



**Air Pollution Control
Title V Permit to Operate
Statement of Basis for Renewal #1 Permit
V-WR-00003-2006.00**

**Chemtrade Logistics
Chemtrade Refinery Services Inc.
Sulfuric Acid Manufacturing Plant
Fremont County, Wyoming**

Description of Changes Made in the Renewal Permit

Changes to Section I of the permit:

In an effort to streamline the title V permitting process and reduce the number of administrative permit amendments requested, the U. S. Environmental Protection Agency (EPA) is removing specific non-enforceable facility information, such as the names and phone numbers of the Responsible Official, Facility Contact, and Tribal Contact, and the parent company mailing address. Part 71 does not require this information to be in the permit and changes to such information are the most often requested administrative permit amendments. This information will be maintained in the Statement of Basis for each permit action. EPA requests from this point forward that Chemtrade continue to send notification in writing of changes to such facility information; however, the changes will no longer require administrative permit amendments. The notifications will be kept on file, similar to off permit change notifications, and the most current information will be updated in the Statement of Basis as part of the next permit modification or renewal.

Changes to Section II of the permit:

Section II has been renamed "Requirements of New Source Performance Standards at 40 CFR Part 60." The following New Source Performance Standards (NSPS) have been consolidated in this section of the permit:

- II.A. 40 CFR Part 60, Subpart A - New Source Performance Standards, General Provisions
- II.B. 40 CFR Part 60, Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units

Note 1: In accordance to an April 2, 2009 Consent Decree (Civil Action No. 3:09-cv-00067-JGC), Riverton 1 and Riverton 2 Sulfuric Acid Plants will become affected facilities for the purposes of 40 CFR Part 60, Subpart H – Standards of Performance for Sulfuric Acid Plants by January 1, 2013. The requirements of this standard will be added to this permit when the standard becomes effective. Until such time, it remains a future requirement of the consent decree.

Changes to Section III of the permit:

Section III has been renamed “Requested SO₂ Emission Limits for Combustion Chambers.”

Elements of Section II in the initial permit have been moved to Section III of this permit. Those elements include:

1. Emission limits established in the initial part 71 permit, at the request of the permittee, to limit the SO₂ emissions from the Riverton 1 (EU1) and Riverton 2 (EU5) Combustion Chambers.
2. Monitoring, recordkeeping, and reporting requirements associated with the synthetic minor SO₂ emission limits.

Note 2: Although new lower limits have been agreed to in the consent decree mentioned above, Chemtrade is not required to comply with the new lower limits until January 1, 2013. Therefore, it has been requested by Chemtrade that EPA continue to require the old limits in this permit until the new limits become effective. Until the lower limits are incorporated into a non-title V permit, such as a minor or major NSR permit, they will remain a requirement of the consent decree.

Note 3: Since promulgation of the Federal Minor New Source Review Program occurred on July 1, 2011, the existing synthetic minor limits will have to be transferred at some point to a minor NSR permit to maintain enforceability of those limits.

Elements of Section III in the initial permit have been removed from this permit. Those elements include:

1. Emissions Trading and Operational Flexibility Provisions. There are no emissions trading provisions applicable to this facility. The Operational Flexibility Provision is already established in the provisions of Off Permit Changes.

Changes to Section IV of the permit:

Section IV has been renamed “Facility-Wide Requirements.” The following requirements, which apply to the entire facility, were included in this section of the permit:

- IV.A. Requirements of National Emission Standards of Hazardous Air Pollutants at 40 CFR Part 61. General Provisions (40 CFR 61, Subpart A), National Emission Standards for Asbestos (40 CFR Part 61, Subpart M), and National Emission Standards for Benzene Waste Operations (40 CFR Part 61, Subpart FF) have been consolidated to this section.
- IV.B. Prevention of Significant Deterioration
- IV.C. Chemical Accident Prevention
- IV.D. Stratospheric Ozone and Climate Protection
- IV.E. Compliance Schedule and Progress Reports.
- IV.F. General Recordkeeping Requirements
- IV.G. General Reporting Requirements
- IV.H. Permit Shield

Changes to Section V of the permit:

Section V has been renamed “Part 71 Administrative Requirements.”

On November 8, 2007, EPA sent a letter to inform Chemtrade Logistics (Chemtrade) of a new mailing address, effective December 17, 2007, for the submittal of annual fee payments required pursuant to 40 CFR part 71 and the title V permits issued by EPA’s Air Program. EPA has amended the permit to correct the fee payment address. The new addresses are:

For regular U.S. Postal Service mail

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

For non-U.S. Postal Service Express mail

(FedEx, Airborne, DHL, and UPS)
U.S. Bank
Government Lockbox 979078
U.S. EPA FOIA & Misc. Payments
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

1. Facility Information

a. Location

The Chemtrade Facility is a sulfuric acid manufacturing plant owned and operated by Chemtrade Logistics. The facility is located on fee owned land within the exterior boundaries of the Wind River Indian Reservation. The facility is in "Indian country" as defined at 18 U.S.C. 1151. EPA has not approved the Tribes or the State of Wyoming to implement the Clean Air Act (CAA) title V program in Indian country. Thus, EPA Region 8 directly implements the CAA title V program on Indian country lands within the State of Wyoming. The facility is located at 140 Goes In Lodge Road in Riverton, Wyoming. The geographical location is:

Latitude: 42° 59' 56" N Longitude: -108° 24' 58" W
UTM Northing: 4,763,840 meters UTM Easting: 710,770 meters

The mailing address is:

Parent Company

Chemtrade Logistics
111 Gordon Baker Road, Suite 300
North York, Ontario, Canada M2H 3N1

Facility

Chemtrade Refinery Services Inc.
140 Goes In Lodge Road
Riverton, WY 82501

b. Contacts

Company Contact:

Joe Jayroe
Manufacturing Director
Chemtrade Refinery Services Inc.
1400 Olin Rd.
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Responsible Official:

David Luzmoor
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Chemtrade Refinery Services Inc.
140 Goes In Lodge Road
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307-856-9217

Facility Contact:

Leon C. Pruett, CSP
ES&H Supervisor,
Chemtrade Refinery Services Inc.
140 Goes In Lodge Road
Riverton, WY 82501
(307) 857-4653

Tribal Contact:

Don Aragon
Environmental Director
Northern Arapaho & Eastern Shoshone Tribes
307-332-3164

c. Description of Operations

The Sulfuric Acid Manufacturing Plant (Acid Plant) utilizes two primary processes to manufacture sulfuric acid¹. The first process (Riverton 1) is the traditional contact process in which elemental sulfur is reacted with sulfuric acid to form concentrated sulfuric acid of varying strengths. In addition, an Ultra-Pure system at Riverton 1 processes oleum into ultra-pure sulfuric acid (typically less than 100 parts per billion of any contaminant) for use in the electronics industry or other industries. The second major process (Riverton 2) employed at the site involves the processing (regeneration) of spent sulfuric acid which is also manufactured to concentrated acid of varying strengths.

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

Significant sources of combustion at the Acid Plant include the Riverton 1 and Riverton 2 combustion chambers (EU1 and EU5, respectively), the Riverton 2 heater (EU7) and the auxiliary boiler (EU10). All of these sources, except the Riverton 2 combustion chamber, burn only natural gas. The Riverton 2 combustion chamber also burns hydrocarbons contained in the spent acid, including vapors from the spent acid storage tanks. The VOC content of the spent acid feedstock is variable and typically contains an average of approximately 3% to 7% hydrocarbon by weight. This material is burned in the combustion chamber during processing.

Significant process sources at the facility include the two combustion chambers (described, above) and the Riverton 1 and Riverton 2 absorbing towers (EU2 and EU6, respectively). Additionally, significant emission sources that support operations include: the main cooling tower (EU3); the UPA or ultra-pure acid cooling tower (EU4), the 3,000 ton spent acid storage tanks (EU9a), and the auxiliary storage tank (EU9b).

Cooling Towers

The facility is equipped with two cooling towers that are used to dissipate heat from non-contact cooling water that is used as a heat transfer medium in the processes. The larger cooling tower (main cooling tower) is used in conjunction with the sulfuric acid manufacturing processes carried out in the Riverton 1 and Riverton 2 plants. Water is circulated in pipes and vessels throughout the processes in both plants to transfer heat from process streams. A primary example of this heat transfer is seen in the acid cooling boilers.

The main cooling tower (EU3) that services the Riverton 1 and 2 plants has a flow rate of 3,400 gallons of water per minute (gpm). This water is treated with biocide (to prevent biological growth), an inhibitor (to prevent the buildup of scale and hardness), and possibly small amounts of sulfuric acid (to regulate pH). None of the chemical additives contain compounds that are hazardous air pollutants as listed in section 112 of the CAA.

¹ Sulfuric acid, H₂SO₄, is a strong mineral acid. It is soluble in water at all concentrations. Sulfuric acid has many applications, and is produced in larger amounts than any other chemical besides water. Principal uses include fertilizer manufacturing, ore processing, chemical synthesis, wastewater processing, and oil refining.

The smaller cooling tower (UPA cooling tower, EU4) is used to service only the UPA portion of the Riverton 1 plant and has a flow rate of 1,500 gpm. The same additives, in proportionally smaller volumes, are added to the water used in this cooling tower.

Acid Storage Tanks

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

Two storage tanks are used to store spent acid that is a feedstock for the Riverton 2 plant (EU9a and EU9b). Each tank has a storage capacity of approximately 406,000 gallons. Although customarily called “spent acid,” this material is actually a dilute acid that has previously been used in an industrial application and typically contains approximately 85% to 95% sulfuric acid (H_2SO_4). Spent acid commonly contains a small percentage of VOC (3% to 7%).

Both EU9a and EU9b are available as needed for the storage of fresh acid, weak acid, or other materials. Tank EU9a is the primary acid tank and is equipped with carbon canisters to control VOC emissions. Tank EU9b is used for acid storage as necessary as a back up or auxiliary tank. VOC emissions from EU9b are controlled through the Riverton 2 combustion chamber (EU5).

Auxiliary Boiler

The auxiliary boiler (EU10) provides occasional steam, primarily needed when the Riverton 1 or Riverton 2 plant is not operating.

Insignificant Activities and Emission Units

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

Riverton 1 Process Description

Riverton 1 is the traditional contact process in which elemental sulfur is oxidized to form sulfur dioxide (SO_2), which is then reacted in the presence of a catalyst for forming sulfur trioxide (SO_3). The SO_3 is then reacted with sulfuric acid to form concentrated sulfuric acid of varying strengths.

Riverton 1 has two main emission units, a combustion chamber and an absorbing tower that both exhaust through a common stack. The design capacity is 100 standard tons per day (TPD) expressed as 100% sulfuric acid. Elemental molten sulfur is pumped continuously into a sulfur furnace combustion chamber to produce SO_2 .

Combustion air is taken directly from the atmosphere into a blower and discharged to a packed drying tower with 99% sulfuric acid in circulation as a drying agent to remove moisture. The gas leaving the sulfur furnace contains 8 to 11% SO_2 .

This gas stream is cooled in a waste heat boiler² to 450° F. A gas bypass around the waste heat boiler allows the reheating of the gas to 800° F before entering the converter.

The converter contains four beds of catalyst with cooling occurring between each bed. The converter is an enclosed process and not a source of emissions. The gas enters the first bed at 800° F and 64% of the SO₂ is converted to SO₃. The gas then enters the second bed and the conversion increases to 87%. The gas enters the third bed and the conversion increases to 96%. The gas enters the fourth and final bed and the conversion increases to 98%. Dilution air is introduced between the second and third beds, and the third and fourth beds. The cooling between the first and second beds is achieved by a heat exchanger that preheats the combustion air going to the sulfur furnace.

The converter exit gas is cooled to between 450° F and 500° F in an economizer, preheating the boiler feed water. The cooled gas stream enters the 30% oleum³ tower where the SO₃ is partially absorbed in a circulating stream of 30% to 35% oleum. The effluent gas from the 30% oleum tower is passed through the final absorbing tower in a circulating stream of 99% sulfuric acid. The SO₃ combines with the water to form additional sulfuric acid. The stream is then passed through mist eliminators before entering the bottom of a two-stage SO₂ scrubbing tower. The SO₂ scrubber is designed to reduce the effluent SO₂ concentrations using a soda ash solution. The 30% oleum system is a closed-loop system to supply SO₃ gas as a feedstock to the high purity sulfuric acid unit, which is also a closed system and is not an emissions source.

Riverton 2 Process Description

Riverton 2 involves the processing (regeneration) of spent sulfuric acid. The Acid Plant receives bulk shipments of spent acid and stores the spent acid onsite in a large above ground storage tank (EU9a or EU9b). The spent acid is about 90% sulfuric acid and typically contains impurities including hydrocarbons. Because the spent acid is an aqueous/volatile organic compound mixture, it is constantly agitated in the tank by a bottom-mounted pump to prohibit phase separation for safety and quality control reasons. A plant heater (EU7) is used for cold plant startup, as a means of bringing the catalyst bed to its 800° F operating temperature. Once the proper temperature is achieved, the heater is turned off.

The process for regeneration of spent sulfuric acid can be divided into two areas:

- 1) Decomposition and gas cleaning (regeneration) section; and
- 2) Contact section, where cleaned SO₂ is converted to concentrated sulfuric acid.

Decomposition and Gas Cleaning (regeneration) Section: The design capacity of Riverton 2 is 100 TPD of sulfuric acid, expressed as 100% acid. Spent acid is fed to the combustion chamber (EU5) from the spent acid storage tank (EU9a or EU9b). The spent acid is atomized into the furnace by two air-atomized and one gas-atomized spray nozzles. In the furnace, the spent acid is decomposed at a minimum of 1800° F to SO₂, CO₂ (carbon dioxide), oxygen, and water. The decomposition reaction is highly endothermic⁴, requiring a considerable amount of heat to proceed.

² The waste heat boiler is not a combustion source or a process source and has no emissions. It is a heat exchanger that operates to exchange heat between non-contacting cooling water in pipes or tubes and the process gases that pass through the interior.

³ Oleum, also referred to as fuming sulfuric acid, is concentrated sulfuric acid containing dissolved sulfur trioxide.

⁴ Endothermic or "within-heating" describes a process or reaction that absorbs energy in the form of heat.

This heat is provided by the burning of natural gas, elemental sulfur, and the hydrocarbon content of the spent acid.

The furnace exit gas is cooled in the waste heat boiler, producing about 275 psi saturated steam. The gas leaving the boiler is further cooled by direct contact with a weak sulfuric acid circulation solution in a venture contactor to about 175° F. The venture scrubbing system removes some of the undecomposed sulfuric acid and residual furnace ash.

The cooled gas leaves the venture scrubber separator and enters two graphite shell and tube gas coolers to cool the gas to a 90° F temperature range.

The final step of the gas cleaning process is the removal of residual sulfuric acid mist and solids from the gas in a lead tube electrostatic mist precipitator. The electrostatic mist precipitator is a process control device and is also used as an emission control device.

Contact Section: The cleaned SO₂ gas from the regeneration section is dried by direct contact with a circulating 99% sulfuric acid stream in the packed drying tower. The dry SO₂ gas passes through an entrainment separator before leaving the tower and entering the main gas blower. Ambient air is dried in the air drying tower by direct contact with 99% sulfuric acid and used to dilute the SO₂ gas entering the main blower to a concentration of about 9.55% to 10.6% SO₂ for SO₂ conversion to SO₃.

Cold SO₃ gas from the blower is heated to the converter inlet temperature of approximately 800° F in gas-to-gas heat exchangers. The converter is made up of four beds of catalyst with cooling between each layer to maintain optimum conversion of SO₂ to SO₃. The gas enters the first bed of the converter where 64% of the SO₂ is converted to SO₃. The gas is cooled again before entering the second bed where the conversion increases to 87%. The gas is cooled again by adding quench air in the third bed and the conversion is increased to 96%. The gas is again cooled by quench air in the fourth bed where final conversion of SO₂ occurs, increasing conversion to 98%.

Gas leaves the fourth bed of the converter and is cooled in the tube side of the air preheat exchanger while preheating the furnace combustion air. The gas is further cooled in the tube side of the cold heat exchanger before entering an absorbing tower.

In the packed absorbing tower, SO₃ contained in the gas is absorbed into a circulating stream of 99% sulfuric acid. The unabsorbed gas containing less than 2000 ppm of SO₂ (2-hour average) passes through mist eliminators before entering the bottom of a two-stage SO₂ scrubbing tower. The SO₂ scrubber is designed to reduce the effluent SO₂ concentrations using a soda ash solution.

d. Construction and Permitting History

The plant, located in Riverton, Wyoming, was initially constructed in 1957 as part of a uranium ore processing facility, the Riverton Mill. The Riverton Mill was built with both an acid-leach and a carbonate-leach circuit to provide the capability of processing ore from widely differing geological environments and the large number of shippers. A sulfuric acid plant, Riverton 1 and Riverton 2 (each a 100 tons-per-day unit) was built at the Riverton Mill site to make the acid needed by the Riverton Mill and also later to supply acid for other milling operations. The acid manufacturing process used sulfur made from sour gas.

The mission of the Riverton Mill was to provide uranium for the United States Government. In December 1957, the United States Atomic Energy Commission, a predecessor of the Department of Energy entered into a contract for the purchase of uranium concentrate (commonly referred to as yellow cake) from the mill. Private firms processed most of the uranium ore mined in the United States for the Atomic Energy Commission, and the initial contract at the Riverton Mill was with Fremont Minerals, Inc.

In 1958, Susquehanna-Western, Inc., formerly known as Fremont Minerals, Inc., became the operational owner of the site and operated both the uranium mill and the sulfuric acid plant.

In 1967, Solution Engineering Corporation of Alice, Texas, acquired the mill, and Western Nuclear, Inc. acquired a portion of the mill area and the sulfuric acid plant at the site.

In 1978, Lome Drilling and Well Service, a Wyoming corporation, purchased most of the site containing the uranium mill and the acid plant.

In 1985, Chemical Marketing Services purchased the sulfuric acid facility from Lome Drilling and Well Service, and in 1987, the State of Wyoming acquired the tailings pile and mill site from Lome Drilling and Well Service.

In 1987 Riverton 2 was converted from a sulfur burning production unit into a spent acid regeneration unit. This conversion involved the installation of a combustion furnace, gas treatment equipment and air pollution control equipment. Prior to this conversion, the State of Wyoming Department of Environmental Quality reviewed the proposed changes and determined that the proposed changes did not constitute a modification or reconstruction under the Standards of Performance for Sulfuric Acid Plants (NSPS H). A letter dated August 25, 1986 was sent to Chemical Marketing Services, the prior owner, detailing this determination.

In 1991 Koch Sulfur Products (KSP) purchased the sulfuric acid plant from Chemical Marketing Services. In 1994 KSP added the capability of producing Ultra-Pure Sulfuric Acid (UPA) at Riverton 1. Since this time the facility has undergone minor changes to improve production and production efficiency.

An initial part 71 permit to operate was issued to KSP on November 1, 2001, and became effective on December 1, 2001 and is set to expire on December 1, 2006.

On April 17, 2002, ownership, operation, and control of the facility were transferred from KSP to Peak Sulfur, Inc. and on December 1, 2005, Peak Sulfur, Inc. changed its name to Chemtrade Refinery Services Inc.

On May 31, 2006, Chemtrade submitted an application for renewal of the initial part 71 permit to operate. According to 40 CFR 71.5(a)(1)(iii), the application was timely submitted as it was received at least 6 months but not more than 18 months prior to expiration of the previous permit. The application was determined complete on May 31, 2006 in a letter from EPA dated July 13, 2006.

On August 10 and December 18, 2006, Chemtrade provided off permit change notifications regarding the replacement of a converter operating at the acid plant. EPA notified Chemtrade that the renewal application received on May 31, 2006 would need to be updated to reflect this change in equipment.

On April 16, 2007, Chemtrade submitted a revision to the part 71 permit application which also included another off permit change notification for minor changes to the Soda Ash Waste Water Treatment System. Based on the information provided by Chemtrade, EPA agreed, in an email dated May 30, 2007, that the changes to the facility could be made off permit.

On December 7, 2007, EPA issued a Notice of Violation (NOV) and a Finding of Violation (FOV) to Chemtrade Logistics alleging PSD, NSPS, and title V violations at a distinctly different sulfuric acid plant owned by Chemtrade and operating in Ohio. The NOV and FOV were not issued for the Riverton Facility. However, the NOV and FOV led to the review of the Riverton facility resulting in a complaint filed by the United States in 2009.

On February 14, 2008, Chemtrade submitted a request to designate the plant manager as the Responsible Official for the facility. EPA approved the request on March 25, 2008 upon receipt of verification that the new official met the requirements of a Responsible Official.

On January 12, 2009, a complaint was filed by EPA, et. al., in the United States District Court for the Northern District of Ohio Western Division. The complaint alleged that Chemtrade Refinery Services constructed or modified the sulfuric acid plant without obtaining required permits, without installing required control technology, without meeting emission limits, without a valid title V permit, and without complying with requirements for monitoring, recordkeeping and reporting, as required in the Clean Air Act.

On April 4, 2009, a Consent Decree (CD) was entered into the United States District of Ohio (Civil Action No. 3:09-cv-00067-JGC). The CD imposes emission limits, NSPS, and permitting requirements that must be met at a specified future date.

On February 10, 2010, EPA requested a new renewal application reflecting the numerous changes and new requirements that occurred with regard to the facility since the original application was submitted on May 31, 2006.

On May 10, 2010, EPA received a new part 71 renewal application.

e. List Of All Units And Emission-Generating Activities

Chemtrade provided, in its application, information contained in Tables 1 and 2. Table 1 lists emission units and emission generating activities, including any air pollution control devices. Emission units identified as “insignificant” are listed separately in Table 2.

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

Unit I.D.	Description	Control Equipment
EU1	Riverton 1 Combustion Chamber; for the production of SO ₂ gas P1 Sulfur Nozzle ~ 30 tons per day elemental sulfur (design capacity) P1 10.2 MMBtu/hr Natural Gas Burner ~ 10,000 ft ³ natural gas/hr used at start up Manufacturer: Mansanto/Hammond Iron Works Model Number: NA Installed: 1958	Soda Ash SO ₂ Scrubber for control of SO ₂
EU2	Riverton 1 Absorbing Tower; for the production of H ₂ SO ₄ from SO ₃ Manufacturer: Koch Engineering, Knight Division Model Number: 250 gpm acid Installed: 1993	Mist Eliminator; For control of H ₂ SO ₄ mist
EU3	Main Cooling Tower (serves Riverton 1 and Riverton 2); 3,400 gallons per minute flow rate Manufacturer: Psychometric systems Model Number: FSK-163315-11-14 Installed: 1999	None
EU4	Riverton 1 UPA Cooling Tower; 1,500 gallons per minute flow rate Manufacturer: Marley Cooling Tower Company Model Number: 221-221 Installed: 2009	None
EU5	Riverton 2 Combustion Chamber; for the production of SO ₂ gas P2 Spent Acid Atomization Nozzles P2 22.8 MMBtu/hr Natural Gas Burner Manufacturer: Davey McKee Model Number: NA Installed: 1987	Soda Ash SO ₂ Scrubber for control of SO ₂
EU6	Riverton 2 Absorbing Tower; for the production of H ₂ SO ₄ from SO ₃ Manufacturer: Koch Engineering, Knight Division Model Number: 250 gpm acid Installed: 1998	Mist Eliminator; For control of H ₂ SO ₄ mist
EU7	Riverton 2 Heater; 5 MMBtu/hr; natural gas fired: Manufacturer: Stahl Inc. Farrier Products Model Number: S.O. 1750 Serial Number: GL-9523 Installed: 1998	None
EU9a	Spent Sulfuric Acid Tank; 406,558 gallon (~1,537 m ³); 4.9 million gallons/yr throughput: Manufacturer: Matrix Services Model Number: None Serial Number: None Installed: 2001	Riverton 2 Combustion Chamber (EU5)
EU9b	Auxiliary Spent Sulfuric Storage Tank; 406,558 gallon (~1,537 m ³); 4.9 million gallons/yr throughput: Manufacturer: Unknown Model Number: Unknown Serial Number: None Installed: 1987	Riverton 2 Combustion Chamber (EU5)

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

EU10	Auxiliary Boiler; 10.5 MMBtu/hr; natural gas fired:	None
	Manufacturer: Superior Boiler Works, Inc.	
	Model Number: Unknown	
	Serial Number: 12646	
	Installed: 2001	

Part 71 allows sources to separately list in the permit application units or activities that qualify as “insignificant” based on potential emissions below 2 tons/year for all regulated pollutants that are not listed as a hazardous air pollutant (HAP) under Clean Air Act (CAA) section 112(b) and below 1000 lbs/year or the de minimis level established under section 112(g), whichever is lower, for HAPs. However, the application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to calculate the fee. Units that qualify as insignificant for the purposes of the part 71 application are in no way exempt from applicable requirements or any requirements of the part 71 permit.

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

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

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

2. Consent Decree - Civil Action No. 3:09-cv-00067-JGC

The Riverton facility is subject to the requirements of federal Consent Decree Civil Action No. 3:09-cv-00067-JGC, entered in the United States District Court on April 2, 2009. Notwithstanding conditions of the title V permit, the permittee shall comply with all requirements of the Consent Decree. A copy of the Consent Decree is in the docket for this permit action. The following table only summarizes some of the requirements of the Consent Decree.

**Table 3 – Summary of Some CD Requirements
Chemtrade Logistics
Chemtrade Refinery Services Inc., Sulfuric Acid Manufacturing Plant**

Action and/or Requirement To Be Met	Due Date
<p>a. SO₂ Emission Limits - Short Term Limits</p> <p>Riverton 1 Sulfuric Acid Plant: 1.9 lb/ton ----- Riverton 2 Sulfuric Acid Plant: 2.1 lb/ton -----</p> <p>Emissions During Startup: Set forth in Appendix H of the attached Consent Decree. These limits shall be applicable for no more than 26 hours.</p> <p>Chemtrade shall submit a complete application to incorporate these requirements into a federally enforceable minor or major new source review permit or other federally-enforceable permit (other than title V permits) by July 1, 2014. See section (p) of this compliance schedule.</p>	<p>January 1, 2013 January 1, 2013</p>
<p>b. SO₂ Emission Limits –Mass Caps</p> <p>Riverton 1 Sulfuric Acid Plant: SO₂ Mass Cap – 35.0 tons/year Commence Monitoring of Mass Emissions ----- Meet Mass Cap Emission Limit ----- Calculate SO₂ Emitted for First 12 Month Period: January 1, 2013 – January 1, 2014 ----- Calculate Annual SO₂ Emitted on a rolling 12-month basis Based on the Immediate Preceding 12 Month Period -----</p> <p>Riverton 2 Sulfuric Acid Plant: SO₂ Mass Cap – 38.0 tons/year Commence Monitoring of Mass Emissions ----- Meet Mass Cap Emission Limit ----- Calculate SO₂ Emitted for First 12 Month Period: January 1, 2013 – January 1, 2014 ----- Calculate Annual SO₂ Emitted on a rolling 12-month basis Based on the Immediate Preceding 12 Month Period -----</p> <p>Chemtrade shall submit a complete application to incorporate these requirements into a federally enforceable minor or major new source review permit or other federally-enforceable permit (other than title V permits) by July 1, 2014. See section (p) of this compliance schedule.</p>	<p>January 1, 2013 January 1, 2014 January 15, 2014 No later than the 15th of each month beginning February 15, 2014</p> <p>January 1, 2013 January 1, 2014 January 15, 2014 No later than the 15th of each month beginning February 15, 2014</p>

Table 3 – Summary of Some CD Requirements, Continued
Chemtrade Logistics
Chemtrade Refinery Services Inc., Sulfuric Acid Manufacturing Plant

Action and/or Requirement To Be Met	Due Date
<p>c. Acid Mist Emission Limits</p> <p>Chemtrade shall comply, with respect to the Riverton Facility, with the following NSPS, Subpart H sulfuric acid mist emission limitation as set forth at 40 CFR 60.83:</p> <p style="padding-left: 40px;">Riverton 1 Sulfuric Acid Plant - 0.15 lb/ton of 100% sulfuric Acid Produced -----</p> <p style="padding-left: 40px;">Riverton 2 Sulfuric Acid Plant – 0.15 lb/ton of 100% sulfuric Acid Produced -----</p> <p>Chemtrade shall submit a complete application to incorporate these requirements into federally enforceable minor or major new source review permit or other federally-enforceable permit (other than title V permits) by July 1, 2014. See section (p) of this compliance schedule.</p>	<p>January 1, 2013</p> <p>January 1, 2013</p>
<p>d. NSPS Applicability</p> <p>The Chemtrade Riverton Sulfuric Acid Plants shall be considered an affected facility for purposes of NSPS part 60, Subparts A (General Provisions) and H (Standards of Performance For Sulfuric Acid Plants) by no later than the following dates:</p> <p style="padding-left: 40px;">Riverton 1 Sulfuric Acid Plant -----</p> <p style="padding-left: 40px;">Riverton 2 Sulfuric Acid Plant -----</p> <p>After such date, each Sulfuric Acid Plant shall comply with all applicable requirements for affected facilities under the NSPS 40 C.F.R. Part 60, Subparts A and H, or with the requirements of this Consent Decree (if more stringent). A continuous opacity monitoring system (“COMS”) may be used for monitoring compliance with the opacity limit found at 40 CFR 60.83(a)(2) at either plant. Satisfactory compliance with notice and compliance demonstration obligations set forth in the Consent Decree shall be deemed to satisfy all applicable initial notification and compliance demonstration requirements of NSPS Subparts A and H.</p> <p>Chemtrade shall submit a complete application to incorporate these requirements into federally enforceable minor or major new source review permit or other federally-enforceable permit (other than title V permits) by July 1, 2014. See section (p) of this compliance schedule.</p>	<p>January 1, 2013</p> <p>January 1, 2013</p>

Table 3 – Summary of Some CD Requirements, Continued
Chemtrade Logistics
Chemtrade Refinery Services Inc., Sulfuric Acid Manufacturing Plant

Action and/or Requirement To Be Met	Due Date
<p>e. Best Practices:</p> <p>At all times, including periods of startup, shutdown, and malfunction, Chemtrade shall to the extent practicable maintain and operate each of the Sulfuric Acid Plants, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions:</p> <p>Riverton 1 Sulfuric Acid Plant ----- Riverton 2 Sulfuric Acid Plant -----</p>	<p>Immediately after the Effective Date of this Consent Decree</p>
<p>f. Emission Monitoring – Installation, Certification, and Calibration</p> <p>Chemtrade shall install, certify, and calibrate an SO₂ continuous emissions monitoring system (“CEMS”) capable of directly measuring the SO₂ emission rate expressed as lb/ton of 100% Sulfuric Acid Produced by no later than the following date:</p> <p>Riverton 1 Sulfuric Acid Plant ----- Riverton 2 Sulfuric Acid Plant -----</p>	<p>January 1, 2013 January 1, 2013</p>
<p>g. Emission Monitoring – Responsibility for Emission Monitoring</p> <p>Chemtrade shall operate and maintain SO₂ CEMS after the following dates:</p> <p>Riverton 1 Sulfuric Acid Plant ----- Riverton 2 Sulfuric Acid Plant -----</p>	<p>January 1, 2013 January 1, 2013</p>
<p>h. Emission Monitoring – Continuous Operation of CEMS and Minimization of CEMS Downtime</p> <p>Except during CEMS breakdowns, repairs, calibration checks, and zero span adjustments, the CEMS shall be in continuous operation during all Operating Periods and Shutdowns to demonstrate compliance with the SO₂ emission limits after the following dates:</p> <p>Riverton 1 Sulfuric Acid Plant ----- Riverton 2 Sulfuric Acid Plant -----</p> <p>Chemtrade shall take all steps necessary to avoid CEMS breakdowns and minimize CEMS downtime. This shall include, but is not limited to, operating and maintaining the CEMS in accordance with best practices and maintaining an on-site inventory of spare parts or other supplies necessary to make rapid repairs to the equipment.</p>	<p>January 1, 2013 January 1, 2013</p>

Table 3 – Summary of Some CD Requirements, Continued
Chemtrade Logistics
Chemtrade Refinery Services Inc., Sulfuric Acid Manufacturing Plant

Action and/or Requirement To Be Met	Due Date
i. Emission Monitoring – SO₂ CEMS Plans	
On and after the following dates, Chemtrade shall implement the CEMS Plans provided in the Consent Decree:	
Riverton 1 Sulfuric Acid Plant -----	January 1, 2013
Riverton 2 Sulfuric Acid Plant -----	January 1, 2013
CEMS Plans that describe how Chemtrade shall monitor compliance with the SO ₂ emission limits established in Subsection V.A of the Consent Decree, including the methodology that shall be used to demonstrate compliance in the event of CEMS downtime lasting longer than 24 hours, are in Appendices D & E of the Consent Decree.	
The monitoring methods specified in the CEMS Plans have been approved as appropriate alternative monitoring methods for purposes of NSPS, pursuant to 40 CFR §60.13(i).	
Chemtrade shall submit a complete application to incorporate these requirements into federally enforceable minor or major new source review permit or other federally-enforceable permit (other than title V permits) by July 1, 2014. See section (p) of this compliance schedule.	

Table 3 – Summary of Some CD Requirements, Continued
Chemtrade Logistics
Chemtrade Refinery Services Inc., Sulfuric Acid Manufacturing Plant

Action and/or Requirement To Be Met	Due Date
<p>j. Performance Testing</p> <p>Acid Mist</p> <p>Chemtrade shall conduct a performance test measuring the emission rate of acid mist in accordance with the applicable requirements of 40 CFR part 60, Appendix A, Reference Method 8, or an alternative method approved by U.S. EPA. These performance tests shall be used to demonstrate compliance with the acid mist emission limit established in Paragraph 23 of the Consent Decree and may serve as the NSPS performance test required under 40 CFR 60.8. Chemtrade shall take all steps necessary to assure accurate measurements of 100% sulfuric acid production during each test run.</p> <p>SO₂ Emission Limits</p> <p>Chemtrade shall conduct a performance test measuring the emission rate of SO₂ in accordance with the applicable requirements of 40 CFR part 60, Appendix A, reference Method 8, and part 60, Appendix B, Performance Specification 2. This test shall consist of at least nine method test runs and may serve as the CEMS relative accuracy test required under Performance Specification 2. If applicable, this test may also serve as the NSPS performance test required under 40 CFR 60.8. Chemtrade shall take all steps necessary to assure accurate measurements of 100% sulfuric acid production during each test run.</p> <p>The performance tests required in Subsection V.F of the Consent Decree shall be performed by no later than the following dates:</p> <p>Riverton 1 Sulfuric Acid Plant ----- Riverton 2 Sulfuric Acid Plant -----</p>	<p>January 1, 2013 January 1, 2013</p>

Table 3 – Summary of Some CD Requirements, Continued
Chemtrade Logistics
Chemtrade Refinery Services Inc., Sulfuric Acid Manufacturing Plant

Action and/or Requirement To Be Met	Due Date
<p>k. Performance Testing – Advanced Notification</p> <p>Chemtrade shall provide notice, in the manner set forth in Section XV (Notices) of the Consent Decree, of its intent to conduct performance tests to EPA, the state in which the Covered Sulfuric Acid Plant is located, and, if applicable, the Plaintiff-Intervenor. This notification must include the scheduled date of the test, an emissions test protocol, a description of the planned operating rate and operating conditions, and the procedures that will be used to measure 100% Sulfuric Acid Production. If EPA or a Co-Plaintiff requires any adjustment of the testing protocol or operating conditions, Chemtrade shall make such adjustments and conduct the performance test in conformity with EPA's and/or the Co-Plaintiff's requirements or submit the issue(s) for resolution under the dispute resolution provisions (Section XI) of the Consent Decree.</p>	<p>By no later than 30 days before any performance test is required</p>
<p>l. Performance Testing – Report of Results</p> <p>Chemtrade shall submit to EPA and to the Applicable Co-Plaintiff or Plaintiff-Intervenor, in the manner set forth in Section XV (Notices) of the Consent Decree, a report documenting the results of performance tests.</p>	<p>By no later than 60 days after conducting a required performance test</p>
<p>m. Operation and Maintenance Plans – Preparation & Submittal</p> <p>By no later than the following dates, Chemtrade shall prepare and submit to EPA and the Applicable Co-Plaintiff or Plaintiff-Intervenor, in the manner set forth in Section XV (Notices) of the Consent Decree, an Operation and Maintenance Plan (“O&M Plan”) for each Covered Sulfuric Acid Plant:</p> <p style="padding-left: 40px;">Riverton 1 Sulfuric Acid Plant ----- Riverton 2 Sulfuric Acid Plant -----</p> <p>Each O&M Plan shall describe the operating and maintenance procedures necessary to:</p> <p style="padding-left: 40px;">(i) minimize the frequency of Covered Sulfuric Acid Plant Shutdowns (thereby reducing the number of Startups of each Covered Sulfuric Acid Plant); and</p> <p style="padding-left: 40px;">(ii) at all times, including during periods of Startup, Shutdown, and Malfunction, maintain and operate each Covered Sulfuric Acid Plant, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions.</p> <p>EPA and/or the Applicable Co-Plaintiff or Plaintiff-Intervenor may provide comments and/or recommendations with respect to each Plan.</p>	<p>January 1, 2013 January 1, 2013</p>

Table 3 – Summary of Some CD Requirements, Continued
Chemtrade Logistics
Chemtrade Refinery Services Inc., Sulfuric Acid Manufacturing Plant

Action and/or Requirement To Be Met	Due Date
<p>n. Operation and Maintenance Plans - Implementation</p> <p>By no later than the following dates, Chemtrade shall implement the O&M Plan:</p> <p align="center">Riverton 1 Sulfuric Acid Plant ----- Riverton 2 Sulfuric Acid Plant -----</p>	<p>January 1, 2013 January 1, 2013</p>
<p>o. Operation and Maintenance Plans – Review & Update</p> <p>Chemtrade shall review, and update as necessary, the O&M Plan for each Riverton Sulfuric Acid Plant.</p>	<p>No less frequently than once every three years</p>
<p>p. Non-Title V Permits Incorporating the Limits in Subsection V.A.</p> <p>By no later than the following dates, Chemtrade shall submit a complete application to incorporate requirements into federally enforceable minor or major new source review permit or other federally-enforceable permit (other than title V permits):</p> <p align="center">Riverton 1 Sulfuric Acid Plant ----- Riverton 2 Sulfuric Acid Plant -----</p> <p>Requirements to be incorporated</p> <ul style="list-style-type: none"> (i) The limits for SO₂ emissions and Mass Caps established in Section V.A. of the Consent Decree; (ii) The monitoring requirements established in the CEMS Plans; (iii) The acid mist emission limit established in Section V.C. of the Consent Decree; and (iv) The applicability of 40 CFR part 60, subparts A and H, and all requirements therein. <p>Following submission of the complete permit applications, Chemtrade shall cooperate with the applicable federal, state or local agency by promptly submitting to the applicable agency all available information that the applicable agency seeks following its receipt of the permit materials.</p>	<p>July 1, 2014 July 1, 2014</p>
<p>q. Title V Permits</p> <p>The Consent Decree shall not terminate until the requirements set forth in p. are incorporated into a title V permit. Therefore, during the duration of the Consent Decree, Chemtrade shall file all applications necessary to incorporate the Consent Decree requirements into the operating permits for this Facility.</p>	

Table 3 – Summary of Some CD Requirements, Continued
Chemtrade Logistics
Chemtrade Refinery Services Inc., Sulfuric Acid Manufacturing Plant

Action and/or Requirement To Be Met	Due Date
<p>r. Reporting - Information Documenting how Compliance will be Achieved</p> <p>By no later than the following dates, Chemtrade shall submit to EPA and the Applicable Co-Plaintiff or Plaintiff-Intervenor, in the manner set forth in Section XV (Notices), information (including, if applicable, preliminary design specifications) documenting how Chemtrade, as applicable, intends to comply with the emission limitations set forth in Subsection V.A:</p> <p style="padding-left: 40px;">Riverton 1 Sulfuric Acid Plant -----</p> <p style="padding-left: 40px;">Riverton 2 Sulfuric Acid Plant -----</p>	<p style="text-align: right;">January 1, 2012</p> <p style="text-align: right;">January 1, 2012</p>

Table 3 – Summary of Some CD Requirements, Continued
Chemtrade Logistics
Chemtrade Refinery Services Inc., Sulfuric Acid Manufacturing Plant

Action and/or Requirement To Be Met	Due Date
<p>s. Semi-Annual Reports</p> <p>Chemtrade shall submit a semi-annual progress report containing the following information with respect to the half-year between July 1 and December 31, or the half-year between January 1 and June 30:</p> <ul style="list-style-type: none"> (i) Work performed and progress made toward implementing the requirements of Section V; (ii) Any significant modifications to previously-submitted design specifications of any pollution control system, or to monitoring equipment, required to comply with the requirements of Section V; (iii) Any significant problems encountered or anticipated in complying with the requirements of Section V; (iv) A summary of the emissions monitoring and testing data collected to demonstrate compliance with a requirement of this Consent Decree; (v) On and after the compliance dates for Short-Term Limits, a description of all periods of Startup, Shutdown, and Malfunction, including quantity of sulfur dioxide emitted during such periods and the causes of Malfunctions; (vi) On and after the compliance dates for Short-Term Limits, all information required to be reported in the applicable CEMS Plan; (vii) Status of permit applications and a summary of all permitting activity pertaining to compliance with this Consent Decree; (viii) Any reports to State agencies pertaining to compliance with this Consent Decree; (ix) After submission of the O&M Plans specified in Paragraph 38 of the Consent Decree, a description of any changes or updates made to such Plans. 	<p>No later than January 31 and July 31 of each year, with the first semi-annual report due on July 31, 2009</p>

**Table 3 – Summary of Some CD Requirements, Continued
Chemtrade Logistics
Chemtrade Refinery Services Inc., Sulfuric Acid Manufacturing Plant**

Action and/or Requirement To Be Met	Due Date
<p>t. Notification of Potential Non-Compliance</p> <p>Chemtrade shall notify, in writing, the United States and the Applicable Co-Plaintiff or Plaintiff-Intervenor if it violates, or has reason to believe that it may violate, any requirement of this Consent Decree or of any applicable permit. The notification shall contain the following:</p> <ul style="list-style-type: none"> (i) The violation or potential violation; (ii) The duration or anticipated likely duration; (iii) An explanation of the violation’s likely cause; (iv) The remedial steps taken, or to be taken, to prevent or minimize such violation; and (v) If the cause of a violation cannot be fully explained at the time the report is due, the report shall so state. <p>Chemtrade shall investigate the cause of the violation and shall then submit an amendment to the report, including a full explanation of the cause of the violation, when it becomes aware of the cause of the violation.</p>	<p>Within 45 calendar days of the day of the violation or potential violation</p> <p>Within 30 days of the day the cause of the violation is discovered</p>
<p>u. Imminent Threat</p> <p>Whenever any violation of this Consent Decree or of any applicable permit or any other event affecting the performance of Chemtrade under the Consent Decree results in a reportable release of a hazardous substance, Chemtrade shall notify U.S. EPA, the state in which the Covered Sulfuric Acid Plant is located, and the Plaintiff-Intervenor, orally or by electronic or facsimile.</p> <p>This procedure is in addition to the requirements set forth in the preceding paragraph.</p>	<p>As soon as possible or within 24 hours after Chemtrade first knew of the violation, or should have known of the violation or event</p>

**Table 3 – Summary of Some CD Requirements, Continued
Chemtrade Logistics
Chemtrade Refinery Services Inc., Sulfuric Acid Manufacturing Plant**

Action and/or Requirement To Be Met	Due Date
<p>v. Submittals</p> <p>Each submittal made by Chemtrade under Section VIII of the Consent Decree shall be signed by a plant manager, a corporate official responsible for environmental management and compliance, or a corporate official responsible for plant engineering management of Chemtrade and shall include the following certification:</p> <p>I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that this document and its attachments were prepared either by me personally or under my direction or supervision in a manner designed to ensure that qualified and knowledgeable personnel properly gather and present the information contained therein. I further certify, based on my personal knowledge or on my inquiry of those individuals immediately responsible for obtaining the information, that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowingly and willfully submitting a materially false statement.</p>	<p align="center">NA</p>

3. Emission Limits and Potential to Emit

Potential to emit means the maximum capacity of a facility to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the facility 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, may be treated as part of its design if the limitation is enforceable by EPA. Potential to emit is meant to be a worse case emissions calculation. Actual emissions may be much lower.

The Riverton Facility is subject to CD requirements limiting the potential emissions of SO₂ and H₂SO₄ mist. The May 10, 2010 renewal application provides potential to emit in terms of the requirements of the CD. The requirements of the CD are future requirements that must be met no later than January 1, 2013. At such time, monitoring, recordkeeping, and reporting requirements specific to those limits will also apply. The following table provides a summary of the CD emission limit requirements.

Table 4 - April 2, 2009 CD Emission Limit Requirements

Emission Unit	Maximum Short-Term Emissions (lb/ton)		Maximum Hourly Emission (lb/hr)		Annual Potential Emissions (tons/year)	
	SO ₂	H ₂ SO ₄	SO ₂	H ₂ SO ₄	SO ₂	H ₂ SO ₄
EU1 Riverton 1 Combustion Chamber	1.9 (950 ppm)		7.92		35.0	
EU2 Riverton 1 Absorbing Tower		0.15		0.63		2.74
EU5 Riverton 2 Combustion Chamber	2.1 (1050 ppm)		8.75		38.0	
EU6 Riverton 2 Absorbing Tower		0.15		0.63		2.74
Total					73.0	5.48

Table 5 - Potential Emission Based on Emission Limit Requirements of the April 2, 2009 CD for SO₂ and H₂SO₄

Emission Unit ID	Regulated Air Pollutants and Hazardous Air Pollutants (HAP)							
	NO _x (tons/yr)	VOC (tons/yr)	SO ₂ (tons/yr)	PM ₁₀ (tons/yr)	CO (tons/yr)	H ₂ SO ₄ Mist (tons/yr)	Lead (tons/yr)	HAP (tons/yr)
EU1	5.27	0.01	35.0	0.15	0.08	0.00	0.00	0.00
EU2	0.00	0.00	0.00	2.74	0.00	2.74	0.00	0.00
EU3	0.00	0.00	0.00	4.93	0.00	0.00	0.00	0.00
EU4	0.00	0.00	0.00	2.18	0.00	0.00	0.00	0.00
EU5	28.90	0.58	38.0	7.44	9.28	0.00	0.00	0.19
EU6	0.00	0.00	0.00	2.74	0.00	2.74	0.00	0.00
EU7	3.01	0.12	0.01	3.01	1.80	0.00	0.00	0.04
EU8	0.00	0.00	0.00	2.48	0.00	0.00	0.00	0.00
EU9a	0.00	0.36	0.00	0.00	0.00	0.00	0.00	0.00
EU9b	0.00	0.08	0.00	0.00	0.00	0.00	0.00	0.00
EU10	6.31	0.25	0.03	0.34	3.79	0.00	0.00	0.09
Total	43.49	1.40	73.04	23.01	14.95	5.48	0.00	0.32

NO_x - oxides of nitrogen

VOC - volatile organic compounds

SO₂ - sulfur dioxide

PM₁₀ - particulate matter with a diameter 10 microns or less

CO - carbon monoxide

HAP - hazardous air pollutants (see Clean Air Act Section 112(b))

However, national EPA guidance states that air pollution control equipment can be credited as restricting PTE only if federally enforceable requirements are in place requiring the use of such air pollution control equipment and compliance is met.

Given that, the CD requirements to limit the PTE of SO₂ and H₂SO₄ mist are future requirements and not yet practically enforceable, as verification of compliance status can not be made until monitoring, recordkeeping and reporting are performed. Therefore, Chemtrade requested that SO₂ emission limits that were established for each of the combustion chambers (EU1 and EU5) in the original part 71 permit be included in the renewal permit until such time that compliance with the CD requirements have been met. The following are the requested emission limits from the initial permit.

Table 6 - Requested SO₂ Emission Limits In Renewal Application

Emission Unit	Maximum Short-Term Emissions (ppm)		Maximum Hourly Emission (lb/hr)		Annual Potential Emissions (tons/year)	
	SO ₂	H ₂ SO ₄	SO ₂	H ₂ SO ₄	SO ₂	H ₂ SO ₄
EU1 Riverton 1 Combustion Chamber	2000 ppm (4 lb/ton)		166.01		719.14	
EU2 Riverton 1 Absorbing Tower						6.74 (uncontrolled)
EU5 Riverton 2 Combustion Chamber	2000 ppm (4 lb/ton)		166.36		722.22	
EU6 Riverton 2 Absorbing Tower						6.74 (uncontrolled)
Total					1441.36	13.48 (uncontrolled)

Table 7 - Potential Emission Using Requested SO₂ Emission Limits

Emission Unit ID	Regulated Air Pollutants and Hazardous Air Pollutants (HAP)							
	NO _x (tons/yr)	VOC (tons/yr)	SO ₂ (tons/yr)	PM ₁₀ (tons/yr)	CO (tons/yr)	H ₂ SO ₄ Mist (tons/yr)	Lead (tons/yr)	HAP (tons/yr)
EU1	5.27	0.01	719.14	0.15	0.08	0.00	0.00	0.00
EU2	0.00	0.00	0.00	6.74	0.00	6.74	0.00	0.00
EU3	0.00	0.00	0.00	4.93	0.00	0.00	0.00	0.00
EU4	0.00	0.00	0.00	2.18	0.00	0.00	0.00	0.00
EU5	28.90	0.58	722.22	7.44	9.28	0.00	0.00	0.19
EU6	0.00	0.00	0.00	6.74	0.00	6.74	0.00	0.00
EU7	3.01	0.12	0.01	0.16	1.80	0.00	0.00	0.04
EU8	0.00	0.00	0.00	2.48	0.00	0.00	0.00	0.00
EU9a	0.00	0.36	0.00	0.00	0.00	0.00	0.00	0.00
EU9b	0.00	0.08	0.00	0.00	0.00	0.00	0.00	0.00
EU10	6.31	0.25	0.03	0.34	3.79	0.00	0.00	0.09
Total	43.49	1.40	1441.40	31.16	14.95	13.48	0.00	0.32

Applicable PTE Guidance

Pursuant to 40 CFR 52.21, “potential to emit” is defined as the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a 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, or the effect it would have on emissions, is federally enforceable.

The applicable EPA guidance on limiting PTE is a memo titled, “Guidance on Limiting Potential to Emit in New Source Permitting,” dated June 13, 1989, to EPA Regional Offices, from Terrell F. Hunt, Associate Enforcement Counsel, Air Enforcement Division, Office of Enforcement and Compliance Monitoring (OECA), and from John Seitz, Director, Stationary Source Compliance Division, Office of Air Quality Planning & Standards (OAQPS). The 1989 guidance identifies the following as essential components of a restriction on PTE:

- An emission limitation, in terms of mass of emissions allowed per unit of time, and
- A production or operational limitation (which can include requirements for the use of in-place air pollution control equipment).

The 1989 guidance explains that restrictions on PTE must be enforceable as a practical matter. This means there must also be adequate monitoring, reporting and record keeping requirements. The 1989 guidance also explains that an emission limitation alone, expressed as a long-term rolling average (e.g., a rolling 12-month total) should not be relied upon as the basis for a PTE limit, with the exception of sources that are VOC surface coating operations, and where no add-on emission control equipment is employed at those sources, and where operating and production parameters are not readily limited due to the wide variety of coatings and products and due to the unpredictable nature of the operation.

A later national guidance memo to the EPA Regional Offices, dated January 25, 1995, from Kathie Stein, Director, Air Enforcement Division, Office of Enforcement and Compliance Monitoring, titled “Guidance on Enforceability Requirements for Limiting Potential to Emit through SIP and §112 Rules and General Permits,” says the averaging time for the emission limitation must readily allow for determination of compliance: “EPA policy expresses a preference toward short term limits, generally daily but not to exceed one month.” The renewal permit has both an hourly emission limit based on a two-hour average, and an annual emission limit based on a calendar year.

In consultation with Office of General Counsel at EPA Headquarters, as well as with EPA Regions 9 and 10, the EPA Region 8 office determined that authority exists under the CAA and 40 CFR 71 to create a restriction on potential to emit through issuance of a part 71 permit.

The specific citations of authority are:

CAA Section 304(f)(4): Provides that the term “emission limitation, standard of performance or emission standard” includes any other standard, limitation, or schedule established under any permit issued pursuant to title V, any permit term or condition, and any requirement to obtain a permit as a condition of operations.

40 CFR 71.6(b): Provides that all terms and conditions in a part 71 permit, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator and citizens under the Act.

40 CFR 71.7(e)(1)(i)(A)(4)(i): Provides that a permit modification that seeks to establish a federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I of the CAA (which includes PSD), and for which there is no underlying applicable requirement, does not qualify as a minor permit modification. Under 40 CFR 71.7(e)(3)(i), it is therefore a significant permit modification, which, according to 40 CFR 71.7(e)(3)(ii), must meet all the requirements that would apply to initial permit issuance or permit renewal.

The use of the part 71 permit as a means to create these limits, however, is limited to those instances where an operating source is already required to obtain a part 71 permit by virtue of its PTE or due to other triggers as outlined in §71.3; or where the operating source already holds a part 71 permit. EPA Region 8 does not have the authority to issue part 71 permits to minor sources, unless it is a minor operating source that is required to obtain a permit pursuant to §71.3.

The part 71 program is not a preconstruction permitting program to be used in place of NSR permitting for greenfield facilities. The part 71 permit is an operating permit and an application is due within twelve (12) months of starting up a title V facility. However, modifications can be made to a facility operating under a title V permit through a significant modification provided all other provisions of the CAA are being met.

EPA Region 8 does not knowingly issue synthetic minor limits to sources who wish to avoid applicable requirements that have already been triggered (such as NSR or the Once-In-Always-In MACT standards). EPA Region 8 also will not knowingly issue synthetic minor limits to sources who wish to avoid applicable requirements for which there are non-compliance concerns.

Using part 71 as the vehicle for these limits is a temporary, gap-filling measure for those sources operating in Indian country that do not have the ability to obtain these synthetic minor limits through other programs, such as exists in state jurisdictions. Upon promulgation of a Minor NSR rule for sources operating in Indian country, the use of the part 71 permit as the vehicle for these limits will no longer be practiced.

Components Of The PTE Restrictions

SO₂ Emission Limit:

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

Riverton 2 (EU5) – 2000 ppm (2 hour average) or 166.36 lb/hr (2 hour average), and 722.22 tpy (rolling 12 month average)

Monitoring – Calibrate, maintain, and operate a continuous monitoring system for the measurement of SO₂ emissions from emission units EU1 and EU5 to show compliance with the emission limit requirements. The monitoring system will operate when the plant is in operation except during periods of monitoring system breakdown, repair, calibration, checks, and zero and span adjustments. Monitor in accordance with the EPA approved monitoring protocol.

Recordkeeping: Keep records of the SO₂ ppm and pounds per hour (based on two-hour averaging period) emission rates from emission units EU1 and EU5. Keep records of the rolling 12-month total of SO₂ ton per year emissions from EU1 and EU5.

4. Tribe Information

a. Indian Country

The facility is located within Indian country as defined at 18 U.S.C. §1151. The Eastern Shoshone and Northern Arapaho Tribes do not have a federally-approved CAA title V operating permits program nor does EPA's approval of the State of Wyoming's title V program extend to Indian country. Thus, EPA is the appropriate governmental entity to issue the title V permit to the Riverton Sulfuric Acid Plant.

b. Tribal Government

Both the Northern Arapaho and Shoshone Tribes have a General Council which serves as their governing body. The Shoshone General Council has established the Shoshone Business Council and the Northern Arapaho General Council has established the Arapaho Business Council to manage the daily affairs of the Tribes. The Shoshone Business Council and the Arapaho Business Council form what is known as the Joint Business Council (JBC). The JBC is the joint governing body of the Tribes. The JBC has the power to develop and enforce tribal laws. By a resolution, dated June 7, 1988, the JBC created the Wind River Environmental Quality Commission (WREQC). WREQC is charged with developing and enforcing environmental codes, regulations, and procedures. Tribal headquarters is located at Fort Washakie, on the Wind River Indian Reservation in the State of Wyoming.

c. Local Air Quality And Attainment Status

West central Wyoming either attains the national ambient air quality standards for all criteria pollutants or is "unclassified." An area is unclassifiable when there is insufficient monitoring data. The WREQC is currently operating an air monitoring station to collect SO₂ and H₂S data at the Sand Draw site.

5. Applicable Requirements

a. Applicable Requirement Review

The following discussion addresses some of the regulations from the Code of Federal Regulations (CFR) at title 40. Note, that this discussion does not include the full spectrum of regulations and is not intended to represent official applicability determinations. These discussions are based on the information

provided by Chemtrade and are intended to present the information certified to be true and accurate by the Responsible official of this facility.

Prevention of Significant Deterioration (PSD)

PSD is a preconstruction review requirement of the CAA that applies to proposed projects that are sufficiently large (in terms of emissions) to be a “major” stationary source or “major” modification of an existing stationary source. The PSD regulations are found at 40 CFR 52.21. Source size is defined in terms of “potential to emit,” which is its capability at maximum design capacity to emit a pollutant, except as constrained by existing federally and practically enforceable conditions applicable to the source. A new stationary source or a modification to an existing minor stationary source is major if the proposed project has the potential to emit any pollutant regulated under the CAA in amounts equal to or exceeding specified major source thresholds, which are 100 tpy for 28 listed industrial source categories and 250 tpy for all other sources. PSD also applies to modifications at existing major sources that cause a “significant net emissions increase” at that source. Significance levels for each pollutant are defined in the PSD regulations at 40 CFR 52.21. A modification is a physical change or change in the method of operation.

The Chemtrade facility belongs to one of the 28 listed source categories. Therefore, the potential to emit threshold for determining PSD applicability for this source is 100 tpy.

Pursuant to the 2009 CD, Chemtrade is required to submit a complete application to incorporate SO₂ and sulfuric acid mist emission limit requirements into a federally enforceable minor or major new source review permit or other federally-enforceable permit (other than title V permits) by July 1, 2014.

New Source Performance Standard (NSPS)

40 CFR Part 60, Subpart A: General Provisions. This subpart applies to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication of any standard in part 60. The general provisions under subpart A apply to sources that are subject to the specific subparts of part 60.

Based on information provided by Chemtrade, the facility is subject to some of the provisions of 40 CFR part 60; therefore, the general provisions of 40 CFR part 60 apply.

40 CFR Part 60, Subpart Cd: Emissions Guidelines and Compliance Times for Sulfuric Acid Production Units. This rule applies to existing sulfuric acid production plants that are located in jurisdictions where emission standards for sulfuric acid mist for existing facilities have been approved.

Federal emission guidelines have not been promulgated for sulfuric acid production units; therefore, there is no provision to regulate sulfuric acid mist from this existing facility.

40 CFR Part 60, Subpart Dc: Standards of performance for Small Industrial-Commercial-Institutional Steam Generating Units. This rule applies to each steam generating unit for which construction, modification, or reconstruction is commenced after June 9, 1989 and that has a maximum design heat input capacity of 100 MMBtu/hr or less, but greater than or equal to 10 MMBtu/hr.

Based on information provided by Chemtrade, this rule applies to the 10.5 MMBtu/hr auxiliary boiler (EU10) that was installed in 2001.

40 CFR part 60, subpart H: Standards of Performance for Sulfuric Acid Plants. This rule applies to each sulfuric acid production unit that commences construction or modification after August 17, 1971.

Based on information provided by Chemtrade, Riverton 1 and Riverton 2 were constructed in 1958 which is prior to the effective date of this rule. However, the 2009 CD requires that Chemtrade comply with the NSPS H requirements by January 1, 2013. Hence, this rule applies to the Riverton facility.

40 CFR part 60, subpart K: Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978. This rule applies to storage vessels for petroleum liquids with a storage capacity greater than 40,000 gallons. 40 CFR part 60, subpart K does not apply to storage vessels for petroleum or condensate stored, processed, and/or treated at a drilling and production facility prior to custody transfer.

Based on information provided by Chemtrade, the Riverton facility has no storage vessels for petroleum liquid with a capacity greater than 40,000 gallons which were constructed, reconstructed, or modified after June 11, 1973, and prior to May 19, 1978. Therefore, this rule does not apply.

40 CFR part 60, subpart Ka: Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to June 23, 1984. This rule applies to storage vessels for petroleum liquids with a storage capacity greater than 40,000 gallons. Subpart Ka does not apply to petroleum storage vessels with a capacity of less than 420,000 gallons used for petroleum or condensate stored, processed, or treated prior to custody transfer.

Based on information provided by Chemtrade, the Riverton facility has no storage vessels for petroleum liquid with a capacity greater than 40,000 gallons that were constructed, reconstructed, or modified after May 18, 1978 and prior to June 23, 1984. Therefore, this rule does not apply.

40 CFR Part 60, Subpart Kb: Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced After July 23, 1984. This rule applies to storage vessels with a capacity greater than or equal to 75 cubic meters (approximately 19,813 gallons). Subpart Kb does not apply to petroleum storage vessels with a capacity of less than 1,589.874 cubic meters (approximately 420,000 gallons) used for petroleum or condensate stored, processed, or treated prior to custody transfer.

The Chemtrade facility has two acid storage tanks, EU9a and EU9b. Both are 406,558 gallon (~1537 m³) tanks. EU9a was installed in June 2001 and EU9b was installed in 1987. Both were installed for the storage of spent sulfuric acid (or other materials). The spent sulfuric acid contains small amounts of hydrocarbons (typically 3-7% by weight VOL) and other impurities. However, according to Chemtrade, EU9b was removed from spent acid service July 1, 2001.

Based on the information provided by Chemtrade, tank EU9a has a vapour recovery system installed on it. Tank EU9b could potentially store spent sulfuric acid. Should tank EU9b be used to store spent sulfuric acid, Chemtrade would notify the EPA 30 days prior to using the tank for spent acid storage. Chemtrade would also install a vapor recovery system, similar to EU9a, prior to using the tank for spent

acid storage. Chemtrade may then be subject to the control requirements of subpart Kb on the first day that the tank stores material requiring VOC control.

National Emissions Standards for Hazardous Air Pollutants (Part 61)

40 CFR part 61, subpart A: General Provisions. This subpart applies to the owner or operator of any stationary source for which a standard is prescribed in part 61. The general provisions under subpart A apply to sources that are subject the specific subparts of part 61.

Based on the information provided by Chemtrade, the facility is subject to some of the provisions of 40 CFR part 61. Therefore, the general provisions of 40 CFR part 61 apply.

40 CFR part 61, subpart J: National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene. The provisions of this subpart apply to certain sources that are intended to operate in benzene service. In benzene service means that a piece of equipment either contains or contacts a fluid that is at least 10% benzene by weight.

Based on information provided by Chemtrade, this facility is not intended to operate in benzene service. It was further stated that if there were any residual benzene present in the spent sulfuric acid feedstock, it is in concentrations lower than 10%, as the total hydrocarbon content of the spent acid is less than 10% and a sampling analysis of the spent acid vapors showed that no benzene was detected. Based on this information provided by Chemtrade and the absence of any new information to the contrary, it would appear that this rule does not apply.

40 CFR part 61, subpart M: National Emission Standard for Asbestos.

Chemtrade has stated in their application that they are subject to this subpart when asbestos containing material is disturbed.

Periodic Monitoring

Part 61, subpart M requires that certain work practices be followed during demolition and renovation activities. The rule requires that a notification be filed which among other things requires that the work practices and engineering controls to be used to prevent emissions of asbestos at the demolition or renovation be listed. The rule does not specifically require that any monitoring be conducted to demonstrate that the work practice standards are followed.

Therefore, periodic monitoring will be required to document that regulated asbestos-containing material (RACM) is adequately wet in accordance with the requirements of the subpart. If a local exhaust system is used in accordance with the rules instead of adequately wetting material, a visible emissions check will be required to document that the system meets the no visible emissions to the outside air requirement. The source shall follow EPA recommended guidance for determining when material is adequately wet.

40 CFR part 61, subpart V: National Emission Standard for Equipment Leaks (Fugitive Emission Sources). The provisions of this subpart apply to certain sources that are intended to operate in volatile hazardous air pollutant (VHAP) service. In VHAP service means that a piece of equipment either contains or contacts a fluid that is at least 10% by weight a VHAP.

Based on the information provided by Chemtrade, this facility is not intended to operate in VHAP service. The application further stated that if there is any residual benzene present in the spent sulfuric acid feedstock, it is in concentrations lower than 10%, as the total hydrocarbon content of the spent acid is less than 10% and a sampling analysis of the spent acid vapors showed that no benzene was detected. Based on this information provided by Chemtrade and the absence of any new information to the contrary, it would appear that this rule does not apply.

40 CFR part 61, subpart Y: National Emission Standard for Benzene Emissions from Benzene Storage Vessels. The provisions of this subpart apply to each storage vessel that is storing benzene having a specific gravity within certain ASTM specified ranges.

Based on the information provided by Chemtrade, this facility does not store, use or produce high-purity benzene within the specified ASTM ranges. Based on this information provided by Chemtrade and the absence of any new information to the contrary, it would appear that this rule does not apply.

40 CFR part 61, subpart FF: National Emission Standard for Benzene Waste Operations. Based on the information provided by Chemtrade, this rule does apply. Previous owner, Koch Sulfur Products Company, submitted to EPA by letter dated June 11, 2001 an initial report that states that this facility has no benzene onsite in wastes, products, byproducts, or intermediates in accordance with the requirements of 40 CFR 61.357(a). Chemtrade is required to submit a report that updates the information listed in paragraphs (a)(1) through (a)(3) of §61.357 whenever there is a change in the process generating the waste stream that could cause the total annual benzene quantity from facility waste to increase to 1 Mg/yr or more.

National Emission Standards for Hazardous Air Pollutants for Source Categories (Part 63)

40 CFR part 63: Chemtrade has stated in their application that their facility is not in any of the source categories regulated under 40 CFR part 63, and therefore is not subject to any existing or scheduled MACT standards. Chemtrade would be subject to 40 CFR part 63, subpart B, if reconstruction at the facility meets the requirements found in 40 CFR 63.40.

Compliance Assurance Monitoring (CAM) Rule

40 CFR Part 64: Compliance Assurance Monitoring Provisions. According to 40 CFR 64.2(a), the CAM rule applies to each Pollutant Specific Emission Unit (PSEU) at a major source that is required to obtain a part 70 or part 71 permit if the unit satisfies all of the following criteria:

- 1) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant other than an emissions limitation or standard that is exempt under §64.2(b)(1);

“§64.2(b)(1): Exempt emission limitations or standards. The requirements of this part shall not apply to any of the following emission limitations or standards:

- (i) Emission limitations or standards proposed by the Administrator after November 15, 1990 pursuant to Section 111 or 112 of the Act;*
- (ii) Stratospheric ozone protection requirements under title VI of the Act;*
- (iii) Acid Rain Program requirements pursuant to Sections 404, 405, 406, 407(a), 407(b) or 410 of the Act;*

- (iv) *Emissions limitations or standards or other applicable requirements that apply solely under an emissions trading program approved or promulgated by the Administrator under the Act that allows for trading emissions with a source or between sources;*
- (v) *An emissions cap that meets the requirements specified in §70.4(b)(12) or §71.6(a)(13)(iii) of this chapter;*
- (vi) *Emission limitations or standards for which a part 70 or 71 permit specifies a continuous compliance determination method, as defined in §64.1.”*

“§64.1: Continuous compliance method means a method, specified by the applicable standard or an applicable permit condition, which:

- (1) *Is used to determine compliance with an emission limitation or standard on a continuous basis, consistent with the averaging period established for the emission limitation or standard; and*
- (2) *Provides data either in units of the standard or correlated directly with the compliance limit.”*

- 2) The unit uses a control device to achieve compliance with any such limit or standard; and
- 3) The unit has pre-control device emissions of the applicable regulated pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source.

The CAM regulation potentially applies to Plant #1 and Plant #2 Combustion Chambers, EU1 and EU2, respectively. Both units have pre-controlled emissions of SO₂, greater than 100 tpy, have limits that were created in this permit at the request of Chemtrade for the SO₂ emissions and use a control device to meet the requirement.

However, the emission limit requirements created in this part 71 permit include a continuous compliance method CEM. Therefore, the exemption at §64.2(b)(1)(iv) applies and the units are not subject to the CAM requirements.

Chemical Accident Prevention Program

Based on the information provided by Chemtrade, they are subject to the requirements of 40 CFR part 68. The facility has a quantity of oleum (fuming sulfuric acid) onsite that is above the threshold quantity in this rule; therefore, is subject to the requirement to develop and submit a risk management plan.

Stratospheric Ozone and Climate Protection

According to Chemtrade’s application, they are subject to the requirements of 40 CFR 82, subpart F due to an air conditioning unit at the facility. Chemtrade must comply with the standards of 40 CFR 82, subpart F for recycling and emissions reduction, if it services, maintains, or repairs the air conditioning unit in any way or if it disposes of the unit. Specifically, Chemtrade must comply with 40 CFR 82.156, 82.158, 82.161 and 82.166(i).

Based on the information provided by Chemtrade, there are no halon fire extinguishers at the facility. However, should Chemtrade obtain any halon fire extinguishers, then it must comply with the standards

of 40 CFR 82, subpart H for halon emissions reduction, if it services, maintains, tests, repairs, or disposes of equipment that contains halons or uses such equipment during technician training. Specifically, Chemtrade would be required to comply with title VI of the Clean Air Act and submit an application for a modification to this title V permit.

b. Conclusion

EPA recognizes that, in some cases, sources of air pollution located in Indian country are subject to fewer requirements than similar sources located on land under the jurisdiction of a state or local air pollution control agency. To address this regulatory gap, EPA is in the process of developing national regulatory programs for preconstruction review of major sources in nonattainment areas and of minor sources in both attainment and nonattainment areas. These programs will establish, where appropriate, control requirements for sources that would be incorporated into part 71 permits. To establish additional applicable, federally-enforceable emission limits, EPA Regional Offices will, as necessary and appropriate, promulgate FIPs that will establish federal requirements for sources in specific areas. EPA will establish priorities for its direct federal implementation activities by addressing as its highest priority the most serious threats to public health and the environment in Indian country that are not otherwise being adequately addressed. Further, EPA encourages and will work closely with all tribes wishing to develop TIPs for approval under the Tribal Authority Rule. EPA intends that its federal regulations created through a FIP will apply only in those situations in which a tribe does not have an approved TIP.

6. EPA Authority

a. General Authority To Issue Part 71 Permits

Title V of the Clean Air Act requires that EPA promulgate, administer, and enforce a federal operating permits program when a state does not submit an approvable program within the time frame set by title V or does not adequately administer and enforce its EPA-approved program. On July 1, 1996 (61 FR 34202), EPA adopted regulations codified at 40 CFR part 71 setting forth the procedures and terms under which the Agency would administer a federal operating permits program. These regulations were updated on February 19, 1999 (64 FR 8247) to incorporate EPA's approach for issuing federal operating permits to stationary sources in Indian country.

As described in 40 CFR 71.4(a), EPA will implement a part 71 program in areas where a state, local, or tribal agency has not developed an approved part 70 program. Unlike states, Indian tribes are not required to develop operating permits programs, though EPA encourages tribes to do so. See, e.g., Indian Tribes: Air Quality Planning and Management (63 FR 7253, February 12, 1998) (also known as the "Tribal Authority Rule"). Therefore, within Indian country, EPA will administer and enforce a part 71 federal operating permits program for stationary sources until a tribe receives EPA approval to administer a federal operating permits program.

7. Use of All Credible Evidence

Determinations of deviations, continuous or intermittent compliance status, or violations of the permit are not limited to the testing or monitoring methods required by the underlying regulations or this permit; other credible evidence (including any evidence admissible under the Federal Rules of Evidence) must be considered by the source and EPA in such determinations.

8. Public Participation

a. Public Notice

As described in 40 CFR 71.11(a)(5), all part 71 draft operating permits shall be publicly noticed and made available for public comment. The Public Notice of permit actions and public comment period is described in 40 CFR 71(d).

There was a 30 day public comment period for actions pertaining to a draft permit. Public notice was given by providing notification of EPA's intent to issue the draft permit to the permit applicant, the affected state, tribal and local air pollution control agencies, the city and county executives, the state and federal land managers and the local emergency planning authorities which have jurisdiction over the area where the source is located. Notification was provided to all persons who have submitted a written request to be included on the mailing list. Additionally, the general public in the affected community was notified by an advertisement in the local newspaper. If you would like to be added to our mailing list to be informed of future actions on these or other Clean Air Act permits issued in Indian country, please send your name and address to the contact listed below:

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

Public notice was published in the Wind River News as detailed in the cover letter of this permit package, giving opportunity for public comment on the draft permit and the opportunity to request a public hearing.

b. Opportunity For Comment

Members of the public were given an opportunity to review a copy of the draft permit prepared by EPA, the application, this Statement of Basis for the draft permit, and all supporting materials for the draft permit. Copies of these documents were available at:

Fremont County Clerk's Office
450 North 2nd Street, Room 220
Lander, Wyoming 82520

and

Wind River Indian Reservation
Wind River Environmental Quality Commission
Building 10
Fort Washakie, Wyoming 82514

and

US EPA Region 8
Air Program Office
1595 Wynkoop Street (8P-AR)
Denver, Colorado 80202

All documents were available for review at the U.S. EPA Region 8 office Monday through Friday from 8:00 a.m. to 4:00 p.m. (excluding federal holidays).

Any interested person could submit written comments on the draft part 71 operating permit during the public comment period to the Part 71 Permit Contact at the address listed above. All comments would have been considered and answered by EPA in making the final decision on the permit. EPA keeps a record of the commenters and of the issues raised during the public participation process.

Anyone, including the applicant, who believes any condition of the draft permit is inappropriate should raise all reasonable ascertainable issues and submit all arguments supporting their position by the close of the public comment period. Any supporting materials submitted must be included in full and may not be incorporated by reference, unless the material has been already submitted as part of the administrative record in the same proceeding or consists of state or federal statutes and regulations, EPA documents of general applicability, or other generally available reference material.

c. Opportunity To Request A Hearing

A person may submit a written request for a public hearing to the Part 71 Permit Contact, at the address listed above, by stating the nature of the issues to be raised at the public hearing. Based on the number of hearing requests received, EPA will hold a public hearing whenever it finds there is a significant degree of public interest in a draft operating permit. EPA will provide public notice of the public hearing. If a public hearing is held, any person may submit oral or written statements and data concerning the draft permit.

d. Appeal Of Permits

Within 30 days after the issuance of a final permit decision, any person who filed comments on the draft permit or participated in the public hearing may petition to the Environmental Appeals Board to review any condition of the permit decision. Any person who failed to file comments or participate in the public hearing may petition for administrative review, only if the changes from the draft to the final permit decision or other new grounds were not reasonably foreseeable during the public comment period. The 30 day period to appeal a permit begins with EPA's service of the notice of the final permit decision.

The petition to appeal a permit must include a statement of the reasons supporting the review, a demonstration that any issues were raised during the public comment period, a demonstration that it was impracticable to raise the objections within the public comment period, or that the grounds for such objections arose after such a period. When appropriate, the petition may include a showing that the condition in question is based on a finding of fact or conclusion of law which is clearly erroneous; or, an exercise of discretion, or an important policy consideration which the Environmental Appeals Board should review.

The Environmental Appeals Board will issue an order either granting or denying the petition for review,

within a reasonable time following the filing of the petition. Public notice of the grant of review will establish a briefing schedule for the appeal and state that any interested person may file an amicus brief. Notice of denial of review will be sent only to the permit applicant and to the person requesting the review. To the extent review is denied, the conditions of the final permit decision become final agency action.

A motion to reconsider a final order shall be filed within 10 days after the service of the final order. Every motion must set forth the matters claimed to have been erroneously decided and the nature of the alleged errors. Motions for reconsideration shall be directed to the Administrator rather than the Environmental Appeals Board. A motion for reconsideration shall not stay the effective date of the final order unless it is specifically ordered by the Board.

e. Petition to Reopen a Permit for Cause

Any interested person may petition EPA to reopen a permit for cause, and EPA may commence a permit reopening on its own initiative. EPA will only revise, revoke and reissue, or terminate a permit for the reasons specified in 40 CFR 71.7(f) or 71.6(a)(6)(i). All requests must be in writing and must contain facts or reasons supporting the request. If EPA decides the request is not justified, it will send the requester a brief written response giving a reason for the decision. Denial of these requests is not subject to public notice, comment, or hearings. Denials can be informally appealed to the Environmental Appeals Board by a letter briefly setting forth the relevant facts.

f. Notice to Affected States/Tribes

As described in 40 CFR 71.11(d)(3)(i), public notice was given by notifying the air pollution control agencies of affected states, tribal and local air pollution control agencies which have jurisdiction over the area in which the source is located, the chief executives of the city and county where the source is located, any comprehensive regional land use planning agency and any state or federal land manager whose lands may be affected by emissions from the source. The following entities were notified:

State of Wyoming, Department of Environmental Quality
Wind River Environmental Quality Commission; Eastern Shoshone and Northern Arapaho Tribes
National Park Service, Air, Denver, CO
U.S. Department of Agriculture, Forest Service, Rocky Mountain Region
Fremont County, County Clerk
Town of Riverton, Mayor
WildEarth Guardians (formerly Rocky Mountain Clean Air Action)