



A MODIFIED PREVENTION OF SIGNIFICANT DETERIORATION (PSD) CONSTRUCTION PERMIT IS HEREBY ISSUED TO

The Archer Daniels Midland Company
P.O. Box 29268
Lincoln, NE 68529

FOR THE OPERATION OF:

A Soybean Oil Solvent Extraction Facility

LOCATION OF OPERATION:

The Archer Daniels Midland Company
7800 Thayer Street
Lincoln, NE 68507

Air Quality Program Recommendation

_____ Approve _____ Disapprove

Pursuant to the December 31, 1997 Delegation Letter signed by the Director of the Nebraska Department of Environmental Quality, the undersigned hereby executes this document on behalf of the Director.

_____ Date

_____ Bruce D. Dart, PhD
Health Director
Lincoln-Lancaster County Health Department

This amended construction permit is effective as of: xx / xx / 2008 @ 12:01 a.m.
mm dd yyyy

Pursuant to Paragraph 66 of the United States vs. ADM, Civil Action No. 03-CV-2066 (C.D. IL) Consent Decree, ADM has proposed a final Volatile Organic Compound (VOC) Solvent Loss Ratio (SLR) limit for this facility. This modified construction permit replaces the previous construction permit that was issued by the Nebraska Department of Environmental Quality (NDEQ) on August 8, 1995, as well as the current modified construction permit that was issued by the Lincoln-Lancaster County Health Department (LLCHD) on July 23, 2004. Pursuant to Article 2, Section 14 of the Lincoln-Lancaster County Health Department Air Pollution Control Program Regulations and Standards (LLCAPPRS), the public has been notified by prominent advertisement of this permit for operation of an air contaminant source, and the thirty (30) day period allowed for comments has elapsed, and all comments received have been addressed.

Compliance with this permit shall not be a defense to any enforcement action for violation of an ambient air quality standard.

Background Information

The Archer Daniels Midland Company previously submitted a Prevention of Significant Deterioration (PSD) construction permit application for modification of the soybean oil solvent extraction facility at its Lincoln, Nebraska plant. The application was a request to amend the previous construction permit that was issued by the Nebraska Department of Environmental Quality (NDEQ) on August 8, 1995 (Attachment A) for this same facility in order to provide for the modification. The soybean processing rate (throughput, in tons per day and in tons per year) was increased resulting in a significant net emissions increase in volatile organic compounds (VOC) and a hazardous air pollutant (n-hexane). For this facility, these were the only air pollutants for which there was a significant net emissions increase. The increase in throughput was accommodated without any physical changes to the solvent extraction equipment or changes in method of operation. A permit revision was also necessary because the previous construction permit contained certain conditions that were inconsistent with the requirements of 40 CFR Part 63 Subpart GGGG Solvent Extraction for Vegetable Oil Production which was promulgated April 12, 2001 and had a compliance date of April 12, 2004. Finally, the previous permit needed to be revised to include the provisions of the Consent Decree that was lodged April 9, 2003 involving ADM and plaintiffs (USEPA, Department of Justice, and certain state and local environmental agencies that included Nebraska and the Lincoln-Lancaster County Health Department). The Lincoln-Lancaster County Health Department (LLCHD) reviewed the permit application, the Part 63 Subpart GGGG rule, and the Consent Decree and determined that the amendments provided here would comply with the applicable provisions of the PSD rule (LLCAPCPRS, Article 2, Section 19), the Hazardous Air Pollutants (MACT) regulation (LLCAPCPRS, Article 2, Section 27), Part 63 Subpart GGGG (LLCAPCPRS, Article 2, Section 28), and the Consent Decree. The modified construction permit was issued July 23, 2004 (Attachment C).

Note: Replacement of equipment in the bean preparation facility (prior to solvent extraction) and in the meal loadout facility (after solvent extraction) to accommodate increased throughput resulted in an insignificant net emissions increase in PM10 and, therefore, these changes were not subject to the PSD rule. These changes were handled as a minor permit modification to construction permit No. 078B, issued 6/23/03, because they resulted in a revised allowable PM10 emissions limit for all of the facilities included in that permit. The net emission increases for PM10, SO₂, NO_x, and CO associated with increased steam production from package boilers were also insignificant. No change to the construction permit that includes these boilers was required.

Pursuant to Paragraph 66 of the United States vs. ADM, Civil Action No. 03-CV-2066 (C.D. IL) Consent Decree, ADM has proposed a final Volatile Organic Compound (VOC) Solvent Loss Ratio (SLR) limit for this facility. This modified construction permit replaces the previous construction permit that was issued by the Nebraska Department of Environmental Quality (NDEQ) on August 8, 1995, as well as the current modified construction permit that was issued by the Lincoln-Lancaster County Health Department (LLCHD) on July 23, 2004. As stated in the Consent Decree, the facility is required to meet a capacity-weighted average for four named oilseed groups, and for plants with existing limits lower than the applicable solvent loss factor in 40 CFR Part 63, Subpart GGGG, the final limits can not be greater than the existing permit limits. Additionally, the capacity-weighted averages are to be based on the design capacity for each facility. As a result, ADM has proposed a final VOC SLR limit of 0.185 gallons of hexane per ton of soybeans processed for the Lincoln, NE facility. This limit will replace the previously established limit of 0.2 gallons per ton.

This permit is issued with the following conditions:

- I. This permit is not transferable to another facility or location.
(LLCAPCPRS, Article 2, Section 5, Paragraph (C))
- II. Holding of this permit does not relieve the permittee from the responsibility to comply with all applicable portions of the Lincoln-Lancaster County Health Department Air Pollution Control Program Regulations and Standards (LLCAPCPRS) and any other requirements under Local, State, or Federal law.
(LLCAPCPRS, Article 1, Section 1)
- III. Any modification of the operational and/or construction documents, which were the basis of the permit issued 8-8-1995, that may affect the rate of any air pollutant emission, actual emissions, and/or associated impacts predicted by atmospheric dispersion modeling, must have prior approval from the Department. The source shall provide all necessary information to validate the modification, including, but no limited to, additional engineering, modeling, and ambient air quality studies.
- IV. Approval to construct, reconstruct and/or modify the source will become invalid if a continuous program of construction is not commenced within 18 months after the date of issuance of the construction permit; if construction is discontinued for a period of 18 months or more; or if construction is not completed within a reasonable period of time.
- V. The owner/operator of the source shall notify the Department of the actual date of anticipated initial startup of each independently operable emission unit, process, or group of equipment or emission units, and said notification shall be postmarked not more than 60 days nor less than 30 days prior to such date.
- VI. Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the LLCHD or an authorized representative to perform the following:
(LLCAPCPRS, Article 2, Section 8, Paragraph (L)(2))
 - (A) Enter and inspect, during reasonable hours, any building or place, except a building designed for and used exclusively for a private residence, where an Operating Permit source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
 - (B) Have access to existing and available records relating to emissions or discharges, which cause or contribute to air pollution or the monitoring of such emissions or discharges;
 - (C) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and,
 - (D) As authorized by the LLCAPCPRS, conduct tests and take samples of air, water or land contaminants, fuel, process materials, or any other substance which affects or may affect discharges or emissions of air contaminants from any source, giving the owner or operator a receipt for the sample obtained.

(Lincoln Municipal Code 8.06.090)

VII. Applicable Regulations and Standards.

- (A) Applicable regulations of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCPRS) include, but are not limited to, the following sections:
- (1) Article 1, Section 6: Annual Fees
 - (2) Article 2, Section 1: Definitions
 - (3) Article 2, Section 2: Definition of Major Source
 - (4) Article 2, Section 4: Ambient Air Quality Standards
 - (5) Article 2, Section 6: Emissions Reporting - When Required
 - (6) Article 2, Section 14: Permits - Public Participation
 - (7) Article 2, Section 17: Construction Permits - When Required
 - (8) Article 2, Section 18: New Source Performance Standards (NSPS)
 - (9) Article 2, Section 19: Prevention of Significant Deterioration of Air Quality (PSD)
 - (10) Article 2, Section 20: Particulate Emissions – Limitations and Standards
 - (11) Article 2, Section 27: Hazardous Air Pollutants – Maximum Achievable Control Technology (MACT)
 - (12) Article 2, Section 28: Hazardous Air Pollutants – MACT Emission Standards
 - (13) Article 2, Section 30: Construction Permit Fees
 - (14) Article 2, Section 32: Dust – Duty to Prevent Escape Of
 - (15) Article 2, Section 34: Emission Sources – Testing – Monitoring
 - (16) Article 2, Section 35: Compliance - Exceptions Due to Startup Shutdown or Malfunction
 - (17) Article 2, Section 36: Control Regulations - Circumvention - When Excepted
 - (18) Article 2, Section 37: Compliance - Responsibility of Owner/Operator Pending Review by Director
 - (19) Article 2, Section 38: Emergency Episodes - Occurrence and Control - Contingency Plans
- (B) The following regulations of the Lincoln Municipal Code (LMC) are applicable requirements of this permit:
- (1) LMC, Title 8, Chapter 8.06 - Locally/Federally Enforceable
 - (a) Section 8.06.140 Open Burning
 - (b) Section 8.06.145 Open Burning Permits
 - (2) LMC, Title 8, Chapter 8.06 – Non-Federally Enforceable, Local Only
 - (a) Section 8.06.130 Odor Nuisances Prohibited
 - (b) Section 8.06.150 Air Pollution Nuisances Prohibited
- (C) The following Federal Regulations, including those not currently delegated to the Lincoln-Lancaster County Health Department (LLCHD) or not yet included in the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCPRS), are applicable requirements of this permit:
- (1) 40 CFR Part 63, Subpart A – General Provisions
 - (2) 40 CFR Part 63, Subpart GGGG - National Emission Standard for Hazardous Air Pollutants: Solvent Extractions for Vegetable Oil Production

- (D) The following Federal Regulations, including those not currently delegated to the LLCHD or not yet included in the LLCAPCPRS, are not applicable requirements of this permit:
- (1) 40 CFR Part 60, Subpart Kb – Organic Liquid Storage Vessels for which Construction, Reconstruction, or Modification Commenced after July 23, 1984: This does not apply to the 46,000-gallon hexane storage vessel because it is now addressed in the National Emission Standards for Hazardous Air Pollutants at 40 CFR Part 63 Subpart GGGG - Solvent Extraction for Vegetable Oil Production.

VIII. The specific conditions of this permit are as follows:

- (A) The New Source Performance Standards for Volatile Organic Liquid Storage Vessels - Subpart Kb (LLCAPCPRS, Section 18 (A)(70)) no longer applies to the single 46,000-gallon hexane storage tank in accordance with amendments to this subpart that became effective on October 15, 2003 (Federal Register/Vol. 68/No. 199/pages 59328-59333), specifically, 40 CFR Part 60 Subpart Kb, Section 60.110b (d)(8). This equipment is part of the vegetable oil production process at this facility and, accordingly, any solvent losses from this tank shall be regulated in accordance with the requirements of 40 CFR Part 63 Subpart GGGG - National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production.
- (B) The solvent extraction unit and the DT section of the DTDC shall be equipped with a condenser and mineral oil scrubber emission control system which includes a dedicated extractor condenser that will be located between the extractor and the vent condenser, and a once-through cold water condenser that will be located between the vent condenser and the mineral oil scrubber. The purpose of the condensers is to reduce hexane loading to the mineral oil scrubber, and the purpose of the mineral oil scrubber is to control emissions of a volatile organic compound, hexane. The control system shall be in operation at all times when the solvent extraction unit is in operation. In the event the emission control system is off-line at any time the extraction facility is in operation, the Department shall be notified in writing within 48 hours of the event in accordance with the requirements of Article 2, Section 35 of the LLCAPCPRS. The owner/operator shall maintain records at the source sufficient to verify compliance with this requirement for a period of at least five years.
- (C)
 - (1) Commencing December 31, 2007, the final VOC SLR limit of 0.185 gallons of hexane per ton of soybeans processed, proposed by ADM as required by the United States vs. ADM, Civil Action No. 03-CV-2066 (C.D. IL) Consent Decree, shall be in effect.
 - (2) On April 12, 2004, and thereafter, the owner/operator shall comply with requirements of 40 CFR Part 63 Subpart GGGG Solvent Extraction for Vegetable Oil Production. These requirements are summarized as follows:

Standards

 - (a) Section 63.2840: For each operating month (as defined in Section 63.2872), the owner/operator shall calculate a compliance ratio which compares the actual HAP loss from this facility to the allowable HAP loss for the previous 12 operating months as shown

in Equation 1 of this section. When soybeans have been processed for 12 operating months, calculate the compliance ratio by the end of each calendar month following an operating month, for the previous 12 operating months, using Equation 2 of this section. In calculating the compliance ratio use a solvent loss factor (SLF) of 0.2. This facility shall have a compliance ratio less than or equal to (\leq) 1.00 in order to be in compliance with the HAP emission requirement for the previous operating month.

Compliance Requirements

- (b) Section 63.2850: In accordance with 63.2850(b), this facility under normal operation shall comply with the General Requirements of 63.2850(a)(1)(i) and (iv), (2), (3), (4), and (5)(i) through (iii), Table 1 of this section for sources under normal operation, and the schedules for demonstrating compliance for existing sources under normal operation in Table 2 of this section. In accordance with 63.2850(e), when this facility experiences a malfunction the requirements associated with one of two compliance options shall be met. Within 15 days of the beginning date of the malfunction, the owner/operator shall choose one of the options listed in paragraphs (e)(1) through (2) of this section. The owner/operator shall comply with one of these options.
- (c) Section 63.2851: The owner/operator shall develop and implement a written plan for demonstrating compliance that provides the detailed procedures the source will follow to monitor and record data necessary for demonstrating compliance with this subpart. The owner/operator shall develop and implement the site-specific plan for demonstrating compliance prior to April 12, 2004. The plan for demonstrating compliance shall be incorporated by reference into the source's Title V operating permit and it must be kept on-site and readily available as long as the source is operational. If the plan is revised, the owner/operator must retain all previous versions of the plan and make them readily available for inspection for at least 5 years after each revision. The plan for demonstrating compliance must include the items in paragraphs (a)(1) through (7) of this section.
- (d) Section 63.2852: The owner/operator shall develop a written startup, shut down, and malfunction (SSM) plan in accordance with the requirements of the General Provisions, Part 63 Subpart A, Section 63.6(e)(3), and implement the plan when applicable. The SSM plan shall be completed before April 12, 2004.
Note: It is not necessary to incorporate the SSM plan by reference into the Title V operating permit but the plan must be kept on-site and readily available as long as the source is operational. The SSM plan shall provide detailed procedures for operating and maintaining a source to minimize emissions during a qualifying SSM event.
- (e) Section 63.2853: At the end of each calendar month following an operating month, the owner/operator shall determine the total solvent loss in gallons for the previous operating month. When the

solvent losses have been determined for 12 or more operating months, then the source shall also determine the 12 operating months rolling sum of actual solvent loss in gallons by summing the monthly actual solvent loss for the previous 12 operating months. This rolling sum of solvent loss is the “actual solvent loss” which is used to calculate the compliance ratio described in Section 63.2840. To determine the actual solvent loss, follow the procedures in the plan for demonstrating compliance to determine the items in paragraphs (a)(1) through (5)(i) and (ii) of this section. Use Equation 1 of paragraph (b) of this section to determine the actual solvent loss for all normal operating periods recorded within a calendar month. Paragraph (c) of this section should be consulted for a listing of those operating status periods during which losses occur that are not to be included in determinations of actual solvent loss.

- (f) Section 63.2854: At the end of each calendar month following an operating month, determine the weighted average volume fraction of HAP in extraction solvent received since the end of the previous operating month. When the owner/operator has determined the monthly weighted average volume fraction of HAP in solvent received for 12 or more operating months, then also determine an overall weighted average volume fraction of HAP in solvent received for the previous 12 operating months. The volume fraction of HAP determined as a 12-month operating months weighted average shall be used in Equation 2 of Section 63.2840 to determine the compliance ratio. To determine the volume fraction of HAP in the extraction solvent determined as a 12 operating months weighted average, the source must comply with paragraphs (b)(1) through (3) of this section.
- (g) Section 63.2855: At the end of each calendar month following an operating month, determine the tons as received of soybeans processed for the operating month. The total soybeans processed for an operating month includes all of the soybeans processed during all normal operating periods that occur within the operating month. Equation 1 of paragraph (b) of this section is used to determine the quantity of soybeans processed. When the owner/operator has determined the tons of soybeans processed for 12 or more operating months, then the source shall also determine the 12 operating months rolling sum of soybeans processed by summing the tons of soybeans processed for the previous 12 operating months. The 12 operating months rolling sum of soybeans processed shall be used to calculate the compliance ratio described in Section 63.2840. To determine the tons as received of soybeans processed at this source, follow the procedures in the plan for demonstrating compliance to determine the items in paragraphs (a)(1) through (5) of this section.

Notifications, Reports, and Records

- (h) Section 63.2860: For an existing source, the owner/operator shall submit an initial notification to the agency responsible for these

NESHAPS no later than 120 days after the effective date of this subpart.

Note: The initial notification for this facility was submitted to Region VII EPA on August 8, 2001.

The owner/operator shall also submit a notification of compliance status report to the LLCHD no later than sixty days after determining the initial 12 operating months compliance ratio. The notification of compliance status shall contain the items in paragraphs (d)(1) through (6) of this section.

- (i) Section 63.2861: The owner/operator is required to submit annual compliance certifications. The first certification is due 12 calendar months after submitting the notification of compliance status. Subsequent certifications will be due twelve calendar months after the previous annual compliance certification. The information in paragraphs (a)(1) through (6) of this section shall be included in the annual certification.

A deviation notification report shall be submitted for each compliance determination in which the compliance ratio exceeds 1.00. A deviation report is to be submitted by the end of the month following the calendar month in which the deviation was determined. The deviation notification report shall include the items in paragraphs (b)(1) through (4) of this section.

The owner/operator shall submit a SSM report by the end of the calendar month following each month in which a malfunction period occurred. The periodic SSM report shall include the items in paragraphs (c)(1) through (3) of this section.

The owner/operator shall submit an immediate SSM report when a SSM during a malfunction period is handled differently from procedures in the source's SSM plan. Immediate SSM reports consist of a telephone call or facsimile transmission to the LLCHD within 2 working days after starting actions inconsistent with the SSM plan followed by a letter within 7 working days after the end of the event. The letter shall include the items in paragraphs (d)(1) through (3) of this section.

- (j) Section 63.2862: The owner/operator shall comply with the record keeping requirements of this section by April 12, 2004. The following records are required:
- (1) A plan for demonstrating compliance as described in Section 63.2851 and a SSM plan as described in Section 63.2852;
 - (2) For the solvent inventory associated with soybean processing, record the information in paragraphs (c)(1)(i) through (vii) of this section according to the source's plan for demonstrating compliance;
 - (3) For the weighted average volume fraction of HAP in the extraction solvent, record the items in paragraphs (c)(2)(i) through (iii) of this section;
 - (4) Record the items in paragraphs (c)(3)(i) through (vi) of this section, in accordance with the plan for demonstrating compliance;

- (5) After the owner/operator has processed soybeans for 12 operating months, and the source is not operating during a malfunction period, record the items in paragraphs (d)(1) through (5) of this section by the end of the calendar month following each operating month; and
- (6) For each SSM event subject to a malfunction period record the items in paragraphs (e)(1) through (3) of this section by the end of the calendar month following each month in which the malfunction period occurred.
- (k) Section 63.2863: Records shall be maintained in a form suitable and readily available for review in accordance with Part 63 Subpart A, Section 63.10 (b)(1). The records must be kept for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. Records shall be kept on-site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record.

Other Requirements and Information

- (l) Section 63.2870: Table 1 of this section shows which parts of the General Provisions (Part 63 Subpart A) in Section 63.1 through 63.15 apply to Part 63 Subpart GGGG. These parts are listed as follows: 63.1; 63.2; 63.3; 63.4; 63.5, except as noted in Table 1; 63.6, except as noted in Table 1; 63.6(e); 63.6(i); 63.6(j); 63.7; 63.9, except as noted in Table 1; 63.9(b)(3)-(5); 63.9(e); 63.10, except as noted in Table 1; 63.10(b)(2)(i); 63.10(b)(2)(viii)-(ix); 63.10(d)(2); 63.10(d)(4); 63.11; 63.12; 63.13; 63.14; and 63.15.
- (m) Section 63.2872: The owner/operator shall refer to the definitions in this section that are applicable to this subpart.
- (3) In accordance with the United States vs. ADM, Civil Action No. 03-CV-2066 (C.D. IL) Consent Decree, the final VOC SLR limit of 0.185 gallons of hexane per ton of soybeans processed is in effect. The requirements of the Consent Decree are summarized as follows:

Compliance Determination Procedures - Section 8.0 of the VOC Control Technology Plan (CTP) for ADM's Oilseed Plants, March 14, 2003 (Refer to Attachment B of this permit)

- (a) Solvent Loss Ratio (SLR) Limits. Compliance with the final VOC SLR limit in the Consent Decree shall be determined in accordance with the following sections of 40 CFR Part 63 Subpart GGGG except as provided in Section 8.0 of the CTP:
 - (i) 63.2850(a)(2) - develop and implement a plan for demonstrating compliance with Section 63.2851
 - (ii) 63.2850(b) - comply with the applicable requirements listed under, existing sources under normal operation
 - (iii) 63.2851(a) - the written plan for demonstrating compliance, except as noted in Section 8.0 of the CTP under SLR Limits
 - (iv) 63.2853(a)(1)-(5), (b), and (c) - determination of actual solvent loss, except as noted in Section 8.0 of the CTP under SLR Limits and Malfunctions

- (v) 63.2855(a)(1)-(5), (b), and (c) - determination of quantity of oilseed processed, except as noted in Section 8.0 of the CTP under SLR Limits
- (b) Malfunctions. When the conditions listed under Malfunctions in Section 8.0 of the CTP are met, the following provisions of Part 63 Subpart GGGG as they pertain to malfunctions may be applied by the owner/operator:
 - (i) 63.2850(a)(3) - develop a written startup, shutdown, and malfunction (SSM) plan
 - (ii) 63.2850(e) - existing sources experiencing a malfunction, and either (e)(1) normal operation or (e)(2) malfunction period
 - (iii) 63.2852 - the written plan for SSM, except as noted in Section 8.0 of the CTP under Malfunctions

Record Keeping and Reporting Requirements for VOC Emission Limits - Section 7.0 of the VOC Control Technology Plan (CTP) for ADM's Oilseed Plants, March 14, 2003 (Refer to Attachment B of this permit)

- (a) Maintenance of records required by 40 CFR Part 63 Subpart GGGG for solvent loss and quantity of soybeans processed. To demonstrate compliance with the interim and final VOC SLR limits ADM shall maintain these records in accordance with the following sections of Subpart GGGG and the CTP, where applicable:
 - (i) 63.2850(4) - maintain all records used to demonstrate compliance with Subpart GGGG in accordance with Section 63.2862
 - (ii) Maintain records of solvent losses in the form of the table that is presented in Section 8.0 of the CTP under SLR Limits. The records required by (a)(1) and (2) above shall be kept in a form and for the duration of time specified in Section 63.2863, paragraphs (a), (b), and (c) of Subpart GGGG.
 - (iii) In accordance with Part 63 Subpart GGGG, Section 63.2860, paragraph (d)(1), (2), (3) and (6)(i), (ii) and (iii), ADM shall notify the LLCHD of the status of compliance with the interim VOC SLR limit no later than 60 days after 12 operating months of data are collected. ADM shall notify the LLCHD of the status of compliance with the final VOC SLR limit no later than 60 days after 12 operating months of data are collected pursuant to the final limit. Note: In the case of 63.2860(d)(6)(iii), there is no compliance ratio involved for these limits. ADM shall simply indicate whether compliance with the interim or final VOC SLR limits has been achieved.
 - (iv) In accordance with Part 63, Subpart GGGG, Section 63.2861, submit the following reports at the appropriate time intervals:
 - (1) The annual compliance certification of Section 63.2861(a) is due 12 calendar months after submittal of the notification of compliance status as indicated in

- (iii) above, and then every 12 months thereafter. The information to be included is that of Section 63.2861(a)(1), (2), (3), and (6)(i) and (ii), except in the case of (6)(ii), simply indicate whether compliance with the interim or final VOC SLR limits has been achieved.
- (2) A deviation report, as described in Section 63.2861(b), is required when the VOC SLR limit is exceeded. The report shall be submitted by the end of the month following the month in which the deviation was determined. The report shall include the items in paragraphs (b)(1) through (4) of this section. In the case of (b)(4), there is no compliance ratio involved. It is necessary to address only deviations associated with the interim or final VOC SLR limits.
- (3) A startup, shutdown, and malfunction (SSM) report, as described in Section 63.2861(c) shall be submitted by the end of the calendar month following each month in which a malfunction period occurred. The periodic SSM report shall include the items in paragraphs (c)(1) through (3) of this section. Section 8.0 of the CTP shall be consulted for any exceptions to the requirements of Section 63.2861(c) that may apply.
- (4) An immediate SSM report, as described in Section 63.2861(d), is required if the owner/operator handles a malfunction period subject to Section 63.2850(e)(2) differently from procedures in the SSM plan. An SSM report consists of a telephone call or facsimile transmission to the responsible agency within 2 working days after starting actions inconsistent with the SSM plan, followed by a letter within 7 working days of the event. The letter shall include the items in paragraphs (d)(1) through (3) of this section. Section 8.0 of the CTP shall be consulted for any exceptions to Section 63.2861(d) that may apply.
- (v) In accordance with Part 63 Subpart GGGG, Section 63.2862, keep the following records:
- (1) 63.2862(a) - the owner/operator shall satisfy the record keeping requirements of this section commencing April 9, 2003 relative to the interim VOC SLR limit and with the date of approval of the final VOC SLR limit.
- (2) 63.2862(b) - prepare a plan for demonstrating compliance (as described in Section 63.2851) and a SSM plan (as described in Section 63.2852). Both plans shall be completed before April 12, 2004. The

plans shall be kept on-site and readily available as long as the plant is operational.

- (3) 63.2862(c) - record the information required in paragraphs (c)(1) and (3) of this section. In the case of (c)(1), items (vi) and (vii), monitoring and record keeping of solvent losses shall be conducted daily as well as monthly. All of the other record keeping requirements for the solvent inventory shall be conducted in accordance with (c)(1), items (i) through (vii). Record keeping associated with the amount of oilseed processed shall be according to paragraph (c)(3), items (i) through (vi) of this section, in accordance with the plan for demonstrating compliance.
 - (4) 63.2862(d) - after having processed oilseed for 12 operating months and the plant is not operating during a malfunction period as described in Section 63.2850(e)(2), record the items in paragraphs (d)(1), (3), and (5). The values and procedures used to assess compliance with the interim and final VOC SLR limits are those described in Sections 63.2840, 63.2853, and 63.2855 of this permit. In the case of (d)(5), the statement of compliance with applicable requirements of Subpart GGGG shall not include reference to Section 63.2854 (HAP content), but shall include reference to the compliance with the specific applicable requirements of this subpart as well as address compliance with the interim or final VOC SLR limits that have been or will be established in accordance with the Consent Decree lodged April 9, 2003.
 - (5) 63.2862(e) - for each SSM event subject to a malfunction as described in Section 63.2850(e)(2), record the items in paragraphs (e)(1) through (3) of this section by the end of the calendar month following each month in which the malfunction period occurred.
- (vi) In accordance with 40 CFR Part 63, Subpart GGGG, Section 63.2863, the owner/operator shall maintain records in the following form and shall retain them for the following periods of time:
- (1) 63.2863(a) - records shall be in a form suitable and readily available for review in accordance with 40 CFR Part 63 Subpart A, Section 63.10(b)(1).
 - (2) 63.2863(b) - each record shall be retained for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record as specified in Section 63.10(b)(1).

- (3) 63.2863(c) - in accordance with Section 63.10(b)(1), records shall be retained on-site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record. Records can be kept off-site for the remaining 3 years.

Other Requirements and Information of 40 CFR Part 63 Subpart GGGG that are Applicable to the Consent Decree

- (a) Section 63.2870 - The General Provisions of Part 63 Subpart A that are listed in VIII(C)(2)(l) are applicable here except for those that may pertain to the HAP content of the extraction solvent.
 - (b) Section 63.2872 - As noted in VIII(C)(2)(m), the definitions that are applicable to Part 63 Subpart GGGG are also applicable to the provisions of the Consent Decree that are addressed by this subpart.
- (D) The soybean crush capacity shall not exceed 4670 tons per day as a 12-month rolling average. The total tons of soybeans crushed during any consecutive 12-month period shall not exceed 1,705,000. The crush limits established in this condition shall not be used as justification to exceed the HAP emission requirement for a facility of this type in Part 63 Subpart GGGG, Section 63.2840 or the interim and final VOC SLR limits of the Consent Decree lodged April 9, 2003.
 - (E) The owner/operator shall maintain records of quantities of soybeans processed (crushed) and the quantities of extraction solvent received and used (lost). These records shall be maintained in accordance with the record keeping requirements established in condition VIII(C)(2)(j) and (k) and in condition VIII(C)(3)(a)(1) and (2) under Record keeping and Reporting Requirements for VOC Emission Limits.
 - (F) The owner/operator shall submit the notifications and reports required for compliance with 40CFR Part 63 Subpart GGGG as indicated in condition VIII(C)(2) (h) and (i) and those required to demonstrate compliance with the VOC emission limits as indicated in condition VIII(C)(3)(a)(3) and (4)(i), (ii), (iii), and (iv) under Record keeping and Reporting Requirements for VOC Emission Limits. For each month during a calendar quarter, the owner/operator shall report the following information to the LLCHD:
 - (1) The weighted average volume fraction (12-month rolling) of n-hexane in the extraction solvent; and
 - (2) All of the information recorded in the Solvent Loss table described in Section 8.0 of the CTP. The report shall be due no later than 30 days after the end of the previous calendar quarter.
 - (G) Soybean oil solvent extraction facility operation and maintenance shall be conducted so as to provide constant performance consistent with conditions that exist during verification and monitoring.

Attachment A – The construction permit issued August 8, 1995 for Construction and Modification of a Soybean Oil Solvent Extraction Facility at ADM's Lincoln, NE plant

Attachment B – The VOC Control Technology Plan for ADM's Oilseed Plants, March 14, 2003

Attachment C – The revised construction permit issued July 23, 2004 for Construction and Modification of a Soybean Oil Solvent Extraction Facility at ADM's Lincoln, NE plant



A CLASS I (TITLE V) AIR CONTAMINANT SOURCE OPERATING PERMIT IS HEREBY ISSUED TO

The Archer Daniels Midland Company
P.O. Box 29268
Lincoln, NE 68529

FOR THE OPERATION OF:

A Class I Soybean Storage and Processing Facility

LOCATION OF OPERATION:

The Archer Daniels Midland Company
7800 Thayer Street
Lincoln, NE 68507

Legal Description: S3, T10, R7, 6th Principal Meridian, Irregular Tract 26 NW & Irregular Tract Lot 57 N1/2 ALL; S3, T10, R7, 6th Principal Meridian, Lot 24 NE; S3, T10, R7, 6th Principal Meridian, Lot 28 NE

Air Quality Program Recommendation

_____ Approve _____ Disapprove

_____ Date

_____ Bruce D. Dart, PhD
Health Director
Lincoln-Lancaster County Health Department

This Class I (Title V) operating permit is effective as of: 12 / 01 / 2007 @ 12:01 a.m.
mm dd yyyy

This Class I (Title V) operating permit expires on: 12 / 01 / 2012 @ 12:01 a.m.
mm dd yyyy

Pursuant to Article 2, Section 14 of the Lincoln-Lancaster County Health Department Air Pollution Control Program Regulations and Standards (LLCAPCPRS), the public has been notified by prominent advertisement of this permit for operation of an air contaminant source, the thirty (30) day period allowed for comments has elapsed, and all comments received have been addressed. Pursuant to Article 2, Section 13 of the LLCAPCPRS, the Environmental Protection Agency (EPA) and all affected States have been notified of this permit. The forty-five (45) day EPA review period has elapsed, and all comments provided by the EPA and affected States have been addressed.

Compliance with this permit shall not be a defense to any enforcement action for violation of an ambient air quality standard.

Introduction

Emission Unit #	Emission Unit Description
1	Grain Receiving – includes the truck dump pits located on the east and west sides of the elevator and rail receiving pit.
2	Elevator Conveying – includes the east leg, west leg, east house leg, west house leg, east-west drag, east gallery drag, east garner, east tunnel drag conveyor, west gallery drag, west garner, north-south drag, flat storage, closed belt conveyor from flat storage, west tunnel enclosed belt conveyor, and leg to processing.
3-1	Grain Drying
3-2	Grain Dryer Burners – Natural Gas
3-3	Aspirators Before Dryers
4	Bin Vents – Silos
5-1	Bean Conditioning
5-2	Bean Conditioning (baghouse bypassed)
6-1	Cracking Aspiration
6-2	Cracking Aspiration (baghouse bypassed)
7	Dehulling
8	Hull Grinding
9	Pelletizing/Cooling
10	Flaking
11	Meal Drying/Cooling
12	Meal Grinding
13	Meal Flow Agent Bin
14	Meal Storage
15	Pellet Tank
16	Hull Tank
17	Conveying to Loadout
18	Meal/Hull Loadout
18a	Meal/Hull/Pellet Receiving Pit
19	Bleaching Clay Silo
20	Filter Aid Silo
21	Coal Receiving
22	Coal Storage
23	Coal Conveying
25	Sand Tank
26-1	Boiler – Coal-fired
26-2	Boiler – Natural Gas Startup
27	Fly Ash Removal
28	Fly Ash Storage
29	Fly Ash Loadout
30	Hexane Loss – Soybean Oil Extraction Process
31-1	Reformer (Furnace) – Natural Gas
31-2	Reformer (Furnace) – Propane
31-3	Reformer (Furnace) – Vent Gas

Introduction (cont.)

Emission Unit #	Emission Unit Description
33-1	Union DowTherm Boiler – Natural Gas
33-2	Union DowTherm Boiler – Propane
34-1	Foster-Wheeler DowTherm Boiler – Natural Gas
34-2	Foster-Wheeler DowTherm Boiler – Propane
35-1	Package Boiler No. 1 – Natural Gas
35-2	Package Boiler No. 1 – No. 2 Fuel Oil
35-3	Package Boiler No. 1 – Vegetable Oil
36-1	Package Boiler No. 2 – Natural Gas
36-2	Package Boiler No. 2 – No. 2 Fuel Oil
36-3	Package Boiler No. 2 – Vegetable Oil
38a	Cooling Tower PSI 242427-11-18
38b	Cooling Tower PSI 243018-11-18
38c	Cooling Tower PSI 242418-11-18
38d	Cooling Tower Marley 453-202
38e	Cooling Tower Marley 472-202
38f	Cooling Tower Marley 459-207
39-1	Paved Roads – Loaded Trucks (PM10)
39-2	Paved Roads – Empty Trucks (PM10)
39-3	Unpaved Roads – Loaded Trucks (PM10)
39-4	Unpaved Roads – Empty Trucks (PM10)
40	Hot Gas Generator
41-1	GTS NUK 2250 High Pressure Boiler – Natural Gas
41-2	GTS NUK 2250 High Pressure Boiler – Propane

Notes: Emission units 1 through 18a, 38a through 38f, and 39-1 to 39-4 are subject to the requirements of construction permit No. 078(C). The construction permit, No. 0014, issued October 11, 1976 for the east truck grain-receiving pit, which is part of emission unit 1, is not an applicable requirement of this operating permit. Permit No. 0014 does not include any conditions, and is deemed only an equipment registration.

Emission units 19 and 20 are subject to the requirements of construction permit No. 065(A).

Emission units 21 through 23, 25 through 29, 35-1 to 3, and 36-1 to 3 are subject to the requirements of the PSD permit originally issued by the NDEC on December 11, 1985, the revised PSD permit issued by the NDEQ on October 18, 1996, and the revised PSD permit issued by the LLCHD on April 3, 2002. The revisions were associated with condition No. 10 of these permits. Emission unit 24, the previous coal-crushing unit, which consisted of a roller mill, cyclone, and baghouse, was replaced with a single hammer mill (not an emission unit) and a hot gas generator (emission unit 40) in November 2005. Emission unit 32-1/32-2, the Eclipse Dow Therm boiler (natural gas and propane), was removed in July 2006 and will be replaced with the GTS NUK 2250 high pressure boiler, emission unit 41-1 (natural gas)/41-2 (propane).

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Emission unit 30 is subject to the requirements of the PSD permit issued by the NDEQ on August 8, 1995 for modification of the soybean oil solvent extraction facility and the requirements of the amended permit for this facility that was issued by the LLCHD on July 23, 2004. The amended permit included the requirements of the Consent Decree that was lodged April 9, 2003. **The amended permit was modified again on May xx, 2008 to include the final VOC SLR limit as required by the Consent Decree.**

Facility Description

The Archer Daniels Midland Company, Lincoln plant, receives and stores soybeans prior to processing them. Raw soybeans are processed into soy oil and meal. This facility also operates a vegetable oil refinery.

Soybeans are received by both truck and rail and they are conveyed to a storage elevator or tank. Prior to processing, soybeans are removed from storage and cleaned. The soybeans are then dried, cracked, dehulled, and conditioned. Hulls are sent for grinding and storage. Some of the ground hulls may be pelletized, cooled, and stored prior to loadout. Cyclone dust collectors, but primarily fabric filters, are used extensively to comply with particulate emissions requirements.

After dehulling, the soybean meat is conveyed to flaking rolls, and the soy flakes are subsequently conveyed to the oil extraction system. Soy oil is removed from the flakes in the extraction system using hexane as a solvent. The flakes are stripped of hexane, dried, and cooled in the desolventizer toaster/dryer/cooler (DTDC) unit. A system of evaporators and condensers is used to separate the soy oil/hexane mixture (miscella) into its respective components; i.e., soy oil and hexane. Hexane in the vapor stream is recovered using mineral oil prior to being released. The soy oil is transferred to storage tanks and then refined on site in the vegetable oil refinery. After processing in the DTDC, the meal is sifted and ground. After grinding, an additive is added to the meal to improve flowability and then the meal is transferred to storage and loadout. Control of VOC/HAP emissions from the extraction process is achieved through design of the DTDC and the condensers and mineral oil scrubbing system.

The refining operation includes storage tanks, slurry tanks, dry bins for bleaching clay and filter aid, and a reformer. Two natural gas/propane-fired DowTherm boilers and one natural gas/propane-fired high-pressure boiler are used in the deodorizing process.

The Lincoln processing plant maintains a coal-fired fluidized bed cogeneration plant. This plant provides most of the steam needs of the soybean processing plant and much of the electrical demand. The steam needs are supplemented with two gas-fired package boilers designated boilers No. 1 and 2. Each of these boilers is capable of firing No. 2 fuel oil and vegetable oil. Control of particulate emissions from the fluidized bed combustor and compliance with the particulate limit is achieved through use of a fabric filter (baghouse). Compliance with the sulfur dioxide emissions limit is achieved through use of low sulfur content coal. The nitrogen oxides emissions limit is achieved through combustor design. Compliance with the carbon monoxide emissions limit is achieved through use of good combustion practices. No control measure for fluoride emissions was required because it was determined that the fluoride content of the coal was sufficiently low; therefore, the use of limestone was not necessary.

DEFINITIONS

NOTE: The following definitions are either those found in the LLCAPCPRS or offer a further explanation to definitions of the LLCAPCPRS.

Act means the Clean Air Act, as amended, 42 U.S.C. 7401, et seq.

Administrator means the Administrator of the United States Environmental Protection Agency (EPA) or his or her designee.

Applicable requirements include requirements that have been promulgated or approved by EPA through rule making at the time of permit issuance including those that have future-effective compliance dates, and also include any terms and conditions from applicable pre-construction permits.

Class I source means any one of the following: any major source as defined in LLCAPCPRS Section 2; any source, including an area source, subject to a standard, limitation, or other requirement under LLCAPCPRS Sections 18, 23, 27 or 28 (unless the source has been deferred from having to obtain a Class I permit because it is a minor source); any affected source; any source in a source category designated by the Director.

Class II source means any source, which is not a Class I source, for which any of the following apply:

* the source is composed of processing machines, equipment, devices or other articles or combinations thereof having a potential to emit any one or a combination of the following:

≥ 25 and < 100 tons per year of particulate matter emissions;

≥ 15 and < 100 tons per year of PM10 emissions;

≥ 40 and < 100 tons per year of SO₂ or SO₃ or any combination of the two;

≥ 40 and < 100 tons per year of oxides of nitrogen (calculated as NO₂);

≥ 40 and < 100 tons per year of volatile organic compounds VOC;

≥ 50 and < 100 tons per year of carbon monoxide;

≥ 0.6 and < 5 tons per year of lead;

≥ 2.5 and < 10 tons per year of any single hazardous air pollutant or an aggregate of;
≥ 10 and < 25 tons per year of any hazardous air pollutants; or,

* the facility is an incinerator used for refuse disposal or for the processing of salvageable materials except refuse incinerators located on residential premises containing five or less dwelling units; or, the source or the operation is responsible for the emission of particulate plumes in excess of the limitations established in LLCAPCPRS Section 20, except for vehicular sources, wood stoves located on residential premises containing

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five or less dwelling units which burn clean, untreated wood, and vehicles used in the conduct of on-farm agriculture operations; and

* the facility is not exempted under LLCAPCPRS 5 (B) (02) (a).

Director means the Director of the Lincoln-Lancaster County Health Department or his or her designee.

Emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the facility, 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 preventative maintenance, careless or improper operation, or operator error.

Emissions unit means any part or activity of a stationary facility that emits or would have the potential to emit any regulated air pollutant or any pollutant listed in Appendix II of LLCAPCPRS. This term is not meant to alter or affect the definition of the term "unit" for purposes of LLCAPCPRS Section 26.

Fugitive emissions are those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

Major source or major stationary source means any source identified in LLCAPCPRS Section 2. For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

Minor source means any source not identified in LLCAPCPRS Section 2.

Permit modification means a revision to a Class I operating permit that meets the requirements of LLCAPCPRS Section 15.

Permit revision means any Class I operating permit modification or administrative permit amendment.

Permitting authority means the Lincoln-Lancaster County Health Department.

Potential to emit means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source. This term does not alter or affect the use of this term for any other purposes of the LLCAPCPRS, or the term "capacity factor" used in LLCAPCPRS Section 26.

Regulated air pollutant means the following:

- (1) Nitrogen oxides or any volatile organic compounds as defined in LLCAPCPRS Section 1;
- (2) Any pollutant for which a national ambient air quality standard has been promulgated;
- (3) Any pollutant that is subject to any standard in LLCAPCPRS Section 18, 23, 27, or 28 relating to hazardous air pollutants.

Renewal means the process by which a permit is reissued at the end of its term.

Responsible official means one of the following:

- (1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (a) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or,
 - (b) The delegation of authority to such representative is approved in advance by the permitting authority;
- (2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
- (3) For a municipality, State, Federal or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or
- (4) For affected sources: the designated representative in so far as actions, standards, requirements, or prohibitions under Section 26 are concerned; and the designated representative for any other purposes under the Title V program.

Stationary source means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant subject to regulation under LLCAPCPRS.

End of Definitions

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This permit is issued with the following conditions:

General Conditions:

- I. This permit is not transferable to another facility or location.
(LLCAPCPRS, Article 2, Section 5, Paragraph (C))
- II. Holding of this permit does not relieve the permittee from the responsibility to comply with all applicable portions of the Lincoln-Lancaster County Health Department Air Pollution Control Program Regulations and Standards (LLCAPCPRS) and any other requirements under Local, State, or Federal law.
(LLCAPCPRS, Article 1, Section 1)
- III. The permittee must maintain a copy of the permit and of the letter of transmittal on-site. A copy of the permit must also be kept on file at the company's main or corporate office. A copy of the permit must be placed on file at each of the aforementioned locations no later than 14 calendar days after the date of the letter of transmittal.
(LLCAPCPRS, Article 2, Section 8, Paragraph (M))
- IV. Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the LLCHD or an authorized representative to perform the following:
(LLCAPCPRS, Article 2, Section 8, Paragraph (L)(2))
 - (A) Enter and inspect, during reasonable hours, any building or place, except a building designed for and used exclusively for a private residence, where an Operating Permit source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
 - (B) Have access to existing and available records relating to emissions or discharges, which cause or contribute to air pollution or the monitoring of such emissions or discharges;
 - (C) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and,
 - (D) As authorized by the LLCAPCPRS, conduct tests and take samples of air, water or land contaminants, fuel, process materials, or any other substance which affects or may affect discharges or emissions of air contaminants from any source, giving the owner or operator a receipt for the sample obtained.
(Lincoln Municipal Code 8.06.090)

V. Applicable and Non-Applicable Regulations & Requirements.

- (A) The following Federal Regulations, including those not currently delegated to the Lincoln-Lancaster County Health Department (LLCHD) or not yet included in the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCPRS), are applicable requirements of this permit:
- (1) 40 CFR Part 60, Subpart A – General Provisions
 - (2) 40 CFR Part 60, Subpart Db – Standards of Performance for Industrial/Commercial/Institutional Steam Generating Units (heat input rating greater than 100 MMBtu): Applies to emission unit #26 (coal-fired boiler) for particulate matter, opacity, NOx, testing, monitoring, record-keeping, and reporting requirements.
 - (3) 40 CFR Part 60, Subpart Dc – Standards of Performance for Small Industrial/Commercial/Institutional Steam Generating Units: Applies to emission unit 41 (GTS NUK 2250 High Pressure Boiler).
 - (4) 40 CFR Part 60, Subpart DD – Standards of Performance for Grain Elevators: Applies to bucket elevator “A”, which is part of emission unit #2.
 - (5) 40 CFR Part 60, Subpart Y – Standards of Performance for Coal Preparation Plants: Applies to emission units #22 and #23.
 - (6) 40 CFR Part 61, Subpart M – National Emission Standard for Asbestos: This is applicable to the entire facility.
 - (7) 40 CFR Part 63, Subpart A – General Provisions
 - (8) 40 CFR Part 63, Subpart GGGG - National Emission Standard for Hazardous Air Pollutants: Solvent Extractions for Vegetable Oil Production
 - (9) 40 CFR Part 82 – Protection of the Stratospheric Ozone
 - (10) Clean Air Act (CAA) Amendments of 1990, Section 112(j): As a result of the vacatur of 40 CFR Part 63, Subpart DDDDD (NESHAP for Commercial, Industrial, and Institutional Boilers and Process Heaters), the requirements of the CAA Amendments of 1990, Section 112(j) shall be invoked. Accordingly, the requirements of 40 CFR Part 63, Subpart B – Sections 63.50 through 63.56, which implement Section 112(j), shall be used to establish equivalent emission limitations for the HAPs associated with the industrial boilers located at this plant. The permittee has previously submitted a Part 1 Application as required by Section 112(j). The Part 2 Applications were submitted on October 29, 2007. In accordance with 40 CFR Part 63, Subpart B – Section 63.52(c), the modified Title V permit shall contain an equivalent emission limitation for the boilers determined on a case-by-case basis by the LLCHD. The permittee shall comply with the emission limitation no later than three (3) years after issuance of the modified permit.

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- (B) The following regulations of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPPRS) are applicable requirements of this permit:
- (1) Article 1, Section 6: Annual Fees
 - (2) Article 2, Section 1: Definitions
 - (3) Article 2, Section 2: Definition of Major Source
 - (4) Article 2, Section 4: Ambient Air Quality Standards
 - (5) Article 2, Section 5: Operating Permits - When Required
 - (6) Article 2, Section 6: Emissions Reporting - When Required
 - (7) Article 2, Section 7: Operating Permits - Application
 - (8) Article 2, Section 8: Operating Permit - Content
 - (9) Article 2, Section 11: Emergency Operating Permits - Defense
 - (10) Article 2, Section 12: Operating Permit Renewal and Expiration
 - (11) Article 2, Section 13: Class I Operating Permit - EPA Review – Affected States Review
 - (12) Article 2, Section 14: Permits - Public Participation
 - (13) Article 2, Section 15: Operating Permit Modifications - Reopening for Cause
 - (14) Article 2, Section 16: Stack Heights – Good Engineering Practice (GEP)
 - (15) Article 2, Section 17: Construction Permits - When Required
 - (16) Article 2, Section 18: New Source Performance Standards (NSPS): See Condition V (A) (1-5) for applicable NSPS.
 - (17) Article 2, Section 19: Prevention of Significant Deterioration (PSD): A PSD permit was issued by the NDEC for construction of emission unit #26 (coal-fired boiler) on December 11, 1985. Emission units #35 and #36 are also addressed in this permit, as well as in subsequent modifications of this permit. Another PSD permit was issued by the NDEQ for modification of the soybean oil solvent extraction facility (emission unit #30) on August 8, 1995.
 - (18) Article 2, Section 20: Particulate Emissions – Limitations and Standards: All particulate emitting process units at this facility (emission units 1 through 3-1, 4 through 23, 25, and 27 through 29) are subject to the process weight limits in Table 20-1 of paragraph (A) of this section and the opacity limit, equal to or greater than 20%, established in paragraph (E). Fuel combustion units at this facility (emission units 3-2, 26, 31, 33 through 36, 40 and 41) are subject to the particulate emission limits established in paragraphs (B) and (C) of this section and the opacity limit established in paragraph (E).
 - (19) Article 2, Section 23: Hazardous Air Pollutants – Emission Standards
 - (20) Article 2, Section 24: Sulfur Compound Emissions – Existing Sources – Emission Standards
- Note:** Sulfur oxide emissions from existing fossil-fuel burning equipment (emission units 3-2, 26, 31,

- 33 through 36, 40 and 41) is limited to not more than 2.5 lbs per million BTU input, maximum 2-hour average.
- (21) Article 2, Section 27: Hazardous Air Pollutants – Maximum Achievable Control Technology (MACT)
Notes: The oil solvent extraction facility (emission unit 30) is subject to the toxic BACT requirement of paragraph (B). This facility complies with the MACT requirement of 40 CFR Part 63 Subpart GGGG. Paragraph (D) of Section 27 addresses the boilers located at this plant that are subject to a case-by-case determinations of equivalent emission limitations.
 - (22) Article 2, Section 28: Hazardous Air Pollutants – MACT Emission Standards (refer to Condition V (A)(7), (8), and (10) for those that are specifically applicable)
 - (23) Article 2, Section 29: Operating Permit Emission Fees
 - (24) Article 2, Section 30: Construction Permit Fee
 - (25) Article 2, Section 32: Dust - Duty to Prevent Escape of
 - (26) Article 2, Section 33: Compliance - Time Schedule For
 - (27) Article 2, Section 34: Emission Sources - Testing - Monitoring
 - (28) Article 2, Section 35: Compliance - Exceptions Due to Startup Shutdown or Malfunction
 - (29) Article 2, Section 36: Control Regulations - Circumvention - When Excepted
 - (30) Article 2, Section 37: Compliance - Responsibility of Owner/Operator Pending Review by Director
 - (31) Article 2, Section 38: Emergency Episodes - Occurrence and Control - Contingency Plans
- (C) The following regulations of the Lincoln Municipal Code (LMC) are applicable requirements of this permit:
- (1) LMC, Title 8, Chapter 8.06 - Locally/Federally Enforceable
 - (a) Section 8.06.140 Open Burning
 - (b) Section 8.06.145 Open Burning Permits
 - (2) LMC, Title 8, Chapter 8.06 – Non-Federally Enforceable, Local Only
 - (a) Section 8.06.130 Odor Nuisances Prohibited
 - (b) Section 8.06.150 Air Pollution Nuisances Prohibited
- (D) The following Federal Regulations, including those not currently delegated to the LLCHD or not yet included in the LLCAPCPRS, are not applicable requirements of this permit:
- (1) 40 CFR Part 60, Subpart Kb – Organic Liquid Storage Vessels for which Construction, Reconstruction, or Modification Commenced after July 23, 1984: This does not apply to the 46,000 gallon hexane storage vessel because it is now addressed in the National Emission Standards for Hazardous Air Pollutants at 40 CFR Part 63 Subpart GGGG - Solvent Extraction for Vegetable Oil Production.
 - (2) 40 CFR Part 64 – Compliance Assurance Monitoring: The rule is not applicable at this time because CAM is not required until the time when a

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Title V operating permit renewal application. In this case, an initial Title V application is involved.

- (3) 40 CFR Part 68 – Chemical Accident Release Prevention: The rule is not applicable because the permittee does not have more than the threshold quantities of any of the regulated substances.
- (4) 40 CFR Part 51 – Appendix S: The source is not located in a designated non-attainment area.

VI. This permit is issued for a fixed term of five (5) years. For purposes of permit renewal, a timely application is one that is submitted at least 6 months prior to the date of permit expiration or such longer time as may be approved by the Director after notice to the permittee that ensures that the permit will not expire before the permit is renewed. In no event shall this time be greater than 18 months.

(LLCAPCPRS, Article 2, Section 7, Paragraph (B))

(LLCAPCPRS, Article 2, Section 8, Paragraph (C))

VII. The permittee must comply with all conditions of the Class I permit. Any permit noncompliance shall constitute a violation of the LLCAPCPRS and the Act, and is grounds for enforcement action; permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application.

(LLCAPCPRS, Article 2, Section 8, Paragraph (G)(1))

VIII. It shall not be a defense for a permittee in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(LLCAPCPRS, Article 2, Section 8, Paragraph (G)(2))

IX. Emergency Defense

(A) For the purpose of a Class I operating permit, an “emergency” means any situation arising from sudden, unavoidable, and reasonably unforeseeable events beyond the control of the source, including acts of God, which requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(B) An emergency constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph (C) below are met.

(C) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- (2) The permittee facility was at the time being properly operated;
- (3) During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

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- (4) The permittee submitted notice of the emergency to the Department within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.
- (D) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
- (E) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

(LLCAPCPRS, Article 2, Section 11)

- X. The permit may be modified; revoked, reopened, and reissued; or terminated for cause in accordance with the provisions of the LLCAPCPRS. The filing of a request by the permittee for a permit modification, revocation and re-issuance, or termination, or of a notification of planned changes or anticipated noncompliance does not supersede any permit condition.

(LLCAPCPRS, Article 2, Section 8, Paragraph (G)(3))

- XI. The permittee is required to notify the LLCHD in writing of any administrative permit amendment regarding the permitted source. The source may implement the change upon submission of notice, subject to final Department action. Administrative permit amendments are listed in the LLCAPCPRS, Article 2, Section 15, Paragraph (A) and include any change which:
 - (A) Corrects typographical errors;
 - (B) Identifies a change in the name, address, or telephone number of any person identified in the permit, provided that the owner or operator of the source is not changed;
 - (C) Requires more frequent monitoring or reporting by the permittee; and,
 - (D) Allows for a change in ownership or operational control of a source where the LLCHD 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 LLCHD.

(LLCAPCPRS, Article 2, Section 15, Paragraph (A))

- XII. Reopening for cause; revocation and re-issuance; and termination. In accordance with the LLCAPCPRS, Article 2, Section 8, Paragraph (J), conditions under which this permit may be reopened for cause, revoked and reissued, or terminated are given below.

- (A) Conditions under which this permit will be reopened, revoked and reissued, or terminated during its term for cause, include but are not limited to:
 - (1) Additional applicable requirements under the Act or the Lincoln-Lancaster County Health Department Air Pollution Control Program Regulations and Standards, which become applicable to this source with a remaining permit term of three (3) or more years;
 - (2) Additional requirements, including excess emissions requirements that become applicable to an affected source under the acid rain program under Title IV of the Act.

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- (B) A Class I operating permit may be revoked during its term for cause, including but not limited to:
- (1) The existence at the facility of unresolved noncompliance with applicable requirements or a term or condition of the permit, and refusal of the permittee to agree to an enforceable schedule of compliance to resolve the noncompliance;
 - (2) The permittee has falsely certified or submitted false, incomplete, or misleading information to the Department or EPA;
 - (3) The Director determines that the permitted facility or activity endangers human health or the environment and that the danger cannot be removed by a modification of the permit; or
 - (4) The permittee has failed to pay a penalty owed pursuant to court order, stipulation and agreement, or order issued by the Administrator.
(LLCAPCPRS, Article 2, Section 15, Paragraph (F))
- (C) When reopening for cause, all operating permit modifications shall be conducted according to the guidelines put forth in the following sections.
- (1) Administrative Permit Amendments shall be conducted in accordance with the LLCAPCPRS, Article 2, Section 15, Paragraph (A).
 - (2) Minor Permit Modifications shall be conducted in accordance with the LLCAPCPRS, Article 2, Section 15, and Paragraph (C).
 - (3) Group Processing of Minor Permit Modifications shall be conducted in accordance with the LLCAPCPRS, Article 2, Section 15, Paragraph (D).
 - (4) Significant Modifications shall be conducted in accordance with the LLCAPCPRS, Article 2, Section 15, Paragraph (E).
- (D) No permit revisions shall be required under any State-approved programs providing for economic incentives, marketable permits, emissions trading or other similar programs or processed for changes that are provided for in the permit.
(LLCAPCPRS, Article 2, Section 15, Paragraph (H))

XIII. The permit does not convey any property rights of any sort, or any exclusive privilege.
(LLCAPCPRS, Article 2, Section 8, Paragraph (G)(4))

XIV. The permittee shall furnish to the Department, within the time specified by the Department, any information requested by the Department in writing to determine whether cause exists for modifying, revoking and reissuing; or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Department, copies of records required to be kept in accordance with the permit or, for information claimed to be confidential, the permittee may furnish such records along with a claim of confidentiality pursuant to, Nebraska Revised Statute 84-712.05.
(LLCAPCPRS, Article 2, Section 8, Paragraph (G)(5))

XV. The provisions of this permit supersede the provisions of any previously issued operating permits (#14 for east side elevator truck dump pit and enclosed leg and No. 029 for the entire facility as it existed as of August 25, 1980), and construction permits No. 0014 (east side elevator truck dump pit, and enclosed leg), No. 065, No. 078, No. 078(A), and No. 078(B).

Notes: The construction permits are listed as follows:

Class I Specific Operating Permit: Archer Daniels Midland

- (1) The PSD permit for the coal-fired boiler and package boilers issued December 11, 1985 as amended October 11, 1996 and April 3, 2002 (Appendix 1)
- (2) The PSD permit for modification of the soybean oil solvent extraction facility issued August 8, 1995 as amended July 23, 2004 and May xx, 2008 (Appendix 2);
- (3) Construction permit No. 065(A) issued June 27, 2003 for two mineral storage tanks (Appendix 3); and
- (4) Construction permit No. 078(C) issued July 23, 2004 for elevator storage, bean conditioning, bean preparation, meal storage and meal conveying (Appendix 4) are applicable requirements of this permit. Construction permit No. 0014 and operating permit #14 were registrations and did not have requirements. The east side elevator truck dump pit and enclosed leg are now addressed in construction permit No. 078(C). Operating permit No. 029 is out-dated.

(LLCAPCPRS, Article 2, Section 8, Paragraph (G)(6))

XVI. In accordance with LLCAPCPRS Article 2, Section 8, Paragraph (F), the unchallenged permit requirements shall remain valid in the event of a challenge to any portions of the permit.

XVII. The permittee shall submit completed emission inventory forms for the preceding calendar year to the Department by March 31 of each year.

(LLCAPCPRS, Article 2, Section 6)

XVIII. Annual Fees

- (A) Applicability -- The provisions of this Regulations and Standards section shall apply to any person who owns or operates a source as defined in Article 2, Section 1 of these Regulations and Standards and is required to obtain any one of the following:
 - (1) A Class I or a Class II operating permit in accordance with Article 2, Section 5 of the Regulations and Standards;
 - (2) A construction permit in accordance with Article 2, Section 17 of the Regulations and Standards; or
 - (3) Any source subject to an applicable requirement (other than permitting) of the Regulations and Standards the nature of which necessitates that the source submit an annual emissions report and/or be the subject of an annual or biannual inspection.
- (B) Calculation of Fee -- Beginning July 1, 1999, owners or operators of sources, identified in (A) above, shall pay an annual fee. The fee shall be based on the actual emission tonnage as established in the emission inventory for the previous calendar year, beginning with calendar year 1998. For purposes of this section, a pollutant that may be regulated under more than one provision of these Regulations and Standards need only be counted once. Any temporary source issued an operating permit under Section 10 shall pay an annual fee based on emissions that occurred during the time period the source was located and operated in Lincoln or Lancaster County.

Fee Schedule:

Class I Specific Operating Permit: Archer Daniels Midland

- (1) Class I sources with actual emissions equal to or greater than 100 tons per year pay only emission fees as required by Article 2, Section 29.
- (2) Class I source with actual emissions less than 100 tons per year pay emission fees as required by Article 2, Section 29 plus \$2,000.00.
- (C) Any person subject to the requirements of this section who fails to submit an annual emissions inventory report when required by Article 2, Section 6 of these Regulations and Standards shall pay an annual emission fee based on the source's potential to emit as defined in Article 2, Section 1 of these Regulations and Standards.
- (D) Payment of Fees -- Any person required to submit fees pursuant to this section, shall submit the fees to the Director of the Department by check, or other authorized transfer, made payable to the Lincoln-Lancaster County Health Department. The fees shall be due and payable on July 1 of each year, beginning with the calendar year 1999. All fees paid in accordance with the section shall be non-refundable.
- (E) Failure to submit the fees required by this section, in addition to other relief allowed by law, shall be cause for:
 - (1) Revocation of the source's operating permit; and
 - (2) Assessment of a late payment fee of 20 percent of the payment due, which late payment fee shall be increased by an additional 10 percent of the original payment due for each additional 30 day period that the payment is late. Such late payment fee shall be payable to the Department as provided in paragraph (D) above.
- (F) If the Director determines that the annual emission inventory report form is incomplete or inaccurate for the purposes of calculation of fees under this section, the Director may require the source to submit additional data or other information, as well as an explanation of the source's calculation. If any annual emission inventory report form which is modified pursuant to this section results in the assessment of additional fees, such additional fees shall be payable within 30 days of notice of the assessment in accordance with paragraph (D) above.
- (G) The rate structure will be reviewed annually by the Director, and a report submitted to the Board of Health. The Board of Health may recommend any modifications to the Lincoln City Council and the Lancaster County Board of Commissioners. The new rate structure may be adopted by Resolution of the two governing bodies, individually, as a result of a recommendation by the Board of Health, or at the initiation of either of the two governing bodies.
- (H) All money collected from the permit fees, and air quality service charges provided for herein, shall be payable to the Lincoln-Lancaster County Health Department and shall be credited to the Air Pollution Control Fund.

(LLCAPCPRS, Article 1, Section 6)

XIX. Construction Permits

- (A) No person shall cause the construction, reconstruction, or modification at any of the items specified in Article 2, Section 17 of the LLCAPCPRS without first having obtained a construction permit from the Department in the manner prescribed by these Regulations and Standards.

(LLCAPCPRS, Article 2, Section 17, Paragraph (A))

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- (B) A fee shall be charged for the review of an application for a permit for the construction, installation, modification, or reconstruction of processing machines, equipment or devices, fuel burning equipment, and waste incinerators at the rate of \$85.00 per hour which fee shall not exceed a maximum of \$8,500.00.
(LLCAPCPRS, Article 2, Section 30)
- (C) Payment of Fees - - any person required to submit fees pursuant to this section, shall submit the fees to the Director of the Department by check or other authorized transfer payable to the Lincoln-Lancaster County Health Department. The fees shall be due and payable within thirty (30) days after receipt of issuance of the permit.
(LLCAPCPRS, Article 2, Section 30)

XX. The permittee shall not cause or allow emissions from any existing source, which are of opacity equal to or greater than twenty percent (20%), as evaluated by Method 9 in Appendix A of 40 CFR 60, which is incorporated herein by reference.
(LLCAPCPRS, Article 2, Section 20, Paragraph (E))

XXI. Application for review of plans or advice furnished by the Director will not relieve the source of legal compliance with any provision of these regulations, or prevent the Director from enforcing or implementing any provision of these regulations.
(LLCAPCPRS, Article 2, Section 37)

XXII. If and when the Director declares an air pollution episode as defined in LLCAPCPRS, Article 2, Section 38, the source shall immediately take all required actions listed in LLCAPCPRS, App. I until the Director declares the air pollution episode terminated.

XXIII. The source shall not cause or permit fugitive particulate matter to become airborne in such quantities and concentrations that it remains visible in the ambient air beyond the premise where it originates.
(LLCAPCPRS, Article 2, Section 32)

XXIV. All reports and compliance certifications submitted shall contain certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
(LLCAPCPRS, Article 2, Section 7, Paragraph (H))

XXV. The permittee may make changes to a permitted facility without a permit revision if the changes would not require a construction permit under the LLCAPCPRS Article 2, Sections 17, 18, 19, 23, 27, or 28 and would not result in an exceedance of emissions determined by this permit or the violation of an ambient air quality standard. A permit shield shall not apply to changes made under this condition. Notification shall be in accordance with the requirements of the LLCAPCPRS, Article 2, Section 15, Paragraph (G).

XXVI. Certification of compliance with the terms and conditions of this permit for the preceding year shall be submitted to the Department and to the EPA Region VII - Nebraska Air Compliance Coordinator (USEPA-Region VII, 901 North 5th Street, Kansas City, KS

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66101) by March 31 of each year. The report must be certified by a responsible official and shall contain the following:

- (A) The identification of each term or condition of the permit that is the basis of the certification. The conditions are identified as follows:
- (B) The compliance status;
- (C) A determination of whether compliance was continuous or intermittent;
- (D) The methods used for determining the compliance status of the source, currently, and over the reporting period.

(LLCAPCPRS, Article 2, Section 8, Paragraph (L)(5))

XXVII. Monitoring and Deviation Reporting.

- (A) The permittee shall submit reports of applicable monitoring requirements and instances of deviations from permit requirements every six (6) months to the Department. If the timing of these reports is such that they may be duplicated by those required in condition XXVI, they shall be submitted only once each year, six (6) months after the reports required in condition XXVI are submitted. A responsible official must certify the reports, as well as any other document required by this permit.

(LLCAPCPRS, Article 2, Section 8, Paragraph (D)(2))

(LLCAPCPRS, Article 2, Section 8, Paragraph (D)(3)(a))

(LLCAPCPRS, Article 2, Section 8, Paragraph (L)(1))

- (1) All records required by this permit shall be available on-site for inspection by the LLCHD, the NDEQ, or the USEPA and shall be current for the most recent five (5) years.

(LLCAPCPRS, Article 2, Section 8(D)(2)(b))

- (B) Deviation Reporting. The permittee shall report deviations from permit requirements, identify the probable cause of the deviations, and list corrective actions or preventative measures taken. All reports of the deviations must be submitted within the time frames specified in Condition XXVII (B)(1), XXVII (B)(2), and XXVII (B)(3) below. The report may be submitted initially without a certification if an appropriate certification is provided within ten (10) days thereafter, together with any corrected or supplemental information required concerning the deviation. The following schedule will be followed to report the deviations:

(LLCAPCPRS, Article 2, Section 8, Paragraphs (D)(3) and (D)(4))

- (1) Any deviation resulting from emergency or upset conditions shall be reported within two working days of the date on which the permittee first becomes aware of the deviation, if the permittee wishes to assert the affirmative defense authorized under Article 2, Section 11 of the LLCAPCPRS.
- (2) Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported as soon as is practicable.
- (3) All other deviations will be reported as specified in Condition XXVI (A).

XXVIII. Monitoring and Reporting Requirements

- (A) Any emission testing and monitoring required by the LLCHD shall be according to the requirements of Article 2, Section 34 of the LLCAPCPRS.

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- (B) Credible Evidence
 - (1) Notwithstanding any other provisions of these Regulations and Standards, the following methods may be used to determine compliance with applicable requirements:
 - (a) A monitoring method approved for the source and incorporated in an operating permit pursuant to Section 8,
 - (b) Any compliance test method specified in the State Implementation Plan,
 - (c) Any test or monitoring method approved for the source in a permit issued pursuant to Section 17, Section 19 or Section 27,
 - (d) Any test or monitoring method provided for in these Regulations and Standards, or
 - (e) Any other test, monitoring, or information gathering method that produces information comparable to that produced by any method described in items (1) through (4) of this subsection.
- (LLCAPCPRS, Article 2, Section 34, Paragraph (H))

XXIX. The permittee shall submit notifications of start-up, shutdown, or malfunction as required by LLCAPCPRS, Article 2, Section 35.

- (A) Upon receipt of a notice of excess emissions issued by the Department, the permittee shall provide information showing that the excess emissions were the result of a malfunction, start-up, or shutdown. The permittee shall submit the information specified in LLCAPCPRS, Article 2, Section 35, Paragraph (B) no later than 15 days after receipt of the notice of excess emissions.
- (B) Planned Start-up and Shutdown Reporting: The permittee shall notify the Director, in writing, whenever a planned start-up or shutdown may result in excess emissions. This notice shall be mailed, no later than 10 days prior to such action and shall include, but not be limited to, the information specified in LLCAPCPRS, Article 2, Section 35, Paragraph (D).
- (C) Malfunction and Unplanned Shutdown Reporting: The permittee shall notify the Director, in writing, whenever emissions due to malfunctions, unplanned shutdowns or ensuing start-ups are, or may be, in excess of applicable emission control regulations for one hour or more. Such notification shall be mailed within 48 hours of the beginning of each period of excess emissions and shall include, but not be limited to, the information required in LLCAPCPRS, Article 2, Section 35, Paragraph (D).

XXX. The source has indicated compliance with all applicable requirements, including the specific conditions of this permit, effective at the time of permit issuance, and shall continue to comply with these applicable requirements. The source shall meet all applicable requirements that become effective during the term of this permit in a timely manner unless a more detailed compliance schedule is expressly required by the applicable requirement.

(LLCAPCPRS, Article 2, Section 8, Paragraph (L)(3))

XXXI. Permit Shield. A permit shield is provided in accordance with LLCAPCPRS Article 2, Section 8, Paragraph (N). The permit shield provides that compliance with the terms and conditions stipulated in this permit shall be deemed compliance with all applicable requirements included and specifically identified in the permit as of the effective date of

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this permit. Condition V (D) contains the regulations and requirements that are included under this permit shield.

XXXII. Compliance with the Conditions identified in this permit during its term constitutes compliance with all applicable requirements as of the date of permit issuance, provided that:

- (A) Such applicable requirements are included and specifically identified in the permit; or
- (B) The Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination.

(LLCAPCPRS Article 2, Section 8, Paragraph (N))

XXXIII. The regulations specifically identified as not applicable to the Archer Daniels Midland Company are identified in Specific Condition XXXIV (K) in this permit.

Specific Conditions:

XXXIV. Terms and conditions of this permit are in accordance with the requirements of LLCAPCPRS, Article 2, Section 8, Paragraph (M) or other applicable requirements as indicated.

- (A) The emission limits, monitoring, testing, record keeping, and reporting requirements for emission units 21 through 23, 25 through 29, 35-1 to 35-3, and 36-1 to 36-3 are addressed in the PSD construction permit issued by the Nebraska Department of Environmental Control on December 11, 1985. The construction permit allowed for installation of coal handling and coal preparation facilities, a coal-fired boiler, and flyash handling equipment. Revisions to that permit, specifically condition 10, were issued by the Nebraska Department of Environmental Quality (NDEQ) on October 18, 1996, and by the Lincoln-Lancaster County Health Department (LLCHD) on April 3, 2002. The revision issued by the NDEQ established a NO_x limit of less than 40 tons per year (tpy) for the natural gas/distillate oil/vegetable oil-fired package boilers (emission units 35 and 36) during periods when they were operated simultaneously with the fluidized bed coal-fired boiler (emission unit 26). The revision issued by the LLCHD allowed for the combustion of vegetable oil in the package boilers while retaining the NO_x limit of less than 40 tpy. The specific conditions of the PSD permit and subsequent revisions to this permit are provided in Appendix 1 to this operating permit. It is noted that the package boilers are subject to the fuel combustion particulate emission limit of the LLCAPCPRS, Article 2, Section 20, which is 0.24 lbs/MMBtu, and the sulfur oxide emission limit of the LLCAPCPRS, Article 2, Section 24, which is 2.5 lbs/MMBtu. Additionally, the coal receiving, coal storage, coal conveying, sand tank, flyash removal, flyash storage, and flyash loadout facilities are subject to the process weight particulate emission limits of the LLCAPCPRS, Article 2, Section 20. These limits are listed in Section H, Table H-1 Process Emission Sources, of the ADM operating permit application.

The hot gas generator, emission unit 40, is located in the area of coal storage but it is not specifically listed in the construction permit for fuel combustion equipment installed in the cogeneration area. This unit is subject to the fuel combustion particulate emission limit of the LLCAPCPRS, Article 2, Section 20, which is 0.24 lbs/MMBtu, and the sulfur oxide emission limit of the LLCAPCPRS, Article 2, Section 24, which is 2.5 lbs/MMBtu.

- (B) The emission limits, monitoring, testing, record keeping, and reporting requirements for emission unit 30 are addressed in the PSD construction permit issued by the NDEQ on August 8, 1995 for modification of the soybean oil solvent extraction facility. The requirements of that permit were changed significantly in the amended permit for this facility that was issued by the LLCHD on July 23, 2004. The amended permit included the requirements of the Consent Decree that was lodged April 9, 2003 and those of 40 CFR Part 63, Subpart GGGG: Solvent Extraction for Vegetable Oil Production. The permit was amended again on May xx, 2008 to include the final VOC SLR limit of 0.185 gallons of hexane per ton of soybeans processed. The amended construction permit is included as Appendix 2 to this operating permit. The amended permit is the primary document of interest for the specific conditions governing operation of this facility.

The owner/operator shall implement the "site-specific plan (monitoring and record keeping procedures) for demonstrating compliance" with the requirements of the amended PSD construction permit for the soybean oil solvent extraction facility that was effective May xx, 2008 (See Appendix 2, condition VIII(C)(2)(c)). The plan entitled "Compliance Plan ADM Lincoln Extraction 268" is adopted by reference into this operating permit.

- (C) The emission limits, monitoring, record keeping, and reporting requirements for emission units 19 and 20 (bleaching clay silo and filter aid silo) are addressed in construction permit No. 065(A) that was issued by the LLCHD on June 27, 2003. This is an amended version of permit No. 065 that was issued March 17, 1993 for installation of the two mineral storage silos. The specific conditions associated with the amended construction permit for these facilities are provided in Appendix 3 to this operating permit.
- (D) The emission limits, monitoring, testing, record keeping, and reporting requirements for emission units 1 through 18a (grain receiving, storage, drying, handling, bean conditioning, cracking, dehulling, hull grinding, pelletizing, flaking, meal drying, meal grinding, meal storage, pellet tank, hull tank, meal/hull conveying, meal/hull loadout, and meal/hull/pellet receiving pit), 38a through 38f (cooling towers), and 39-1 through 39-4 (paved and unpaved roadways) are addressed in construction permit No. 078(C) that was issued July 23, 2004. This permit is the amended version of the original construction permit, No. 078, issued by the LLCHD on August 1, 1995 for various additions to and modifications of the existing facilities previously described in this paragraph. Previous amendments to the original permit were issued by the LLCHD on March 2, 1998, No. 078(A), and on June 23, 2003, No. 078(B). The specific conditions associated with

construction permit No. 078(C) are provided in Appendix 4 to this operating permit.

- (E) The vegetable oil refinery is the only significant facility within the plant that is not covered by a construction permit, although the two mineral storage tanks, emission units 19 and 20, which are addressed by construction permit No. 065(A), are considered to be part of this facility. The other emission units associated with the refinery operation include the following: (1) 31-1 through 31-3 Reformer (Furnace); (2) 33-1 and 33-2 Union Dow Therm boiler; (3) 34-1 and 34-2 Foster-Wheeler Dow Therm boiler; and (4) 41-1 and 41-2 GTS NUK 2250 high-pressure boiler. The combustion related particulate matter emission limit of the LLCAPCPRS, Article 2, Section 20, which is 0.24 lbs/MMBtu in this case, is applicable to these units. The emission of sulfur oxide compounds from these units is limited to 2.5 lbs/MMBtu in accordance with the LLCAPCPRS, Article 2, Section 24. Monitoring of fuel use (natural gas, propane, and vent gas in the case of emission unit 31-3) shall be conducted in order to calculate emissions using EPA-approved calculation methods. The emission factors provided for these emission units in Appendix II Sample Calculations of the operating permit application shall be used to calculate criteria pollutant emissions. In accordance with the LLCAPCPRS, Article 2, Section 6, emissions of air pollutants shall be reported to the LLCHD annually.
- (F) Prior to court action that vacated the MACT rule for commercial, industrial, and institutional boilers and process heaters (40 CFR Part 63 Subpart DDDDD), emission units 26, 31, 33, 34, 35, and 36 were subject to this rule. As a result of this action, the requirements of the Clean Air Act Amendments of 1990, Section 112(j) shall be invoked. Emission unit 41-1/41-2, the high-pressure boiler that is scheduled for installation, will also be affected by these requirements. Accordingly, the requirements of 40 CFR Part 63 Subpart B, Sections 63.50 through 63.56, which implement Section 112(j), shall be used to establish equivalent emission limitations for the HAPS associated with the emission units described in this paragraph. The permittee shall submit the Part 1 and Part 2 applications required by Section 112(j). The Part 1 application shall be submitted no later than August 29, 2007 and the Part 2 application no later than October 29, 2007. In accordance with Part 63 Subpart B, Section 63.52(c), the modified title V permit shall contain an equivalent emission limitation (or limitations) for the boilers determined on a case-by-case basis by the LLCHD. The permittee shall comply with the emission limitation(s) no later than 3 years after issuance of the modified permit. Note: At the time the draft permit was prepared and submitted for public notice, the LLCHD had not determined the equivalent emission limitation (or limitations) for these boilers.

(LLCAPCPRS, Article 2, Section 27, Paragraph (D))

Emission unit 41-1/41-2, the GTS NUK 2250 high pressure boiler, shall comply with the requirements of 40 CFR Part 60 Subpart A and Subpart Dc. This unit has a heat input rating of 10.5 MMBtu/hr and combusts natural gas and propane. The permittee shall provide and maintain the information required by Subpart A, Section 60.7(a)(3), (b), and (f). The permittee shall provide and maintain the information required by 40 CFR Part 60 Subpart Dc, Section 60.48c(a)(1) and (3), (g), (i), and (j).

(LLCAPCPRS, Article 2, Section 18)

This condition, paragraph 1 only, shall not take effect unless and until the U.S. Office of Management and Budget (OMB) pursuant to the federal Paperwork Reduction Act approves an Information Collection Request for 40 CFR Part 63, Subpart B, Sections 63.50 through 63.56 that covers the paperwork requirements of those regulations as they relate to the emission units listed above, i.e., 26, 31, 33, 34, 35, 36, and 41.

- (G) The permittee shall comply with the asbestos removal requirements of 40 CFR Part 61 Subpart M if demolition or renovation operations are conducted in areas where asbestos is removed in quantities in excess of the applicable thresholds.
(LLCAPCPRS, Article 2, Section 23 (A)(8))
- (H) The permittee shall comply with the requirements of 40 CFR Part 82 Protection of Stratospheric Ozone, Subpart F - Recycling and Emission Reduction, Section 82.156(i) and Section 82.166(k), (m), (n), and (o).
- (I) The LLCHD has determined that the following requirements are not applicable to the identified emission units and are, therefore, shielded from those requirements as per LLCAPCPRS Article 2, Section 8(N)(2)(b):
 - (1) 40 CFR Part 60 Subpart Db, Section 60.40b(b)(1) - The SO₂ requirements of this subpart do not apply to the coal-fired boiler (emission unit 26) because it has a heat input capacity between 100 and 250 MMBtu/hr.
 - (2) 40 CFR Part 60 Subpart Db, Section 60.43b(g) - The particulate matter and opacity standards do not apply to the coal-fired boiler (emission unit 26) during periods of startup, shutdown, or malfunction.
 - (3) 40 CFR Part 60 Subpart Db - This does not apply to package boiler No. 1 (emission unit 35) because it was constructed prior to June 19, 1984.
 - (4) 40 CFR Part 60 Subpart Dc - This does not apply to package boiler No. 2 (emission unit 36) because it was constructed prior to June 9, 1989.
 - (5) With the exception of bucket elevator "A" which is part of elevator conveying (emission unit 2), the Standards of Performance for Grain Elevators, 40 CFR Part 60 Subpart DD, does not apply to any of the other grain handling emission units at this plant that are addressed by this subpart. Subpart DD does not apply to the grain handling emission units (affected facilities) listed in Section G of the permit application because these operations have not undergone modification or reconstruction since the effective date of this Subpart, which is August 3, 1978.

REMEMBER: If you have any questions, contact the Lincoln-Lancaster County Health Department at (402) 441-8040.

Appendix 1

PSD Permit for the Coal-Fired Boiler and Package Boilers Issued
December 11, 1985 as Amended October 11, 1996 and April 3, 2002

Appendix 2

PSD Permit for Modification of the Soybean Oil Solvent Extraction Facility Issued
August 8, 1995 as Amended July 23, 2004 and May xx, 2008

Appendix 3

Construction Permit No. 065(A) Issued June 27, 2003
for Two Mineral Storage Tanks

Appendix 4

Construction Permit No. 078(C) Issued July 23, 2004 for Elevator Storage,
Bean Conditioning, Bean Preparation, Meal Storage and Meal Conveying

**STATEMENT OF BASIS TO ISSUE A
PERMIT TO OPERATE A CLASS I AIR CONTAMINANT SOURCE
AND ALSO A PREVENTION OF SIGNIFICANT DETERIORATION
(PSD) CONSTRUCTION PERMIT
FOR THE FOLLOWING SOURCE:**

Archer Daniels Midland Company
P.O. Box 29268
Lincoln, NE 68529

FOR THE OPERATION OF:

Class I (Title V) Soybean Processing Facility

LOCATION OF OPERATION:

Archer Daniels Midland Company
7800 Thayer Street
Lincoln, NE 68507

1.0 – Introduction

Article 2 Section 5 of the Lincoln-Lancaster County Health Department Air Pollution Control Program Regulations and Standards (LLCAPCPRS) requires that significant sources of air pollutants apply for operating permits. Sources required to apply for Class I operating permits are those defined as a *major source* under the definitions of Article 2 Section 2 of the LLCAPCPRS based on their potential to emit, and sources subject to certain federal emission standards. A Class I (Title V) Operating Permit is required for this source because it has a potential to emit various criteria pollutants at levels greater than 100 tons during any consecutive twelve (12) month period, as well as the potential to emit individual Hazardous Air Pollutants (HAPs) at levels greater than 10 tons per year, and total combined HAPs at levels greater than 25 tons per year.

The activities at this facility fall under the North American Industry Classification System (NAICS) category 311222: Soybean Processing. The Archer Daniels Midland Company, Lincoln plant, receives and stores soybeans prior to processing them. Raw soybeans are processed into soy oil and meal. This facility also operates a vegetable oil refinery.

Soybeans are received by both truck and rail and they are conveyed to a storage elevator or tank. Prior to processing, soybeans are removed from storage and cleaned. The soybeans are then dried, cracked, dehulled, and conditioned. Hulls are sent for grinding and storage. Some of the ground hulls may be pelletized, cooled, and stored prior to loadout. Cyclone dust collectors, but primarily fabric filters, are used extensively to comply with particulate emissions requirements.

After dehulling, the soybean meat is conveyed to flaking rolls, and the soy flakes are subsequently conveyed to the oil extraction system. Soy oil is removed from the flakes in the extraction system using hexane as a solvent. The flakes are stripped of hexane, dried, and cooled in the desolventizer toaster/dryer/cooler (DTDC) unit. A system of evaporators and

condensers is used to separate the soy oil/hexane mixture (miscella) into its respective components; i.e., soy oil and hexane. Hexane in the vapor stream is recovered using mineral oil prior to being released. The soy oil is transferred to storage tanks and then refined on site in the vegetable oil refinery. After processing in the DTDC, the meal is sifted and ground. After grinding, an additive is added to the meal to improve flowability and then the meal is transferred to storage and loadout. Control of VOC/HAP emissions from the extraction process is achieved through design of the DTDC and the condensers and mineral oil scrubbing system.

The refining operation includes storage tanks, slurry tanks, dry bins for bleaching clay and filter aid, and a reformer. Two natural gas/propane-fired DowTherm boilers and one natural gas/propane-fired high-pressure boiler are used in the deodorizing process.

The Lincoln processing plant maintains a coal-fired fluidized bed cogeneration plant. This plant provides most of the steam needs of the soybean processing plant and much of the electrical demand. The steam needs are supplemented with two gas-fired package boilers designated boilers No. 1 and 2. Each of these boilers is capable of firing No. 2 fuel oil and vegetable oil. Control of particulate emissions from the fluidized bed combustor and compliance with the particulate limit is achieved through use of a fabric filter (baghouse). Compliance with the sulfur dioxide emissions limit is achieved through use of low sulfur content coal. The nitrogen oxides emissions limit is achieved through combustor design. Compliance with the carbon monoxide emissions limit is achieved through use of good combustion practices. No control measure for fluoride emissions was required because it was determined that the fluoride content of the coal was sufficiently low; therefore, the use of limestone was not necessary.

2.0 – Permitting History

2.1 – Construction Permit #065A

In February of 2003 ADM, submitted an application to amend Construction Permit #065 in order to increase the throughput quantity of two mineral storage tanks from 1000 tons per year (tpy) to 1750 tpy. In the initial permit, no throughput limits had been established for these tanks. However, ADM requested the limits for these tanks because the limits would become part of the title V operating permit for which the company had applied. The limits established in the proposed revised construction permit needed to be consistent with those that would be included in the title V permit. The throughput limits would also impose PM10 emissions limits on these emission units, which would become part of the final Title V Operating Permit. The amended construction permit was designated Construction Permit #065A.

2.2 – Construction Permit #078C

On July 23, 2004, a modified construction permit was issued to ADM. This permit was designated Construction Permit #078C. The modification called for a reduced emission limit of PM10 for Emission units 1 through 18a, 38a through 38f, and 39-1 to 39-4.

Additionally, modified permit allowed for the following operational and equipment changes:

- For the Escher Wyss bean conditioner, as well as associated baghouse and cyclone, the modified permit allowed the equipment to be operated with the baghouse in “bypass” mode, so long as the cyclone was operational at the time.
- 6 flaking mills, each with capacities of 180 tons/day/mill, as well as 2 flaking mills with capacities of 225 tons/day/mill were all replaced with 4 flaking mills, each of which have a capacity of 550 tons/day/mill.
- The secondary dehulling baghouse and associated ductwork were replaced.
- 3 hull grinders with capacities of 10 tons/hr were replaced with 2 hull grinders, each of which have a capacity of 15 tons/hr. A new hull grinder cyclone and baghouse were also installed.
- A new conveyor was added to fill truck bins with meal.
- A new conveyor was added to transfer meal to rail meal loadout.
- A traveling conveyor was added to rail meal loadout.
- A meal/pellet/hull receiving pit and conveying equipment was installed.

2.3 – Prevention of Significant Deterioration Construction Permit initially issued August 8, 1995 by the Nebraska Department of Environmental Quality

The Archer Daniels Midland Company previously submitted a Prevention of Significant Deterioration (PSD) construction permit application for modification of the soybean oil solvent extraction facility at its Lincoln, Nebraska plant. The application was a request to amend the initial construction permit that was issued by the Nebraska Department of Environmental Quality (NDEQ) on August 8, 1995 for this same facility in order to provide for the modification. The soybean processing rate (throughput, in tons per day and in tons per year) was increased resulting in a significant net emissions increase in volatile organic compounds (VOC) and a hazardous air pollutant (n-hexane). For this facility, these were

the only air pollutants for which there was a significant net emissions increase. The increase in throughput was accommodated without any physical changes to the solvent extraction equipment or changes in method of operation. A permit revision was also necessary because the previous construction permit contained certain conditions that were inconsistent with the requirements of 40 CFR Part 63 Subpart GGGG Solvent Extraction for Vegetable Oil Production which was promulgated April 12, 2001 and had a compliance date of April 12, 2004. Finally, the previous permit needed to be revised to include the provisions of the Consent Decree that was lodged April 9, 2003 involving ADM and plaintiffs (USEPA, Department of Justice, and certain state and local environmental agencies that included Nebraska and the Lincoln-Lancaster County Health Department). The Lincoln-Lancaster County Health Department (LLCHD) reviewed the permit application, the Part 63 Subpart GGGG rule, and the Consent Decree and determined that the amendments provided here would comply with the applicable provisions of the PSD rule (LLCAPCPRS, Article 2, Section 19), the Hazardous Air Pollutants (MACT) regulation (LLCAPCPRS, Article 2, Section 27), Part 63 Subpart GGGG (LLCAPCPRS, Article 2, Section 28), and the Consent Decree. The modified construction permit was issued July 23, 2004.

Note: Replacement of equipment in the bean preparation facility (prior to solvent extraction) and in the meal loadout facility (after solvent extraction) to accommodate increased throughput resulted in an insignificant net emissions increase in PM10 and, therefore, these changes were not subject to the PSD rule. These changes were handled as a minor permit modification to construction permit No. 078B, issued 6/23/03, because they resulted in a revised allowable PM10 emissions limit for all of the facilities included in that permit. The net emission increases for PM10, SO₂, NO_x, and CO associated with increased steam production from package boilers were also insignificant. No change to the construction permit that includes these boilers was required.

Pursuant to Paragraph 66 of the United States vs. ADM, Civil Action No. 03-CV-2066 (C.D. IL) Consent Decree, ADM has proposed a final Volatile Organic Compound (VOC) Solvent Loss Ratio (SLR) limit for this facility. This modified construction permit replaces the previous construction permit that was issued by the Nebraska Department of Environmental Quality (NDEQ) on August 8, 1995, as well as the current modified construction permit that was issued by the Lincoln-Lancaster County Health Department (LLCHD) on July 23, 2004. As stated in the Consent Decree, the facility is required to meet a capacity-weighted average for four named oilseed groups, and for plants with existing limits lower than the applicable solvent loss factor in 40 CFR Part 63, Subpart GGGG, the final limits can not be greater than the existing permit limits. Additionally, the capacity-weighted averages are to be based on the design capacity for each facility. As a result, ADM has proposed a final VOC SLR limit of 0.185 gallons of hexane per ton of soybeans processed for the Lincoln, NE facility. This limit will replace the previously established limit of 0.2 gallons per ton.

2.4 – Prevention of Significant Deterioration Construction Permit initially issued December 11, 1985 by the Nebraska Department of Environmental Control

Emission units 21 through 23, 25 through 29, 35-1 to 3, and 36-1 to 3 are subject to the requirements of the PSD permit originally issued by the NDEC on December 11, 1985, the revised PSD permit issued by the NDEC on October 18, 1996, and the revised PSD permit issued by the LLCHD on April 3, 2002. The revisions were associated with condition No. 10 of these permits. This condition had been previously amended on October 18, 1996. The amendment of 10-18-96 allowed for concurrent operation of the two package boilers with the FBC unit, but the type of fuel that could be burned was quite limited, allowing primarily natural gas. The use of No. 2 fuel oil in these boilers during simultaneous operation with the FBC unit was limited to monthly maintenance checks of operation and reliability, or during periods of natural gas curtailment. Limits were placed on annual emissions of NO_x and CO during simultaneous operation, <40 tpy and <50 tpy, respectively. Equations were provided that would allow ADM to demonstrate compliance with the NO_x emissions limit when burning natural gas and No. 2 fuel oil in the package boilers during concurrent operation with the FBC unit. The amendment proposed by ADM on 11-6-01 removed the restriction on use of No. 2 fuel oil during simultaneous operation by eliminating that provision from Condition (10)(b)(ii) and also provided for the use of vegetable oil as an alternative fuel. The LLCHD advised ADM that it would accept the proposed amendment with two principal exceptions: 1) The vegetable oils used would have to be limited to crude soybean, degummed canola and degummed crude soybean; and 2) Condition (10)(g) would need to be eliminated. Elimination of this requirement would mean that all package boiler emissions of NO_x, CO and SO₂ would have to be accounted for in assessing compliance with the monthly and 12 consecutive month limits. There would be no exclusion of these emissions during start-up and shutdown of the FBC.

2.5 – Class I (Title V) Operating Permit

The LLCHD issued a Class I (Title V) Operating Permit Renewal Application to ADM on December 1, 2007. This permit is being revised in order to incorporate the final VOC SLR limit as mandated by the aforementioned Consent Decree.

2.6 – Construction Permit No. 0014

Construction Permit No. 0014, issued October 11, 1976 for the east truck grain-receiving pit, which is part of emission unit 1, is not an applicable requirement of this operating permit or PSD Construction Permit. Construction Permit No. 0014 does not include any conditions, and is deemed only an equipment registration.

3.0 – Source Description

The Archer Daniels Midland Company, Lincoln plant, receives and stores soybeans prior to processing them. Raw soybeans are processed into soy oil and meal. This facility also operates a vegetable oil refinery. The emission units associated with this facility are listed below.

Emission Unit #	Emission Unit Description
1	Grain Receiving – includes the truck dump pits located on the east and west sides of the elevator and rail receiving pit.
2	Elevator Conveying – includes the east leg, west leg, east house leg, west house leg, east-west drag, east gallery drag, east garner, east tunnel drag conveyor, west gallery drag, west garner, north-south drag, flat storage, closed belt conveyor from flat storage, west tunnel enclosed belt conveyor, and leg to processing.
3-1	Grain Drying
3-2	Grain Dryer Burners – Natural Gas
3-3	Aspirators Before Dryers
4	Bin Vents – Silos
5-1	Bean Conditioning
5-2	Bean Conditioning (baghouse bypassed)
6-1	Cracking Aspiration
6-2	Cracking Aspiration (baghouse bypassed)
7	Dehulling
8	Hull Grinding
9	Pelletizing/Cooling
10	Flaking
11	Meal Drying/Cooling
12	Meal Grinding
13	Meal Flow Agent Bin
14	Meal Storage
15	Pellet Tank
16	Hull Tank
17	Conveying to Loadout
18	Meal/Hull Loadout
18a	Meal/Hull/Pellet Receiving Pit
19	Bleaching Clay Silo
20	Filter Aid Silo
21	Coal Receiving
22	Coal Storage
23	Coal Conveying
25	Sand Tank
26-1	Boiler – Coal-fired
26-2	Boiler – Natural Gas Startup
27	Fly Ash Removal
28	Fly Ash Storage
29	Fly Ash Loadout

3.0 – Source Description (cont.)

Emission Unit #	Emission Unit Description
30	Hexane Loss – Soybean Oil Extraction Process
31-1	Reformer (Furnace) – Natural Gas
31-2	Reformer (Furnace) – Propane
31-3	Reformer (Furnace) – Vent Gas
33-1	Union DowTherm Boiler – Natural Gas
33-2	Union DowTherm Boiler – Propane
34-1	Foster-Wheeler DowTherm Boiler – Natural Gas
34-2	Foster-Wheeler DowTherm Boiler – Propane
35-1	Package Boiler No. 1 – Natural Gas
35-2	Package Boiler No. 1 – No. 2 Fuel Oil
35-3	Package Boiler No. 1 – Vegetable Oil
36-1	Package Boiler No. 2 – Natural Gas
36-2	Package Boiler No. 2 – No. 2 Fuel Oil
36-3	Package Boiler No. 2 – Vegetable Oil
38a	Cooling Tower PSI 242427-11-18
38b	Cooling Tower PSI 243018-11-18
38c	Cooling Tower PSI 242418-11-18
38d	Cooling Tower Marley 453-202
38e	Cooling Tower Marley 472-202
38f	Cooling Tower Marley 459-207
39-1	Paved Roads – Loaded Trucks (PM10)
39-2	Paved Roads – Empty Trucks (PM10)
39-3	Unpaved Roads – Loaded Trucks (PM10)
39-4	Unpaved Roads – Empty Trucks (PM10)
40	Hot Gas Generator
41-1	GTS NUK 2250 High Pressure Boiler – Natural Gas
41-2	GTS NUK 2250 High Pressure Boiler – Propane

4.0 – Revised Permit Conditions

The following is a listing of permit conditions that were revised in each of the respective permits to comply with the Consent Decree. Many of the conditions of the Title V Operating Permit have been re-numbered or moved to another part of the permit.

4.1 – Conditions of the Revised Title V Operating Permit

- | | |
|------------------|--|
| Condition III | - The previous condition regarding Lincoln Municipal Code (LMC) 8.06.030 has been moved and re-numbered as Condition IV. The condition in its places requirements on the facility regarding the maintenance of copies of the permit at the facility location, as well as the company's corporate office. As a result of the addition of this requirement, which is typical in most Title V permits, is that Conditions III through VII of the previous Title V permit have been re-numbered as Conditions IV through VIII. |
| Condition V | - Previously Condition IV, this condition has been modified to include all applicable Federal Regulations, Local Regulations, and non-applicable Federal Regulations. |
| Condition IX | - This condition has been added to include language regarding Emergency Defense. |
| Condition X | - Previously Condition VIII, language is unchanged. |
| Condition XI | - Added in order to incorporate language regarding Administrative Permit Amendments. |
| Condition XII | - Combines Conditions IX and X of the previous Title V Operating Permit. |
| Condition XIII | - Previously Condition XI, language is unchanged. |
| Condition XIV | - Previously Condition XIII, language is unchanged. |
| Condition XV | - Previously Condition XII, formatting is changed, language is unchanged. |
| Condition XVI | - Previously Condition XIV, language has changed, but requirement is unchanged. |
| Condition XVII | - Previously Condition XVIII, language is unchanged. |
| Condition XVIII | - Previously Condition XIX, language has been added to more thoroughly explain the emission fee schedule. |
| Condition XIX | - Previously Condition XX, language has been expanded to more thoroughly explain construction permit regulations. |
| Condition XX | - Added in order to incorporate language regarding visible emissions. |
| Condition XXI | - Previously Condition XXVI, language is unchanged. |
| Condition XXII | - Previously Condition XXVII, language is unchanged. |
| Condition XXIII | - Previously Condition XXVIII, language is unchanged. |
| Condition XXIV | - Previously Condition XXIX, language is unchanged. |
| Condition XXV | - Previously Condition XXIV, language is unchanged. |
| Condition XXVI | - Previously Condition XV, language has been changed, requirements remain the same. |
| Condition XXVII | - Combines Conditions XVI and XVII, letter designations have changed, but requirements remain the same. |
| Condition XXVIII | - Previously Condition XXX (G), requirements remain unchanged. |
| Condition XXIX | - Previously Condition XXX (H), requirements remain unchanged. |

4.1 – Conditions of the Revised Title V Operating Permit (cont.)

- Condition XXX - Previously Condition XXV, some minor language changes have been made, but requirements remain unchanged.
- Condition XXXI - Previously Condition XXI, some minor language changes have been made, but requirements remain unchanged.
- Condition XXXII - Previously Condition XXII, language is unchanged.
- Condition XXXIII - Previously Condition XXXIII, the condition referenced within this condition is changed, language is unchanged.
- Condition XXXIV - Previously Condition XXX, condition language has been changed to make it more uniform with other Title V permits the LLCHD has issued.
- Condition XXXIV(A) - Previously Condition XXX (A), language is unchanged.
- Condition XXXIV(B) - Previously Condition XXX (B), language has been modified to include the final VOC SLR limit proposed in the March 31, 2007 letter from Michelle Bublitz of ADM to Shaun Burke of EPA. Also includes updated permit amendment dates. Some language was removed in order to provide better clarity as to which portions of the PSD Construction Permit were applicable.
- Condition XXXIV(C) - Previously Condition XXX (C), language is unchanged.
- Condition XXXIV(D) - Previously Condition XXX (D), language is unchanged.
- Condition XXXIV(E) - Previously Condition XXX (E), language is unchanged.
- Condition XXXIV(F) - Previously Condition XXX (F), language is unchanged.
- Condition XXXIV(G) - Previously Condition XXX (I), language is unchanged.
- Condition XXXIV(H) - Previously Condition XXX (J), language is unchanged.
- Condition XXXIV(I) - Previously Condition XXX (K), paragraphs (6), (7), and (8) were removed and placed into Condition V (D).

4.2 – Conditions of the Revised PSD Construction Permit

Note: Much of the language of the previous PSD permit has been removed due to the fact that much of it was redundant and carried over from the prior permit modification. Language that was removed has not been noted in this document.

- Condition VII - Revised to include applicable and non-applicable regulations and standards.
- Condition VIII (A) - Condition is unchanged.
- Condition VIII (B) - Condition is unchanged.
- Condition VIII (C) - Condition has been revised to include the final VOC SLR limit of 0.185 gallons of hexane per ton of soybeans processed.
- Condition VIII (D) - Condition is unchanged.
- Condition VIII (E) - Condition is unchanged.
- Condition VIII (F) - Condition is unchanged.
- Condition VIII (G) - Condition is unchanged.

5.0 – Pollution Prevention Opportunities

The Department encourages Archer Daniels Midland to continually examine its operations for pollution prevention opportunities. The Department's Technical Assistance Program can provide resources to aid the facility in exploring available pollution prevention options.

6.0 – Conclusion

The Department proposes approval to issue a modified Class I (Title V) Operating Permit for this facility, as well as a modified PSD Construction Permit for the soybean oil solvent extraction facility. A final determination on this permit will be made following the opportunity of the public to comment on the draft permit and after the EPA, as well as any affected states, have had the opportunity to review the draft permit and provide any comments.



Archer Daniels Midland Company
P.O. Box 29268, Lincoln NE 68529-0268

CERTIFIED MAIL

March 28, 2008

Mr. Gary R. Bergstrom, Jr.
Environmental Health Specialist II
Lincoln-Lancaster County Health Department
Environmental Quality Division
3140 N Street
Lincoln, NE 68510

Re: Operating Permit Modification to Incorporate Consent Decree Limits
United States vs. ADM, Civil Action No. 03-CV-2066 (C.D. IL)
Archer Daniels Midland Company (ADM)
Lincoln Facility
7800 Thayer Street

Dear Mr. Bergstrom:

Pursuant to Paragraph 66 of the above-referenced Consent Decree, ADM proposed final solvent loss limits for its oilseed processing plants to the appropriate Plaintiffs on December 31, 2007. Pursuant to Paragraph 72 of the Consent Decree, ADM is required to incorporate the proposed final solvent loss limits into its Title V Operating Permits. ADM requests that the proposed final solvent loss limit of 0.185 gallons of hexane per ton of soybeans processed be incorporated into the above referenced facility's operating permit.

Please note that this requested applicable requirement is in addition to any applicable requirements related to the Vegetable Oil MACT standard (40 CFR 63, Subpart GGGG). The facility is still required to demonstrate compliance with Subpart GGGG by maintaining a compliance ratio calculation ≤ 1.00 .

If you have any questions regarding this submittal, please contact me at (402) 465-3299.

Sincerely,

A handwritten signature in cursive script that reads "Gary R. Stroud".

Gary Stroud
Regional Environmental Manager

Mr. Gary R. Bergstrom, Jr.
Environmental Health Specialist II
March 28, 2008
Page 2

cc: Michelle Bublitz – Divisional Environmental Manager
John Baumgartner – Plant Manager