

United States Environmental Protection Agency
Region 8 Air Program
1595 Wynkoop Street
Denver, CO 80202



**Air Pollution Control
Minor Source Permit to Construct**

40 CFR 49.151

TMNSR-FP-000010-2015.001

*Permit to construct to establish legally and practically enforceable
limitations and requirements for emissions sources at a new facility*

Permittee:

CHS, Inc.

Permitted Facility:

Farmers Elevator - Macon
Fort Peck Indian Reservation
Roosevelt County, Montana

Summary

On July 29, 2015, the EPA received an application from CHS Inc. (CHS) requesting a permit for a true minor new source of air pollutant emissions in accordance with the requirements of the Federal Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR Part 49.

Through this permit action, the EPA is approving construction of a modification of an existing country grain elevator on Indian country lands within the Fort Peck Indian Reservation in Roosevelt County, Montana. The proposed modification is estimated to be a true minor source of criteria pollutants with respect to the MNSR Permit Program.

This permit contains production limits, emission control requirements, and associated monitoring, recordkeeping, and reporting requirements, for the modification project and/or certain pollutant emission-generating units or activities that are existing and approved for construction and installation.

The EPA determined that this approval will not contribute to violations of the National Ambient Air Quality Standards (NAAQS), or have potentially adverse effects on ambient air.

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I. Conditional Permit to Construct

A. General Information

Facility:

Farmers Elevator - Macon

Permit number:

TMNSR-FP-000010-2015.001

SIC Code and SIC Description:

5153 – Grain and Field Beans

Site Location:

Farmers Elevator - Macon
6134 Hwy 13, Wolf Point, MT 59201
SENE ¼ Sec 9, T27N, R48E
Latitude 48.10972N, Longitude 105.51833W
Fort Peck Indian Reservation
Roosevelt County, Montana

Corporate Office Location:

CHS, Inc
5500 Cenex Drive
Inver Grove Heights, MN 55077-1721

The equipment listed in this permit may only be operated by CHS, Inc. (CHS) at the location described above.

B. Applicability

1. This Conditional Permit to Construct is being issued under authority of the MNSR Permit Program at 40 CFR Part 49.
2. Any conditions for this facility or any specific pollutant emission-generating units or activities at this facility established pursuant to any permit to construct issued under the authority of the Prevention of Significant Deterioration Permit Program at 40 CFR Part 52 (PSD) or the MNSR Permit Program shall continue to apply.
3. By issuing this permit, the EPA does not assume any risk of loss which may occur as a result of the operation of the permitted facility by the Permittee, Owner, and/or Operator, if the conditions of this permit are not met by the Permittee, Owner, and/or Operator.

C. Construction and Operational Requirements

1. The Permittee is approved to install and operate the emissions-generating units or activities identified in Table 1, at up to the maximum permitted throughput (if listed).

Table 1. Approved Emissions Units and/or Activities and Maximum Permitted Throughput

Emission Unit/Activity Description	Maximum Permitted Throughput
Truck Receiving Area – Hopper truck	17,640,000 bushels of grain per year
Truck Receiving Area – Straight truck	360,000 bushels of grain per year
Grain Loadout Area - Truck	90,000 bushels of grain per year
Grain Loadout Area – Railcar	17,910,000 bushels of grain per year
Grain Handling	38,700,000 bushels of grain per year
Grain Cleaning	18,000,000 bushels of grain per year
Storage Bin venting	18,000,000 bushels of grain per year
Truck Traffic	15,429 vehicle trips per year

2. The Permittee shall maintain and operate each approved emission unit or activity, including any associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions of MNSR regulated pollutants and considering the manufacturer's recommended operating procedures at all times, including periods of startup, shutdown, maintenance, and malfunction. The EPA will determine whether the Permittee is using acceptable operating and maintenance procedures based on information available, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the facility.
3. Only the emission units and activities that are operated and controlled as specified in this permit are approved for installation under this permit.

D. Grain Handling Emissions Control Requirements

1. Emissions from the facility shall not exceed;
 - (a) 161.1 tons per year of particulate matter (PM)
 - (b) 50.1 tons per year of particulate matter less than 10 microns in size (PM₁₀)
 - (c) 8.5 tons per year of particulate matter less than 2.5 microns in size (PM_{2.5})
2. *Receiving Area, Elevator Legs, and Cleaning System Controls (Baghouses) :*
 - (a) The Permittee shall install, operate, and maintain: Two (2) cartridge style baghouses to control particulate emissions from each elevator leg, Two (2) bag houses to control particulate emissions from each truck unloading pit, and One (1) bag house to control particulate emissions from the grain cleaning area.
 - (b) Each baghouse shall meet a minimum control efficiency of 99% for PM, and 93% for PM₁₀.

E. Monitoring Requirements

1. *Baghouse Fabric and Cartridge Filter Inspections:* At least once per calendar month in which the permitted source operates, beginning with the first calendar month of operation after the effective date of this permit, the Permittee shall inspect the interior and exterior of each fabric cartridge/filter on each baghouse for evidence of leaking, damaged and/or missing filters, and take appropriate corrective actions to restore filters to proper operation before resuming normal operations.

F. Recordkeeping Requirements

1. The Permittee shall maintain the permit application and all documentation supporting that application, including manufacturer or vendor specifications, for the duration of time that the affected emissions unit(s) is covered under this permit.
2. The Permittee shall retain all records required by this permit for a period of at least 5 years from the date the record was created.

3. Records shall be kept at the facility or the location that has day-to-day operational control over the facility.
4. The Permittee shall maintain records of the following:
 - (a) The amounts of grain loaded in and out of the facility (bushels) each month and consecutive 12-month periods;
 - (b) Daily hours of operation of the facility;
 - (c) The dates and results of each cartridge/filter inspection performed pursuant to Condition E.1 of this permit. At a minimum, records shall include:
 - (i) The name of the person, company or entity conducting the survey;
 - (ii) Whether visible emissions were detected from any affected emissions unit;
 - (iii) Any corrective action taken; and
 - (iv) The result of the corrective action.

G. Notification and Reporting Requirements

1. *Notification of construction or modification, and operations:* The Permittee shall submit to the EPA a written or electronic notice within 30 days from when the Permittee begins actual construction of the new emissions units and/or activities approved for installation under this permit, and when the Permittee begins operations of new emissions units or activities or resumes operation of existing emissions units and/or activities.
2. *Annual Reports*
 - (a) The Permittee shall submit to the EPA an annual report no later than April 1 of each calendar year. The annual report shall cover the period from January 1 to December 31 of the previous calendar year. All reports shall be certified to truth and accuracy by the person primarily responsible for Clean Air Act compliance for the Permittee.
 - (b) The report shall include:
 - (i) An evaluation of the permitted source's compliance status with the requirements in this permit;
 - (ii) Summaries of the required monitoring and recordkeeping in this permit; and
 - (iii) Summaries of deviation reports submitted pursuant to this permit.
3. *Notification of Change in Ownership or Operator:* If the permitted source changes ownership or operator, then the Permittee shall submit to the EPA a written or electronic notice within 90 days before or after the change in ownership or operator is effective. In the report, the Permittee shall provide the reviewing authority a written agreement containing a specific date for the transfer of ownership or operator, and an effective date on which the new owner or operator assumes partial and/or full coverage and liability under this permit. The submittal shall identify the previous owner or operator, and update the name, street address, mailing address, contact information, and any other information about the permitted source if it would change as a result of the change of ownership or operator. The Permittee shall ensure that the permitted source remains in compliance with this permit during any such transfer of ownership.

4. *Notification of closure:* The Permittee shall submit to the EPA a report of any permanent or indefinite closure in writing within 90 days after the cessation of all operations at the permitted source. The notification shall identify the owner, the current location, and the last operating location of the permitted source. It is not necessary to submit a report of closure for regular seasonal closures.

[Note: to help meet notification requirements, the EPA has developed forms “OWN” (for notifications of change in ownership) and “CLOSURE” (for notifications of facility closure). The forms may be found on the EPA’s website at: <http://www2.epa.gov/region8/tribal-minor-new-source-review-permitting>.]

5. Any documents required to be submitted under this permit, shall be submitted to:

U.S. Environmental Protection Agency, Region 8
Office of Enforcement, Compliance & Environmental Justice
Air Toxics and Technical Enforcement Program, 8ENF-AT
1595 Wynkoop Street
Denver, Colorado 80202

Documents may be submitted electronically to R8AirReportEnforcement@epa.gov.

6. *Deviation Reports:* The Permittee shall promptly submit to the EPA a written report of any deviations of permit requirements, including deviations attributable to upset conditions.
 - (a) The deviation report shall include: the identity of the affected emissions unit or activity where the deviation occurred; the nature, duration, and probable cause of the deviation; and any corrective actions or preventative measures taken to minimize emissions from the deviation and to prevent future deviations.
 - (b) A “prompt” deviation report is one that is post marked or submitted via electronic mail to R8AirReportEnforcement@epa.gov as follows:
 - (i) Within 72 hours of the discovery of deviations from any control efficiency in this permit; and
 - (ii) By April 1 for the discovery of a deviation of recordkeeping or other permit conditions during the preceding calendar year that do not affect the Permittee’s ability to meet the emissions limitations in this permit.
7. The Permittee shall submit a report for any required performance test to the EPA within 60 days after completing the tests, in accordance with the performance test recordkeeping requirements in this permit.
8. The Permittee shall submit any record or report required by this permit upon EPA request.

II. General Provisions

A. Conditional Approval:

Pursuant to the authority of 40 CFR 49.151, the EPA hereby conditionally grants this permit to construct. This authorization is expressly conditioned as follows:

1. *Document Retention and Availability:* This permit and any required attachments shall be retained and made available for inspection upon request at the location set forth herein.
2. *Permit Application:* The Permittee shall abide by all representations, statements of intent and agreements contained in the application submitted by the Permittee. The EPA shall be notified 10 days in advance of any significant deviation from this permit application as well as any plans, specifications or supporting data furnished.
3. *Permit Deviations:* The issuance of this permit may be suspended or revoked if the EPA determines that a significant deviation from the permit application, specifications, and supporting data furnished has been or is to be made. If the proposed source is constructed, operated, or modified not in accordance with the terms of this permit, the Permittee will be subject to appropriate enforcement action.
4. *Compliance with Permit:* The Permittee shall comply with all conditions of this permit, including emission limitations that apply to the affected emissions units at the permitted facility/source. Noncompliance with any permit term or condition is a violation of this permit and may constitute a violation of the Clean Air Act and is grounds for enforcement action and for a permit termination or revocation.
5. *Fugitive Emissions:* The Permittee shall take all reasonable precautions to prevent and/or minimize fugitive emissions during the construction period.
6. *NAAQS and PSD Increment:* The permitted source shall not cause or contribute to a National Ambient Air Quality Standard violation or a PSD Increment violation.
7. *Compliance with Federal and Tribal Rules, Regulations, and Orders:* Issuance of this permit does not relieve the Permittee of the responsibility to comply fully with all other applicable federal and tribal rules, regulations, and orders now or hereafter in effect.
8. *Enforcement:* It is not a defense, for the Permittee, 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.
9. *Modifications of Existing Emissions Units/Limits:* For proposed modifications, as defined at 40 CFR 49.152(d), that would increase an emissions unit allowable emissions of pollutants above its existing permitted annual allowable emissions limit, the Permittee shall first obtain a permit modification pursuant to the MNSR regulations approving the increase. For a proposed modification that is not otherwise subject to review under the PSD or MNSR regulations, such proposed increase in the annual allowable emissions limit shall be approved through an administrative permit revision as provided at 40 CFR 49.159(f).
10. *Relaxation of Legally and Practically Enforceable Limits:* At such time that a new or modified source within this permitted facility/source or modification of this permitted facility/source becomes a major stationary source or major modification solely by virtue of a relaxation in any legally and practically enforceable limitation which was established after August 7, 1980, on the capacity of the permitted facility/source to otherwise emit a pollutant, such as a restriction on hours of operation, then the requirements of the PSD regulations shall apply to the source or modification as though construction had not yet commenced on the source or modification.

11. *Revise, Reopen, Revoke and Reissue, or Terminate for Cause:* This permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee, for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. The EPA may reopen this permit for a cause on its own initiative, e.g., if this permit contains a material mistake or the Permittee fails to assure compliance with the applicable requirements.
12. *Severability Clause:* The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.
13. *Property Rights:* This permit does not convey any property rights of any sort or any exclusive privilege.
14. *Information Requests:* The Permittee shall furnish to the EPA, within a reasonable time, any information that the EPA may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating this permit or to determine compliance with this permit. For any such information claimed to be confidential, you shall also submit a claim of confidentiality in accordance with 40 CFR Part 2, Subpart B.
15. *Inspection and Entry:* The EPA or its authorized representatives may inspect this permitted facility/source during normal business hours for the purpose of ascertaining compliance with all conditions of this permit. Upon presentation of proper credentials, the Permittee shall allow the EPA or its authorized representative to:
 - (a) Enter upon the premises where this permitted facility/source is located or emissions-related activity is conducted, or where records are required to be kept under the conditions of this permit;
 - (b) Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this permit;
 - (c) Inspect, during normal business hours or while this permitted facility/source is in operation, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
 - (d) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or other applicable requirements; and
 - (e) Record any inspection by use of written, electronic, magnetic and photographic media.
16. *Permit Effective Date:* This permit is effective immediately upon issuance unless comments resulted in a change in the proposed permit, in which case the permit is effective 30 days after issuance. The Permittee may notify the EPA, in writing, that this permit or a term or condition of it is rejected. Such notice should be made within 30 days of receipt of this permit and should include the reason or reasons for rejection.
17. *Permit Transfers:* Permit transfers shall be made in accordance with 40 CFR 49.159(f). The Air Program Director shall be notified in writing at the address shown below if the company is sold

or changes its name.

U.S. Environmental Protection Agency, Region 8
Office of Partnerships and Regulatory Assistance
Tribal Air Permitting Program, 8P-AR
1595 Wynkoop Street
Denver, Colorado 80202

18. *Invalidation of Permit:* This permit becomes invalid if construction is not commenced within 18 months after the effective date of this permit, construction is discontinued for 18 months or more, or construction is not completed within a reasonable time. The EPA may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between the construction of the approved phases of a phased construction project. The Permittee shall commence construction of each such phase within 18 months of the projected and approved commencement date.
19. *Notification of Start-Up:* The Permittee shall submit a notification of the anticipated date of initial start-up of this permitted source to the EPA within 60 days of such date, unless this permitted source is an existing source.

B. Authorization:

Authorized by the United States Environmental Protection Agency, Region 8

Carl Daly, Director
Air Program

Date