UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
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NOV 28 2017

Ref: 8P-AR

Mr. Pete Mutschler
Director of Environment and Safety, Country Operations
CHS, Inc.
5500 Cenex Drive
Inver Grove Heights, Minnesota 55077-1721

Re: CHS Inc., Farmers Elevator – Macon Facility
Permit # TMNSR-FP-000010-2015.001, Final Minor New Source Review Permit

Dear Mr. Mutschler:

The Environmental Protection Agency Region 8 has completed its review of CHS Inc.'s request to obtain a minor source permit to construct pursuant to the Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR part 49 for the Farmers Elevator - Macon facility, located on the Fort Peck Indian Reservation in Montana. Based on the information submitted in CHS Inc.'s application, the EPA hereby issues the enclosed final MNSR permit to construct for the Farmers Elevator – Macon facility. Please review each condition carefully and note any restrictions placed on this source.

A 30-day public comment period was held from June 12, 2017 to July 13, 2017. The EPA received comments from CHS, Inc. and the Assiniboine & Sioux Tribes of the Fort Peck Indian Reservation's Office of Environmental Protection. The EPA's response to both sets of comments is enclosed. The EPA made revisions to the permit based on the comments received. The final permit will be effective on December 28, 2017.

Pursuant to 40 CFR 49.159, within 30 days after the final permit decision has been issued, any person who commented on the specific terms and conditions of the draft permit may petition the Environmental Appeals Board to review any term or condition of the permit. Any person who failed to comment on the specific terms and conditions of this permit may petition for administrative review only to the extent that the changes from the draft to the final permit, or other new grounds, were not reasonably ascertainable during the public comment period. The 30-day period within which a person may request review begins with this dated notice of the final permit decision. If an administrative review of the final permit is requested, the specific terms and conditions of the permit that are the subject of the request for review must be stayed.

If you have any questions concerning the enclosed final permit, please contact Stuart Siffring of my staff at (303) 312-6478.

Sincerely,

Monica S. Morales
Director, Air Program
Office of Partnerships & Regulatory Assistance

Enclosures (2)

cc: Deb Madison, Fort Peck Tribes Office of Environmental Protection
Brian Duffy, Senior Environmental Professional, CHS Inc.

ENCLOSURE

EPA Responses to Comments from CHS, Inc. on the Proposed Permit to Construct for the Farmers Elevator – Macon Facility Pursuant to the Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR Part 49

1. "Section C.1, Table 1; CHS wishes to clarify the Maximum Permitted Throughput limits for grain receiving activities. As written, it is CHS' understanding that the annual throughput limit for grain received by hopper trucks is 18,000,000 bushels and 1,800,000 bushels for straight trucks for a total of 19.8 million bushels. Does the allowable annual throughput limit for hopper trucks need to be offset by the quantity of bushels that is received annually by straight trucks up to 1.8 million bushels?"

EPA Response: The 18,000,000 bushel permit limit is based on the combined throughput for straight and hopper trucks. The annual throughput limit for hopper trucks should be offset by the quantity received by straight trucks. We have added a note in the permit to further clarify this limit.

2. "Section C.1, Table 1; CHS wishes to clarify the Maximum Permitted Throughput limits for grain loadout activities. As written, it is CHS' understanding that the annual throughput limit for grain loadout by railcars is 18,000,000 bushels and 360,000 bushels for trucks for a total of 18.360 million bushels. Does the allowable annual throughput limit for railcars need to be offset by the quantity of bushels that is loaded out annually by trucks up to 360,000 bushels?"

EPA Response: The 18,000,000 bushel permit limit is based on the combined loadout throughput for trucks and railcars. The annual throughput limit for railcars should be offset by the quantity loaded out by trucks. We have added a note in the permit to further clarify this limit.

3. "Section C.1, Table 1; Pursuant to our previous correspondence and discussion, CHS wishes to confirm our understanding that the Maximum Permitted Throughput limit for Storage Bin Venting is based upon the Maximum Permitted Throughput limit associated with grain received regardless of whether any of the grain received at the facility is moved to/from its storage bin more than once prior to shipment off-site, that the limit is all inclusive."

EPA Response: The emission factor used to calculate the limit for the storage bin venting is inclusive of internal grain moving activities. Specifically, yes, the limit is all inclusive of the estimated amount of grain moved within the facility that was specified in CHS's permit application.

4. "Section E, Item 3; Please advise if the initial performance testing required in Item 3 may be conducted by a trained and certified CHS representative or if a certified third party is required to conduct the respective opacity readings"

EPA Response: The initial performance test can be performed by any trained and certified person, including CHS personnel.

5. "Section E, Item 3(a)(i); Please clarify if the required Method 9 testing must consist of three individual 30 minute runs or just one 30 minute run."

EPA Response: The Method 9 test can be conducted in one run of at least 30-minutes, and compliance with the opacity limits must be determined based on the average of at least five six-minute averages within that 30-minute run.

6. "Section D.3; Please note that in a previous correspondence to the Agency, dated May 16, 2016, CHS indicated that the cartridge style baghouses would utilize the Donaldson Company's Ultra-Web MERV 15 filtering media. Due to performance/manufacturing issues this specific filtering media is no longer being manufactured and in not available for use. The Donaldson Company has substituted the Ultra-Web MERV 15 filtering media with the Ultra-Web MERV 13 filtering media. Product and technical information in respect to this substituted filtering media is attached for your review and reference. Based upon the information provided to CHS by the Donaldson Company, it is CHS' understanding that the substituted Ultra-Web MERV 13 filtering media will meet a control efficiency for filterable PM emissions of 99% and a control efficiency for filterable PM_{10} emissions of 93%. Please advise us if you have any concerns with this filtering media substitution."

EPA Response: According to the specification of the new filter style, there are no concerns with the proposed filter media being able to control particulate emissions to the permitted limits.

EPA Responses to Comments from the Assiniboine & Sioux Tribes of the Fort Peck Indian Reservation's Office of Environmental Protection on the Proposed Permit to Construct for the Farmers Elevator – Macon Facility Pursuant to the Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR Part 49

1. "Emission Limits. U.S. EPA's "Public Notice: Request for Comments" includes the following description of Proposed Permit Requirements: "CHS has requested that emission limits on the elevator legs, truck unloading pit, and grain cleaning area be put in place to reduce emissions of particulate matter (PM, PM_{10}, and $PM_{2.5}$)." The proposed permit does include Maximum Permitted Throughputs for approved emissions units and/or activities. However, the proposed Permit DOES NOT include emission limits (in tons per day or tons per year) for particulate matter (PM, PM_{10}, and $PM_{2.5}$). The Tribes request that, at a minimum, the annual emission values included in Table 2 – Estimated Facility-Wide Emissions in the Proposed Allowable Emissions column be included in an enforceable condition in the permit. The annual emission limits should be enforceable on a 12-month rolling average basis. Further, the Tribes request that U.S. EPA provide its rationale for NOT including in the proposed permit 24-hour emission limits on PM_{10} and $PM_{2.5}$ emissions. These 24-hour emission limits are necessary to prohibit the facility from causing or contributing to exceedances of the 24-hour National Ambient Air Quality Standards (NAAQS) at the facility's limit of public access."

EPA Response: We have not added 24-hour or annual PM emission limits to the permit in addition to the throughput, opacity, control efficiency and other operational limitations and associated monitoring requirements that are already in the permit. 40 CFR 49.154(c)(2) specifies that the reviewing authority must require a limit on the quantity, rate or concentration of emissions for each regulated NSR pollutant emitted by each affected emissions unit at a source for which such a limit is technically and economically feasible. However, it specifies that the required emissions limitations "may consist of numerical limits on the quantity, rate or concentration of emissions; pollution prevention techniques; design standards; equipment standards; work practices; operational standards; requirements relating to the operation or maintenance of the source ***or any combination thereof****" (emphasis added). 40 CFR 49.155(a)(2) specifies that the permit must include the emission limitations determined by the EPA under §49.154(c) for each affected emissions unit, and "an annual allowable emissions limit for each affected emissions unit and for each regulated NSR pollutant emitted by the unit* ***if the unit is issued an enforceable emission limitation lower than the potential to emit of that unit****." (emphasis added) The permit throughput and control efficiency limits, and associated operating limitations and monitoring, which help verify compliance with the control efficiency limits, are directly tied to emission factors that were used to determine the modification project's proposed allowable PM emissions represented in the permit application. Upon CHS's compliance with the final issued and effective permit, the allowable emissions resulting from the emissions limitations in the permit will become the potential to emit of the modification project.*

Throughput, opacity, control efficiency and other operational limitations and associated monitoring requirements are standard for NSR permits restricting PM emissions. Additional PM emission limits would be redundant to the limitations already in the permit. If the source is in compliance with the conditions of this permit, then it is presumed that the actual emissions will not exceed the proposed allowable PM emissions represented in the application, which used emission factors based on the limitations specified in the permit. Appropriate recordkeeping and reporting requirements are included in the permit to furnish any of those records to EPA upon request to allow for timely identification of any potential noncompliance.

2. "Best Practices for Emissions Reduction. In addition to the baghouse controls that will be required for the new elevator leg(s), truck unloading pit(s), and grain cleaning system, the Tribes request that U.S. EPA include Operational Requirements in the Permit that reflect "best practices" for country grain elevators to minimize particulate emissions and reduce potential impacts to air quality. These best practices could include:
    a. Installing doors and/or adjusting the orientation of truck unloading station to reduce wind-tunnel effect at the unloading station
    b. Implementing choke-flow practices and or dead-box spouts to reduce grain fall distances and grain velocities and thereby reducing the generation of particulate emissions from truck unloading and truck/rail unloading
    c. Reducing conveyor speeds to minimize emissions from transfers in the handling and cleaning operations.

    Including enforceable conditions in the MNSR Air Permit that require implementation of these "best practices" upstream of the cartridge style baghouse systems required in proposed condition D.3 will directly support the Purposes stipulated in the Tribes' draft Air Code and be consistent with the Tribes' interest in requiring Best Available Control Technology for all emissions units at non-major

sources on the Reservation. (See Section 602 Air Pollution Emission Standard for Non-Major Sources in the Tribes' draft Air Code.)"

EPA Response: According to correspondence with CHS, available online in the administrative record for the permit, the best practices measures mentioned above are substantially similar to the standard practice in their country grain elevators, and will be implemented at this facility to reduce the generation of particulate emissions during loading and unloading. 40 CFR 49.154(c)(4) specifies that the emission limitations required by the reviewing authority must assure that each affected emissions unit will comply with all requirements of parts 60, 61 and 63 of chapter 40 as well as any FIPs or TIPs that apply to the facility. We have determined that the permitted limitations will assure compliance with any requirements of parts 60, 61 or 63 that apply to the facility. The Tribes' draft Air Code is not federally enforceable at this time; and therefore, the facility is not required by this permit to follow the best practices provided in the comment.

3. "NSPS for Grain Elevators. It appears that the New Source Performance Standards (NSPS) requirements in 40 CFR Part 60 Subpart DD – Standards of Performance for Grain Elevators apply to the existing and proposed fugitive and process emissions sources at the CHS facility. Examples of opacity limitations in Subpart DD are: process sources (e.g., emission from baghouse controlling emission from the grain elevators cleaning and processing operations) = 0%; truck unloading = 5%; railcar loading = 5%; grain handling operation = 0%; truck loading = 10%.
   However, the only opacity limit listed in the proposed permit is 20% (see I.D.2 of proposed Permit) from each cartridge style baghouse installed for the new enclosed elevator leg, truck unloading pit, and grain cleaning system. The Tribes request that U.S. EPA provide its rationale for not including in the proposed Permit the 0% opacity NSPS standards for process sources nor the other applicable NSPS opacity requirements for other particulate sources at the facility.
   The Tribes request that U.S. EPA consider the MNSR Air Permit for the CHS facility to be the single document to include enforceable conditions that adequately address all applicable requirements of local and federal air rules and regulations, including applicable NSPS standards."

EPA Response: The facility's bulk storage capacity is below the 2,500,000 bushel applicability limit described in the NSPS at 40 CFR 60.301(c). Therefore, the opacity standards the Tribes reference in the comment do not apply to this source as it currently is constructed and operated, nor would they apply after the proposed permitted modification is constructed. The 20% opacity limit is an effort for the permit to contain consistent requirements with the opacity limits in permits issued by the Montana Department of Environmental Quality for similarly sized country grain elevator sources.

4. "Air Quality Review. U.S. EPA has provided in the TSD a brief justification that an air quality review to demonstrate compliance with the NAAQS is not required for this modification. (see Section IV. Air Quality Review in the TSD.) In summary, U.S. EPA cites proposed emissions increases (17.9 tons per year of PM_{10} and 3 tons per year $PM_{2.5}$) at the CHS facility that are less than PSD significant emission rates and particulate concentrations monitored at the Fort Peck Monitor (AQS No. 30-085-9000) located north east of Poplar, MT that are below the NAAQS as the reasons that "there is expected to be very little effect on localized NAAQS values." (See TSD Section IV, Air Quality Review p.8)

The Tribes do not consider the data presented in the TSD to be sufficient to justify U.S. EPA's conclusion that an air quality review is not warranted for the CHS facility. The proposed MNSR Air Permit for this source will allow up to 60-tons per year of PM_{10} emissions and 10 tons per year of $PM_{2.5}$. The proposed permit places no limitations on short-term (24-hour) particulate emissions, even though there are 24-hour health-based ambient air quality standards for PM_{10} and $PM_{2.5}$. The source is located near other known sources of particulate emissions (e.g., other country grain elevators; the BNSF railroad line; US Hwy 2), therefore, existing ambient levels of particulate concentrations proximate to the CHS facility may be higher than the concentrations monitored at the comparatively remote Fort Peck Monitor. From the limited emissions and air quality information presented in the TSD, the Tribes cannot concur with U.S. EPA that the particulate emission from the expanded CHS facility will have very little effect on localized NAAQS values at the fence line of the facility. The Tribes request that either the U.S. EPA supplement the TSD to include information that more rigorously supports U.S. EPA's conclusion that an air quality review is not warranted or that U.S. EPA conducts a more technical air quality review (e.g., dispersion modeling) of the potential air quality impacts associated with emissions from the CHS facility, Further, the Fort Peck Indian Reservation is a designated Class I area for air quality planning purposes. The purposes in Section 602 of the Tribes draft Air Code include the protection of air quality increment standards and Air Quality Related Values (AQRV) on the Reservation. The Tribes request that EPA include in its air quality review an assessment of the CHS facility's potential impact to applicable PSD increments and AQRVs given the Reservation's unique status as a Class I area."

EPA Response: The MNSR permit program requires the EPA to ensure that a new minor source of emissions would not cause or contribute to a NAAQS or PSD increment violation, but is not as prescriptive as the PSD permit program at 40 CFR part 52 as to how that demonstration must be made. According to 40 CFR 49.154(d)(1), if the EPA has reason to be concerned that the construction of a minor source or modification would cause or contribute to a NAAQS or PSD increment violation, it may require the applicant to conduct and submit an air quality impact analysis (AQIA). If the EPA requires an AQIA, the applicant must conduct the AQIA using the dispersion models and procedures of part 51, appendix W.

For reference, the area encompassing the Fort Peck Indian Reservation is designated as attainment/unclassifiable for the 2012 $PM_{2.5}$ NAAQS and unclassifiable for the PM_{10} NAAQS. The $PM_{2.5}$ Class I PSD annual increment is 1 microgram per cubic meter ($\mu g/m^3$), and the 24-hour $PM_{2.5}$ Class I increment is 2 $\mu g/m^3$. The PM_{10} Class I PSD annual increment is 4 $\mu g/m^3$, and the 24-hour PM_{10} Class I increment is 8 $\mu g/m^3$.

The minor source baseline date for PM_{10}, which triggers the requirement to track PSD increment consumption, has been established for only one county in Montana. That date is March 26, 1979 and applies only to Rosebud County which is located approximately 130 km southwest of the Fort Peck Indian Reservation. The MDEQ tracks PM_{10} increment consumption in and near this county through various air quality analyses for individual permitting actions. The minor source baseline date for $PM_{2.5}$ has not been established. That is, MDEQ has not received any PSD permit application involving $PM_{2.5}$ emissions. In addition, the EPA has not yet issued any PSD permits on Indian country lands within the Fort Peck Indian Reservation.

Considering the distance from the Fort Peck Indian Reservation to Rosebud County as well as the lack of an established $PM_{2.5}$ minor source baseline date, rather than formally tracking PM_{10} and $PM_{2.5}$ PSD increment consumption for minor sources in or near the Fort Peck Indian Reservation, the EPA and the state would rely on a case-by-case AQIA if they had reason to believe a new source or modification might cause or contribute to a NAAQS or PSD increment violation.

The Class I redesignation for the Fort Peck Indian Reservation[1] does not specify any AQRVs against which to evaluate the impacts of new sources or modifications, only that Class I applies to areas where only small increases in ambient levels of particulates and sulfur dioxide are allowed. "Small increases" is not defined and, therefore, has thus far been interpreted as increases that will not cause or contribute to NAAQS or PSD increment violations. As stated in a previous response, the Tribes' draft Air Code has not been finalized and is not federally enforceable for the purposes of MNSR permitting.

The EPA determined we did not have reason to believe that the proposed true minor modification of the existing true minor source would cause or contribute to a NAAQS violation, because our modeling expert expressed confidence that increases of less than 20 tpy PM_{10} emissions and less than 5 tpy $PM_{2.5}$ emissions in the project area would not cause any discernable increase in ambient concentrations of those pollutants at the fenceline of the property in relation to the NAAQS or PSD annual and 24-hour increments. This determination was based on the modeler's knowledge of the current monitored ambient air quality concentrations in the area, existing source inventory in the area, and other factors, such as proximity to sensitive receptors. However, in response to the Tribes' concerns, we have performed an air modelling screening analysis of the proposed allowable PM_{10} and $PM_{2.5}$ increases for the modification using AERSCREEN. The results of the screening analysis, which is included in the administrative permit record, indicated that the annual and 24-hour NAAQS at the fenceline of the source will be protected with the additional PM_{10} and $PM_{2.5}$ emissions released as a result of this permitted modification project. The results of the screening analysis were a maximum 1-hr concentration of 48.9 ug/m3 for PM_{10}. Using the EPA developed correction factor of 0.4,[2] the 1-hr results can be extrapolated to 24-hr results of 19.6 ug/m3. Comparing to the NAAQS 24-hr PM_{10} standard of 150 ug/m3, violations of the air quality standards are not expected.

The TSD is completed in support of a proposed permit. This response to comment and additional analysis is part of the administrative record in support of the final permit issued by the EPA.

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[1] See 49 FR 4734.

[2] "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised" EPA-454/R-92-019, pages 4-16.

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

Air Pollution Control
Minor Source Permit to Construct

40 CFR 49.151

 # TMNSR-FP-000010-2015.001

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

Permittee:

CHS, Inc.

Permitted Facility:

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

Summary

On July 29, 2015, the EPA received an application from CHS Inc. (CHS) requesting a permit to construct the Farmers Elevator- Macon facility, a true minor new source of air pollutant emissions in accordance with the requirements of the Federal Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR part 49. An initial 30-day public comment period for the proposed permit was held from April 14, 2016 to May 16, 2016. An additional 30-day public comment period for the proposed permit was held from June 12, 2017 to July 13, 2017. The EPA received comments from CHS and the Assiniboine & Sioux Tribes of the Fort Peck Indian Reservation's Office of Environmental Protection. The EPA made revisions to the permit based on the comments received.

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

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

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

Table of Contents

I. Conditional Permit to Construct

A. General Information

Facility: Farmers Elevator - Macon
Permit number: TMNSR-FP-000010-2015.001
SIC Code and SIC Description: 5153 – Grain and Field Beans

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

Corporate Office Location:
CHS, Inc.
5500 Cenex Drive
Inver Grove Heights, MN 55077-1721

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

B. Applicability

1. This Conditional Permit to Construct is being issued under authority of the MNSR Permit Program at 40 CFR part 49.

2. Any conditions for this facility or any specific pollutant emission-generating units or activities at this facility established pursuant to any permit to construct issued under the authority of the Prevention of Significant Deterioration Permit Program at 40 CFR part 52 (PSD) or the MNSR Permit Program shall continue to apply.

3. By issuing this permit, the EPA does not assume any risk of loss which may occur as a result of the operation of the permitted facility by the Permittee, Owner, and/or Operator, if the conditions of this permit are not met by the Permittee, Owner, and/or Operator.

C. Construction and Operational Requirements

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

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

Emission Unit/Activity Description	Maximum Permitted Throughput
Truck Receiving Area – Hopper Trucks	18,000,000 bushels of grain in any consecutive 12-month period[1]
Truck Receiving Area – Straight Trucks	1,800,000 bushels of grain in any consecutive 12-month period
Grain Loadout Area – Railcar	18,000,000 bushels of grain in any consecutive 12-month period[2]

Grain Loadout Area - Truck	360,000 bushels of grain in any consecutive 12-month period
Grain Handling	54,000,000 bushels of grain in any consecutive 12-month period
Grain Cleaning	18,000,000 bushels of grain in any consecutive 12-month period
Storage Bin venting	18,000,000 bushels of grain in any consecutive 12-month period
Truck Traffic	20,000 vehicle trips in any consecutive 12-month period

(1)- Maximum Permitted Limit for hopper trucks is to be reduced by amount received to facility by straight truck
(2)- Maximum Permitted Limit for railcar is to be reduced by amount loaded out of facility by truck

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

3. Only the emission units and activities that are operated and controlled as specified in this permit are approved for installation under this permit.

D. Grain Handling Emissions Control Requirements

1. The Permittee shall install, operate, and maintain:

   (a) One (1) cartridge style baghouse to control particulate emissions from each new enclosed elevator leg;
   (b) One (1) cartridge style baghouse to control particulate emissions from each new truck unloading pit; and
   (c) One (1) cartridge style baghouse to control particulate emissions from the grain cleaning system.

2. Emissions shall not exceed 20 percent opacity from each cartridge style baghouse used to control emissions from each enclosed elevator leg, truck unloading pit, and grain cleaning system approved for installation and operation under this permit.

3. Each cartridge style baghouse system approved for installation and operation under this permit shall be operated at a control efficiency for PM emissions of 99% or greater, and a control efficiency for PM_{10} emissions of 93% or greater, based on the optimum operating parameters specified by the manufacturer to achieve those control efficiencies.

E. Monitoring Requirements

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

2. *Baghouse Pressure Drop Monitoring:* The Permittee shall install, operate and maintain a device for measuring pressure drop across each baghouse system, with an operating range between 0.2 and 8 inches of water gauge. In addition, the permittee shall measure and keep records of the pressure drop across each baghouse system at least once per week for any week in which the baghouse is operated. If the pressure drop exceeds the optimum operating range specified by the manufacturer to meet the control efficiency requirements in this permit, the permittee shall take appropriate corrective action so that within 24 hours the filters are restored to proper operation.

3. *Initial Performance Test*: Within 60 days after achieving the maximum production rate at which the facility will operate the affected emissions units or activities, but not later than 180 days after the first day of operation after the effective date of this permit, the Permittee shall conduct an initial performance test to verify compliance with the applicable opacity limits in Condition D.2 of this permit. Performance tests shall meet the following requirements:

   (a) Performance tests shall be conducted according to a test plan submitted to the EPA at least 45 days prior to the performance test;

   (b) Performance tests shall be conducted while the facility is operating under typical operating conditions;

   (c) Performance tests shall be conducted using EPA test Method 9 from 40 CFR part 60, appendix A with the following modifications:

      (i) The duration of each Method 9 test shall be at least 30 minutes; and
      (ii) Compliance with each opacity limit shall be determined based on the average of at least five six-minute averages.

4. *Additional Performance Tests*: Subsequent performance tests meeting the criteria of the initial performance test in Condition E.3 of this permit shall be performed whenever required by the EPA.

F. Recordkeeping Requirements

1. The Permittee shall maintain the permit application and all documentation supporting that application, including manufacturer or vendor specifications, for the duration of time that the affected emissions unit(s) is covered under this permit.

2. The Permittee shall retain all records required by this permit for a period of at least 5 years from the date the record was created.

3. Records shall be kept at the facility or the location that has day-to-day operational control over the facility.

4. The Permittee shall maintain records of the following:

   (a) The amounts of grain loaded in and out, handled, cleaned or vented (in bushels) each month and consecutive 12-month period for each emission unit or activity with a limit specified in Table 1 of this permit;

   (b) The number of truck trips each month and consecutive 12-month period, as limited in Table 1 of this permit;

   (c) Daily hours of operation of the facility;

   (d) The dates and results of each baghouse system pressure drop measurement performed pursuant to Condition E.2 of this permit, any corrective action taken as a result of each survey, and the result of any corrective action taken; and

   (e) The results of each performance test conducted pursuant to Conditions E.3 and E.4 of this permit. At a minimum, the Permittee shall maintain records of:

      (i) The date of each test;
      (ii) Each test plan;
      (iii) Any documentation required to approve an alternate test method;
      (iv) Test conditions, including the amounts and types of products produced and the operating parameters of any control equipment;
      (v) The results of each test; and
      (vi) The name of the company or entity conducting the analysis.

   (f) The dates and results of each cartridge/filter inspection performed pursuant to Condition E.1 of this permit. At a minimum, records shall include:

      (i) The name of the person, company or entity conducting the survey;
      (ii) Whether visible emissions were detected from any affected emissions unit;
      (iii) Any corrective action taken; and
      (iv) The result of the corrective action.

G. Notification and Reporting Requirements

1. *Notification of construction or modification, and operations*: The Permittee shall submit to the EPA a written or electronic notice within 30 days from when the Permittee begins actual

construction of the new emissions units and/or activities approved for installation under this permit, and within 30 days from when the Permittee begins operations of new emissions units or activities or resumes operation of existing emissions units and/or activities.

2. *Annual Reports*

   (a) The Permittee shall submit to the EPA an annual report no later than April 1 of each calendar year. The annual report shall cover the period from January 1 to December 31 of the previous calendar year. All reports shall be certified to truth and accuracy by the person primarily responsible for Clean Air Act compliance for the Permittee.

   (b) The report shall include:

      (i) An evaluation of the permitted source's compliance status with the throughput, opacity, emission control efficiency and any other operational requirements in this permit;
      (ii) Summaries of the required monitoring and recordkeeping in this permit; and
      (iii) Summaries of deviation reports submitted pursuant to this permit.

3. *Notification of Change in Ownership or Operator*: If the permitted source changes ownership or operator, then the Permittee shall submit to the EPA a written or electronic notice within 90 days after the change in ownership or operator is effective. In the report, the Permittee shall provide the reviewing authority a written agreement containing a specific date for the transfer of ownership or operator, and an effective date on which the new owner or operator assumes partial and/or full coverage and liability under this permit. The submittal shall identify the previous owner or operator, and update the name, street address, mailing address, contact information, and any other information about the permitted source if it would change as a result of the change of ownership or operator. The Permittee shall ensure that the permitted source remains in compliance with this permit during any such transfer of ownership.

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

[Note: to help meet notification requirements, the EPA has developed forms "OWN" (for notifications of change in ownership) and "CLOSURE" (for notifications of facility closure). The forms may be found on the EPA's website at: https://www.epa.gov/caa-permitting/tribal-nsr-permits-region-8.]

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

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

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

6. *Deviation Reports*: The Permittee shall promptly submit to the EPA a written report of any deviations of permit requirements, including deviations attributable to upset conditions.

   (a) The deviation report shall include: the identity of the affected emissions unit or activity where the deviation occurred; the nature, duration, and probable cause of the deviation; and any corrective actions or preventative measures taken to minimize emissions from the deviation and to prevent future deviations.

   (b) A "prompt" deviation report is one that is post marked or submitted via electronic mail to R8AirReportEnforcement@epa.gov as follows:

      (i) Within 72 hours of the discovery of deviations from any throughput, opacity or control efficiency requirements (i.e. deviations of optimum control device operating parameters specified by the manufacturer to achieve the specified control efficiency) in this permit; and
      (ii) By April 1 for the discovery of a deviation of recordkeeping or other permit conditions during the preceding calendar year that do not affect the Permittee's ability to meet the emissions limitations in this permit.

7. The Permittee shall submit a report for any required performance test to the EPA within 60 days after completing the tests, in accordance with the performance test recordkeeping requirements in this permit.

8. The Permittee shall submit any record or report required by this permit upon EPA request.

II. General Provisions

A. Conditional Approval

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

1. *Document Retention and Availability:* This permit and any required attachments shall be retained and made available for inspection upon request at the location set forth herein.

2. *Permit Application:* The Permittee shall abide by all representations, statements of intent and

agreements contained in the application submitted by the Permittee. The EPA shall be notified 10 days in advance of any significant deviation from this permit application as well as any plans, specifications or supporting data furnished.

3. *Permit Deviations:* The issuance of this permit may be suspended or revoked if the EPA determines that a significant deviation from the permit application, specifications, and supporting data furnished has been or is to be made. If the proposed source is constructed, operated, or modified not in accordance with the terms of this permit, the Permittee will be subject to appropriate enforcement action.

4. *Compliance with Permit:* The Permittee shall comply with all conditions of this permit, including emission limitations that apply to the affected emissions units at the permitted facility/source. Noncompliance with any permit term or condition is a violation of this permit and may constitute a violation of the Clean Air Act and is grounds for enforcement action and for a permit termination or revocation.

5. *Fugitive Emissions:* The Permittee shall take all reasonable precautions to prevent and/or minimize fugitive emissions during the construction period.

6. *National Ambient Air Quality Standard and PSD Increment:* The permitted source shall not cause or contribute to a National Ambient Air Quality Standard violation or a PSD increment violation.

7. *Compliance with Federal and Tribal Rules, Regulations, and Orders:* Issuance of this permit does not relieve the Permittee of the responsibility to comply fully with all other applicable federal and tribal rules, regulations, and orders now or hereafter in effect.

8. *Enforcement:* It is not a defense, for the Permittee, in an enforcement action, to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

9. *Modifications of Existing Emissions Units/Limits:* For proposed modifications, as defined at 40 CFR 49.152(d), that would increase an emissions unit's allowable emissions of a pollutant above its existing permitted annual allowable emissions limit, the Permittee shall first obtain a permit for the modification pursuant to the MNSR regulations approving the increase. For a proposed modification that is not otherwise subject to review under the PSD or MNSR regulations, such proposed increase in the annual allowable emissions limit shall be approved through an administrative permit revision as provided at 40 CFR 49.159(f).

10. *Relaxation of Legally and Practically Enforceable Limits:* At such time that a new or modified source within this permitted facility/source or modification of this permitted facility/source becomes a major stationary source or major modification solely by virtue of a relaxation in any legally and practically enforceable limitation which was established after August 7, 1980, on the capacity of this permitted facility/source to otherwise emit a pollutant, such as a restriction on hours of operation, then the requirements of the PSD regulations shall apply to the source or modification as though construction had not yet commenced on the source or modification.

11. *Revise, Reopen, Revoke and Reissue, or Terminate for Cause:* This permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee, for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. The EPA may reopen this permit for a cause on its own initiative, e.g., if this permit contains a material mistake or the Permittee fails to assure compliance with the applicable requirements.

12. *Severability Clause:* The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

13. *Property Rights:* This permit does not convey any property rights of any sort or any exclusive privilege.

14. *Information Requests:* The Permittee shall furnish to the EPA, within a reasonable time, any information that the EPA may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating this permit or to determine compliance with this permit. For any such information claimed to be confidential, you shall also submit a claim of confidentiality in accordance with 40 CFR part 2, subpart B.

15. *Inspection and Entry:* The EPA or its authorized representatives may inspect this permitted facility/source during normal business hours for the purpose of ascertaining compliance with all conditions of this permit. Upon presentation of proper credentials, the Permittee shall allow the EPA or its authorized representative to:

    (a) Enter upon the premises where this permitted facility/source is located or emissions-related activity is conducted, or where records are required to be kept under the conditions of this permit;

    (b) Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this permit;

    (c) Inspect, during normal business hours or while this permitted facility/source is in operation, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;

    (d) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or other applicable requirements; and

    (e) Record any inspection by use of written, electronic, magnetic and photographic media.

16. *Permit Effective Date:* This permit is effective immediately upon issuance unless a later effective date is specified in the permit, or unless comments resulted in a change in the proposed permit, in which case this permit is effective 30 days after issuance. If within 30 days after the service of

notice of the final permit issuance, a person petitions the Environmental Appeals Board to review any condition(s) of the final permit in accordance with 40 CFR 49.159(d), the specific terms and conditions of the permit that are the subject of the request for review must be stayed.

17. *Permit Transfers:* Permit transfers shall be made in accordance with 40 CFR 49.159(f). The Air Program Director shall be notified in writing at the address shown below if the company is sold or changes its name.

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

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

19. *Notification of Start-Up:* The Permittee shall submit a notification of the anticipated date of initial start-up of this permitted source to the EPA within 60 days of such date, unless this permitted source is an existing source.

B. Authorization

Authorized by the United States Environmental Protection Agency, Region 8

Monica S. Morales 11/28/2017

Monica S. Morales — Date
Director, Air Program
Office of Partnerships & Regulatory Assistance