

CONSTRUCTION PERMIT AMENDMENT

PERMIT NUMBER: CP07-0073

**ORIGINAL PREVENTION OF SIGNIFICANT DETERIORATION (PSD)
PERMIT TO MODIFY AN
AIR CONTAMINANT SOURCE**

**ISSUED JUNE 2, 2003 AND
AMENDED DECEMBER 21, 2004, TO:**

Tyson Fresh Meats, Inc.
800 Stevens Port Drive, Suite 709
Dakota Dunes, South Dakota 57049

FOR THE SPECIFIC MODIFICATION OF:

The Wastewater Treatment Plant

LOCATED AT:

Highway 35 and IBP Avenue
Dakota City, Dakota County, Nebraska 68731

IS HEREBY AMENDED AS FOLLOWS:

- Allow routing of biogas to any of the five boilers onsite;
- Allow combustion of biogas in any of the five boilers onsite;
- Limit combined emissions from combustion from the flare and the boilers; and
- Require record-keeping of biogas flow rates and TRS quantities

Pursuant to Chapter 14 of the Nebraska Air Quality Regulations, the public has been notified by prominent advertisement of this proposed construction permit amendment and the thirty (30) day period allowed for comments has elapsed. This construction permit amends Conditions XIII.(B), XIII.(D), XIII.(G)(1), XIII.(G)(2), XIII.(G)(3), XIII.(I)(4), and XIII.(I)(5) of the PSD construction permit issued July 2, 2003, and supersedes the construction permit amendment issued on December 21, 2004.

The amendments to the PSD construction permit issued July 2, 2003, addressed herein do not trigger any additional requirements under Nebraska Air Quality Regulations, Title 129. No other terms or conditions of the original PSD construction permit are being revised or otherwise amended by this document. All other provisions of the original PSD construction permit are still in effect, and in concert with this construction permit amendment, constitute the effective construction permit. This construction permit amendment shall be attached to the original construction permit and maintained with it henceforth.

The construction permit is issued with the following revised conditions:

Specific Conditions

Condition XIII.(B) of the construction permit issued July 2, 2003 now reads:

- (B) The three new anaerobic lagoons (#9, #10, and #11) shall be equipped with sealed covers. The biogas stream from the three new covered lagoons shall be routed to a packed bed scrubber connected to a flare and/or any of the five onsite boilers as required in Condition XIII.(D).

Condition XIII.(D) of the construction permit issued July 2, 2003 now reads:

- (D) Emissions from the two older lagoons, (#7 and #8), and the three new covered lagoons (#9, #10, and #11) shall be controlled as follows:
 - (1) A packed bed scrubber, identified as Scrubber WT-C1, shall be used to remove TRS from the biogas stream.
 - (a) Scrubber WT-C1 shall be operated at all times the associated anaerobic lagoons are in operation except when maintenance is performed on the scrubber. During maintenance on Scrubber WT-C1, biogas shall be stored under the lagoon covers by shutting off biogas flow with valves. The lagoon covers shall be inspected for leaks and repaired as necessary prior to performing maintenance on the scrubber.
 - (b) Scrubber WT-C1 shall be properly installed, operated, and maintained. Manufacturer's instructions or equivalent operating instructions shall be kept on site and readily available to Department representatives.
 - (c) The biogas piping from Scrubber WT-C1's outlet shall be equipped with a Total Sulfur CEM to monitor the TRS content of the biogas stream exiting Scrubber WT-C1. The source shall prepare a preventative maintenance plan for the Total Sulfur CEM that shall be kept on site and readily available to Department representatives. The Total Sulfur CEM shall comply with the requirements of 40 CFR 60.13, including the requirements of 40 CFR 60 Appendix B Performance Specification 5 and Appendix F, unless written approval is obtained from the Department.
 - (d) The biogas piping from Scrubber WT-C1 to the flare and to the five boilers shall each be equipped with an operational flow meter to record the biogas flow rate. The flow meters shall comply with the requirements of 40 CFR 60.13, including the requirements of 40 CFR 60 Appendix B Performance Specification 6 and Appendix F, unless written approval is obtained from the Department.
 - (e) The biogas piping from Scrubber WT-C1's outlet shall be equipped with a fuel gas BTU analyzer meeting the specifications provided with the March 13, 2000 construction permit application. The analyzer shall be

properly installed and operated; calibration and maintenance of the analyzer shall follow the protocol submitted to the Department. Manufacturer's instructions or equivalent operating instructions shall be kept on site and readily available to Department representatives.

- (2) The source shall use either a flare and/or any of the five boilers onsite to combust the TRS remaining in the biogas after Scrubber WT-C1.
 - (a) The flare and/or a boiler shall be operated at all times the associated anaerobic lagoons are in operation except when maintenance is performed on Scrubber WT-C1 as described in Condition XIII.(D)(1)(a).
 - (b) The flare and boilers shall be properly installed, operated, and maintained. Manufacturer's instructions shall be kept on site and readily available to Department representatives.
 - (c) The flare shall be equipped with a thermocouple connected to a data recorder capable of verifying continuous operation.
 - (d) The flare shall be equipped with an alarm connected to an automatic telephone dialer to notify plant personnel of biogas flow to the flare when no combustion is taking place. The source is required to notify the Department in writing of any malfunction of the flare causing excess emissions for more than 1 hour within 48 hours of the malfunction in accordance with Title 129, Chapter 35, Section 005.

Condition XIII.(G)(1) of the construction permit issued July 2, 2003 now reads:

- (G)(1) Combined SO₂ emissions from biogas combustion in the flare and all five onsite boilers shall be less than 40 tons per year. Combined TRS emissions from biogas combustion in the flare and all five onsite boilers shall be less than 0.42 tons per year. Compliance with these limits shall be demonstrated as follows: {Title 129, Chapter 19}
 - (a) The scrubber shall be operated in accordance with the requirements under Condition XIII.(D)(1). The flare and boilers shall be operated in accordance with the requirements under Condition XIII.(D)(2).
 - (b) Combined TRS quantities to the flare and boilers shall be less than an average of 4.85 lb/hr in any consecutive 30 day period as demonstrated with the Total Sulfur CEM required in Condition XIII.(D)(1)(c) and flow meters required in Condition XIII.(D)(1)(d).

Condition XIII.(G)(2) of the construction permit written July 2, 2003 now reads:

- (G)(2) Combined NO_x emissions from biogas combustion in the flare and all five onsite boilers shall be less than 40 tons per year. Compliance with this limit shall be demonstrated as follows: {Title 129, Chapter 19}

- (a) The flare and boilers shall be operated in accordance with the requirements under Condition XIII.(D)(2).
- (b) The heating value of the biogas from Scrubber WT-C1 shall be less than an average of 83 MMBtu/hr in any consecutive 30 day period and less than an average of 41.54 MMBtu/hr in any consecutive 365 day period as demonstrated with the flow meters required in Condition XIII.(D)(1)(d) and fuel gas BTU analyzer required in Condition XIII.(D)(1)(e).
- (c) Combined biogas flow rates to the flare and all five onsite boilers shall be less than an average of 90,000 standard ft³ per hour in any consecutive 30 day period and less than an average of 74,225 standard ft³ per hour in any consecutive 365 day period as demonstrated with the flow meters required in Condition XIII.(D)(1)(d).

Condition XIII.(G)(3) of the construction permit issued July 2, 2003 now reads:

- (G)(3) Combined CO emissions from biogas combustion in the flare and all five onsite boilers shall be less than 100 tons per year. Compliance with this limit shall be demonstrated as follows: {Title 129, Chapter 19}
 - (a) The flare and boilers shall be operated in accordance with the requirements under Condition XIII.(D)(2).
 - (b) The heating value of the biogas from Scrubber WT-C1 shall be less than an average of 83 MMBtu/hr in any consecutive 30 day period and less than an average of 41.54 MMBtu/hr in any consecutive 365 day period as demonstrated with the flow meters required in Condition XIII.(D)(1)(d) and fuel gas BTU analyzer required in Condition XIII.(D)(1)(e).

Condition XIII.(I)(4) of the construction permit issued July 2, 2003 now reads:

- (I)(4) The TRS concentration of biogas from Scrubber WT-C1 and the biogas flow rates to the flare and all five onsite boilers shall be continuously recorded. Combined TRS quantities to the flare and boilers shall be calculated within 15 days after the end of each consecutive 30 day period and the calculations shall be kept on file to show compliance with Condition XIII.(G)(1)(b). The recorded biogas flow rates shall also be used to show compliance with Condition XIII.(G)(2)(c). The source shall notify the Department in writing within 20 days after the end of any consecutive 30 day or 365 day period in which an exceedance of the limits in Conditions XIII.(G)(1)(b), XIII.(G)(2)(c), or XIII.(G)(4)(b) occurs.

Condition XIII.(I)(5) of the construction permit issued July 2, 2003 now reads:

- (I)(5) Data from the fuel gas Btu analyzer and biogas flow rates to the flare and all five onsite boilers shall be continuously recorded. The average heating value of the biogas from Scrubber WT-C1 shall be calculated within 15 days after the end of

each consecutive 30 day and 365 day period and the calculations shall be kept on file to show compliance with Conditions XIII.(G)(2)(b) and XIII.(G)(3)(b). The source shall notify the Department in writing within 20 days after the end of any consecutive 30 day or 365 day period in which an exceedance of the limits in Condition XIII.(G)(2)(b) or XIII.(G)(3)(b) occurs.

The undersigned issues this document on behalf of the Director in accordance with Title 129 – Nebraska Air Quality Regulations as amended February 16, 2008.

4/29/08

{Original Signed}

Date

Shelley Kaderly, Air Administrator
Air Quality Division

FACT SHEET

Tyson Fresh Meats, Inc.
Highway 35 and IBP Avenue
Dakota City, Dakota County, Nebraska 68731-0515

April 29, 2008

DESCRIPTION OF THE FACILITY OR ACTIVITY:

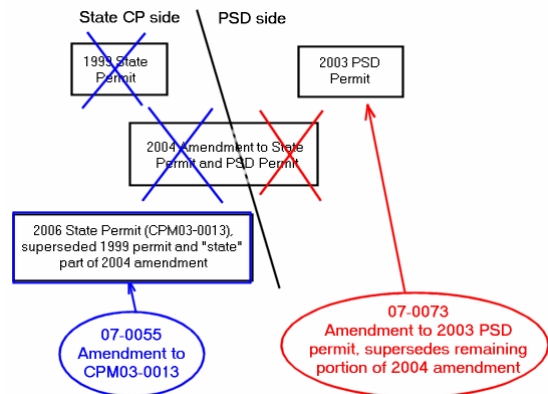
Tyson Fresh Meats, Inc.-Dakota City operates a beef slaughterhouse, rendering plant, and tannery (standard industrial classification (SIC) codes 2011, 2077, and 3111, respectively) located in Dakota City, Dakota County, Nebraska. This facility, which was constructed in 1964 by IBP, Inc. (IBP), has a capacity of 325 cattle per hour and 1.5 million cattle per year. In addition to beef and leather, the rendering operations also produce dried blood, inedible byproducts (crax and tallow), and edible byproducts. This plant also processes raw blood, unground crax, pork crax, and hides from other Tyson plants. A tannery was added in 1988. In 1994 and 2000, IBP added covers for the anaerobic lagoons and controls were added to the wastewater treatment plant (WWTP) to control hydrogen sulfide (H₂S) emissions. Tyson acquired IBP in September 2001. The name change to Tyson Fresh Meats, Inc. took effect on June 1, 2003.

Construction Permit Summary:

July 1999 Construction Permit: Amended by December 2004 permit amendment, then both permit and “state” portion of the amendment were superseded by June 2006 permit CPM03-0013.

June 2006 Construction Permit CPM03-0013: Amended by permit amendment CP07-0055 processed concurrently with this PSD permit amendment.

July 2003 PSD Permit: Originally amended by December 2004 permit amendment; The “PSD” side of the December 2004 permit amendment will be superseded by this PSD permit amendment CP07-0073.



This facility was issued a Prevention of Significant Deterioration (PSD) construction permit on July 2, 2003 for the modifications that were done in 1994 and 2000. The primary objective of the July 2003 construction permit was to retroactively address PSD requirements for these modifications. The July 2003 permit for the Waste Water Treatment Plant (WWTP) requires the installation of a packed bed scrubber and flare to control TRS emissions from the covered lagoons.

On December 21, 2004 a construction permit amendment was issued which amended the construction permit issued on July 8, 1999 and the PSD construction permit issued on July 2, 2003 (one permit amendment affecting two separate permits). The December 2004 construction permit amendment that pertained to the July 1999 permit was superseded by a permit issued on June 29, 2006 (CPM03-0013).

On August 20, 2007 the Department received a State Construction Permit application (application no. 07-0055) from Tyson to allow the use of biogas as fuel in boiler #4. During the processing of this permit

application it was determined that Tyson's July 2003 permit also needed to be revised because it restricted Tyson to only sending biogas from the lagoons to boiler #5 or the flare. The Department decided to process the necessary changes to the July 2003 permit under the "reopen for cause" provisions of Chapter 15, Section 006, and subsequently created another application tracking number (07-0073) to track this change. Per a phone conversation on November 2, 2007 between John Hammer (with Tyson Fresh Meats, Inc.) and the Department it was decided that the permit should be amended to allow the combustion of biogas in any of the five boilers onsite rather than boiler #'s 4 and 5 only. A separate construction permit amendment (CP07-0055) which applies to construction permit #CPM03-0013 is being issued as a related action.

TYPE AND QUANTITY OF AIR CONTAMINANT EMISSIONS ANTICIPATED:

Emissions from this facility occur as a result of fuel/biogas combustion, rendering cookers and dryers, and other miscellaneous operations. Emissions from the boilers include particulate matter (PM), particulate matter less than or equal to 10 micrometers in diameter (PM₁₀), sulfur oxides (SO_x), nitrogen oxides (NO_x), carbon monoxide (CO), volatile organic compounds (VOC), total reduced sulfur (TRS), and hazardous air pollutants (HAPs). There are no emission increases expected from the use of biogas in any of the boilers. This is due to the fact that other previously permitted fuels (i.e. natural gas, tallow, and distillate oil) have higher emission factors, and therefore higher potential emissions, for each of the expected pollutants.

Tyson has been using scrubbed biogas from the WWTP as fuel for Boiler #5. With the issuance of this permit Tyson is now able to use scrubbed biogas from the WWTP as fuel for any of the five boilers onsite. At any given time, only one of the permitted fuel types will be combusted in each boiler. The system will be instrumented such that all of the biogas will be used as fuel in one or more of the boilers; biogas will be used as fuel and flared simultaneously if demands and volumes require; or biogas will be flared. With the use of biogas as fuel in the boilers, an equivalent amount of other fuel usage will be eliminated. Actual emissions are not expected to increase as a result of the proposed project.

Flare

Because Tyson would like to retain the option to combust biogas only in the flare, if necessary, the potential emissions from the flare remain the same as before. Actual emissions from the flare may decrease if biogas is combusted in any of the boilers. Since the flare is not being modified as a result of the proposed project and there are no increases in emissions from the flare, emissions from the flare are not considered in determining the applicability of Chapters 17 and 19.

APPLICABLE REQUIREMENTS AND VARIANCES OR ALTERNATIVES TO REQUIRED STANDARDS:

Chapter 15 – Permit Revisions; Reopening for Cause:

A revision to the PSD construction permit is required because the permit states that biogas generated shall be flared or sent to boiler #4 only. Because this change is being processed under the "reopen for cause" provisions of Chapter 15, it must go through the normal public notice procedures but does not require an application fee. A fee was collected, however, for application 07-0055.

Proposed changes to the specific permit requirements under Condition XIII. of the July 2, 2003 PSD permit (as amended December 21, 2004,) are discussed as follows. As a result of these revisions, the December 21, 2004, PSD permit amendment is completely superseded.

The following is a list of the revised conditions:

XIII.(B)	XIII.(D)(2)(b)	XIII.(G)(2)	XIII.(G)(3)(a)
XIII.(D)(1)(d)	XIII.(G)(1)	XIII.(G)(2)(a)	XIII.(I)(4)
XIII.(D)(2)	XIII.(G)(1)(a)	XIII.(G)(2)(c)	XIII.(I)(5)
XIII.(D)(2)(a)	XIII.(G)(1)(b)	XIII.(G)(3)	

The goal of this permitting action is to allow the combustion of biogas in all five onsite boilers instead of only in boiler #5. Each condition identified above that has been revised was done solely to update references to all five of the boilers where only boiler #5 was referenced. In some cases, plural tense was added to the condition.

No other conditions of the existing permit (issued on July 2, 2003) are revised by this permitting action.

STATUTORY OR REGULATORY PROVISIONS ON WHICH PERMIT REQUIREMENTS ARE BASED:

Applicable regulations: Title 129 - Nebraska Air Quality Regulations as amended February 16, 2008.

PROCEDURES FOR FINAL DETERMINATION WITH RESPECT TO THE PROPOSED CONSTRUCTION PERMIT:

The public notice, as required under NAQR Chapter 14, shall be published on March 20, 2008, in the South Sioux City Star newspaper. Persons or groups shall have 30 days from that issuance of public notice (April 18, 2008) to provide the NDEQ with any written comments concerning the proposed permit action and/or to request a public hearing, in accordance with NAQR Chapter 14. If a public hearing is granted by the Director, there will be a notice of that meeting published at least 30 days prior to the hearing. Persons having comments or requesting a public hearing may contact:

W. Clark Smith-Permitting Section Supervisor
Air Quality Division
Nebraska Department of Environmental Quality
PO Box 98922
Lincoln, Nebraska 68509-8922

If no public hearing is requested, the permit may be granted at the close of the 30-day comment period. If a public hearing is requested, the Director of the NDEQ may choose to extend the date on which the permit is to be granted until after that public hearing has been held. During the 30-day comment period, persons requiring further information should contact:

Carmen Ayala, Environmental Engineer
Air Quality Division-Permitting Section
Nebraska Department of Environmental Quality
PO Box 98922
Lincoln, Nebraska 68509-8922

Telephone inquiries may be made at: (402) 471-2189

TDD users please call 711 and ask the relay operator to call us at (402) 471-2186.

CONSTRUCTION PERMIT AMENDMENT

PERMIT NUMBER: CP07-0055

**ORIGINAL PERMIT TO MODIFY AN
AIR CONTAMINANT SOURCE (CPM03-0013)**

ISSUED JUNE 29, 2006, TO:

Tyson Fresh Meats, Inc.
800 Stevens Port Drive, Suite 709
Dakota Dunes, South Dakota 57049

FOR THE SPECIFIC MODIFICATION OF:

Five Johnston Boiler Co. Boilers
to Add the Use of Biofuels

LOCATED AT:

Highway 35 and IBP Avenue
Dakota City, Dakota County, Nebraska 68731

IS HEREBY AMENDED AS FOLLOWS:

- Allows combustion of biogas in any of the five boilers onsite;
- Requires maintenance of records for biogas usage; and
- Requires flow meters for biogas on each boiler.

Pursuant to Chapter 14 of the Nebraska Air Quality Regulations, the public has been notified by prominent advertisement of this proposed construction permit amendment and the thirty (30) day period allowed for comments has elapsed. This construction permit amendment supersedes Conditions XIII.(B), (I)(6), (I)(7), and (I)(9) of construction permit CPM03-0013 issued on June 29, 2006.

The amendments to construction permit CPM03-0013 addressed herein do not trigger any additional requirements under Nebraska Air Quality Regulations, Title 129. No other terms or conditions of construction permit CPM03-0013 are being revised or otherwise amended by this document. All other provisions of permit CPM03-0013 are still in effect, and in concert with this construction permit amendment, constitute the effective construction permit. This construction permit amendment shall be attached to the original construction permit and maintained with it henceforth.

This permit is issued with the following revised conditions:

Specific Conditions

Condition XIII.(B) now reads:

- (B) Natural gas, propane, distillate oil (No. 1 or No. 2), biofuel (tallow and yellow grease), and biogas shall be the only fuels combusted in the boilers. {Title 129, Chapters 19 and 20}

Conditions XIII.(I)(6), (I)(7) and (I)(9) now read:

- (I)(6) The owner or operator shall record and maintain records of the amounts of natural gas, propane, and distillate oil combusted during each month for the five boilers. {40 CFR 60.48c(g)}
- (I)(7) The owner or operator shall record and maintain records of the amounts of biofuel and biogas combusted during each month in each boiler unless EPA Region VII approves an alternative recordkeeping frequency. {40 CFR 60.48c(g)}
- (I)(9) A flow meter for biogas shall be installed on the biogas supply lines for each boiler unless EPA Region VII approves an alternative approach for demonstrating compliance with Condition XIII.(I)(7). The meter shall be calibrated at least once per year.

The undersigned issues this document on behalf of the Director in accordance with Title 129 – Nebraska Air Quality Regulations as amended February 6, 2008.

4/29/08

{Original Signed}

Date

Shelley Kaderly, Air Administrator
Air Quality Division

FACT SHEET

Tyson Fresh Meats, Inc.
Highway 35 and IBP Avenue
Dakota City, Dakota County, Nebraska 68731-0515

April 29, 2008

DESCRIPTION OF THE FACILITY OR ACTIVITY:

Tyson Fresh Meats, Inc. operates a beef slaughterhouse, rendering plant, and tannery (standard industrial classification (SIC) codes 2011, 2077, and 3111, respectively) located in Dakota City, Dakota County, Nebraska. This facility, which was constructed in 1964 by IBP, Inc., has a capacity of 325 cattle per hour and 1.5 million cattle per year. In addition to beef and leather, the rendering operations also produce dried blood, inedible by-products (crax and tallow), and edible by-products. This plant also processes raw blood, unground crax, pork crax, and hides from other Tyson plants. A tannery was added in 1988. In 1994 and 2000, IBP added covers for the anaerobic lagoons and controls were added to the wastewater treatment plant (WWTP) to control hydrogen sulfide (H₂S) emissions. Tyson Foods, Inc. acquired IBP, Inc. in September 2001. The name change to Tyson Fresh Meats, Inc. (Tyson) took effect in May 2003. Tyson currently operates under a Class I operating permit that will expire on December 11, 2008.

On August 20, 2007 the Department received a State Construction Permit application (application no. 07-0055) from Tyson Fresh Meats, Inc.- Dakota City to allow the use of biogas as fuel in boiler #4. This permit action (CP07-0055) is specifically revising construction permit CPM03-0013 which became effective on June 29, 2006. CPM03-0013 allowed the use of biofuel (tallow and yellow grease) in any of the five boilers (in addition to natural gas, propane, and distillate oil) and biogas in boiler #5. CPM03-0013 superseded the construction permit issued on July 8, 1999 (as amended December 21, 2004). This construction permit (CP07-0055) revises CPM03-0013 such that biogas can now be used in any of the five boilers onsite rather than only in boiler #5. The construction permit application #07-0055 only requested that permit CPM03-0013 be amended to allow the use of biogas in boiler #4 (as well as the previously amended boiler #5). Per a phone conversation on November 2, 2007 between John Hammer (with Tyson Fresh Meats, Inc.) and the Department it was decided that the permit should be amended to allow the combustion of biogas in any of the five boilers onsite rather than boiler #'s 4 and 5 only in order to provide greater operating flexibility for the source.

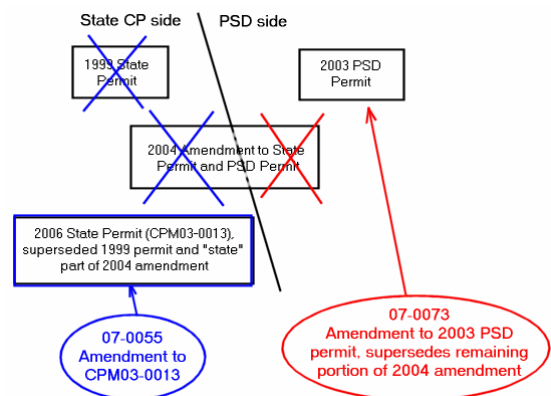
There are no new units being constructed on the facility and there is no difference in potential emissions from biogas being combusted in two or all of the boilers since worst-case emission occur while combusting other fuels.

Permit Summary for related permit activity:

July 1999 "State" Construction Permit: Amended by Dec. 2004 permit amendment. Both permit and amendment were superseded by June 2006 permit CPM03-0013.

June 2006 "State" Construction Permit CPM03-0013:
Amended by this permit amendment CP07-0055.

July 2003 "PSD" Permit: Originally amended by December 2004 permit amendment; Dec. 2004 permit amendment will be superseded by PSD permit amendment CP07-0073.



TYPE AND QUANTITY OF AIR CONTAMINANT EMISSIONS ANTICIPATED:

The existing boilers are currently fired on natural gas, distillate oil, propane, biofuel (tallow or yellow grease) or biogas (in Boiler #5 only). Emissions from the boilers include particulate matter (PM), particulate matter less than or equal to 10 micrometers in diameter (PM₁₀), sulfur oxides (SO_x), nitrogen oxides (NO_x), carbon monoxide (CO), volatile organic compounds (VOC), and hazardous air pollutants (HAPs). The existing boilers are equipped with low-NO_x burners and induced flue gas recirculation (IFGR) to control NO_x emissions from the combustion of natural gas and propane. Tyson proposed to use biogas as alternative fuel in any of the five boilers onsite. The fuels will not be combined at any time with any other fuels.

There is no increase in emissions expected from the use of biogas in any of the boilers. This is because other previously permitted fuels (i.e. natural gas, tallow, and distillate oil) have higher emission factors, and therefore higher potential emissions, for each of the expected pollutants. This was verified in the fact sheet attachment and emission calculations for permit CPM03-0013.

APPLICABLE REQUIREMENTS AND VARIANCES OR ALTERNATIVES TO REQUIRED STANDARDS:

Chapter 15 – Permit Revisions; Reopening for Cause:

A revision to the state construction permit was requested by Tyson to change the allowable boiler fuels to include biogas. Combusting biogas in other boilers will result in a violation of the permit until the permit is revised. This change is considered a significant permit revision and is required to go through the normal public notice process.

Chapter 17 – Construction Permit Requirements:

Construction permit application fee requirements apply to all significant permit revisions. Based on the facility-wide potential emissions from Tyson (>100 tpy for one or more pollutants), the facility submitted a \$3,000 permit application fee with their construction permit application, in accordance with Title 129, Chapter 17, Section 003.01.

Proposed changes to specific permit requirements under Condition XIII of the June 29, 2006 construction permit are discussed as follows:

All revised conditions are presented and discussed below and have been revised in the following ways:

Added items are **bold and underlined**, while removed items have a ~~striketrough~~.

The revised condition as it reads in CP07-0055 is shown in italics.

Specific Conditions:

Condition XIII.(B)

- (B) Natural gas, propane, distillate oil (No. 1 or No. 2), ~~and~~ biofuel (tallow and yellow grease) **and biogas** shall be the only fuels combusted in the boilers ~~except that biogas combustion shall also be allowed in Boiler #5.~~ {Title 129, Chapters 19 and 20}

The revised condition now reads:

- (B) *Natural gas, propane, distillate oil (No. 1 or No. 2), biofuel (tallow and yellow grease), and biogas shall be the only fuels combusted in the boilers. {Title 129, Chapters 19 and 20}*

This condition previously allowed the combustion of natural gas, propane, distillate oil, tallow, and yellow grease in any of the five boilers and allowed the combustion of biogas in boiler #5. This condition is being amended to allow the combustion of natural gas, propane, distillate oil, tallow, yellow grease, and biogas in any of the five boilers onsite.

Conditions XIII.(I)(6), (I)(7), and (I)(9) – Condition XIII.(I) shown for reference only and is not changing.

- (I) All five boilers are subject to New Source Performance Standards in 40 CFR 60, Subpart Dc – Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units {adopted by reference and incorporated in Title 129, Chapter 18, Section 001.52} with exceptions as approved by the U.S. Environmental Protection Agency in a letter dated July 27, 1999 to the permittee. The requirements of Subpart Dc include, but are not limited to, the following:

- (I)(6) The owner or operator shall record and maintain records of the amounts of natural gas, propane, and distillate oil combusted during each month for the five boilers. ~~{EPA July 27, 1999 exemption letter} However, when biofuel is combusted, the owner or operator shall record and maintain records of the amounts of each fuel combusted during each day in each boiler. {40 CFR 60.48c(g)}~~

The revised condition now reads:

- (I)(6) *The owner or operator shall record and maintain records of the amounts of natural gas, propane, and distillate oil combusted during each month for the five boilers. {40 CFR 60.48c(g)}*

This condition had previously required the facility to record and maintain records of the amounts of natural gas, propane, and distillate oil combusted during each month and of the amount of biofuels combusted each day. In the past 40 CFR 60.48c(g) had required the fuels combusted by the Tyson facility to be recorded daily. On July 27, 1999 Tyson Fresh Meats, Inc. received an exemption letter allowing them to keep monthly records rather than daily records for natural gas, propane, and distillate oil combustion. As the facility began combusting biofuels (tallow and yellow grease) after receiving the exemption letter they were still required to keep daily records of biofuel combustion. 40 CFR 60.48c(g) has since been revised and now has requirements for which fuels must keep daily and monthly records. Due to the fuels combusted, this facility shall keep monthly records. Requirements for biofuel recordkeeping (as well as biogas) are now located in Condition XIII.(I)(7).

- (I)(7) The owner or operator shall record and maintain records of the amounts of **biofuel and biogas** combusted during each **month** ~~day~~ in each **boiler** ~~Boiler #5~~ {40 CFR 60.48c(g)} unless EPA Region VII approves an alternative recordkeeping frequency.

The revised condition now reads:

- (I)(7) *The owner or operator shall record and maintain records of the amounts of biofuel and biogas combusted during each month in each boiler unless EPA Region VII approves an alternative recordkeeping frequency. {40 CFR 60.48c(g)}*

This condition previously required the operator to record and maintain records of the amount of biogas combusted during each day in boiler #5. This condition has been revised to require records to be recorded monthly for biofuel and biogas. Requirements in 40 CFR 60.48c(g) specify which fuels must be recorded on a daily or monthly basis. Due to the fuels combusted, this facility is only required to keep monthly records.

- (I)(9) A flow meter for biogas shall be installed on the biogas supply lines for **each boiler** ~~Boiler #5~~ unless EPA Region VII approves an alternative approach for demonstrating compliance with Condition XIII.(I)(7). The meter shall be calibrated at least once per year.

The revised condition now reads:

- (I)(9) *A flow meter for biogas shall be installed on the biogas supply lines for each boiler unless EPA Region VII approves an alternative approach for demonstrating compliance with Condition XIII.(I)(7). The meter shall be calibrated at least once per year.*

This condition previously required a flow meter for biogas to be installed on the fuel supply line for boiler #5 only. This condition has been revised to require a flow meter for biogas to be installed on the fuel supply line for each boiler.

STATUTORY OR REGULATORY PROVISIONS ON WHICH PERMIT REQUIREMENTS ARE BASED:

Applicable regulations: Title 129 - Nebraska Air Quality Regulations as amended February 16, 2008.

PROCEDURES FOR FINAL DETERMINATION WITH RESPECT TO THE PROPOSED CONSTRUCTION PERMIT:

The public notice, as required under NAQR Chapter 14, shall be published on March 20, 2008, in the South Sioux City Star newspaper. Persons or groups shall have 30 days from that issuance of public notice (April 18, 2008) to provide the NDEQ with any written comments concerning the proposed permit action and/or to request a public hearing, in accordance with NAQR Chapter 14. If a public hearing is granted by the Director, there will be a notice of that meeting published at least 30 days prior to the hearing. Persons having comments or requesting a public hearing may contact:

W. Clark Smith-Permitting Section Supervisor
Air Quality Division
Nebraska Department of Environmental Quality
PO Box 98922
Lincoln, Nebraska 68509-8922

If no public hearing is requested, the permit may be granted at the close of the 30-day comment period. If a public hearing is requested, the Director of the NDEQ may choose to extend the date on which the

permit is to be granted until after that public hearing has been held. During the 30-day comment period, persons requiring further information should contact:

Carmen Ayala-Environmental Engineer
Air Quality Division-Permitting Section
Nebraska Department of Environmental Quality
PO Box 98922
Lincoln, Nebraska 68509-8922

Telephone inquiries may be made at:

(402) 471-2189

TDD users please call 711 and ask the relay operator to call us at (402) 471-2186.