



PART 70

PERMIT TO OPERATE

Under the authority of RSMo 643 and the Federal Clean Air Act the applicant is authorized to operate the air contaminant source(s) described below, in accordance with the laws, rules, and conditions set forth herein.

Operating Permit Number: OP2021-029
Expiration Date:
Installation ID: 165-0002
Project Number: 2021-03-012

Owner/Operator Name and Address

McCormick Distilling Co., Inc.
One McCormick Lane
Weston, MO 64098
Platte County

Installation Description:

McCormick Distilling Co. is a spirits distillation, storage and bottling facility. The facility currently operates a grain fermentation and distillation process and distills only whisky on site, though many other distilled spirits are bottled at the facility. These distilled spirits are transported to the facility via tanker truck and loaded into bulk exterior storage tanks which are emptied into bottling tanks for bottling. Spirits distilled on site are aged in barrels typically between two and ten years although some for much longer. This facility is a Title V major source for VOC emissions and has taken a voluntary 201.0 tpy VOC emissions limit to be a synthetic minor source for prevention of significant deterioration (PSD) purposes.

Effective Date

Director or Designee
Department of Natural Resources

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I. Installation Equipment Listing

EMISSION UNITS WITH LIMITATIONS

The following list provides a description of the equipment at this installation that emits air pollutants and that are identified as having unit-specific emission limitations.

| Emission Unit | Emission Unit Description |
|---------------|--|
| EP-01 | Grain Handling and Unloading |
| EP-04 | Natural Gas Boiler (5.02 MMBtu/hr) |
| EP-08 | Haul Roads: Receiving Goods/Raw Materials at Warehouse "I" (0.6 miles) Receiving Tankers at Bottling House "D" (0.5 miles) Raw Materials from Warehouse "I" to Bottling House "D" (0.2 miles) finished Goods from Bottling House "D" to Warehouse "K" (0.3 miles) Finished Goods from Warehouse "K" (0.3 miles) Receiving Grain at Warehouse "I" (0.6 miles) Supersacs from Warehouse "I" to Still House (0.1 miles) Pallets from Warehouse "I" to Still House (0.1 miles) |
| EP-09 | 24 kW Propane Emergency Generator |

EMISSION UNITS WITHOUT SPECIFIC LIMITATIONS

The following list provides a description of the equipment that does not have unit specific limitations at the time of permit issuance.

| Emission Unit | Emission Unit Description |
|---------------|---|
| EP-02 | Grain Fermentation (three 5000 gallon fermenters) |
| EP-03 | Distillation (Includes beer well, main distillation column, pot still, pre-barreling holding tank emissions, spent grain) |
| EP-05 | Barrel Aging (Maximum 21,805 total barrels) |
| EP-06 | Bottling |
| | Diesel Fuel Storage Tank - 500 gallons capacity |
| EP-07 | Bottling Tanks (358,666 gallons total; Storage Tanks: 513,976 gallons total; and Regauge Tanks: 3,200 gallons total) |

II. Plant Wide Emission Limitations

The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued. The plant wide conditions apply to all emission units at this installation. All emission units are listed in Section I under Emission Units with Limitations and Emission Units without Specific Limitations.

PERMIT CONDITION PW001
 10 CSR 10-6.060 Construction Permits Required
 Construction Permit 112017-003B, Issued March 2, 2021

Emissions Limitations:

The permittee shall emit less than 201.0 tons of VOCs in any consecutive 12-month period from the entire installation. All emission points that have potential to emit at time of permit issuance are listed below: [Special Condition 2.A.]

- a) Grain Fermentation (EP-02)
- b) Distillation (EP-03)
- c) Natural Gas Boiler (EP-04)
- d) Barrel Aging (EP-05)
- e) Bottling (EP-06)
- f) Bottling Storage and Regauge Tanks (EP-07)

Monitoring/Recordkeeping:

- 1) The permittee shall develop and use forms to demonstrate compliance with the VOC emission limit using Air Pollution Control Program approved emission factors provided below. The forms shall contain at a minimum the following information: [Special Condition 2.B.]
 - a) Installation name;
 - b) Installation ID;
 - c) Permit number;
 - d) Current month;
 - e) Current 12-month date range;
 - f) Monthly throughput for each emission unit with the potential to emit VOC;
 - g) Monthly VOC emissions for each emission unit;
 - h) 12-month rolling total VOC emissions from all emission units, and the sum of all VOC emissions from startup, shutdown and malfunction as well as excess emissions reported to the Air Pollution control Program’s Compliance/Enforcement Section in accordance with the requirements of 10 CSR 10-6.050 Startup, Shutdown and Malfunction Conditions.
 - i) Indication of compliance with the VOC emission limit.

Table 1: VOC Emission Factors

| Emission Point Number | Emission Point Description | VOC Emission Factor |
|-----------------------|--|-------------------------------|
| EP-02 | Grain Fermentation (three 5,000 gallon fermenters totaling 15,000 gallons) | 14.263 lb/1,000 bushels |
| EP-03 | Distillation | 0.174 tons/month ^a |

| | | |
|-------|--|--|
| EP-04 | Natural Gas Boiler (5.02 MMBtu/hr) | 5.5 lb/MMscf, 5.39×10^{-3} lb/MMBtu |
| EP-05 | Barrel Aging (21,805 total barrels) | 0.575 lb/barrel stored/month |
| EP-06 | Bottling | 0.00548 lb/proof gallon |
| EP-07 | Spirits Storage Tanks (Storage tanks, bottling tanks, and Regauge tanks) | 1.543 tons/month ^a |

^aThis value represents the PTE for VOCs, and thus a throughput is not required for this emission point

- 2) The permittee shall maintain all records required by this permit for not less than five years and shall make them available immediately to any Missouri Department of Natural Resources' personnel upon request. These records shall include SDS for all materials used. [Special Condition 3.A.]

Reporting:

- 1) The permittee shall report to the Air Pollution Control Program's Compliance/Enforcement Section, by mail at P.O. Box 176, Jefferson City, MO 65102 and by e-mail at AirComplianceReporting@dnr.mo.gov, no later than 10 days after the end of the month during which any record shows an exceedance of the emission limitation. [Special Condition 3.B.]
- 2) The permittee shall report any deviations from the requirements of this permit condition in the semi-annual monitoring report and annual compliance certification required by Section V of this permit.

III. Emission Unit Specific Emission Limitations

The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued.

| PERMIT CONDITION 001 | |
|--|---|
| 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants ¹ | |
| Emission Unit | Description |
| EP-01 | Grain Handling and Unloading; MHDR = 2.0 tons/hr |
| EP-04 | Natural Gas Boiler; 5.02 MMBtu/hr; Constructed 2020 |
| EP-08 | Haul Roads |

Emission Limitation:

- 1) The permittee shall not cause or permit to be discharged into the atmosphere from these emission units any visible emissions with an opacity greater than 20 percent for any continuous six-minute period. [10 CSR 10-6.220(3)(A)1]
- 2) Exception: The permittee may discharge into the atmosphere from any emission unit visible emissions with an opacity up to 60 percent for one continuous six-minute period in any 60 minutes. [10 CSR 10-6.220(3)(A)2]
- 3) Failure to demonstrate compliance with 10 CSR 10-6.220(3)(A) solely because of the presences of uncombined water shall not be a violation. [10 CSR 10-6.220(3)(B)]

Monitoring/Recordkeeping/Reporting:

No monitoring/Recordkeeping/Reporting required. See Statement of Basis.

¹ This permit condition reflects the requirements of 10 CSR 10-6.220 as contained in Missouri's State Implementation Plan (SIP). The version of this regulation that appears in Missouri's Code of State Regulations (CSR) contains different requirements. When the SIP is updated to reflect the CSR requirements, this permit condition no longer applies to EP-04 and EP-08. A permit modification is not necessary to remove this condition.

| PERMIT CONDITION 002 | |
|--|--|
| 10 CSR 10-6.070 New Source Performance Standards | |
| 40 CFR Part 60 Subpart JJJJ Standards of Performance for Spark Ignition Stationary Internal Combustion Engines | |
| Emission Unit | Description |
| EP-09 | 24 KW Emergency Generator: Propane fueled; Generac Guardian Series; Constructed 2020 |

Emission Limitations:

- 1) The permittee shall comply with the emission standards in §60.4231(c):
 - a) The permittee must purchase, operate and maintain the emergency stationary SI ICE to the Phase 1 emission standards in 40 CFR 1054, appendix I, applicable to class II engines, and other requirements for new nonroad SI engines in 40 CFR part 1054: [§60.4231(c)]
 - i. Hydrocarbons + oxides of nitrogen (HC + NO_x): 13.4 g/kw-hr; [§Table 3 to Appendix I]
 - ii. Carbon monoxide (CO): 519 g/kw-hr. [Table 3 to Appendix I]

Operational Limitations:

- 1) The permittee must install a non-resettable hour meter on the emergency engines. [§60.4237(c)]
- 2) In order for the engines to be considered emergency stationary ICE, any operation other than emergency operation, maintenance and testing, emergency demand response and operation in non-emergency situations for 50 hours per year, as described in §60.4243(d)(1)-(3). If the engine is not operated according to the requirements in §60.4243(d)(1)-(3) the engine will not be considered an emergency engine and must meet all requirements for non-emergency engines. [§60.4243(d)]
 - a) There is no time limit on the use of emergency stationary ICE in emergency situations. [§60.4243(d)(1)]
 - b) The permittee may operate the emergency stationary ICE for any combination of the purposes specified in §60.4243(d)(2)(i) for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph (d)(3) of this section counts as part of the 100 hours per calendar year allowed by this paragraph (d)(2). [§60.4243(d)(2)]
 - i. Emergency stationary ICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The permittee may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the permittee maintains records indicating that federal, state, or local standards require maintenance and testing of emergency ICE beyond 100 hours per calendar year. [§60.4243(d)(2)(i)]
 - c) Emergency stationary ICE may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in §60.4243 (d)(2). Except as provided in §60.4243(d)(3)(i), the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity. [§60.4243(d)(3)]

Recordkeeping/Reporting Requirements:

- 1) The permittee must keep records of the following:
 - a) Notifications submitted to comply with Subpart JJJJ and all documentation supporting any notification. [§60.4245(a)(1)]
 - b) Maintenance conducted on the engines. [§60.4254(a)(2)]
 - c) If the stationary SI internal combustion engine is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards. [§60.4245(a)(3)]
 - d) Hours of operation of each engine that is recorded through the non-resettable hour meter. [§60.4245(b)]
- 2) The permittee shall maintain on site all records for not less than five years and shall make them available immediately to any Missouri Department of Natural Resources' personnel upon request.
- 3) The permittee shall report any deviations from the requirements of this permit condition in the semi-annual monitoring report and annual compliance certification required by Section V of this permit.

| PERMIT CONDITION 003 10 CSR 10-6.261 Control of Sulfur Compounds ² | |
|---|--|
| Emission Unit | Description |
| EP-04 | Natural Gas Boiler; 5.02 MMBtu/hr; Constructed 2017 |
| EP-09 | 24 KW Emergency Generator: Propane fueled; Generac Guardian Series; Constructed 2020 |

Operational Limitation:

The permittee shall combust natural gas that meets the definition of 40 CFR 72.2 in EP-04 and liquefied petroleum gas as defined by American Society for Testing and Materials (ASTM) International in EP-09. No other fuels shall be combusted in these units. [6.261(1)(A)]

Monitoring/Recordkeeping:

- 1) The permittee shall determine compliance using fuel delivery records. [6.261(3)(E)3.]
- 2) The permittee must maintain a record of fuel deliveries. [6.261(4)(A)3.]
- 3) The permittee must maintain the fuel supplier information to certify all fuel deliveries. Bills of lading and/or other fuel deliver documentation containing the following information for all fuel purchases or deliveries are deemed acceptable to comply with the requirements of this rule:
[6.261(4)(C)]
 - a) The name, address, and contact information of the fuel supplier; [6.261(4)(C)(1)]
 - b) The type of fuel; [6.261(4)(C)(2)]
- 4) The permittee shall maintain all records required by this permit for not less than five years and shall make them available immediately to any Missouri Department of Natural Resources' personnel upon request.

Reporting:

The permittee shall report any deviations/exceedances of this permit condition in the semi-annual monitoring report and annual compliance certification required by section V of this permit.

² This permit condition contains the applicable requirements from 10 CSR 10-6.261 as reflected in Missouri's Code of State Regulations (CSR). This permit condition is a state requirement until this regulation is incorporated into the SIP. Once the SIP is updated, this permit condition will be both a state and federal requirement. A permit modification is not required for this change.

IV. Core Permit Requirements

The installation shall comply with each of the following regulations or codes. Consult the appropriate sections in the Code of Federal Regulations (CFR), the Code of State Regulations (CSR), and local ordinances for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued. The following are only excerpts from the regulation or code, and are provided for summary purposes only.

10 CSR 10-6.045 Open Burning Requirements

- 1) General Provisions. The open burning of tires, petroleum-based products, asbestos containing materials, and trade waste is prohibited, except as allowed below. Nothing in this rule may be construed as to allow open burning which causes or constitutes a public health hazard, nuisance, a hazard to vehicular or air traffic, nor which violates any other rule or statute.
- 2) Certain types of materials may be open burned provided an open burning permit is obtained from the director. The permit will specify the conditions and provisions of all open burning. The permit may be revoked if the owner or operator fails to comply with the conditions or any provisions of the permit.

10 CSR 10-6.050 Start-up, Shutdown and Malfunction Conditions

- 1) In the event of a malfunction, which results in excess emissions that exceed one hour, the permittee shall submit to the director within two business days, in writing, the following information:
 - a) Name and location of installation;
 - b) Name and telephone number of person responsible for the installation;
 - c) Name of the person who first discovered the malfunction and precise time and date that the malfunction was discovered.
 - d) Identity of the equipment causing the excess emissions;
 - e) Time and duration of the period of excess emissions;
 - f) Cause of the excess emissions;
 - g) Air pollutants involved;
 - h) Estimate of the magnitude of the excess emissions expressed in the units of the applicable requirement and the operating data and calculations used in estimating the magnitude;
 - i) Measures taken to mitigate the extent and duration of the excess emissions; and
 - j) Measures taken to remedy the situation that caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.
- 2) The permittee shall submit the paragraph 1 information to the director in writing at least ten days prior to any maintenance, start-up or shutdown activity which is expected to cause an excessive release of emissions that exceed one hour. If notice of the event cannot be given ten days prior to the planned occurrence, notice shall be given as soon as practicable prior to the activity.
- 3) Upon receipt of a notice of excess emissions issued by an agency holding a certificate of authority under section 643.140, RSMo, the permittee may provide information showing that the excess emissions were the consequence of a malfunction, start-up or shutdown. The information, at a minimum, should be the paragraph 1 list and shall be submitted not later than 15 days after receipt of the notice of excess emissions. Based upon information submitted by the permittee or any other pertinent information available, the director or the commission shall make a determination whether the excess emissions constitute a malfunction, start-up or shutdown and whether the nature, extent and duration of the excess emissions warrant enforcement action under section 643.080 or 643.151, RSMo.

- 4) Nothing in this rule shall be construed to limit the authority of the director or commission to take appropriate action, under sections 643.080, 643.090 and 643.151, RSMo to enforce the provisions of the Air Conservation Law and the corresponding rule.
- 5) Compliance with this rule does not automatically absolve the permittee of liability for the excess emissions reported.

10 CSR 10-6.060 Construction Permits Required

The permittee shall not commence construction, modification, or major modification of any installation subject to this rule, begin operation after that construction, modification, or major modification, or begin operation of any installation which has been shut down longer than five years without first obtaining a permit from the permitting authority.

10 CSR 10-6.065 Operating Permits

The permittee shall file a complete application for renewal of this operating permit at least six months before the date of permit expiration. In no event shall this time be greater than eighteen months. The permittee shall retain the most current operating permit issued to this installation on-site. The permittee shall make such permit available within a reasonable period of time to any Missouri Department of Natural Resources personnel upon request.

10 CSR 10-6.110 Reporting of Emission Data, Emission Fees and Process Information

- 1) The permittee shall submit a Full Emissions Report either electronically via MoEIS, which requires Form 1.0 signed by an authorized company representative, or on Emission Inventory Questionnaire (EIQ) paper forms on the frequency specified in this rule and in accordance with the requirements outlined in this rule. Alternate methods of reporting the emissions, such as spreadsheet file, can be submitted for approval by the director.
- 2) Public Availability of Emission Data and Process Information. Any information obtained pursuant to the rule(s) of the Missouri Air Conservation Commission that would not be entitled to confidential treatment under 10 CSR 10-6.210 shall be made available to any member of the public upon request.
- 3) The permittee shall pay an annual emission fee per ton of regulated air pollutant emitted according to the schedule in the rule. This fee is an emission fee assessed under authority of RSMo. 643.079.

10 CSR 10-6.130 Controlling Emissions During Episodes of High Air Pollution Potential

This rule specifies the conditions that establish an air pollution alert (yellow/orange/red/purple), or emergency (maroon) and the associated procedures and emission reduction objectives for dealing with each. The permittee shall submit an appropriate emergency plan if required by the Director.

10 CSR 10-6.150 Circumvention

The permittee shall not cause or permit the installation or use of any device or any other means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission or air contaminant which violates a rule of the Missouri Air Conservation Commission.

10 CSR 10-6.165 Restriction of Emission of Odors

This is a State Only permit requirement.

No person may cause, permit or allow the emission of odorous matter in concentrations and frequencies or for durations that odor can be perceived when one volume of odorous air is diluted with seven volumes of odor-free air for two separate trials not less than 15 minutes apart within the period of one hour. This odor evaluation shall be taken at a location outside of the installation's property boundary.

10 CSR 10-6.170

Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin

Emission Limitation:

- 1) The permittee shall not cause or allow to occur any handling, transporting or storing of any material; construction, repair, cleaning or demolition of a building or its appurtenances; construction or use of a road, driveway or open area; or operation of a commercial or industrial installation without applying reasonable measures as may be required to prevent, or in a manner which allows or may allow, fugitive particulate matter emissions to go beyond the premises of origin in quantities that the particulate matter may be found on surfaces beyond the property line of origin. The nature or origin of the particulate matter shall be determined to a reasonable degree of certainty by a technique proven to be accurate and approved by the director.
- 2) The permittee shall not cause nor allow to occur any fugitive particulate matter emissions to remain visible in the ambient air beyond the property line of origin.
- 3) Should it be determined that noncompliance has occurred, the director may require reasonable control measures as may be necessary. These measures may include, but are not limited to, the following:
 - a) Revision of procedures involving construction, repair, cleaning and demolition of buildings and their appurtenances that produce particulate matter emissions;
 - b) Paving or frequent cleaning of roads, driveways and parking lots;
 - c) Application of dust-free surfaces;
 - d) Application of water; and
 - e) Planting and maintenance of vegetative ground cover.

10 CSR 10-6.180 Measurement of Emissions of Air Contaminants

- 1) The director may require any person or owner/operator of a source responsible for the emission of air contaminants to conduct tests to determine the quantity or nature, or both, of their air contaminant emissions. The director may specify test methods to be used and observe testing as it is performed. All tests must be performed by qualified personnel. The director shall be provided a copy of the test results in writing and signed by the person responsible for the tests.
- 2) The director may conduct tests of emissions of air contaminants from any source. Upon the director's request, the person responsible for the source to be tested shall provide necessary ports in stacks or ducts and other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.

10 CSR 10-6.280 Compliance Monitoring Usage

- 1) The permittee is not prohibited from using the following in addition to any specified compliance methods for the purpose of submission of compliance certificates:
 - a) Monitoring methods outlined in 40 CFR Part 64;
 - b) Monitoring method(s) approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and

- c) Any other monitoring methods approved by the director.
- 2) Any credible evidence may be used for the purpose of establishing whether a permittee has violated or is in violation of any such plan or other applicable requirement. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at an installation:
 - a) Monitoring methods outlined in 40 CFR Part 64;
 - b) A monitoring method approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and
 - c) Compliance test methods specified in the rule cited as the authority for the emission limitations.
- 3) The following testing, monitoring or information gathering methods are presumptively credible testing, monitoring, or information gathering methods:
 - a) Applicable monitoring or testing methods, cited in:
 - i) 10 CSR 10-6.030, "Sampling Methods for Air Pollution Sources";
 - ii) 10 CSR 10-6.040, "Reference Methods";
 - iii) 10 CSR 10-6.070, "New Source Performance Standards";
 - iv) 10 CSR 10-6.080, "Emission Standards for Hazardous Air Pollutants"; or
 - b) Other testing, monitoring, or information gathering methods, if approved by the director, that produce information comparable to that produced by any method listed above.

10 CSR 10-5.040 Use of Fuel in Hand-Fired Equipment Prohibited

No owner or operator shall operate applicable hand-fired fuel burning equipment unless the owner or operator meets the conditions set forth in 10 CSR 10-5.040. This regulation shall apply to all hand-fired fuel-burning equipment at commercial facilities including, but not limited to, furnaces, heating and cooking stoves and hot water furnaces. It shall not apply to wood-burning fireplaces and wood-burning stoves in dwellings, nor to fires used for recreational purpose, nor to fires used solely for the preparation of food by barbecuing or to other equipment exempted under 10 CSR 10-5.040. Hand-fired fuel-burning equipment is any stove, furnace, or other fuel-burning device in which fuel is manually introduced directly into the combustion chamber.

10 CSR 10-5.060 Refuse Not to be Burned in Fuel Burning Installations

(Rescinded on February 11, 1979, Contained in State Implementation Plan)

No person shall burn or cause or permit the burning of refuse in any installation which is designed for the primary purpose of burning fuel.

40 CFR Part 82 Protection of Stratospheric Ozone (Title VI)

- 1) The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
 - a) All containers in which a class I or class II substance is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR §82.106.
 - b) The placement of the required warning statement must comply with the requirements of 40 CFR §82.108.
 - c) The form of the label bearing the required warning statement must comply with the requirements of 40 CFR §82.110.

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- d) No person may modify, remove, or interfere with the required warning statement except as described in 40 CFR §82.112.
 - 2) The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B of 40 CFR Part 82:
 - a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices described in 40 CFR §82.156.
 - b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment described in 40 CFR §82.158.
 - c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR §82.161.
 - d) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with the record keeping requirements of 40 CFR §82.166. ("MVAC-like" appliance as defined at 40 CFR §82.152).
 - e) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR §82.156.
 - f) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR §82.166.
 - 3) If the permittee manufactures, transforms, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR part 82, Subpart A, Production and Consumption Controls.
 - 4) If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements contained in 40 CFR part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners. The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.
 - 5) The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR part 82, Subpart G, Significant New Alternatives Policy Program. *Federal Only - 40 CFR Part 82.*

V. General Permit Requirements

The installation shall comply with each of the following requirements. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued,

Permit Duration

10 CSR 10-6.065(5)(C)1.B, 10 CSR 10-6.065(5)(E)3.C

This permit is issued for a term of five years, commencing on the date of issuance. This permit will expire at the end of this period unless renewed. If a timely and complete application for a permit renewal is submitted, but the Air Pollution Control Program fails to take final action to issue or deny the renewal permit before the end of the term of this permit, this permit shall not expire until the renewal permit is issued or denied.

General Record Keeping and Reporting Requirements

10 CSR 10-6.065(5)(C)1.C

- 1) Record Keeping
 - a) All required monitoring data and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report or application.
 - b) Copies of all current operating and construction permits issued to this installation shall be kept on-site for as long as the permits are in effect. Copies of these permits shall be made available within a reasonable period of time to any Missouri Department of Natural Resources' personnel upon request.
- 2) Reporting
 - a) All reports shall be submitted to the Air Pollution Control Program, Compliance and Enforcement Section, P. O. Box 176, Jefferson City, MO 65102 and AirComplianceReporting@dnr.mo.gov.
 - b) The permittee shall submit a report of all required monitoring by:
 - i) October 1st for monitoring which covers the January through June time period, and
 - ii) April 1st for monitoring which covers the July through December time period.
 - c) Each report shall identify any deviations from emission limitations, monitoring, record keeping, reporting, or any other requirements of the permit, this includes deviations or Part 64 exceedances.
 - d) Submit supplemental reports as required or as needed. All reports of deviations shall identify the cause or probable cause of the deviations and any corrective actions or preventative measures taken.
 - i) Notice of any deviation resulting from an emergency (or upset) condition as defined in paragraph (5)(C)7.A of 10 CSR 10-6.065 (Emergency Provisions) shall be submitted to the permitting authority either verbally or in writing within two working days after the date on which the emission limitation is exceeded due to the emergency, if the permittee wishes to assert an affirmative defense. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that indicate an emergency occurred and the permittee can identify the cause(s) of the emergency. The permitted installation must show that it was operated properly at the time and that during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or requirements in the permit. The notice

- must contain a description of the emergency, the steps taken to mitigate emissions, and the corrective actions taken.
- ii) Any deviation that poses an imminent and substantial danger to public health, safety or the environment shall be reported as soon as practicable.
 - iii) Any other deviations identified in the permit as requiring more frequent reporting than the permittee's semiannual report shall be reported on the schedule specified in this permit.
 - e) Every report submitted shall be certified by the responsible official, except that, if a report of a deviation must be submitted within ten days after the deviation, the report may be submitted without a certification if the report is resubmitted with an appropriate certification within ten days after that, together with any corrected or supplemental information required concerning the deviation.
 - f) The permittee may request confidential treatment of information submitted in any report of deviation.

Risk Management Plan Under Section 112(r)

10 CSR 10-6.065(5)(C)1.D

If the installation is required to develop and register a risk management plan pursuant to Section 112(R) of the Act, the permittee will verify that it has complied with the requirement to register the plan.

Title IV Allowances

10 CSR 10-6.065(5)(C)1.E

This permit prohibits emissions which exceed any allowances the installation holds under Title IV of the Clean Air Act.

No permit revisions shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program if the increases do not require a permit revision under any other applicable requirement.

Limits cannot be placed on the number of allowances that may be held by an installation. The installation may not use these allowances, however, as a defense for noncompliance with any other applicable requirement.

Any allowances held by a Title IV installation shall be accounted for according to procedures established in rules promulgated under Title IV of the Clean Air Act.

→List relevant permits and/or new unit exemptions and their effective dates here. ←

Severability Clause

10 CSR 10-6.065(5)(C)1.F

In the event of a successful challenge to any part of this permit, all uncontested permit conditions shall continue to be in force. All terms and conditions of this permit remain in effect pending any administrative or judicial challenge to any portion of the permit. If any provision of this permit is invalidated, the permittee shall comply with all other provisions of the permit.

General Requirements

10 CSR 10-6.065(5)(C)1.G

- 1) The permittee must comply with all of the terms and conditions of this permit. Any noncompliance with a permit condition constitutes a violation and is grounds for enforcement action, permit termination, permit revocation and re-issuance, permit modification or denial of a permit renewal application.
- 2) The permittee may not use as a defense in an enforcement action that it would have been necessary for the permittee to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit
- 3) The permit may be modified, revoked, reopened, reissued or terminated for cause. Except as provided for minor permit modifications, the filing of an application or request for a permit modification, revocation and reissuance, or termination, or the filing of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- 4) This permit does not convey any property rights of any sort, nor grant any exclusive privilege.
- 5) The permittee shall furnish to the Air Pollution Control Program, upon receipt of a written request and within a reasonable time, any information that the Air Pollution Control Program reasonably may require to determine whether cause exists for modifying, reopening, reissuing or revoking the permit or to determine compliance with the permit. Upon request, the permittee also shall furnish to the Air Pollution Control Program copies of records required to be kept by the permittee. The permittee may make a claim of confidentiality for any information or records submitted pursuant to 10 CSR 10-6.065(5)(C)1.

Incentive Programs Not Requiring Permit Revisions

10 CSR 10-6.065(5)(C)1.H

No permit revision will be required for any installation changes made under any approved economic incentive, marketable permit, emissions trading, or other similar programs or processes provided for in this permit.

Reasonably Anticipated Operating Scenarios

10 CSR 10-6.065(5)(C)1.I

There are no reasonably anticipated operating scenarios.

Compliance Requirements

10 CSR 10-6.065(5)(C)3

- 1) Any document (including reports) required to be submitted under this permit shall contain a certification signed by the responsible official.
- 2) Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized officials of the Missouri Department of Natural Resources, or their authorized agents, to perform the following (subject to the installation's right to seek confidential treatment of information submitted to, or obtained by, the Air Pollution Control Program):
 - a) Enter upon the premises where a permitted installation is located or an emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
 - b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c) Inspect, at reasonable times and using reasonable safety practices, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and

- d) As authorized by the Missouri Air Conservation Law, Chapter 643, RSMo or the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the terms of this permit, and all applicable requirements as outlined in this permit.
- 3) All progress reports required under an applicable schedule of compliance shall be submitted semiannually (or more frequently if specified in the applicable requirement). These progress reports shall contain the following:
 - a) Dates for achieving the activities, milestones or compliance required in the schedule of compliance, and dates when these activities, milestones or compliance were achieved, and
 - b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measures adopted.
- 4) The permittee shall submit an annual certification that it is in compliance with all of the federally enforceable terms and conditions contained in this permit, including emissions limitations, standards, or work practices. These certifications shall be submitted annually by April 1st, unless the applicable requirement specifies more frequent submission. These certifications shall be submitted to the Missouri Compliance Coordinator, Air Branch, Enforcement and Compliance Assurance Division, EPA Region 7, 11201 Renner Blvd., Lenexa, KS 66219, as well as the Air Pollution Control Program, Compliance and Enforcement Section, P.O. Box 176, Jefferson City, MO 65102 and AirComplianceReporting@dnr.mo.gov. All deviations and Part 64 exceedances and excursions must be included in the compliance certifications. The compliance certification shall include the following:
 - a) The identification of each term or condition of the permit that is the basis of the certification;
 - b) The current compliance status, as shown by monitoring data and other information reasonably available to the installation;
 - c) Whether compliance was continuous or intermittent;
 - d) The method(s) used for determining the compliance status of the installation, both currently and over the reporting period; and
 - e) Such other facts as the Air Pollution Control Program will require in order to determine the compliance status of this installation.

Permit Shield

10 CSR 10-6.065(5)(C)6

- 1) Compliance with the conditions of this permit shall be deemed compliance with all applicable requirements as of the date that this permit is issued, provided that:
 - a) The applicable requirements are included and specifically identified in this permit, or
 - b) The permitting authority, in acting on the permit revision or permit application, determines in writing that other requirements, as specifically identified in the permit, are not applicable to the installation, and this permit expressly includes that determination or a concise summary of it.
- 2) Be aware that there are exceptions to this permit protection. The permit shield does not affect the following:
 - a) The provisions of section 303 of the Act or section 643.090, RSMo concerning emergency orders,
 - b) Liability for any violation of an applicable requirement which occurred prior to, or was existing at, the time of permit issuance,
 - c) The applicable requirements of the acid rain program,
 - d) The authority of the Environmental Protection Agency and the Air Pollution Control Program of the Missouri Department of Natural Resources to obtain information, or

- e) Any other permit or extra-permit provisions, terms or conditions expressly excluded from the permit shield provisions.

Emergency Provisions

10 CSR 10-6.065(5)(C)7

- 1) An emergency or upset as defined in 10 CSR 10-6.065(5)(C)7.A shall constitute an affirmative defense to an enforcement action brought for noncompliance with technology-based emissions limitations. To establish an emergency- or upset-based defense, the permittee must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, the following:
 - a) That an emergency or upset occurred and that the permittee can identify the source of the emergency or upset,
 - b) That the installation was being operated properly,
 - c) That the permittee took all reasonable steps to minimize emissions that exceeded technology-based emissions limitations or requirements in this permit, and
 - d) That the permittee submitted notice of the emergency to the Air Pollution Control Program within two working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and any corrective actions taken.
- 2) Be aware that an emergency or upset shall not include noncompliance caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

Operational Flexibility

10 CSR 10-6.065(5)(C)8

An installation that has been issued a Part 70 operating permit is not required to apply for or obtain a permit revision in order to make any of the changes to the permitted installation described below if the changes are not Title I modifications, the changes do not cause emissions to exceed emissions allowable under the permit, and the changes do not result in the emission of any air contaminant not previously emitted. The permittee shall notify the Air Pollution Control Program, Compliance and Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, and AirComplianceReporting@dnr.mo.gov as well as to the Missouri Compliance Coordinator, Air Branch, Enforcement and Compliance Assurance Division, EPA Region 7, 11201 Renner Blvd., Lenexa, KS 66219, at least seven days in advance of these changes, except as allowed for emergency or upset conditions. Emissions allowable under the permit means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

- 1) Section 502(b)(10) changes. Changes that, under section 502(b)(10) of the Act, contravene an express permit term may be made without a permit revision, except for changes that would violate applicable requirements of the Act or contravene federally enforceable monitoring (including test methods), record keeping, reporting or compliance requirements of the permit.
 - a) Before making a change under this provision, The permittee shall provide advance written notice to the Air Pollution Control Program, Compliance and Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, and AirComplianceReporting@dnr.mo.gov as well as to the Missouri Compliance Coordinator, Air Branch, Enforcement and Compliance Assurance Division, EPA Region 7, 11201 Renner Blvd., Lenexa, KS 66219, describing the changes to be made, the date on which the change will occur, and any changes in emission and any permit terms and

conditions that are affected. The permittee shall maintain a copy of the notice with the permit, and the APCP shall place a copy with the permit in the public file. Written notice shall be provided to the EPA and the APCP as above at least seven days before the change is to be made. If less than seven days notice is provided because of a need to respond more quickly to these unanticipated conditions, the permittee shall provide notice to the EPA and the APCP as soon as possible after learning of the need to make the change.

- b) The permit shield shall not apply to these changes.

Off-Permit Changes

10 CSR 10-6.065(5)(C)9

- 1) Except as noted below, the permittee may make any change in its permitted operations, activities or emissions that is not addressed in, constrained by or prohibited by this permit without obtaining a permit revision. Insignificant activities listed in the permit, but not otherwise addressed in or prohibited by this permit, shall not be considered to be constrained by this permit for purposes of the off-permit provisions of this section. Off-permit changes shall be subject to the following requirements and restrictions:
 - a) The change must meet all applicable requirements of the Act and may not violate any existing permit term or condition; the permittee may not change a permitted installation without a permit revision if this change is subject to any requirements under Title IV of the Act or is a Title I modification;
 - b) The permittee must provide contemporaneous written notice of the change to the Air Pollution Control Program, Compliance and Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, and AirComplianceReporting@dnr.mo.gov as well as to the Missouri Compliance Coordinator, Air Branch, Enforcement and Compliance Assurance Division, EPA Region 7, 11201 Renner Blvd., Lenexa, KS 66219. This notice shall not be required for changes that are insignificant activities under 10 CSR 10-6.065(5)(B)3 of this rule. This written notice shall describe each change, including the date, any change in emissions, pollutants emitted and any applicable requirement that would apply as a result of the change.
 - c) The permittee shall keep a record describing all changes made at the installation that result in emissions of a regulated air pollutant subject to an applicable requirement and the emissions resulting from these changes; and
 - d) The permit shield shall not apply to these changes.

Responsible Official

10 CSR 10-6.020(2)(R)34

The application utilized in the preparation of this permit was signed by Tyler French, Vice President of Operations. If this person terminates employment, or is reassigned different duties such that a different person becomes the responsible person to represent and bind the installation in environmental permitting affairs, the owner or operator of this air contaminant source shall notify the Director of the Air Pollution Control Program of the change. Said notification shall be in writing and shall be submitted within 30 days of the change. The notification shall include the name and title of the new person assigned by the source owner or operator to represent and bind the installation in environmental permitting affairs. All representations, agreement to terms and conditions and covenants made by the former responsible person that were used in the establishment of limiting permit conditions on this permit will continue to be binding on the installation until such time that a revision to this permit is obtained that would change said representations, agreements and covenants.

Reopening-Permit for Cause

10 CSR 10-6.065(5)(E)6

This permit shall be reopened for cause if:

- 1) The Missouri Department of Natural Resources (MoDNR) receives notice from the Environmental Protection Agency (EPA) that a petition for disapproval of a permit pursuant to 40 CFR § 70.8(d) has been granted, provided that the reopening may be stayed pending judicial review of that determination,
- 2) MoDNR or EPA determines that the permit contains a material mistake or that inaccurate statements were made which resulted in establishing the emissions limitation standards or other terms of the permit,
- 3) Additional applicable requirements under the Act become applicable to the installation; however, reopening on this ground is not required if—:
 - a) The permit has a remaining term of less than three years;
 - b) The effective date of the requirement is later than the date on which the permit is due to expire;
or
 - c) The additional applicable requirements are implemented in a general permit that is applicable to the installation and the installation receives authorization for coverage under that general permit,
- 4) The installation is an affected source under the acid rain program and additional requirements (including excess emissions requirements), become applicable to that source, provided that, upon approval by EPA, excess emissions offset plans shall be deemed to be incorporated into the permit;
or
- 5) MoDNR or EPA determines that the permit must be reopened and revised to assure compliance with applicable requirements.

Statement of Basis

10 CSR 10-6.065(5)(E)1.C

This permit is accompanied by a statement setting forth the legal and factual basis for the permit conditions (including references to applicable statutory or regulatory provisions). This Statement of Basis, while referenced by the permit, is not an actual part of the permit.

VI. Attachments

Attachments follow.

Attachment B

| Method 22 Visible Emissions Observations | | | | | |
|---|-------------------------------------|----|----------------|----|----------|
| Installation Name | | | Observer Name | | |
| Location | | | Date | | |
| Sky Conditions | | | Wind Direction | | |
| Precipitation | | | Wind Speed | | |
| Time | | | Emission unit | | |
| Sketch emission unit: indicate observer position relative to emission unit; indicate potential emission points and/or actual emission points. | | | | | |
| Minute | Seconds | | | | Comments |
| | 0 | 15 | 30 | 45 | |
| | Visible Emissions Yes (Y) or No (N) | | | | |
| 0 | | | | | |
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | |
| 4 | | | | | |
| 5 | | | | | |
| 6 | | | | | |

If visible emissions are observed, the installation is not required to complete the entire six-minute observation. The installation shall note when the visible emissions were observed and shall conduct a Method 9 opacity observation.

Attachment C

| Method 9 Opacity Observations | | |
|---|---|---------------------|
| Installation Name: | Sketch of the observer's position relative to the emission unit | |
| Emission Point: | | |
| Emission Unit: | | |
| Observer Name and Affiliation: | | |
| Observer Certification Date: | | |
| Method 9 Observation Date: | | |
| Height of Emission Point: | | |
| Time: | Start of observations | End of observations |
| Distance of Observer from Emission Point: | | |
| Observer Direction from Emission Point: | | |
| Approximate Wind Direction: | | |
| Estimated Wind Speed: | | |
| Ambient Temperature: | | |
| Description of Sky Conditions (Presence and color of clouds): | | |
| Plume Color: | | |
| Approximate Distance Plume is Visible from Emission Point: | | |

Attachment C (continued) Method 9 Opacity Observations

| Minute | Seconds | | | | 1-minute Avg. % Opacity ³ | 6-minute Avg. % Opacity ⁴ | Steam Plume (check if applicable) | | Comments |
|--------|---|----|----|----|--|--|--------------------------------------|----------|----------|
| | 0 | 15 | 30 | 45 | | | Attached | Detached | |
| | Opacity Readings (% Opacity) ⁵ | | | | | | | | |
| 0 | | | | | | N/A | | | |
| 1 | | | | | | N/A | | | |
| 2 | | | | | | N/A | | | |
| 3 | | | | | | N/A | | | |
| 4 | | | | | | N/A | | | |
| 5 | | | | | | | | | |
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| 28 | | | | | | | | | |
| 29 | | | | | | | | | |
| 30 | | | | | | | | | |

The emission unit is in compliance if each six-minute average opacity is less than or equal to 20/40 %.
 Exception: The emission unit is in compliance if one six-minute average opacity is greater than 20/40 %, but less than 40/60 %.

Was the emission unit in compliance at the time of evaluation (yes or no)?

 Signature of Observer

³ 1-minute avg. % opacity is the average of the four 15 second opacity readings during the minute.

⁴ 6-minute avg. % opacity is the average of the six most recent 1-minute avg. % opacities.

⁵ Each 15 second opacity reading shall be recorded to the nearest 5% opacity as stated within Method 9.

Attachment G
CAM Plan for Thermal Oxidizer

| CAM Monitoring Approach for Thermal Oxidizer for SME-10 | | |
|--|--|--|
| VOC/HAP Compliance Indicator | | |
| Indicator | Temperature of Thermal Oxidizer | Condition of Thermal Oxidizer |
| Measurement Approach | Continuous monitoring of temperature of the thermal oxidizer | Annual burner inspection |
| Indicator Range | The operating temperature shall be maintained on a rolling 3-hour average no lower than 50 degrees Fahrenheit of the average temperature of the oxidizer recorded during the latest approved compliance test. | Maintain proper burner operation and efficiency. |
| | An excursion is defined as temperature measured lower than 50 degrees Fahrenheit of the average temperature of the oxidizer recorded during the latest approved compliance test | An excursion is defined as failure to implement the inspection, maintenance and repair program in accordance with manufacturer's specifications. |
| | Excursions trigger an inspection, corrective action, and a reporting requirement | |
| Performance Criteria | | |
| Data Representativeness | Proper temperature is related to good performance. Average temperature of oxidizer is established during periodic compliance testing. Performance testing conducted to verify compliance with the emission limits within the permitted temperature range are conducted. | The thermal oxidizer is inspected visually for deterioration. Trained personnel perform inspections and maintenance. |
| Verification of Operational Status | Results of temperature monitoring data | Results of inspection and maintenance. |
| QA/QC Practices and Criteria | Temperature instrumentation is inspected and maintained in accordance with the manufacturer's specification by trained personnel. Representative data are obtained and quality assurance and control procedures are conducted in accordance with manufacturer specifications | Annual checks of the instrumentation used to collect temperature data and performance of regular maintenance |
| Monitoring Frequency | Temperature is continuously monitored. | Annual inspection. |
| Averaging Period | Temperature recorded in 3-hour blocks. | N/A |
| Data Collection Procedure | All data collected and maintained in order to verify compliance. | Maintain an operating and maintenance log for the thermal oxidizer including: Incidents of malfunction, with impact on |

| CAM Monitoring Approach for Thermal Oxidizer for SME-10 | | |
|--|--|---|
| VOC/HAP Compliance Indicator | | |
| | | <p>emissions, duration of event, probable cause, and corrective actions; Maintenance activities, with inspection schedule, repair actions, and replacements, etc. A record of regular inspection schedule, the date and results of all inspections, including any actions or maintenance activities that result from the inspections.</p> |
| Corrective Action | Corrective action taken in response to any deviations from the temperature range. | Corrective action taken in response to inspection results |
| Reporting | Summary information of the number, duration, and cause for any excursions and Thermal Oxidizer downtime will be reported on a semiannual basis in the Semiannual Monitoring Report for the Part 70 Operating Permit. | Summary information of results of inspection and maintenance activities. |

Attachment C
Acid Rain Permit

Title IV: Acid Rain Permit

In accordance with Titles IV and V of the Clean Air Act and Missouri State Rule 10 CSR 10-6.270, *Acid Rain Source Permits Required*, the State of Missouri issues this Acid Rain Permit.

Installation Name: City Utilities of Springfield – John Twitty Energy Center
ORIS Code: 6195
Unit ID: Unit 1 and Unit 2 Boilers

The permit application submitted for this source, as corrected by the State of Missouri Department of Natural Resources (MDNR), Air Pollution Control Program (APCP), Operating Permit Section, is attached. The owners and operators of this source must comply with the standard requirements and special provisions set forth in this application.

The number of allowances actually held by an affected source in a unit account may differ from the number allocated by the United States Environmental Protection Agency. Pursuant to 40 CFR 72.84, *Automatic permit amendment*, this does not necessitate a revision to any unit SO₂ allowance allocations identified in this permit.

Pursuant to 40 CFR Part 76, the Missouri Department of Natural Resources Air Pollution Control Program approves the Phase II NO_x Compliance Plan submitted for this unit. In addition to complying with these NO_x limits, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the requirement to reapply for a NO_x compliance plan and requirements covering excess emissions.

This Acid Rain permit is being issued in conjunction with this operating permit and is effective for the same period of time as the operating permit. The permittee shall submit an application to renew this Acid Rain permit in conjunction with the operating permit renewal application.

Date

Director or Designee,
Department of Natural Resources

STATEMENT OF BASIS

Installation Description

McCormick Distilling Co., Inc. has owned and operated a spirits distillation, storage, and bottling facility in Weston, Missouri since 1993. Prior to 1993, the installation has existed and operated under several different ownerships since 1856. The facility currently operates a grain fermentation and distillation process in order to produce whiskey. McCormick Distilling Co. distills only whiskey on site, though many other distilled spirits are bottled at the facility. An assortment of distilled spirits are transported to the facility via tanker truck and loaded into bulk exterior storage tanks. These tanks are then emptied into bottling tanks for bottling. There are currently 48 bottling tanks, 31 storage tanks, and 2 regauge tanks at the facility, many of differing capacities and locations. Certain spirits are aged in barrels typically between two to ten years; though some may be aged longer. McCormick Distilling Co. initially calculated existing facility potential emissions to be less than de minimis. With the addition of extra fermentation, distillation, and barrel capacity, emissions were reevaluated over 8760 hours and VOC emissions were found to be greater than major levels.

This facility is not on the list of named installations found in 10 CSR 10-6.020(3)(B), table 2.

Updated Potential to Emit for the Installation and Reported Air Pollutant Emissions, in tons per year

| Pollutants | Potential Emissions ¹ | Reported Emissions | | |
|--|----------------------------------|--------------------|-------|-------|
| | | 2020 | 2019 | 2018 |
| Particulate Matter ≤ Ten Microns (PM ₁₀) | 4.12 | 0.23 | 0.22 | 0.20 |
| Particulate Matter ≤ 2.5 Microns (PM _{2.5}) | 1.13 | 0.12 | 0.11 | 0.10 |
| Sulfur Oxides (SO _x) | 0.01 | --- | --- | --- |
| Nitrogen Oxides (NO _x) | 2.16 | 1.17 | 1.10 | 1.05 |
| Volatile Organic Compounds (VOC) | 201.0 | 79.14 | 49.71 | 38.99 |
| Carbon Monoxide (CO) | 1.81 | 0.99 | 0.92 | 0.88 |
| Hazardous Air Pollutants (HAPs) | 0.07 | 0.02 | 0.02 | 0.01 |

¹The PTE was taken from the most current construction permit: CP112017-003B, which is an amendment to CP112017-003.

Permit Reference Documents

These documents were relied upon in the preparation of the operating permit. Because they are not incorporated by reference, they are not an official part of the operating permit.

- 1) Part 70 Operating Permit Application, received March 2, 2021;

- 2) 2020 Emissions Inventory Questionnaire, received March 31, 2021; and
- 3) U.S. EPA document AP-42, *Compilation of Air Pollutant Emission Factors*; Volume I, Stationary Point and Area Sources, Fifth Edition; and
- 4) All construction permits listed below.

Applicable Requirements Included in the Operating Permit but Not in the Application or Previous Operating Permits

In the operating permit application, the installation indicated they were not subject to the following regulation(s). However, in the review of the application, the agency has determined that the installation is subject to the following regulation(s) for the reasons stated.

None.

Construction Permit History

The following construction permits have been issued for this installation:

Construction Permit 112017-003B

This amendment is in response to the facilities request to true-up Permit 112017-003A. This permit corrects the following conditions from the previously issued construction permits:

Supersede the 40.0 tpy VOC emissions limit on EP-02 and EP-03;

- Update the emission factor for EP-06 and change it to 0.00548 lb/proof gallon;
- Update the fermentation capacity to 15,000 gallons;
- Increase the barrel storage capacity to 21,805 barrels;
- Grant a 201 tpy plant-wide VOC emissions limit to replace the current 250 tpy plant-wide VOC limit.

Construction Permit 112017-003A

This amendment was issued to correct the calculation method used to determine VOC emissions from the bottling line in permit 112017-003. An estimate of 40% alcohol by volume has been found to be more accurate estimate due to testing instead of the previously used 50%. Due to these changes the permittee requested a 40.0 tpy VOC emissions limit. Condition 1 of this permit is superseded by CP112017-003B.

Construction Permit 112017-003

This permit was issued to authorize the expansion of distilling and barrel aging operations at the facility. The permit was issued with standard conditions.

New Source Performance Standards (NSPS) Applicability

40 CFR Part 60 Subpart JJJJ, *Standards of Performance for Stationary Spark Ignition Internal Combustion Engines* applies to EP-09 Emergency Generator.

40 CFR Part 60 Subpart Kb, *Standards of Performance for Volatile Organic Liquid Storage Vessels* does not apply because vessels at this facility are used either to store beverage alcohol or have volume less than 75 cubic meters (Exempt per §60.110b(a) and (b)(7)).

40 CFR Part 60 Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional-Steam Generating Units does not apply to the natural gas boiler because it is rated less than 10 MMBtu/hr.

40 CFR part 60 Subpart NNN, Standards of Performance for Volatile Organic Compound Emissions from SOCFI Distillation Operations does not apply since the facility produces beverage alcohols (exempt per §60.660(c)(1)).

40 CFR Part 60 Subpart 60 VV, Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry does not apply to the distillation process because the facility produces beverage alcohols (exempt per §60.480(d)(4)) .

Maximum Achievable Control Technology (MACT) Applicability

40 CFR Part 63 Subpart ZZZZ, *National Emission Standards for Hazardous Air Pollutants for Stationary Internal Combustion Engines* is applicable to EP-09 Emergency Generator. This unit complies with Subpart ZZZZ by complying with 40 CFR Part 60 Subpart JJJJ, therefore the requirements of Subpart ZZZZ are not included in the operating permit.

40 CFR Part 63 Subpart JJJJJ, *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources*

This regulation does not apply to EP-04. §63.11195(e) exempts all gas-fired boilers from this regulation.

National Emission Standards for Hazardous Air Pollutants (NESHAP) Applicability

In the permit application and according to APCP records, there was no indication that any Missouri Air Conservation Law, Asbestos Abatement, 643.225 through 643.250; 10 CSR 10-6.080, Emission Standards for Hazardous Air Pollutants, Subpart M, National Standards for Asbestos; and 10 CSR 10-6.250, Asbestos Abatement Projects - Certification, Accreditation, and Business Exemption Requirements apply to this installation. The installation is subject to these regulations if they undertake any projects that deal with or involve any asbestos containing materials. None of the installation's operating projects underway at the time of this review deal with or involve asbestos containing material. Therefore, the above regulations were not cited in the operating permit. If the installation should undertake any construction or demolition projects in the future that deal with or involve any asbestos containing materials, the installation must follow all of the applicable requirements of the above rules related to that specific project.

Compliance Assurance Monitoring (CAM) Applicability

40 CFR Part 64, *Compliance Assurance Monitoring (CAM)*

The CAM rule applies to each pollutant specific emission unit that:

- Is subject to an emission limitation or standard, and
- Uses a control device to achieve compliance, and
- Has pre-control emissions that exceed or are equivalent to the major source threshold.

40 CFR Part 64 is not applicable because none of the pollutant-specific emission units uses a control device to achieve compliance with a relevant standard.

Other Regulatory Determinations

10 CSR 10-6.400 Restriction of Emission of Particulate Matter from Industrial Processes

This regulation does not apply to EP-01 grain handling and unloading because these operations are fugitive emission sources.

10 CSR 10-6.220, Restriction of Emission of Visible Air Contaminants

There are currently 2 versions of 10 CSR 10-6.220, Restriction of Emission of Visible Air Contaminants: the Missouri State Implementation Plan (SIP) version and the Code of State Regulations (CSR) version. The differences are due to revisions to the CSR that have not been incorporated into the SIP. The following table indicates the applicability of the CSR and SIP versions to the emission units at this installation that are potential sources of visible emissions:

| EP# | Description | SIP version | CSR version | Monitoring required |
|-------|------------------------------|---|--|---------------------|
| EP-01 | Grain Handling and Unloading | X | Exempt per (1)(O) and (1)(K) Fugitive and emit within a building | None |
| EP-04 | Natural Gas Boiler | X | Exempt per (1)(L) Natural gas combustion | None |
| | Propane Emergency Generator | Exempt per (1)(A) Internal combustion engines | Exempt per (1)(A) Internal combustion engines | NA |
| EP-08 | Haul Roads | X | Exempt per (1)(K) fugitive | None |

Notes:

X=the emission unit meets the applicability and does not meet the exemptions, therefore the regulation applies and appears in the operating permit.

CSR exemptions: (1)(A): Internal combustion engines

(1)(H): Units regulated under 10 CSR 10-6.070

(1)(K): Fugitive emissions regulated under 10 CSR 10-6.170.

(1)(L): Any emission unit burning only natural gas, landfill gas, propane, liquefied petroleum gas, digester gas, or refinery gas; and

(1)(O): Emission unit that are contained within and emit only within a building space.

Although fugitive emissions are subject to the SIP version, the operating permit does not require monitoring, recordkeeping, or reporting to demonstrate compliance. According to the 2016 regulatory filing for 6.220, the regulation was never intended to regulate fugitive emissions; these emission units are already regulated by 10 CSR 10-6.170, Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin. In the current CSR version, the fugitive emissions exemption was added to clarify the intent of 6.220 and eliminate the overlap with 6.170. Monitoring of fugitive emissions is regulated by 6.170, which appears in the operating permit.

Similarly, although opacity from the combustion of natural gas is subject to the SIP version, the operating permit does not require monitoring, recordkeeping, or reporting to demonstrate compliance. According to the 2016 regulatory filing for 6.220, natural gas combustion sources are not expected to emit opacity except during SSM events, which are already regulated by 10 CSR 10-6.050, Start-Up, Shutdown, and Malfunction Conditions. In the current CSR version, the natural gas combustion exemption was added to eliminate the overlap with 6.050. SSM emissions are regulated by 6.050, which appears in the operating permit.

In addition, emission units that are contained within and emit only within a building space are subject to the SIP version. According to the 2016 regulatory filing for 6.220, the opacity of emission units that emit indoors can't be quantified by Method 9, as a stack is required. In the current CSR version, the emission units emitting indoors exemption was added because these units do not emit through a stack, and Method 9 observations require a stack. Therefore, opacity monitoring for these emission units is not required as a practical matter.

10 CSR 10-6.260, *Restriction of Emission of Sulfur Compounds*

This regulation applies to any installation that is an emission source of sulfur compounds. This regulation was rescinded from the code of state regulations (CSR). However, this regulation is still contained in Missouri's State Implementation Plan (SIP). The boiler (EP-04) at this facility is fueled by natural gas and the emergency generator (EP-09) is fueled by LPG therefore these units meet the exemption to this rule per 10 CSR 10-6.260(1)(A)2.

10 CSR 10-6.261, *Control of Sulfur Dioxide Emissions*

This regulation applies to all sources that emit sulfur dioxide. EP-04 Natural Gas Boiler combusts natural gas and EP-09 Emergency Generator combusts LPG therefore they meet the exception in 10 CSR 10-6.261(1)(A). The requirements to satisfy the exception are to comply with the recordkeeping requirements in 10 CSR 10-6.262(4) which are included in the operating permit.

Other Regulations Not Cited in the Operating Permit or the Above Statement of Basis

Any regulation which is not specifically listed in either the Operating Permit or in the above Statement of Basis does not appear, based on this review, to be an applicable requirement for this installation for one or more of the following reasons:

1. The specific pollutant regulated by that rule is not emitted by the installation;
2. The installation is not in the source category regulated by that rule;
3. The installation is not in the county or specific area that is regulated under the authority of that rule;
4. The installation does not contain the type of emission unit which is regulated by that rule;
5. The rule is only for administrative purposes.

Should a later determination conclude that the installation is subject to one or more of the regulations cited in this Statement of Basis or other regulations which were not cited, the installation shall determine and demonstrate, to the ACP's satisfaction, the installation's compliance with that regulation(s). If the installation is not in compliance with a regulation which was not previously cited, the installation shall submit to the ACP a schedule for achieving compliance for that regulation(s).

Response to Public Comments

A draft of the Part 70 Operating permit renewal for Ray Carroll County Grain Growers, Inc. was placed on public notice on the Missouri Department of Natural Resources website on March 18, 2022. Comments were received via email from Stephanie Taylor via email on April 15, 2022. Comments are addressed below in the order received.

Comment #1:

In regards to Permit Condition 001, Ray-Carroll requests that the requirement to record the time of day fertilizer and grain are received, shipped, and/or handled that has been added to the special conditions under the *Monitoring/Recordkeeping* section be removed. The following reasons support the request to remove the new requirements added to the facility's permit.

- a) Time of day recordkeeping for these activities is not required under the same conditions in the current Part 70 operating permit and has been added without a regulatory driver.
- b) The time of day that fertilizer and grain are received, shipped, and/or handled has been added to *Monitoring/Recordkeeping* requirements 4, 5, 6, 7, 8, and 9 under Permit Condition 001. These requirements incorporate Special Conditions 4B, 5B, 6B, 7B, 8B, and 9D of Construction Permit No. 092016-014 issued on September 21, 2016. The originally permitted conditions do not include time of day recordkeeping requirements.
- c) Since this has not been a requirement included in previous facility permits, there is no mechanism in place at the Carrollton grain elevator to automatically timestamp the activities for every process. The addition of these requirements would be overly burdensome to the facility and its employees.

Response to Comment #1:

The monitoring and record keeping 4) through 8) in Permit Condition 001 has been updated to require that the permittee maintain records indicating that each operation is in compliance with the hours of operation restrictions in Special Conditions 4A-8A of Construction Permit 092016-014.

Comment #2:

Permit Condition 003 has been added to the draft permit and incorporates regulatory language specified under 10 CSR 10-6.261 for the grain dryer, however, the grain dryer was constructed to run on propane, and is exclusively fired on propane, which is excluded from the rule.

- a) The grain dryer (RCG-09A-09B) runs exclusively on liquefied petroleum gas (propane), which qualifies for the exception provided under 10 CSR 10-6.261(1)(A). This is also consistent with the language in the Statement of Basis in the current Part 70 operating permit which states “ 10 CSR 10-6.261, *Control of Sulfur Dioxide Emissions – This regulation does not apply to the propane fired grain dryer per exemption (1)(A)* ”
- b) In addition, the propane is obtained from the adjacent Ray-Carroll Fuels facility. There are no delivery records associated with the propane supply because the facilities are directly connected to each other. The grain dryer can only run on propane and is not equipped to run on any other type of fuel. As such, Ray-Carroll is requesting that this permit condition be removed and the language from the statement of basis from the current permit be retained.

Response to Comment #2

The grain dryer does meet the “exception” to 10 CSR 10-6.261 per (1)(A), however paragraph (1)(A) also states that “this exception is determined by complying with the record keeping requirements in section (4) of the rule. So, while there are not emissions limitations applicable to the grain dryer under the rule, the permittee must maintain records demonstrating that only propane is combusted in the unit and those recordkeeping requirements are included in Permit Condition 003. Documentation that the propane is received from Ray-Carroll Fuels, LLC is sufficient to demonstrate compliance with the record keeping requirements.

Response to Public Comments

A draft of the Part 70 Operating permit renewal for Ray-Carroll Fuels, LLC. was placed on public notice on the Missouri Department of Natural Resources website on March 18, 2022. Comments were received via email from Bob Cheever via email on March 30, 2022. Comments are addressed below in the order received.

Comment #1:

Permit Condition 001 incorporates requirements from 40 CFR Part 63, Subpart CCCCCC-National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities, applicable to Emission Unit RCF-02, 2-10,000 gallon above ground gasoline storage tanks. This draft Part 70 operating permit indicates that Ray-Carroll Fuels, LLC is an area source of hazardous air pollutants (HAPs), and pursuant to 10 CSR 10- 6.075, the EPA is the primary regulating agency for facilities subject to 40 CFR Part 63, Subpart CCCCCC. Therefore, the EPA should be the primary recipient of reports required by Permit Condition 001 and the EPA recommends the MoDNR consider indicating, in Permit Condition 001 that reports are to be submitted to the Missouri Compliance Coordinator, Air Branch, Enforcement and Compliance Assurance Division, EPA Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219.

Response to Comment #1:

This change has been made to the Reporting requirements of Permit Condition 001 as suggested.