 2.0 MMBtu/hr maintenance unit
Comfort Heating / HVAC	(1) 1.8 MMBtu/hr engine room unit
Comfort Heating / HVAC	(1) 1.4MMBtu/hr boiler room unit
Area Room Heaters	(2) Smokehouse Area Room Heaters (A & B) - both less than 1.0 MMBtu/hr
Dehumidification Units	(3) Dehumidification Units (#1-#3) - all less than 3.0 MMBtu/hr
Water Heater	(1) 0.075 MMBtu/hr cafeteria water heater
Maintenance Parts Washers	Solvent use resulting from small parts washing units.
Diesel Fuel Storage	285-Gallon Diesel Tank for Fueling Mobile Units
Sanitizing Heaters	(2) 3.1 MMBtu/hr RMAU processing area

Permitting Action Regulatory Provisions

This operating permit is being issued in accordance with the applicable provisions of Article 2, Section 2, 5, 7, 8, 13, and 14 of the Lincoln-Lancaster County Health Department Air Pollution Control Program Regulations and Standards (LLCAPCPRS), as well as all other applicable provisions of the LLCAPCPRS. 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.

Facility Regulatory Classification

- The facility is an area source of hazardous air pollutants (HAP) as defined in LLCAPCPRS Article 2, Section 1, paragraph 020(a).
- The facility is a major stationary source of air pollution as defined in LLCAPCPRS Article 2, Section 2, paragraphs (B) and (G) for the purposes of Class I operating permits (also see LLCAPCPRS Article 2, Section 5, paragraph (A)(1)) and for purposes of Title V as established in 40 CFR Part 70, §70.2.
- The facility is not a major stationary source for the purposes of the Prevention of Significant Deterioration of Air Quality (PSD) Program as established in LLCAPCPRS Article 2, Section 2, paragraph (H) and Nebraska Administrative Code Title 129 (Nebraska Air Quality Regulations) Chapter 2, section 008.
- This permit allows for operation of emission units that are subject to the following New Source Performance Standards (NSPS) in Title 40, Part 60 of the Code of Federal Regulations (40 CFR 60):
 - Subpart A: NSPS General Provisions
 - Subpart Dc: NSPS for Small Industrial-Commercial-Institutional Steam Generating Units
- This permit incorporates requirements of the following National Emissions Standards for Hazardous Air Pollutants (NESHAPs) in Title 40, Part 61 of the Code of Federal Regulations (40 CFR 61):
 - Subpart A: NESHAP General Provisions
 - Subpart M: NESHAP for Asbestos
- None of the emission units associated with this permitted source are subject to regulation under the National Emissions Standards for Hazardous Air Pollutants for Source Categories (Source Category NESHAPs) in Title 40, Part 63 of the Code of Federal Regulations (40 CFR 63).
- This facility is not subject to the requirements of Title 40, Part 64 of the Code of Federal Regulations (40 CFR 64): Compliance Assurance Monitoring (CAM)
- This facility is subject to the requirements of Title 40, Part 68 of the Code of Federal Regulations (40 CFR 68): Chemical Accident Prevention Provisions
- This facility is not subject to the Acid Rain requirements of Title 40, Parts 72, 73, 75, 77, and 78 of the Code of Federal Regulations.
- This facility is subject the requirements of Title 40, Part 82 of the Code of Federal Regulations (40 CFR 82): Protection of Stratospheric Ozone.
- This source is not subject to the requirements of Cross-State Air Pollution Rule (CSAPR), also referred to as the ‘Transport Rule’, established pursuant to the following portions of the Federal Register (FR):
 - 76 FR 48208 (August 8, 2011)
 - 76 FR 80760 (December 27, 2011)
 - 77 FR 10324 (February 21, 2012)
 - 77 FR 34830 (June 12, 2012)
 - 79 FR 71663 (December 3, 2014)
- This facility is not subject to the requirements of Title 40, Part 98 of the Code of Federal Regulations (40 CFR 98): Mandatory Greenhouse Gas Reporting, pursuant to §98.2 paragraph (a)(3).
- See Attachment A of this permit for the ‘Permit Shield’, which provides more specific information relating to non-applicability of certain regulations.

Public Participation, EPA Review, and Affected States Review

Pursuant to Article 2, Section 14 of the LLCAPCPRS, the public has been notified by prominent advertisement of this permit for operation of an air contaminant source, and the thirty (30) day period allowed for comments has elapsed, and all comments received have been addressed. Pursuant to Article 2, Section 13 of the LLCAPCPRS, the Environmental Protection Agency (EPA) and all affected States have been notified of this permit. The forty-five (45) day EPA review period has elapsed, and all comments provided by the EPA and affected States 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">• All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the following: | <ul style="list-style-type: none">• If required or requested by the EPA, the owner/operator shall submit reports, tests, and/or notifications to the following: |
| <hr/> <p>Lincoln-Lancaster County Health Department
% Air Quality Program
3131 'O' Street
Lincoln, NE 68510</p> | <hr/> <p>US EPA Region 7
ECAD/AB–Nebraska Air Compliance Coordinator
11201 Renner Blvd.
Lenexa, KS 66219</p> |

PERMIT CONDITIONS BEGIN ON FOLLOWING PAGE

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

Article 1: Administration and Enforcement	
§1	Intent
§2	Unlawful Acts – Permits Required
§3	Violations – Hearings – Orders
§4	Appeal Procedure
§5	Variance
§6	Annual Fees
§7	Compliance – Actions to Enforce – Penalties for Non-Compliance
§8	Procedure for Abatement
§9	Severability
Article 2: Regulations and Standards	
§1	Definitions
§2	Major Sources – Defined
§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
§13	Class I Operating Permit – EPA Review – Affected States Review
§14	Permits – Public Participation
§15	Operating 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 Emissions – Limitations and Standards
§23	Hazardous Air Pollutants – Emission Standards
§24	Sulfur Compound Emissions – Existing Sources – Emission Standards
§27	Hazardous Air Pollutants – Maximum Achievable Control Technology (MACT)
§29	Operating Permit Emission Fees
§32	Dust – Duty to Prevent Escape Of
§33	Compliance – Time Schedule For
§34	Emission Sources – Testing – Monitoring
§35	Compliance – Exceptions Due to Startup Shutdown or Malfunction
§36	Control Regulations – Circumvention – When Excepted
§37	Compliance – Responsibility of Owner/Operator Pending Review by Director
§38	Emergency Episodes – Occurrence and Control – Contingency Plans
Appendices	
I	Emergency Emission Reduction Regulations
II & III	Hazardous Air Pollutants (HAPs)

- (B) 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-B: Applicable Federal Regulations

40 CFR Part 60: New Source Performance Standards (NSPS)	
<i>Subpart</i>	<i>Subpart Subject</i>
A	General Provisions
Dc	Small Industrial/Commercial/Institutional (ICI) Steam Generating Units
40 CFR Part 61: National Emission Standards for Hazardous Air Pollutants (NESHAPs)	
<i>Subpart</i>	<i>Subpart Subject</i>
A	General Provisions
M	Asbestos
40 CFR Part 68: Chemical Accident Prevention Provisions	
40 CFR Part 82: Protection of the Stratospheric Ozone	

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

Table 1-C: LLCAPCPRS Regulations not Incorporated in Permit

Article 2: Regulations and Standards	
§4	Ambient Air Quality Standards
§9	General Operating Permits for Class I and II Sources
§10	Operating Permits for Temporary Sources & Notification of Relocation of...
§19	Prevention of Significant Deterioration (PSD) of Air Quality
§21	Compliance Assurance Monitoring (CAM)
§22	Incinerator Emission Standards
§25	Nitrogen Oxides – Emissions Standards for Existing Stationary Sources
§26	Acid Rain
§28	Hazardous Air Pollutants – MACT Emission Standards
§3, §30, §31	Reserved

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

Table 1-D: 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 Subpart B and those listed as applicable in Table 1-B
40 CFR Part 61	All subparts, except those listed as applicable in Table 1-B
40 CFR Part 63	Entire rule is non-applicable at the time of permit issuance
40 CFR Part 64	Entire rule is non-applicable at the time of permit issuance
40 CFR Parts 72 through 78	All Acid Rain rules are non-applicable at the time of permit issuance

- (E) The ‘Prevention of Significant Deterioration of Air Quality (PSD)’ regulations set forth under Title 129 of the Nebraska Administrative Code (Nebraska Air Quality Regulations) do not apply to this source.
- (F) The following chapter(s) of the Lincoln Municipal Code (LMC) are requirements of this permit:

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

Chapter	Chapter Title
8.06	Air Pollution

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 Director for a variance from rules or regulations. Any person who is applying for, or who 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 (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(4), 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.
 - (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 felony prosecution under Neb. Rev. Stat. §81-1508(f) including a fine of not more than ten thousand dollars (\$10,000) per day per violation, and up to a maximum six (6) month term of imprisonment.
 - (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.

- 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 2 (Major Sources – Defined) are requirements of this permit:
- (A) Paragraph (A): Hazardous Air Pollutants – A major source of hazardous air pollutants is:
- (1) For pollutants other than radionuclides, any stationary source or any group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, ten (10) tons per year (tpy) or more of any hazardous air pollutant listed in Appendix II or III of the LLCAPCPRS, twenty-five (25) tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources for hazardous air pollutants. All fugitive emissions must be considered in determining whether a stationary source is a major source.
- (2) For radionuclides, “major source” shall have the meaning specified by the Administrator by rule.
- (B) Paragraph (B) – Except as otherwise expressly provided for under the provisions of Section 2, for all regulated pollutants (except Hazardous Air Pollutants, lead, and radionuclides¹), a major stationary source of air pollutants is defined according to the provisions set forth in paragraphs (B)(1)-(4) of Section 2.
- (C) Paragraph (C) – A major stationary source of air pollutants is defined as one which emits, or has the potential to emit five (5) tons per year or more of lead.
- (D) Paragraph (D) – Any physical change that would occur at a stationary source not otherwise qualifying as a major stationary source, shall be considered a major stationary source if the change by itself would constitute a major stationary source.
- (E) Paragraph (E) – A major stationary source that is major for volatile organic compounds (VOC) or nitrogen oxides (NO_x) shall be considered major for ozone.
- (F) Paragraph (F) – For the purposes of LLCAPCPRS Article 2, Section 17, paragraph (M), a ‘major stationary source’ includes sources meeting the criteria set forth in LLCAPCPRS Article 2, Section 2, paragraphs (F)(1)-(4).
- (G) Paragraph (G) – Major sources, for purposes of Class I operating permits, means any stationary source (or group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person or persons under common control) belonging to a single major industrial grouping and that are described in paragraphs

¹ – Major sources of Hazardous Air Pollutants and radionuclides shall be defined according to the applicable provisions set forth in paragraph (A) of Section 2.

- (A) through (F) of Section 2. For the purposes of defining “major source”, a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.
- (H) Paragraph (F) – For the purposes of the Prevention of Significant Deterioration of Air Quality Program (PSD), a ‘major stationary source’ includes sources meeting the criteria set forth in LLCAPCPRS Article 2, Section 2, paragraphs (H)(1)-(4).
- (I) Paragraph (I) – Major source of particulate matter, for purposes of Class I operating permits, shall be determined based on the potential to emit PM₁₀.
- XI. The following provisions of LLCAPCPRS Article 2, Section 5 (Operating Permits – When Required) are requirements of this permit:
- (A) Paragraph (A)(1) – This source is required to obtain a Class I operating permit, as the source is a major 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.
- XII. 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 XIII(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 Director.
- (E) The Director may require the submittal of supplemental information to verify or otherwise assure the quality of emissions reported.
- XIII. 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.

- XIV. The following provisions of LLCAPCRS 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 (D)(2)(a) – The owner/operator must maintain records of required monitoring information, which must include the following:
 - (1) The date and place (as defined in 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.
 - (D) Paragraph (D)(2)(b) – The owner/operator must retain records of all required monitoring data and support information 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. The owner/operator must also maintain all records required by the Specific Conditions of this permit for a period of at least sixty (60) months from the date of origin. These records must be readily accessible and made available for inspection upon request by the Department.
 - (E) Paragraph (D)(3)(a) – The owner/operator must submit reports of applicable monitoring requirements and instances of deviations from permit requirements every six (6) months to the Department. These reports must be submitted by August 15th to cover the reporting period of January 1st through June 30th, and by February 15th to cover the reporting period of July 1st through December 31st of the previous year. A responsible official must certify the reports, as well as any other document required by this permit. If the timing of the semi-annual report is such that it may be combined with the report required in paragraph (Q) of this condition, a semi-annual report shall be submitted only once each year, six (6) months after the report required in paragraph (Q) is submitted. If the owner/operator elects to combine the report required under paragraph (Q) with the semi-annual monitoring and deviation report, the report required under paragraph (Q) must contain all required elements for semi-annual monitoring and deviation reporting.
 - (F) Paragraph (D)(3)(b) – The owner/operator must report deviations from permit requirements, identify the probable cause of the deviations, and list corrective actions or preventative measures taken. All reports of the deviations must be submitted within the time frames specified in paragraphs (1)-(3), below. The report may be submitted initially without a certification if an appropriate certification is provided within ten (10) days thereafter, together with any corrected or supplemental information required concerning the deviation. The following schedule will be followed to report the deviations:
 - (1) Any deviation resulting from emergency or upset conditions must be reported within two working days of the date on which the owner/operator first becomes aware of the deviation, if the owner/operator wishes to assert the affirmative defense authorized under Article 2, Section 11 of the LLCAPCRS.

- (2) Any deviation that poses an imminent and substantial danger to public health, safety, or the environment must be reported as soon as is practicable.
- (3) All other deviations will be reported as specified in paragraph (E) of this condition.
- (G) Paragraph (F) – The unchallenged permit requirements shall remain valid in the event of a challenge to any portions of the permit.
- (H) Paragraph (G)(1) – The owner/operator must comply with all conditions of the Class I 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.
- (I) 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.
- (J) 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.
- (K) Paragraph (G)(4) – This operating permit does not convey any property rights of any sort, or any exclusive privilege.
- (L) 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.
- (M) Paragraph (G)(6) – The provisions of this permit supersede the provisions of any previously issued operating or construction permit. This Class I operating permit contains applicable requirements of previously issued operating and construction permits, except for those construction permits where the equipment for which they were issued has been removed from the source.
- (N) Paragraph (J) – Conditions under which this permit may be reopened for cause, revoked and reissued, or terminated are as specified under Conditions XVII(D)-(E) of this permit.
- (O) Paragraph (L)(2) – Upon presentation of credentials and other documents as may be required by law, the owner/operator must allow the Department, the Administrator, or an authorized representative to perform the following:
 - (1) Enter upon the permittee’s premises at reasonable times where a source subject to a Class I operating permit is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
 - (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
 - (3) Inspect at reasonable times any facilities, pollution control equipment, including monitoring and air pollution control equipment, practices, or operations regulated or required under the permit; and
 - (4) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

- (P) Paragraph (L)(3) – The source has indicated compliance with all applicable requirements, including the specific conditions of this permit, effective at the time of permit issuance, and must continue to comply with these requirements. The source must meet all requirements that become effective during the term of this permit in a timely manner unless a more detailed compliance schedule is expressly required by the applicable requirement.
 - (Q) Paragraph (L)(5) – Certification of compliance with the terms and conditions of this permit for the preceding year must be submitted to the ‘Compliance Authorities’ listed on page 7 of this permit each year. The report must be submitted by February 15th and must certify compliance with the reporting period for the previous calendar year (January 1st through December 31st). This report must include the following information:
 - (1) The identification of each term or condition of the permit that is the basis of the certification;
 - (2) The compliance status;
 - (3) A determination of whether compliance was continuous or intermittent;
 - (4) The method's used for determining the compliance status of the source, currently, and over the reporting period; and
 - (5) Such other facts as the Department may require to determine the compliance status of the source.
 - (R) Paragraph (M) – The owner/operator must maintain a copy of the permit and of the letter of transmittal on-site. A copy of the permit must also be kept on file at the company's main or corporate office. A copy of the permit must be placed on file at each of the aforementioned locations no later than fourteen (14) calendar days after the date of the letter of transmittal.
 - (S) Paragraph (N) – The owner/operator has requested a Permit Shield in accordance with paragraph (N)(1) of Section 15. In accordance with 40 CFR Part 70 §70.6 paragraph (f), the Department hereby provides a Permit Shield to the owner/operator with the following conditions:
 - (1) Attachment A of this permit contains the regulations and requirements that are included under this permit shield, including further detail regarding the non-applicability of select federal regulations.
 - (2) This permit shield provides that compliance with this permit during its term constitutes compliance with all applicable requirements identified pursuant to LLCAPCPRS Article 2, Section 7 as of the date of permit issuance, provided that:
 - (a) Such applicable requirements are included and specifically identified in the permit; or
 - (b) The Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination.
 - (3) Nothing in this permit shall alter or affect EPA’s authority under the provisions of Section 303, Emergency Powers, of the Clean Air Act.
- XV. 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 I 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.

XVI. 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 Director 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.

XVII. The following provisions of LLCAPCRS Article 2, Section 15 (Permit Modifications – Reopening for Cause) are requirements of this permit:

- (A) Paragraph (A) – The owner/operator may request the Director 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 Director 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. The Permit Shield provided under Condition XIV(S) of this permit shall not apply to any changes made under these provisions.

- (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.
- XVIII. 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.
- XIX. Construction Permits. 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.
- XX. The owner/operator must comply with all regulations set forth in LLCAPCPRS Article 2, Section 18 (New Source Performance Standards and Emission Limits for Existing Sources) determined to be applicable to the source.
- XXI. 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.
- XXII. The owner/operator must comply with regulations set forth in LLCAPCPRS Article 2, Section 23 (Hazardous Air Pollutants – Emission Standards), if any are determined to be applicable to the Permitted Source.
- XXIII. The owner/operator must comply with all regulations set forth in LLCAPCPRS Article 2, Section 28 (Hazardous Air Pollutants – MACT Emission Standards) determined to be applicable to the source.
- XXIV. The following provisions of LLCAPCPRS Article 2, Section 32 (Dust – Duty to Prevent Escape Of) 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: paving or frequent cleaning of roads, driveways, and parking lots; application of water or chemical dust suppressants; and the planting and maintenance of vegetative ground cover.

XXV. The following provisions of LLCAPCPRS Article 2, Section 33 (Compliance – Time Schedule For) 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 Director 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.

XXVI. The following provisions of LLCAPCPRS Article 2, Section 34 (Emission Sources – 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 the test methods and procedures established in paragraphs (B)(1)-(6) of Section 34. 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 (F) – The Director 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 Director.

- (E) 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.

XXVII. 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 Director, 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 Director, 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.

XXVIII. The following provisions of LLCAPCPRS Article 2, Section 36 (Control Regulations – 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 Director, upon request, provided that such action is intended to convert the physical or chemical nature of the 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.

- XXIX. 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 Director 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.
- XXX. In accordance with LLCAPCPRS Article 2, Section 38 (Emergency Episodes – Occurrence and Control: 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.
- XXXI. 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) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to §82.166.

- (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).

Specific Conditions

- XXXII. Authority for Specific Conditions. The specific conditions of this permit are in accordance with the requirements of LLCAPCPRS, Article 2, Section 8, paragraphs (M) and (P), Construction Permit No. 224 (Attachment B) issued [DATE TBD], and other applicable requirements as indicated.
- XXXIII. Source-Wide Requirements. As authorized by Condition XXXIII of this permit, the Director has determined the following to be requirements of this permit. Unless otherwise specified in a Specific Condition of this permit, these conditions apply generally to all affected emission units.
- (A) Operating Requirements, Throughput Limits, and Work Practice Standards.
- (1) In accordance with the requirements set forth in Construction Permit No. 224, the owner/operator shall limit combined throughput of wood through the smoke generators associated with Smokehouses #1 through #12 to no more than five hundred (500.0) tons on a dry material basis. This limit shall apply to any period of twelve (12) consecutive months.
 - (2) The owner/operator shall operate Emission Units 1-1 (Boiler #4) and 2-1 (Boiler #2) each as a 'gas-fired boiler' as defined in 40 CFR Part 63, Subpart JJJJJ §63.11237. If the owner/operator operates any of the boilers in a manner inconsistent with the definition of a 'gas-fired boiler', the owner/operator shall be responsible for identifying all applicable requirements set forth under 40 CFR Part 63, Subpart JJJJJ, and for achieving and maintaining compliance with those requirements.
 - (3) The owner/operator shall operate all emission units associated with the Permitted Source in accordance with the manufacturer's specifications. At all times, including periods of startup, shutdown, and malfunction, the owner/operator shall, to the extent practicable, maintain and operate all emission units associated with the Permitted Source in a manner consistent with good air pollution control practice for minimizing emissions. 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.
 - (4) The owner/operator is subject to all elections specified in the approved application, and any emissions controls used shall be at a minimum those elected in Section 6 of the approved application. The owner/operator may contact the Department to request or submit modifications to the approved application.

- (5) The owner/operator shall comply with all applicable operating limits, throughput limits, and/or work practice standards (if any) established pursuant to the Federal Regulations incorporated by reference under paragraph (F) of this condition.
- (B) Emission Limits and Emission Control Requirements.
- (1) The owner/operator shall limit particulate matter (PM) emissions from EU 21-1 (Bulk Salt Receiving) to no more than forty and eight-tenths pounds per hour (40.8 lbs/hr) in accordance with the requirement set forth in Condition XXI(A) of this permit. Initial and ongoing compliance with this emission limit may be demonstrated by use of technically valid engineering calculations. These calculations shall be performed using the emissions factors presented in the approved permit application, the 5th edition of AP-42, the EPA’s *WebFIRE* database, or other factor(s) approved by the Department.
- (2) In accordance with the requirements set forth in Construction Permit No. 224, as well as Condition XXI(B) of this permit, the owner/operator shall limit emissions of PM from all affected emission units to the quantities established in Table 34-B2 below. Initial and ongoing compliance with these emission limits may be demonstrated by use of technically valid engineering calculations. These calculations shall be performed using the emissions factors presented in the approved permit application, the 5th edition of AP-42, the EPA’s *WebFIRE* database, or other factor(s) approved by the Department.

Table 34-B2: Emission Units Subject to Heat Input Rate-based PM Emission Limits

Emission Unit (EU)	Emission Unit Description	Pollutant	Emission Limit (lbs/MMBtu)
1-1	Boiler #4 (25.0 MMBtu/hr)	PM	0.485
2-1	Boiler #2 (8.37 MMBtu/hr)	PM	0.60
3-2	Smokehouse #1 – Process Heater (1.65 MMBtu/hr)	PM	0.60
4-2	Smokehouse #2 – Process Heater (1.65 MMBtu/hr)	PM	0.60
5-2	Smokehouse #3 – Process Heater (3.85 MMBtu/hr)	PM	0.60
6-2	Smokehouse #4 – Process Heater (3.85 MMBtu/hr)	PM	0.60
7-2	Smokehouse #5 – Process Heater (3.85 MMBtu/hr)	PM	0.60
8-2	Smokehouse #6 – Process Heater (3.85 MMBtu/hr)	PM	0.60
9-2	Smokehouse #7 – Process Heater (3.85 MMBtu/hr)	PM	0.60
10-2	Smokehouse #8 – Process Heater (3.85 MMBtu/hr)	PM	0.60
11-2	Smokehouse #9 – Process Heater (3.85 MMBtu/hr)	PM	0.60
12-2	Smokehouse #10 – Process Heater (3.85 MMBtu/hr)	PM	0.60
13-2	Smokehouse #11 – Process Heater (3.85 MMBtu/hr)	PM	0.60
14-2	Smokehouse #12 – Process Heater (3.85 MMBtu/hr)	PM	0.60

- (3) The owner/operator shall limit opacity from all affected emission units in accordance with Conditions XXI(C)-(D) of this permit, as applicable. Affected emission units under this requirement include those listed in Table 34-B3 below.

Table 34-B3: Emission Units Subject to Opacity Limits

Emission Unit #	Emission Unit Description
3-1	Smokehouse #1 – Batch Smoking Cycle
4-1	Smokehouse #2 – Batch Smoking Cycle
5-1	Smokehouse #3 – Batch Smoking Cycle
6-1	Smokehouse #4 – Batch Smoking Cycle

Table 34-B3: Emission Units Subject to Opacity Limits

Emission Unit #	Emission Unit Description
7-1	Smokehouse #5 – Batch Smoking Cycle
8-1	Smokehouse #6 – Batch Smoking Cycle
9-1	Smokehouse #7 – Batch Smoking Cycle
10-1	Smokehouse #8 – Batch Smoking Cycle
11-1	Smokehouse #9 – Batch Smoking Cycle
12-1	Smokehouse #10 – Batch Smoking Cycle
13-1	Smokehouse #11 – Batch Smoking Cycle
14-1	Smokehouse #12 – Batch Smoking Cycle

- (4) In accordance with the requirements set forth in Construction Permit No. 224, particulate matter emissions from EU 14-1 (Smokehouse #12) shall be controlled with a water scrubber. This water scrubber shall be operated at all times the smoke generator associated with EU 14-1 is operating. The water scrubber shall be operated and maintained in accordance with manufacturer specifications.
 - (5) In accordance with LLCAPCRS Article 2, Section 24, paragraph (A), the owner/operator shall limit emissions of sulfur oxides from EU 2-1 (Boiler #2) to no more than two and one-half pounds per million British thermal units (2.5 lbs/MMBtu), maximum two (2) hour average. The owner/operator shall demonstrate compliance with this emission limitation by combusting only natural gas in EU 2-1.
 - (6) The owner/operator shall comply with all applicable emission limits and/or emission control requirements (if any) established pursuant to the Federal Regulations incorporated by reference under paragraph (F) of this condition.
- (C) Monitoring and Record Keeping Requirements.
- (1) The owner/operator shall conduct weekly visible emission surveys of the stack emissions for the Emission Units in Table 34-B3 of this permit to ensure compliance with the opacity limit established under Conditions XXI(C) of this permit. These visible emission surveys shall be conducted after start-up of the emission unit is complete. The owner/operator shall conduct each visible emission survey (VES) in accordance with the following:
 - (a) Trained Observer Requirements.
The person(s) conducting the VES (i.e., the observer) must be a ‘trained observer’. For the purposes of this permit, a ‘trained observer’ is someone who:
 - (i) Has read and understands the procedures used to conduct visible emission observations as specified in Section 2 of EPA Test Method 9 set forth in Appendix A-4 to 40 CFR Part 60;
 - (ii) Has participated in both the classroom and field observation activities associated with a Method 9 certification program;
 - (iii) Has received certification as a qualified observer pursuant to Section 3 of Method 9 at least once in the five (5) year period preceding the date of a VES;
 - (iv) Possesses, or can obtain, any equipment necessary to conduct Method 9 observations; and
 - (v) Understands the Method 9 documentation protocols, as well as the associated VES record keeping requirements of this permit.

(b) Visible Emission Survey (VES) Procedure.

For each required VES, the trained observer(s) must:

- (i) Select an observation position according to the procedures set forth in Section 2.1 of Method 9;
- (ii) Perform a VES for a duration of no less than forty-five (45) seconds, with four (4) observations performed and recorded at fifteen (15) second intervals according to the procedures set forth in Sections 2.3 and 2.4 of Method 9;
- (iii) Calculate average opacity of visible emissions observed during the VES according to the procedures set forth in Section 2.5 of Method 9;
- (iv) After completion of each VES, record all information as required under paragraph (C)(1)(h) of this condition.

(c) Post-VES Procedure.

After completion of a VES, the trained observer(s) must proceed with the following based on the result of the VES:

- (i) If the average opacity of visible emissions recorded during the VES is less than twenty percent ($< 20\%$), the trained observer(s) shall record the observation as required under paragraph (C)(1)(h) of this condition. No further action will be required.
- (ii) If the average opacity of visible emissions recorded during the VES is greater than or equal to twenty percent ($\geq 20\%$), the owner/operator shall perform one of the following:
 1. 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 must perform a Test Method 9 visible emission observation (VEO) at least six (6) minutes in duration. This Method 9 VEO must be performed no later than two (2) hours after conducting the initial VES. If electing to perform a Method 9 VEO, the procedures set forth under paragraph (C)(1)(d) of this condition must be followed. **OR**
 2. Perform corrective action(s) necessary to reduce visible emissions to less than twenty percent ($< 20\%$) opacity no later than one (1) hour after conducting the initial VES, and proceed as specified under paragraph (C)(1)(f) of this condition.

(d) Method 9 Visible Emission Observation (VEO) Procedure.

If electing to perform a Method 9 VEO pursuant to paragraph (C)(1)(c)(ii)1. of this condition, or if required to perform a Method 9 VEO pursuant to paragraph (C)(1)(f)(ii) of this condition, a 'qualified observer' must:

- (i) Select an observation position according to the procedures set forth in Section 2.1 of Method 9;
- (ii) Perform a Method 9 VEO for a duration of no less than six (6) minutes, with observations performed and recorded at fifteen (15) second intervals according to the procedures set forth in Sections 2.3 and 2.4 of Method 9;
- (iii) Calculate average opacity of visible emissions observed during the Method 9 VEO according to the procedures set forth in Section 2.5 of Method 9;
- (iv) After completion of each Method 9 VEO, record all information as required under paragraph (C)(1)(h) of this condition.

(e) Post-Method 9 VEO Procedure.

After completion of a Method 9 VEO, the 'qualified observer' must proceed with the following based on the result of the VEO:

- (i) If the result of the Method 9 VEO is less than twenty percent (< 20%) opacity, the qualified observer shall record the observation as required under paragraph (C)(1)(h) of this condition. No further action shall be required.
- (ii) If the result of the Method 9 VEO is equal to or greater than or equal to twenty percent (\geq 20%) opacity, the owner/operator must:
 - 1. Submit a report of excess emissions to the LLCHD within forty-eight (48) hours in accordance with the requirements of Article 2, Section 35 of the LLCAPCPRS; and
 - 2. Perform corrective action(s) necessary to reduce visible emissions to less than twenty percent (< 20%) opacity no later than one (1) hour after the Method 9 VEO and proceed as specified under paragraph (C)(1)(f) of this condition.

(f) Post-Corrective Action Procedure.

Following completion of corrective action(s), the trained observer, qualified observer, or the personnel responsible for completing the corrective action(s) shall record the corrective action(s) performed pursuant to paragraph (C)(1)(h) of this condition and proceed with the following, as applicable:

- (i) No more than one (1) hour after completing initial corrective action(s) performed pursuant to the results of an initial VES, the trained observer shall perform a follow-up VES using the procedures in paragraph (C)(1)(b) and proceed as follows:
 - 1. If the average opacity of visible emissions recorded during a follow-up VES is less than twenty percent (< 20%), the observer(s) shall record the observation(s) as required under paragraph (C)(1)(h) of this condition. No further action will be required.
 - 2. If the average opacity of visible emissions recorded during a follow-up VES is greater than or equal to twenty percent (\geq 20%), the owner/operator may choose to perform a Method 9 VEO using the procedures in paragraph (C)(1)(d), or may perform additional corrective action(s) and proceed as directed under paragraph (C)(1)(f)(ii) below. The trained observer shall record the observation as required under paragraph (C)(1)(h) of this condition.
- (ii) No more than one (1) hour after completing any corrective action(s) performed subsequent to the initial corrective action(s) and follow-up VES, a qualified observer shall perform a follow-up Method 9 VEO using the procedures in paragraph (C)(1)(d).
 - 1. If the average opacity of visible emissions recorded during a follow-up Method 9 VEO is less than twenty percent (< 20%), the observer(s) shall record the observation(s) as required under paragraph (C)(1)(h) of this condition. No further action will be required.
 - 2. If the average opacity of visible emissions recorded during a follow-up Method 9 VEO is greater than or equal to twenty percent (\geq 20%), the owner/operator shall:

- a. Submit a report of excess emissions to the LLCHD within forty-eight (48) hours in accordance with the requirements of Article 2, Section 35 of the LLCAPCPRS;
 - b. Continue repeating corrective action(s) and follow-up Method 9 VEOs until opacity is reduced to less than twenty percent (< 20%); and
 - c. Keep records of corrective action(s) taken and the results of all Method 9 VEOs performed, as required under paragraph (C)(1)(h) of this condition.
- (g) Exceptions to Visible Emission Monitoring.
Visible emissions surveys or observations shall not be required under the following:
- (i) If a trained observer or a qualified observer is unable to perform a VES or a VEO 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 the required VES or VEO as soon as conditions allow.
 - (ii) Visible emissions monitoring is not required during startups, shutdowns, malfunctions, or during load/performance testing.
 - (iii) Visible emissions monitoring is not required for emission units that are not operated during the weekly monitoring period.
- (h) VES and VEO Record Keeping Requirements.
The owner/operator must maintain records of all required visible emission surveys (VES) and Method 9 visible emission observations (VEO) performed pursuant to the requirements of this permit to demonstrate ongoing compliance with the visible emission opacity requirements in Conditions XXI(C) of this permit. These records must include the following:
- (i) The name of the person(s) conducting the VES or VEO.
 - (ii) The date and the starting time of the VES or VEO.
 - (iii) The emission unit(s) for which the VES or VEO was performed.
 - (iv) For each VES, record the average opacity of visible emissions observed during the survey. For each Method 9 VEO, record the highest average opacity of visible emissions recorded during a period of six (6) consecutive minutes, calculated pursuant to EPA Test Method 9 procedures, as well as any information required in Sections 2.2, 2.4, and 2.5 of EPA Test Method 9.
 - (v) Any corrective action(s) taken (if applicable).
 - (vi) The results of any follow-up VES or Method 9 VEO (if applicable).
 - (vii) Record all instances in which a VES or VEO is not performed due pursuant to the exceptions granted under paragraph (C)(1)(g) of this condition.
- (i) Trained Observer and Qualified Observer Record Keeping Requirements.
For each 'trained observer' and/or 'qualified observer' performing visible emission opacity surveys and/or observations, the owner/operator shall maintain records of each observer's most recent certification as a 'qualified observer' under EPA Test Method 9 in Appendix A-4 of 40 CFR Part 60.

- (2) Within fifteen (15) days of the end of each calendar month, the owner/operator shall calculate and maintain records of the following for the previous calendar month:
 - (a) The quantity (measured in million cubic feet, or MMcf) of natural gas combustion for the entire facility.
 - (b) The quantity (measured in pounds or tons) of combined wood used by the natural smoke generators that exhaust through the emission units in Table 34-B3 of this permit.
 - (c) The quantity (measured in pounds or tons) of bulk salt receiving associated with Emission Unit 21-1 (Bulk Salt Receiving).
 - (3) Within fifteen (15) days of the end of each calendar month, the owner/operator shall calculate and maintain records of the twelve (12) month rolling total quantity (measured in pounds or tons) of combined wood used by the natural smoke generators that exhaust through the emission units in Table 34-B3 of this permit. Rolling twelve (12) month totals shall be calculated by adding the wood total from the previous calendar month with the wood totals from the preceding eleven (11) calendar months.
 - (4) The owner/operator shall maintain records of operation and maintenance of the Permitted Emission Units, as well as the water scrubber associated with EU 14-1 (Smokehouse #12), through use of a Computerized Maintenance Management System (CMMS). These records shall include the following:
 - (a) Records documenting when routine maintenance and preventive actions were performed, with a description of the maintenance and/or preventive action performed.
 - (b) Records documenting equipment failures, malfunctions, or excess visible emissions. Records shall include the time of each occurrence, corrective action(s) taken, and when corrections were made.
 - (5) The owner/operator shall keep all records necessary 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 the requirements set forth under Conditions XIV(C)-(D) of this permit.
 - (6) The owner/operator shall comply with all applicable monitoring and/or record keeping requirements (if any) established pursuant to the Federal Regulations incorporated by reference under paragraph (F) of this condition.
- (D) Notification and Reporting Requirements.
- (1) In accordance with the requirements set forth under Condition XII of this permit, the owner/operator must report emissions of all criteria air pollutants and HAPs for all Permitted Emission Units. This report shall be submitted on an annual basis no later than March 31 each year and shall contain, at a minimum, the following information for the preceding calendar year:
 - (a) The quantity of natural gas combustion (measured in million cubic feet, or MMcf).
 - (b) Combined wood usage associated with the emission units in Table 34-B3.
 - (c) Combined bulk salt receiving associated with EU 21-1 (Bulk Salt Receiving).
 - (2) Upon request, the owner/operator must submit any and all emission totals, material use totals, fuel use totals, or material composition data as deemed necessary by the Director.
 - (3) The owner/operator shall comply with all applicable notification and/or reporting requirements (if any) established pursuant to the Federal Regulations incorporated by reference under paragraph (F) of this condition.

(E) Other Requirements.

- (1) Calculation of annual regulated criteria pollutant and HAP emissions shall be performed using the emission factors and calculation procedures presented in the approved Title V permit application and associated amendments. Emission factors, procedures, and/or methods may be revised if new information becomes available that warrants revision. The owner/operator must receive approval from the Department to revise emission factors, emission estimating procedures, and/or methods prior to their use and/or implementation.
- (2) Any control or monitoring equipment that may be necessary for compliance with the LLCAPCPRS or any similar requirements of the federal EPA must be installed within the time period or by the date specified in the applicable rule or regulation.
- (3) 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.

(F) Requirements of the New Source Performance Standard (NSPS) set forth in Title 40, Part 60 of the Code of Federal Regulations (40 CFR Part 60).

- (1) The owner/operator shall operate EU 1-1 (25.0 MMBtu/hr Boiler) in accordance with the applicable requirements set forth in 40 CFR Part 60, Subpart Dc (NSPS for Small Industrial-Commercial-Institutional Steam Generating Units). The provisions of Subpart Dc cited by section number, section description, and paragraph in Table 34-F1 below are requirements of this permit.

Table 34-F1: Requirements of 40 CFR Part 60, Subpart Dc Applicable to EU 1-1 (25.0 MMBtu/hr Boiler)

Section (§)	Section Description	Applicable Paragraph(s)
§60.40c	Applicability and Delegation of Authority	(a)-(d)
§60.41c	Definitions	Entire section
§60.48c	Reporting and Record Keeping Requirements	(a) ^[A] , (a)(1), (a)(3); (g); (i)
^[A] – If compliance with the notification requirements incorporated above has already been demonstrated, the owner/operator is not required to submit additional notifications. ^[G] – Where shown, this symbol indicates that the referenced paragraph, as well as all applicable sub-paragraphs set forth under that paragraph are incorporated as requirements.		

- (2) 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. The owner/operator shall be responsible for identifying, and maintaining compliance with, all applicable provisions of Subpart A.

(G) Requirements of the Chemical Accident Prevention Provisions set forth in Title 40, Part 68 of the Code of Federal Regulations (40 CFR Part 68).

- (1) The owner/operator shall maintain compliance with the applicable requirements of 40 CFR Part 68 (Chemical Accident Prevention Provisions). The provisions of 40 CFR Part 68 cited by section number, section description, and paragraph in Table 34-G1 are requirements of this permit.

Table 34-G1: Applicable Requirements of 40 CFR Part 68

Section (§)	Section Description	Applicable Paragraph(s)
Subpart A: General		
§68.1	Scope	Entire Section
§68.3	Definitions	Entire Section
§68.10	Applicability	(a)-(a)(1) ² ; (b)-(e); (i) ^[G] ; (j)
§68.12	General Requirements	(a); (d) ^[G]
§68.15	Management	Entire Section
Subpart B: Hazard Assessment		
§68.20	Applicability	Entire Section
§68.22	Offsite Consequence Analysis Parameters	(a)-(a)(1); (b)-(g)
§68.25	Worst-Case Release Scenario Analysis	(a), (a)(2)(ii); (b) ^[G] ; (c)-(c)(1); (g)-(h); (i) ^[G]
§68.28	Alternative Release Scenario Analysis	Entire Section
§68.30	Defining Offsite Impacts – Population	Entire Section
§68.33	Defining Offsite Impacts – Environment	Entire Section
§68.36	Review and Update	Entire Section
§68.39	Documentation	Entire Section
§68.42	Five-Year Accident History	Entire Section
Subpart D: Program 3 Prevention Program		
§68.65	Process Safety Information	Entire Section
§68.67	Process Hazard Analysis	(a) ^[A] ; (b)-(g) ^[G]
§68.69	Operating Procedures	Entire Section
§68.71	Training	(a) ^{[A][G]} ; (b)-(c)
§68.73	Mechanical Integrity	Entire Section
§68.75	Management of Change	Entire Section
§68.77	Pre-Startup Review	Entire Section
§68.79	Compliance Audits	Entire Section
§68.81	Incident Investigation	Entire Section
§68.83	Employee Participation	Entire Section
§68.85	Hot Work Permit	Entire Section
§68.87	Contractors	(a)-(b) ^[G]
Subpart E: Emergency Response		
§68.90	Applicability	(a)
§68.93	Emergency Response Coordination Activities	Entire Section
§68.95	Emergency Response Program	Entire Section
§68.96	Emergency Response Exercises	(a)-(b) ^[G]
		(c) ^[G]

² – The initial Risk Management Plan (RMP) was submitted by June 21, 1999. An updated RMP was submitted on April 20, 2022.

Table 34-G1: Applicable Requirements of 40 CFR Part 68

Section (§)	Section Description	Applicable Paragraph(s)
Subpart F: Regulated Substances for Accidental Release Prevention		
§68.100	Purpose	Entire Section
§68.115	Threshold Determination	Entire Section
§68.120	Petition Process	<i>Entire Section</i>
§68.130	List of Substances	Entire Section; also see Tables 1-2 of Subpart F, as applicable
Subpart G: Risk Management Plan (RMP)		
§68.150	Submission	(a); (b)-(b)(1); (c) ^[A] ; (d)-(f)
§68.151	Assertion of Claims of Confidential Business Information	<i>Entire Section</i>
§68.152	Substantiating of Claims of Confidential Business Information	<i>Entire Section</i>
§68.155	Executive Summary	Entire Section
§68.160	Registration	Entire Section
§68.165	Offsite Consequence Analysis	(a), (a)(2); (b) ^[G] <i>(a)(1)</i>
§68.168	Five-Year Accident History	Entire Section
§68.175	Prevention Program / Program 3	Entire Section
§68.180	Emergency Response Program	(a) ^[G] ; (b), (b)(2) ^[G]
§68.185	Certification	(b)
§68.190	Updates	(a)-(b) ^[G] <i>(c)</i>
§68.195	Required Corrections	Entire Section
Subpart H: Other Requirements		
§68.200	Recordkeeping	Entire Section
§68.210	Availability of Information to the Public	Entire Section
§68.215	Permit Content and Air Permitting Authority or Designated Agency Requirements	(a)-(a)(1), (a)(2)(ii); (b); (d)-(e) ^[G]
§68.220	Audits	Entire Section
<p>Note: Italicized references mean the paragraph(s) cited are conditionally applicable.</p> <p>^[A] – For requirements incorporated above marked with an ^[A], owner/operator is not required to fulfill the requirement again if compliance has already been demonstrated/achieved.</p> <p>^[G] – Where shown, this symbol indicates that the referenced paragraph(s), as well as all <u>applicable</u> sub-paragraphs set forth under the cited paragraph(s) are incorporated as requirements.</p>		

END OF PERMIT CONDITIONS

Attachment A
Permit Shield

Regulations for which a Permit Shield is provided are as follows:

Regulation Citation	Shielded Emission Unit (EU) or Equipment	Reason for Non-Applicability
40 CFR 60 – Subparts D, Da, and Db	All boilers at this facility	<ul style="list-style-type: none"> • The boilers’ heat input ratings are lower than the applicability threshold in Subpart D. • The units are not ‘electric utility steam-generating units’ as defined in Subpart Da. • The boilers’ heat input ratings are lower than the applicability threshold in Subpart Db.
40 CFR 60 – Subpart Dc	8.37 MMBtu/hr Boiler	<ul style="list-style-type: none"> • This boiler’s heat input rating is lower than the applicability threshold in Subpart Dc.
40 CFR 60 – Subparts K, Ka, and Kb	285-gallon Diesel Fuel Storage Tank	<ul style="list-style-type: none"> • Tank capacity is smaller than the applicability thresholds set forth in each Subpart. • Diesel fuel is not considered a ‘petroleum liquid’ pursuant to 40 CFR 60 Subpart K §60.111(b) and Subpart Ka §60.111a(b). • The maximum true vapor pressure of diesel fuel is less than the 3.5 kPa threshold (actual is approximately 0.11 kPa).
40 CFR 63 – Subpart DDDDD	All boilers and process heaters at this facility	<ul style="list-style-type: none"> • This facility is not a ‘major source’ of HAP emissions.
40 CFR 63 – Subpart JJJJJ	All boilers at this facility	<ul style="list-style-type: none"> • The boilers at this facility operate only on natural gas and are exempt pursuant to 40 CFR 63 Subpart JJJJJ §63.11195(e).
40 CFR 64	Facility-Wide	<ul style="list-style-type: none"> • None of the emission units at this facility are subject to pollutant-specific emission limits for which an emission control device is used to achieve compliance.
LLCAPPRS Article 2, Section 24	All fossil-fuel combustion units at this facility, except EU 2-1 (Boiler #2)	<ul style="list-style-type: none"> • With the exception of EU 2-1 (Boiler #2), none of the fossil-fuel combustion emission units at this facility were in operation prior to February 26, 1974, and as such, are not ‘existing fossil fuel burning equipment’ as defined in LLCAPPRS Article 2, Section 24.

Attachment B

Construction Permit No. 224

The following conditions set forth under Construction Permit No. 224, issued [DATE TBD], apply to the following emission units, which are referred to as the 'Permitted Emission Units' in Construction Permit No. 224:

Emission Unit (EU)	Source Classification Code (SCC)	Emission Point Description	Emission Segment Description
3-1	3-02-013-02	Smokehouse #1 – Batch Smoking Cycle (24 lb/hr)	Wood
4-1	3-02-013-02	Smokehouse #2 – Batch Smoking Cycle (24 lb/hr)	Wood
5-1	3-02-013-02	Smokehouse #3 – Batch Smoking Cycle (24 lb/hr)	Wood
6-1	3-02-013-02	Smokehouse #4 – Batch Smoking Cycle (24 lb/hr)	Wood
7-1	3-02-013-02	Smokehouse #5 – Batch Smoking Cycle (24 lb/hr)	Wood
8-1	3-02-013-02	Smokehouse #6 – Batch Smoking Cycle (24 lb/hr)	Wood
9-1	3-02-013-02	Smokehouse #7 – Batch Smoking Cycle (24 lb/hr)	Wood
10-1	3-02-013-02	Smokehouse #8 – Batch Smoking Cycle (24 lb/hr)	Wood
11-1	3-02-013-02	Smokehouse #9 – Batch Smoking Cycle (24 lb/hr)	Wood
12-1	3-02-013-02	Smokehouse #10 – Batch Smoking Cycle (24 lb/hr)	Wood
13-1	3-02-013-02	Smokehouse #11 – Batch Smoking Cycle (24 lb/hr)	Wood
14-1	3-02-013-02	Smokehouse #12 – Batch Smoking Cycle (24 lb/hr)	Wood

Note: The 'General Conditions' (I-XXV) of Construction Permit No. 224 have not been incorporated into this table, as those conditions are either reflected in this operating permit, or are not relevant to this permitting action. Those conditions do, however, remain applicable and enforceable requirements. Any references to "this permit" or "this construction permit" contained in the table below shall mean Construction Permit No. 224.

Condition Citation	Requirement
XXVI.	The following requirements apply to the Permitted Emission Units and are established pursuant to authority set forth in LLCAPCPRS Article 2, Section 17, paragraph (K), or other authorities as referenced herein.
(A)	<p><u>Operating Requirements, Throughput Limits, and/or Work Practice Standards.</u></p> <p>(1) In accordance with the election(s) made in the approved application, the owner/operator shall limit the amount of wood use through the Permitted Emission Units to no more than five hundred (500.0) tons on a dry material basis. This limit shall apply to any period of twelve (12) consecutive months.</p> <p>(2) This permit authorizes continued operation of the Permitted Emission Units according to the requirement established herein. Prior to modification(s) to any of the Permitted Emission Units, and/or prior to any change(s) in the method of operation of any of the Permitted Emission Units, the owner/operator shall determine what impact, if any, the proposed modification(s) or change(s) have on the potential to emit for the affected emission unit(s), as well as the combined potential emit for all Permitted Emission Units associated with the source.</p>

Condition Citation	Requirement
(A) (cont'd)	<p>(3) The owner/operator shall operate the Permitted Emission Units in accordance with the manufacturer’s specifications. At all times, including periods of startup, shutdown, and malfunction, the owner/operator shall, to the extent practicable, maintain and operate the Permitted Emission Units in a manner consistent with good air pollution control practices for minimizing emissions. 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, the manufacturer’s specifications or equivalent procedures, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.</p> <p>(4) The owner/operator is subject to all elections specified in the approved application, and any emissions controls used shall be at a minimum those required in paragraph (B) of this condition.</p>
(B)	<p><u>Emission Limits and Emission Control Requirements.</u></p> <p>(1) The owner/operator shall limit emissions of PM from all Permitted Emission Units in accordance with Condition XVI(B) of this permit, respectively. Initial and ongoing compliance with these emission limits may be demonstrated by use of technically valid engineering calculations. These calculations shall be performed using the emissions factors presented in the approved permit application, the 5th edition of AP-42, the EPA’s WebFIRE database, or other factor(s) approved by the Department.</p> <p>(2) In accordance with Article 2, Section 20, paragraph (E) of the LLCAPCRS, particulate matter emissions from the Permitted Emission Units shall not equal or exceed twenty percent (20%) opacity, as evaluated by an EPA approved method, or recorded by a continuous opacity monitoring system (COMS).</p> <p>(3) Particulate matter emissions from EU 14-1 (Smokehouse #12) shall be controlled with a water scrubber. This water scrubber shall be operated at all times the smoke generator associated with EU 14-1 is operating. The water scrubber shall be operated and maintained in accordance with manufacturer specifications.</p>
(C)	<p><u>Monitoring and Record Keeping Requirements.</u></p> <p>(1) Within fifteen (15) days of the end of each calendar month, the owner/operator shall calculate and maintain records of quantity (measured in pounds or tons) of combined wood used by the natural smoke generators that exhaust through the Permitted Emission Units for the previous calendar month.</p> <p>(2) Within fifteen (15) days of the end of each calendar month, the owner/operator shall calculate and maintain records of the twelve (12) month rolling total quantity (measured in pounds or tons) of combined wood used by the natural smoke generators that exhaust through the Permitted Emission Units. Rolling twelve (12) month totals shall be calculated by adding the wood total from the previous calendar month with the wood totals from the preceding eleven (11) calendar months.</p> <p>(3) The owner/operator shall maintain records of calculations performed demonstrating compliance with the PM emission limits set forth in paragraph (B)(1) of this condition.</p> <p>(4) Compliance with the opacity limit set forth in paragraph (B)(2) of this condition shall be demonstrated by performing visible emissions monitoring and associated record keeping in accordance with applicable monitoring and record keeping procedures established in an operating permit issued for this source.</p> <p>(5) The owner/operator shall maintain records of operation and maintenance of the Permitted Emission Units, as well as the water scrubber associated with EU 14-1 (Smokehouse #12), through use of a Computerized Maintenance Management System (CMMS). These records shall include the following:</p> <p>(a) Records documenting when routine maintenance and preventive actions were performed, with a description of the maintenance and/or preventive action performed.</p>

Condition Citation	Requirement
(C) (cont'd)	<p>(b) Records documenting equipment failures, malfunctions, or excess visible emissions. Records shall include the time of each occurrence, corrective action(s) taken, and when corrections were made.</p> <p>(6) All records of required monitoring information shall include the following: (a) The date and place as defined in the permit, and time of sampling or measurements; (b) The date(s) analyses were performed; (c) The company or entity that performed the analyses; (d) The analytical techniques or methods used; (e) The results of such analyses; and (f) The operating conditions existing at the time of sampling or measurement.</p> <p>(7) 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. These records shall be readily accessible and made available for inspection upon request by the Department.</p>
(D)	<p><u>Notification and Reporting Requirements.</u></p> <p>(1) In accordance with the requirements set forth under Condition XI of this permit, the owner/operator shall report all regulated pollutant emissions (criteria pollutants and hazardous air pollutants, if any) associated with the Permitted Emission Units on an annual basis. This report shall be submitted no later than March 31 each year.</p> <p>(2) The owner/operator shall calculate and submit any 12-month total of wood use upon request of the Department, except that the owner/operator shall not be required to calculate 12-month totals that cover months occurring more than sixty (60) months prior to the date of the Department's request.</p>
(E)	<p><u>Department Authority.</u></p> <p>Pursuant to the authority granted in Section 8.06.030 of the Lincoln Municipal Code (LMC 8.06.030 – Air Pollution, Director Powers and Duties), upon presentation of credentials and other documents as may be required by law, the Director of the LLCHD or an authorized representative has the authority to:</p> <p>(1) 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 Director deems necessary to determine compliance with the provisions of the LLCAPCRS and to require the submission of air contaminant emission information in connection with such inspections, tests, and studies.</p> <p>(2) Have 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;</p> <p>(3) 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.</p> <p>(4) 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, giving the owner or operator a receipt for the sample obtained.</p> <p>(5) Issue, continue in effect, revoke, modify, or deny permits, under such conditions as the Director may prescribe and consistent with the Clean Air Act and the LLCAPCRS.</p>
(F)	<p><u>Other Requirements.</u></p> <p>(1) The conditions set forth in this permit shall remain applicable requirements until such time that all permitted emission units are removed from the source, or until the owner/operator requests that the permit be nullified, and all Permitted Emission Units are rendered inoperable.</p>

Condition Citation	Requirement
(F) (cont'd)	<p>(2) The owner/operator shall not make any modifications to any of the Permitted Emission Units and/or associated equipment that may increase emissions or change dispersion characteristics without receiving written approval from the Department.</p> <p>(3) 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.</p> <p>(4) Holding of this permit does not relieve the owner/operator from the responsibility to comply with all applicable portions of the LLCAPCPRS and any other requirements under Local, State, or Federal law. Compliance with this permit shall not be a defense to any enforcement action for violation of an ambient air quality standard.</p>