

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



**AIR POLLUTION CONTROL  
TITLE V PERMIT TO OPERATE**

In accordance with the provisions of title V of the Clean Air Act and 40 CFR part 71 and applicable rules and regulations,

**Chemtrade Logistics  
Chemtrade Refinery Services Inc.  
Sulfuric Acid Manufacturing Plant**

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit.

This source is authorized to operate at the following location:

**140 Goes In Lodge Road  
Fremont County  
Riverton, Wyoming**

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by EPA and citizens under the Clean Air Act.

A handwritten signature in black ink, appearing to read "Carl Daly", is written over a horizontal line.

Carl Daly, Director  
Air Program  
US EPA Region 8

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**AIR POLLUTION CONTROL  
TITLE V PERMIT TO OPERATE**

**Chemtrade Logistics  
Chemtrade Refinery Services Inc./Sulfuric Acid Manufacturing Plant**

Permit Number: V-WR-00003-2006.00  
Replaces Permit No.: V-WR-0003-00.03

Issue Date: September 29, 2011  
Effective Date: October 9, 2011  
Expiration Date: October 9, 2016

The permit number cited above should be referenced in future correspondence regarding this facility.

**Permit Revision History**

DATE OF REVISION	TYPE OF REVISION	SECTION NUMBER AND TITLE	DESCRIPTION OF REVISION
November 1, 2001	Initial Permit Issued		<b>Permit # V-WR-0003-00.00 with three subsequent revisions:</b>  # V-WR-0003-00.01 - Admin. Amend.- Company Name Change # V-WR-0003-00.02 – Minor Mod.- Operational Changes # V-WR-0003-00.03 – Admin. Amend.- Company Name Change
September 2011	1 <sup>st</sup> Renewal Permit Issued		<b>Permit # V-WR-00003-2006.00</b>

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## Abbreviations and Acronyms

AR	Acid Rain
ARP	Acid Rain Program
bbls	Barrels
BACT	Best Available Control Technology
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CEMS	Continuous Emission Monitoring System
CFR	Code of Federal Regulations
CMS	Continuous Monitoring System (includes COMS, CEMS and diluent monitoring)
COMS	Continuous Opacity Monitoring System
CO	Carbon Monoxide
CO <sub>2</sub>	Carbon Dioxide
DAHS	Data Acquisition and Handling System
dscf	Dry standard cubic foot
dscm	Dry standard cubic meter
EIP	Economic Incentives Programs
EPA	Environmental Protection Agency
FGD	Flue gas desulfurization
gal	Gallon
gpm	Gallons per minute
H <sub>2</sub> S	Hydrogen sulfide
HAP	Hazardous Air Pollutant
hr	Hour
ID	Identification Number
kg	Kilogram
lb	Pound
MACT	Maximum Achievable Control Technology
MVAC	Motor Vehicle Air Conditioner
Mg	Megagram
MMBtu	Million British thermal units
MMscfd	Million standard cubic feet per day
mo	Month
NESHAP	National Emission Standards for Hazardous Air Pollutants
NMHC	Non-Methane Hydrocarbons
NO <sub>x</sub>	Nitrogen Oxides
NSPS	New Source Performance Standard
NSR	New Source Review
pH	Negative logarithm of effective hydrogen ion concentration (acidity)
PM	Particulate Matter
PM <sub>10</sub>	Particulate matter less than 10 microns in diameter
ppm	Parts per million
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
psi	Pounds per square inch
psia	Pounds per square inch absolute
RICE	Reciprocating Internal Combustion Engine
RMP	Risk Management Plan
scfm	Standard cubic feet per minute
SNAP	Significant New Alternatives Program
SO <sub>2</sub>	Sulfur Dioxide
tpy	Tons per year
US EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

## I. Source Information and Emission Unit Identification

### I.A. Source Information

**Parent Company Name:** Chemtrade Logistics

**Plant Name:** Chemtrade Refinery Services Inc.  
Sulfuric Acid Manufacturing Plant

**Plant Location:** 140 Goes In Lodge Road  
Lat. 42° 59' 56" N, Long -108° 24' 58" W

**Region:** 8

**City/State:** Riverton, Wyoming

**County:** Fremont

**Land Status:** Fee owned land within the exterior boundaries of the Wind River Indian Reservation.

**Tribe:** Eastern Shoshone and Northern Arapaho Indian Tribes

**Responsible Official:** Plant Manager, Chemtrade Refinery Services Inc.

**SIC Code:** 2819 – Manufacturing of Industrial Chemicals, Not Elsewhere Classified;  
Sulfuric Acid

**AFS Plant Identification Number:** 5601300005

**Other Clean Air Act Permits:** There are no other Federal Clean Air Act (CAA) permits, such as Prevention of Significant Deterioration (PSD) or minor New Source Review (NSR) issued to this facility.

#### **Description:**

The Sulfuric Acid Manufacturing Plant (Acid Plant) utilizes two primary processes to manufacture sulfuric acid. The first process (Riverton 1) is the traditional contact process in which elemental sulfur is oxidized to form sulfur dioxide (SO<sub>2</sub>), which is then reacted in the presence of a catalyst to form sulfur trioxide (SO<sub>3</sub>). The SO<sub>3</sub> is then reacted with sulfuric acid to form concentrated sulfuric acid of varying strengths. In addition, an Ultra-Pure system at Riverton 1 processes oleum into Ultra-Pure Sulfuric acid (typically less than 100 parts per billion of any contaminant) for use in the electronics industry or other industries.

The second major process (Riverton 2) employed at the site involves the processing (regeneration) of spent sulfuric acid. The Acid Plant receives bulk shipments of spent acid and stores the spent acid onsite



in a large above ground storage tank. The spent acid is about 90 percent sulfuric acid and typically contains impurities including about three to seven percent hydrocarbons on average. Because the spent acid is an aqueous/volatile organic compound mixture, it is constantly agitated in the tank by a bottom-mounted pump to prohibit phase separation for safety and quality control reasons. The spent acid is processed in a combustion chamber that uses natural gas as fuel. The resulting  $\text{SO}_2$  is then reacted in the presence of catalyst to form  $\text{SO}_3$ , which is circulated through sulfuric acid to form new acid of varying strengths.

The Acid Plant receives raw materials by truck or pipeline. Elemental sulfur and spent acid are trucked in from the various suppliers from which Chemtrade purchases the materials.

Sulfuric acid produced at the Acid Plant may be stored onsite in one of several above ground storage tanks. These product storage tanks do not contain volatile organic liquids and are insignificant sources of emissions due to the low vapor pressure of sulfuric acid.

The Acid Plant has numerous other insignificant sources that are used to support production and operation. These include, but are not limited to, all mobile sources, pump tank vents, storage tanks, and laboratory hoods.

## I.B. Source Emission Points

**Table 1 - Emission Units**  
**Chemtrade Logistics**  
**Chemtrade Refinery Services Inc., Sulfuric Acid Manufacturing Plant**

Unit I.D.	Description	Control Equipment
EU1	Riverton 1 Combustion Chamber; for the production of SO <sub>2</sub> gas  P1 Sulfur Nozzle ~ 30 tons per day elemental sulfur (design capacity) P1 10.2 MMBtu/hr Natural Gas Burner ~ 10,000 ft <sup>3</sup> natural gas/hr used at start up  Manufacturer: Monsanto/Hammond Iron Works Model Number: NA Installed: 1958	Soda Ash SO <sub>2</sub> Scrubber for control of SO <sub>2</sub>
EU2	Riverton 1 Absorbing Tower; for the production of H <sub>2</sub> SO <sub>4</sub> from SO <sub>3</sub>  Manufacturer: Koch Engineering, Knight Division Model Number: 250 gpm acid Installed: 1993	Mist Eliminator; For control of H <sub>2</sub> SO <sub>4</sub> mist
EU3	Main Cooling Tower (serves Riverton 1 and Riverton 2); 3,400 gallons per minute flow rate  Manufacturer: Psychometric systems Model Number: FSK-163315-11-14 Installed: 1999	None
EU4	Riverton 1 UPA Cooling Tower; 1,500 gallons per minute flow rate  Manufacturer: Marley Cooling Tower Company Model Number: 221-221 Installed: 2009	None
EU5	Riverton 2 Combustion Chamber; for the production of SO <sub>2</sub> gas  P2 Spent Acid Atomization Nozzles P2 22.8 MMBtu/hr Natural Gas Burner  Manufacturer: Davey McKee Model Number: NA Installed: 1987	Soda Ash SO <sub>2</sub> Scrubber for control of SO <sub>2</sub>
EU6	Riverton 2 Absorbing Tower; for the production of H <sub>2</sub> SO <sub>4</sub> from SO <sub>3</sub>  Manufacturer: Koch Engineering, Knight Division Model Number: 250 gpm acid Installed: 1998	Mist Eliminator; For control of H <sub>2</sub> SO <sub>4</sub> mist
EU7	Riverton 2 Heater; 5 MMBtu/hr; natural gas fired:  Manufacturer: Stahl Inc. Farrier Products Model Number: S.O. 1750 Serial Number: GL-9523 Installed: 1998	None

**Table 1 - Emission Units, Continued**  
**Chemtrade Logistics**  
**Chemtrade Refinery Services Inc., Sulfuric Acid Manufacturing Plant**

EU9a	Sulfuric Acid Tank; 406,558 gallon (~1,537 m <sup>3</sup> ); 4.9 million gallons/yr throughput:  Manufacturer: Matrix Services Model Number: None Serial Number: None Installed: 2001	Riverton 2 Combustion Chamber (EU5)
EU9b	Auxiliary Sulfuric Storage Tank; 406,558 gallon (~1,537 m <sup>3</sup> ); 4.9 million gallons/yr throughput:  Manufacturer: Unknown Model Number: Unknown Serial Number: None Installed: 1987	Riverton 2 Combustion Chamber (EU5)
EU10	Auxiliary Boiler; 10.5 MMBtu/hr; natural gas fired:  Manufacturer: Superior Boiler Works, Inc. Model Number: Unknown Serial Number: 12646 Installed: 2001	None

**Table 2 - Insignificant Emission Units**  
**Chemtrade Logistics**  
**Chemtrade Refinery Services Inc., Sulfuric Acid Manufacturing Plant**

Unit I.D.	Description
1	Soda Ash Storage and Handling
2	One 350 gallon Gasoline Storage Tank
3	One 350 gallon Diesel Storage Tank
4	Spent Acid Off-loading
5	Lime Handling and Storage
6	One Sulfur Storage Tank and one Sulfur Storage Pit
7	Sulfuric Acid Storage and Loading (storage tanks ranging in size from 50 to 3,000 tons)
8	One 30% Oleum Tower <sup>a</sup>
9	Three Ultra Pure Sulfuric Acid Storage Tanks
10	One Nitrate Storage Tank
11	Process and circulation pump tanks
12	Mineral Spirits <sup>b</sup> parts cleaner
13	Continuous Emissions Monitor (SO <sub>2</sub> ) Vents
14	Natural gas pressure regulator vents
15	Miscellaneous small storage tanks

- a. Also known as fuming sulfuric acid. Refers to a solution of various compositions of sulfur trioxide in sulfuric acid or sometimes more specifically to disulfuric acid (also known as pyrosulfuric acid).
- b. A petroleum distillate commonly used as a paint thinner and mild solvent.

## **II. Requirements of New Source Performance Standards at 40 CFR Part 60**

### **II.A. 40 CFR Part 60, Subpart A – New Source Performance Standards, General Provisions** [40 CFR 60.1 – 60.19]

This facility is subject to some of the requirements of 40 CFR part 60. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 60, subpart A.

### **II.B. 40 CFR Part 60, Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units** [40 CFR 60.40c – 60.48c]

#### **1. Applicability** [40 CFR 60.40c]

- (a) This facility is subject to the requirements of 40 CFR part 60, subpart Dc. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 60, subpart Dc.

- (b) 40 CFR part 60, subpart Dc applies to the following emission units:

EU10: Natural gas-fired boiler with a maximum design heat input capacity of 10.5 MMBtu/hr;

#### **2. Operating Requirements and Emission Limits** [40 CFR 60.42c & 60.43c]

The sole source of fuel for emission unit EU10 shall be natural gas as defined in §60.41c. A permit modification in accordance with the provisions of §§71.7(e)(3) or 71.7(e)(1) of this permit is required to burn any other fuel in emission unit EU10.

#### **3. Notifications** [40 CFR 60.48c]

The permittee shall submit notification of the date of construction or reconstruction and actual startup, as provided by §60.7 of this part. This notification shall include:

- (a) The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility; and
- (b) The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

#### **4. Recordkeeping Requirements** [40 CFR 60.48c]

- (a) The permittee shall record and maintain the following:
  - (i) Fuel used and the supplier of the fuel;
  - (ii) Total amount of fuel used for EU10 delivered to the property each calendar month; and
  - (iii) A certified statement signed by the owner or operator of the affected facility that the records of fuel and fuel supplier represent all of the fuel combusted.

- (b) All required records shall be maintained by the permittee for a period of two years.

### **III. Requested SO<sub>2</sub> Emission Limits for Combustion Chambers**

The requirements listed below have been included at the request of the permittee to limit the potential to emit of SO<sub>2</sub> emissions from the units identified as Riverton 1 and Riverton 2.

#### **III.A. Emission Limits** [40 CFR 71.6(a)(1), 71.6(a)(1)(i), 71.6(a)(1)(iii), and 71.6(b)]

1. Riverton 1 (EU1) – 2000 ppm (two hour average), or 166.01 lb/hr (two hour average), and 719.14 tpy (rolling 12 month average).
2. Riverton 2 (EU5) – 2000 ppm (two hour average), or 166.36 lb/hr (two hour average), and 722.22 tpy (rolling 12 month average).

#### **III.B. Monitoring**

1. The permittee shall calibrate, maintain, and operate a continuous monitoring system for the measurement of SO<sub>2</sub> emissions from emission units EU1 and EU5 to show compliance with the emission limit requirements of conditions III.A.1 and III.A.2.
2. The monitoring system shall operate when the plant is in operation except during periods of monitoring system breakdown, repair, calibration, checks, and zero and span adjustments.
3. The permittee shall monitor the SO<sub>2</sub> emissions in accordance with an EPA approved monitoring protocol.

#### **III.C. Recordkeeping Requirements** [40 CFR 71.6(a)(3)(ii), 60.113b, 60.115b, 60.116b, 60.48c, 61.150(d), 61.356, and 63.10(b)(3)]

1. The permittee shall maintain records of the actual measured emissions as follows:
  - (a) The SO<sub>2</sub> emissions in ppm (based on a two-hour averaging period) from each unit, EU1 and EU5;
  - (b) The SO<sub>2</sub> emissions in lbs/hr (based on two-hour averaging period) from each unit, EU1 and EU5;
  - (c) The rolling 12-month total of SO<sub>2</sub> emissions in tpy from each unit, EU1 and EU5.
2. The permittee shall retain records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings or other continuous monitoring system outputs, and copies of all reports required by this permit.

### **III.D. Reporting Requirements**

The permittee shall provide reports containing the measured SO<sub>2</sub> emissions and any data necessary to support the measured emissions as specified in the General Reporting Requirements in this permit.

## IV. Facility-Wide Requirements

Conditions in this section of the permit apply to the facility as a whole, including any units not specifically listed in Table 1 and Table 2 of this permit.

[40 CFR 71.6(a)(1)]

### IV.A. **Requirements of National Emission Standards of Hazardous Air Pollutants at 40 CFR Part 61**

#### 1. **40 CFR Part 61, Subpart A – National Emission Standards for Hazardous Air Pollutants, General Provisions** [40 CFR 61.01 – 61.19]

- (a) This facility is subject to some of the requirements of 40 CFR part 61. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 61, subpart A.
- (b) Owners or operators of demolition and renovation operations subject to 40 CFR part 61, subpart M are exempt from the requirements of §§61.05(a), 61.07, and 61.09.

[40 CFR 61.145(a)(5)]

#### 2. **40 CFR Part 61, Subpart M – National Emission Standard for Asbestos** [40 CFR 61.140 – 61.157]

##### (a) **Applicability** [40 CFR 61.145]

- (i) This facility is subject to 40 CFR part 61, subpart M. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 61, subpart M.
- (ii) Requirements pursuant to 40 CFR part 61, subpart M are taken from the Code of Federal Regulations as published on July 1, 2009.
- (iii) 40 CFR part 61, subpart M applies to the following activities: Demolition and Renovation

##### (b) **Standards for Demolition** [40 CFR 61.145(a)(1) – (3)]

- (i) The procedures in §61.145(b) and (c) apply if the combined amount of regulated asbestos-containing material RACM meets the criteria listed in §61.145(a)(1)(i) or (ii).
- (ii) The notification requirements in §61.145(b) apply if the combined amount of RACM meets the criteria listed in §61.145(a)(1)(i) or (ii).
- (iii) Only the notification requirements in §61.145(b)(1), (2), (3)(i) and (iv), (4)(i) through (vii), (4)(ix), and (4)(xvi) apply if the combined amount of RACM meets the criteria listed in §61.145(a)(2)(i) and (ii).



- (iv) If the facility is being demolished under an order of a State or local government agency, issued because the facility is structurally unsound and in danger of imminent collapse, only the requirements notification requirements of §61.145(b)(1), (b)(2), (b)(3)(iii), (b)(4) (except (b)(4)(viii)), (b)(5), and the procedures for asbestos emission control of §61.145(c)(4) through (c)(9) apply.
- (c) **Standards for Renovation** [40 CFR 61.145(a)(4)]
- (i) The procedures in §61.145(b) and (c) apply if the combined amount of RACM meets the criteria listed in §61.145(a)(4)(i) or (ii).
  - (ii) The notification requirements in §61.145(b) apply if the combined amount of RACM meets the criteria listed in §61.145(a)(4)(i) or (ii).
  - (iii) To determine whether the standards for renovation requirements of §61.145(a)(4) apply to planned renovation operations involving individual nonscheduled operations, predict the combined additive amount of RACM to be removed or stripped during a calendar year of January 1 through December 31.
  - (iv) To determine whether standards for renovation requirements of §61.145(a)(4) apply to emergency renovation operations, estimate the combined amount of RACM to be removed or stripped as a result of the sudden, unexpected event that necessitated the renovation.
- (d) **Standards for Waste Disposal** [40 CFR 61.150]

For all demolition or renovation activities covered under §61.145, the provisions of §61.150 for waste disposal apply.

(e) **Recordkeeping Requirements** [40 CFR 61.153]

- (i) For demolition or renovation activities, the permittee shall keep records of the inspection and monitoring conducted. Such records shall include, but not be limited to, the activity monitored, the procedure(s) used, and the inspection procedure(s) used.
- (ii) For demolition or renovation activities, the permittee shall maintain waste shipment records for all asbestos-containing waste as described in §61.150(d).

3. **40 CFR Part 61, Subpart FF – National Emission Standard for Benzene Waste Operations**  
[40 CFR 61.340 – 61.359]

(a) **Applicability** [40 CFR 61.340]

- (i) This facility is subject to 40 CFR part 61, subpart FF. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 61, subpart FF.
- (ii) Requirements pursuant to 40 CFR part 61, subpart FF are taken from the Code of Federal Regulations as published on July 1, 2009.
- (iii) 40 CFR part 61, subpart FF applies to the following activities: Benzene Waste Operations – Total annual benzene waste from the facility is less than one Mg/yr (1.1 tpy).

(b) **Compliance Provisions** [40 CFR 61.355(a)(5)]

The permittee shall comply with the following requirements for facilities with a total annual benzene waste of less than one Mg/yr (1.1 tpy):

- (i) The recordkeeping requirements of §61.356 and reporting requirements of §61.357 of this subpart; and
- (ii) Repeat the determination of total annual benzene quantity from facility waste whenever there is a change in the process generating the waste that could cause the total annual benzene quantity from facility waste to increase to one Mg/yr (1.1 ton/yr) or more.

**IV.B. Prevention of Significant Deterioration** [40 CFR 52.21]

This facility is a major stationary source for the purposes of Prevention of Significant Deterioration (PSD) requirements. Any projects at this facility which meet the definition of “major modification” at 40 CFR 52.21(b)(2) would require that the permittee obtain a pre-construction permit pursuant to federal regulations. In the event that the permittee elects to use the method specified in §52.21(b)(41)(ii)(a) through (c) for calculating the projected actual emissions of a proposed project, the permittee shall comply with all of the requirements of 40 CFR 52.21(r)(6) that apply to the project.

**IV.C. Chemical Accident Prevention** [Clean Air Act Sections 112(r)(1), 112(r)(3), 112(r)(7) & 40 CFR part 68]

1. A permittee of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, shall comply with the requirements of the Chemical Accident Prevention Provisions at 40 CFR part 68 no later than the latest of the following dates:

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

[40 CFR 68.10(a)]

2. This facility is subject to part 68 and shall certify compliance with all requirements of 40 CFR part 68, including the registration and submission of the RMP, as part of the annual compliance certification as required by 40 CFR part 71.

[40 CFR 68.215(a)(ii)]

**IV.D. Stratospheric Ozone and Climate Protection** [40 CFR part 82]

The following requirements apply to any air conditioning appliances at the source (“appliance” as defined in 40 CFR 82.152) that contain Class I or Class II refrigerants, and in an amount less than 50 pounds. The permittee shall comply with applicable standards for recycling and emissions reduction

pursuant to 40 CFR part 82, subpart F, except as provided for motor vehicle air conditioners (MVACs) in part 82, subpart B:

1. Persons opening appliances for maintenance, service, repair, or disposal must comply with the applicable required practices pursuant to 40 CFR 82.156.
2. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the applicable standards for recycling and recovery equipment pursuant to 40 CFR 82.158.
3. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
4. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined in 40 CFR 82.152) must comply with recordkeeping requirements pursuant to 40 CFR 82.166(i).

**IV.E. Compliance Schedule and Progress Reports**

1. The source is subject to the requirements of Consent Decree Civil Action No. 3:09-cv-00067-JGC. The permittee shall comply with the requirements of the Consent Decree by the specified deadlines. Failure of the permittee to meet any milestone included in the Consent Decree will constitute grounds for an enforcement action.  
[40 CFR 71.6(c)(3)]
2. The permittee shall submit progress reports every 6 months, consistent with General Reporting Requirements of this permit. Such progress reports shall be certified and contain the following:
  - (a) Dates for achieving the activities, milestones, or compliance required in the Consent Decree, and dates when such activities, milestones, or compliance were achieved; and
  - (b) An explanation of why any dates in the Consent Decree were not or will not be met, and any preventive or corrective measures adopted.  
[40 CFR 71.6(c)(4)]
3. The Consent Decree is supplemental to and does not sanction noncompliance with the applicable requirements on which it is based.  
[40 CFR 71.5(c)(8)(iii)(C)]
4. For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements.  
[40 CFR 71.5(c)(8)(iii)(A)]
5. For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis.  
[40 CFR 71.5(c)(8)(iii)(B)]

**IV.F. General Recordkeeping Requirements** [40 CFR 71.6(a)(3)(ii)]

1. The permittee shall supplement, where necessary, the record keeping requirements associated with any specific applicable requirements in this permit to ensure that the following general requirements are met:
  - (a) Retain records of required monitoring information that includes the following:
    - (i) The date, place, and time of sampling or measurements;
    - (ii) The date(s) analyses were performed;
    - (iii) The company or entity that performed the analyses;
    - (iv) The analytical techniques or methods used;
    - (v) The results of such analysis; and
    - (vi) The operating condition as existing at the time of sampling or measurement.
  - (b) Retain all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
2. If the permittee determines that his or her stationary source that emits (or has the potential to emit, without federally recognized controls) one or more hazardous air pollutants is not subject to a relevant standard or other requirement established under 40 CFR part 63, the permittee shall keep a record of the applicability determination on site at the source for a period of five years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination shall include an analysis (or other information) that demonstrates why the permittee believes the source is unaffected (e.g., because the source is an area source).

[40 CFR 63.10(b)(3)]
3. Records shall be kept, as required by the Off Permit Changes condition of this permit which are made in accordance with the approved Alternative Operating Scenario conditions of this permit.

**IV.G. General Reporting Requirements** [40 CFR §71.6(a)(3)(iii)]

1. During the term of the Consent Decree (Civil Action No. 3:09-cv-00067-JGC, lodged on April 2, 2009), the permittee shall submit to EPA reports of any monitoring or recordkeeping required under this permit and the Consent Decree semi-annually by July 31<sup>st</sup> and January 31<sup>st</sup>. The report due on July 31<sup>st</sup> shall cover the six-month period between January 1<sup>st</sup> and June 30<sup>th</sup>. The report due on January 31<sup>st</sup> shall cover the six-month period between July 1<sup>st</sup> and December 31<sup>st</sup>. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with the requirements of this permit.
2. Upon termination of the Consent Decree (Civil Action No. 3:09-cv-00067-JGC, lodged on April 2, 2009), the permittee shall submit to EPA reports of any monitoring and recordkeeping required under this permit semi-annually by April 1<sup>st</sup> and October 1<sup>st</sup> of each year. The report

due on April 1<sup>st</sup> shall cover the six-month period from July 1<sup>st</sup> through December 31<sup>st</sup>. The report due on October 1<sup>st</sup> shall cover the six-month period from January 1<sup>st</sup> through June 30<sup>th</sup>. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with the requirements of this permit.

3. The permittee shall promptly report to the EPA Regional Office deviations from permit requirements, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations and any corrective actions or preventive measures taken. "Prompt" is defined as follows:
  - (a) Any definition of "prompt" or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit;
  - (b) Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:
    - (i) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
    - (ii) For emissions of any regulated air pollutant, excluding a hazardous air pollutant or a toxic air pollutant that continues for more than two hours in excess of permit requirements, the report must be made within 48 hours.
    - (iii) For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report.
4. If any of the conditions in (b)(i) or (ii), are met, the source must notify EPA by telephone (1-800-227-8917) or facsimile (303-312-6064) based on the timetables listed above. *[Notification by telephone or fax must specify that this notification is a deviation report for a part 71 permit.]* A written notice, certified by a responsible official consistent with the requirements of this permit, must be submitted within 10 working days of the occurrence.

All deviations reported under this section must also be identified in the six-month report required under the General Reporting Requirements of this permit.

*[Explanatory note: To help part 71 permittees meet reporting responsibilities, EPA has developed a form "PDR" for prompt deviation reporting. The form may be found on EPA website at: <http://www.epa.gov/air/oaqps/permits/p71forms.html>]*

5. "Deviation" means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or recordkeeping established in accordance with §71.6(a)(3)(i) and (a)(3)(ii). For a situation lasting more than 24 hours which constitutes a deviation, each 24 hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:

- (a) A situation where emissions exceed an emission limitation or standard;
- (b) A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met;
- (c) A situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit; or
- (d) A situation in which an exceedance or an excursion, as defined in 40 CFR part 64 occurs.

**IV.H. Alternative Operating Scenarios** [40 CFR 71.6(a)(9) and 40 CFR 71.6(a)(3)(ii)]

- 1. The storing of volatile organic liquids or spent sulfuric acid in the sulfuric acid storage tanks (EU9a, EU9b) which satisfies all of the provisions of Off Permit Changes in this permit, shall be considered an allowed alternative operating scenario under this permit.
- 2. Off permit changes that trigger new applicable requirements that are not already in this permit or that are a relaxation of existing requirements in this permit are not allowed alternative operating scenarios.

*[Explanatory note: This section was included to allow for operating changes at the facility without the requirement to first obtain a permit modification. For changes which trigger new applicable requirements (i.e., NSPS, NESHAP, etc.), the minor permit modification process is required. For changes that entail significant changes in existing monitoring requirements in this permit, or are a relaxation of reporting or recordkeeping requirements of this permit, the significant permit modification process is required.]*

**IV.I. Permit Shield** [40 CFR 71.6(f)(3)]

Nothing in this permit shall alter or affect the following:

- 1. The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;
- 2. The ability of the EPA to obtain information under section 114 of the CAA; or
- 3. The provisions of section 303 of the CAA (emergency orders), including the authority of the Administrator under that section.

## V. Part 71 Administrative Requirements

### V.A. Annual Fee Payment [40 CFR 71.6(a)(7) and 40 CFR 71.9]

1. The permittee shall pay an annual permit fee in accordance with the procedures outlined below.  
[40 CFR 71.9(a)]

2. The permittee shall pay the annual permit fee each year no later than April 1<sup>st</sup>. The fee shall cover the previous calendar year.  
[40 CFR 71.9(h)]

3. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of the U.S. Environmental Protection Agency.  
[40 CFR 71.9(k)(1)]

4. The permittee shall send fee payment and a completed fee filing form to:

**For regular U.S. Postal Service mail**

U.S. Environmental Protection Agency  
FOIA and Miscellaneous Payments  
Cincinnati Finance Center  
P.O. Box 979078  
St. Louis, MO 63197-9000

**For non-U.S. Postal Service Express mail**

(FedEx, Airborne, DHL, and UPS)

U.S. Bank  
Government Lockbox 979078  
U.S. EPA FOIA & Misc. Payments  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101

[40 CFR 71.9(k)(2)]

5. The permittee shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by the same deadline as required for fee payments to the address listed in this permit.  
[40 CFR 71.9(h)(1)]

*[Explanatory note: The fee filing form “FF” and the fee calculation worksheet form “FEE” may be found on EPA website at: <http://www.epa.gov/air/oaqps/permits/p71forms.html>]*

6. Basis for calculating annual fee:
  - (a) The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all “regulated pollutants (for fee calculation)” emitted from the source by the presumptive emissions fee (in dollars/ton) in effect at the time of calculation.  
[40 CFR 71.9(c)(1)]
    - (i) “Actual emissions” means the actual rate of emissions in tpy of any regulated pollutant (for fee calculation) emitted from a part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions units

actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year.

[40 CFR 71.9(c)(6)]

- (ii) Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data.

[40 CFR 71.9(h)(3)]

- (iii) If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures.

[40 CFR 71.9(e)(2)]

*[Explanatory note: The presumptive fee amount is revised each calendar year to account for inflation, and it is available from EPA prior to the start of each calendar year.]*

- (b) The permittee shall exclude the following emissions from the calculation of fees:

- (i) The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tpy;

[40 CFR 71.9(c)(5)(i)]

- (ii) Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation; and

[40 CFR 71.9(c)(5)(ii)]

- (iii) The quantity of actual emissions (for fee calculation) of insignificant activities [defined in §71.5(c)(11)(i)] or of insignificant emissions levels from emissions units identified in the permittee's application pursuant to §71.5(c)(11)(ii).

[40 CFR 71.9(c)(5)(iii)]

- 7. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official.

[40 CFR 71.9(h)(2)]

*[Explanatory note: The fee calculation worksheet form already incorporates a section to help you meet this responsibility.]*

- 8. The permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for five years following submittal of fee payment. [Emission-related data include, for example, emissions-related forms provided by EPA and used by the permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept in accordance with §71.6(a)(3)(ii).]

[40 CFR 71.9(i)]



9. Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with §71.9(l).  
[40 CFR 71.9(l)]
10. When notified by EPA of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of notification.  
[40 CFR 71.9(j)(2)]
11. A permittee who thinks an EPA assessed fee is in error and who wishes to challenge such fee, shall provide a written explanation of the alleged error to EPA along with full payment of the EPA assessed fee.  
[40 CFR 71.9(j)(3)]

**V.B. Annual Emissions Inventory** [40 CFR 71.9(h)(1)and (2)]

1. The permittee shall submit an annual emissions report of its actual emissions for both criteria pollutants and regulated HAPs for this facility for the preceding calendar year for fee assessment purposes. The annual emissions report shall be certified by a responsible official and shall be submitted each year to EPA by April 1<sup>st</sup>.
2. The annual emissions report shall be submitted to EPA at the address listed in this permit.

*[Explanatory note: An annual emissions report, required at the same time as the fee calculation worksheet by §71.9(h), has been incorporated into the fee calculation worksheet form as a convenience.]*

**V.C. Compliance Requirements**

1. Compliance with the Permit
  - (a) The permittee must comply with all conditions of this part 71 permit. Any permit noncompliance constitutes a violation of the CAA and is grounds for enforcement action; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application.  
[40 CFR 71.6(a)(6)(i)]
  - (b) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.  
[40 CFR 71.6(a)(6)(ii)]
  - (c) For the purpose of submitting compliance certifications in accordance with this permit, or establishing whether or not a person has violated or is in violation of any requirement of this permit, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[Section 113(a) and 113(e)(1) of the Clean Air Act]

## 2. Compliance Certifications

- (a) The permittee shall submit to EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices annually each year no later than April 1<sup>st</sup>. The compliance certification shall cover the same 12-month period as the two consecutive semi-annual monitoring reports required in the General Reporting Requirements of this permit.

*[Explanatory note: To help part 71 permittees meet reporting responsibilities, EPA has developed a reporting form for annual compliance certifications. The form may be found on EPA website at: <http://www.epa.gov/air/oagps/permits/p71forms.html>]*

- (b) The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official consistent with §71.5(d).

[40 CFR 71.6(c)(5)]

- (c) The certification shall include the following:

- (i) Identification of each permit term or condition that is the basis of the certification;
- (ii) The identification of the method(s) or other means used for determining the compliance status of each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. Such methods and other means shall include, at a minimum, the methods and means required in this permit. If necessary, the permittee also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the CAA, which prohibits knowingly making a false certification or omitting material information;
- (iii) The status of compliance with each term and condition of the permit for the period covered by the certification based on the method or means designated in (ii) above. The certification shall identify each deviation and take it into account in the compliance certification;
- (iv) Such other facts as the EPA may require to determine the compliance status of the source; and
- (v) Whether compliance with each permit term was continuous or intermittent.

[40 CFR 71.6(c)(5)(iii)]

### **V.D. Duty to Provide and Supplement Information**

[40 CFR 71.6(a)(6)(v), 71.5(a)(3), and 71.5(b)]

1. The permittee shall furnish to EPA, within a reasonable time, any information that EPA may request 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 permittee shall also furnish to the EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential must be accompanied by a claim of confidentiality according to the provisions of 40 CFR part 2, subpart B.

[40 CFR 71.6(a)(6)(v) and 40 CFR 71.5(a)(3)]

2. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. In addition, a permittee shall provide additional information as necessary to address any requirements that become applicable after the date a complete application is filed, but prior to release of a draft permit.

[40 CFR 71.5(b)]

**V.E. Submissions** [40 CFR 71.5(d), 71.6(c)(1) and 71.9(h)(2)]

1. Any document (application form, report, compliance certification, etc.) required to be submitted under this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

*[Explanatory note: EPA has developed a reporting form "CTAC" for certifying truth, accuracy and completeness of part 71 submissions. The form may be found on EPA website at:*

*<http://www.epa.gov/air/oaqps/permits/p71forms.html>*]

2. Any documents required to be submitted under this permit, including reports, test data, monitoring data, notifications, compliance certifications, fee calculation worksheets, and applications for renewals and permit modifications shall be submitted to:

Part 71 Permit Contact  
Air Program, 8P-AR  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, Colorado 80202

**V.F. Severability Clause** [40 CFR 71.6(a)(5)]

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.

**V.G. Permit Actions** [40 CFR 71.6(a)(6)(iii)]

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**V.H. Administrative Permit Amendments** [40 CFR 71.7(d)]

The permittee may request the use of administrative permit amendment procedures for a permit revision that:

1. Corrects typographical errors;

2. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
3. Requires more frequent monitoring or reporting by the permittee;
4. Allows for a change in ownership or operational control of a source where the EPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the EPA;
5. Incorporates into the part 71 permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of §§71.7 and 71.8 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in §71.6; or
6. Incorporates any other type of change which EPA has determined to be similar to those listed above.

*[Explanatory Note: If subparagraph above do not apply, please contact EPA for a determination of similarity prior to submitting your request for an administrative permit amendment under this provision.]*

**V.I. Minor Permit Modifications** [40 CFR 71.7(e)(1)]

1. The permittee may request the use of minor permit modification procedures only for those modifications that:
  - (a) Do not violate any applicable requirement;
  - (b) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
  - (c) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
  - (d) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
    - (i) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and
    - (ii) An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the CAA;
  - (e) Are not modifications under any provision of title I of the CAA; and

(f) Are not required to be processed as a significant modification.

[40 CFR 71.7(e)(1)(i)(A)]

2. Notwithstanding the list of changes ineligible for minor permit modification procedures in the paragraph above, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.

[40 CFR 71.7(e)(1)(i)(B)]

3. An application requesting the use of minor permit modification procedures shall meet the requirements of §71.5(c) and shall include the following:

- (a) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
- (b) The source's suggested draft permit;
- (c) Certification by a responsible official, consistent with §71.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
- (d) Completed forms for the permitting authority to use to notify affected States as required under §71.8.

[40 CFR 71.7(e)(1)(ii)]

4. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by §71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

[40 CFR 71.7(e)(1)(v)]

5. The permit shield under §71.6(f) may not extend to minor permit modifications.

[40 CFR 71.7(e)(1)(vi)]

**V.J. Group Processing of Minor Permit Modifications [40 CFR 71.7(e)(2)]**

1. Group processing of modifications by EPA may be used only for those permit modifications:
  - (a) That meet the criteria for minor permit modification procedures under this permit; and
  - (b) That collectively are below the threshold level of 10% of the emissions allowed by the permit for the emissions unit for which the change is requested, 20% of the applicable definition of major source in §71.2, or five tpy, whichever is least.

[40 CFR 71.7(e)(2)(i)]

2. An application requesting the use of group processing procedures shall be submitted to EPA, shall meet the requirements of §71.5(c), and shall include the following:
  - (a) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
  - (b) The source's suggested draft permit;
  - (c) Certification by a responsible official, consistent with §71.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used;
  - (d) A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set above; and
  - (e) Completed forms for the permitting authority to use to notify affected States as required under §71.8.

[40 CFR 71.7(e)(2)(ii)]

3. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by §71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

[40 CFR 71.7(e)(2)(v)]

4. The permit shield under §71.6(f) may not extend to group processing of minor permit modifications.

[40 CFR 71.7(e)(1)(vi) and 71.7(e)(2)(vi)]

**V.K. Significant Permit Modifications** [40 CFR 71.7(e)(3)]

1. The permittee must request the use of significant permit modification procedures for those modifications that:

- (a) Do not qualify as minor permit modifications or as administrative amendments;
- (b) Are significant changes in existing monitoring permit terms or conditions; or
- (c) Are relaxations of reporting or recordkeeping permit terms or conditions.

[40 CFR 71.7(e)(3)(i)]

2. Nothing herein shall be construed to preclude the permittee from making changes consistent with part 71 that would render existing permit compliance terms and conditions irrelevant.

[40 CFR 71.7(e)(3)(i)]

3. Permittees must meet all requirements of part 71 for applications, public participation, and review by affected states and tribes for significant permit modifications. For the application to be determined complete, the permittee must supply all information that is required by §71.5(c) for permit issuance and renewal, but only that information that is related to the proposed change.

[40 CFR 71.7(e)(3)(ii), 71.8(d), and 71.5(a)(2)]

**V.L. Reopening for Cause** [40 CFR 71.7(f)]

The permit may be reopened and revised prior to expiration under any of the following circumstances:

1. Additional applicable requirements under the Act become applicable to a major part 71 source with a remaining permit term of 3 or more years. Such a reopening shall be completed not later than 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 pursuant to §71.7 (c)(3);
2. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit;
3. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
4. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

**V.M. Property Rights** [40 CFR 71.6(a)(6)(iv)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

**V.N. Inspection and Entry** [40 CFR 71.6(c)(2)]

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow EPA or an authorized representative to perform the following:

1. Enter upon the permittee's premises where a part 71 source 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, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
4. As authorized by the CAA, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**V.O. Emergency Provisions** [40 CFR 71.6(g)]

1. In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (a) An emergency occurred and that the permittee can identify the cause(s) of the emergency;
  - (b) The permitted facility was at the time being properly operated;
  - (c) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
  - (d) The permittee submitted notice of the emergency to EPA 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. This notice fulfills the requirements for prompt notification of deviations.
2. In any enforcement proceeding, the permittee attempting to establish the occurrence of an emergency has the burden of proof.
3. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation 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 preventive maintenance, careless or improper operation, or operator error.

**V.P. Transfer of Ownership or Operation** [40 CFR 71.7(d)(1)(iv)]

A change in ownership or operational control of this facility may be treated as an administrative permit amendment if the EPA determines no other change in this permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA.

**V.Q. Off Permit Changes** [40 CFR 71.6(a)(12) and 40 CFR 71.6(a)(3)(ii)]

The permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met, and that all records required by this section are kept on site at the source for a period of five years:

1. Each change is not addressed or prohibited by this permit;
2. Each change shall meet with all applicable requirements and shall not violate any existing permit term or condition;
3. Changes under this provision may not include changes subject to any requirement of 40 CFR parts 72 through 78 or modifications under any provision of title I of the CAA;
4. The permittee must provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under §71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change;
5. The permit shield does not apply to changes made under this provision;
6. The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.
7. The notice shall be kept on-site at the facility and made available to EPA on request, in accordance with the general recordkeeping provision of this permit.
8. Submittal of the written notice required above shall not constitute a waiver, exemption, or shield from applicability of any applicable standard or PSD permitting requirements under 40 CFR 52.21 that would be triggered by the change

**V.R. Permit Expiration and Renewal** [40 CFR 71.5(a)(1)(iii), 71.5(a)(2), 71.5(c)(5), 71.6(a)(11), 71.7(b), 71.7(c)(1), and 71.7(c)(3)]

1. This permit shall expire upon the earlier occurrence of the following events:
  - (a) Five years elapse from the date of issuance; or
  - (b) The source is issued a part 70 or part 71 permit under an EPA approved or delegated permit program.

[40 CFR 71.6(a)(11)]
2. Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted at least six months but not more than 18 months prior to the date of expiration of this permit.

[40 CFR 71.5(a)(1)(iii)]
3. If the permittee submits a timely and complete permit application for renewal, consistent with §71.5(a)(2), but EPA has failed to issue or deny the renewal permit, then all the terms and conditions of the permit, including any permit shield granted pursuant to §71.6(f) shall remain in effect until the renewal permit has been issued or denied.

[40 CFR 71.7(c)(3)]
4. The permittee's failure to have a part 71 permit is not a violation of this part until EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.

[40 CFR 71.7(b)]
5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation, affected State, and tribal review.

[40 CFR 71.7(c)(1)]
6. The application for renewal shall include the current permit number, description of permit revisions and off permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

[40 CFR 71.5(a)(2) and 71.5(c)(5)]

## **VI. Appendix**

### **VI.A. Inspection Information**

1. Driving directions from Riverton, WY:

Take Highway 789 south to Highway 138. Turn right on Highway 138 and travel southwest for two miles. Turn right on Mission Road and travel north to the facility.

2. Facility Location:

Latitude: 42° 59' 56"

Longitude: 108° 24' 58"

UTM Northing: 4,763,840 meters

UTM Easting: 710,770 meters

3. Safety Considerations:

Persons entering the site are required to wear a hard hat, safety glasses, safety toe footwear, and hearing protection.