TITLE V PERMIT TO OPERATE

Permit Number: GR-ROP 04-02

In accordance with the provisions of Title V of the Clean Air Act and 40 CFR Part 71 and applicable rules and regulations,

Pimalco, Inc.
6833 West Willis Road, Box 5050
Chandler, AZ 85226

is authorized to operate air emission units listed herein and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit. Terms and conditions not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by EPA and citizens under the Clean Air Act.

If all proposed control measures and/or equipment are not installed and properly operated and maintained, this will be considered a violation of the permit.

This permit is valid for a period of five (5) years and shall expire at midnight on the date 5 years after the date of issuance unless a timely and complete renewal application has been submitted at least 6 months but not more than 18 months prior to the date of expiration. The permit number cited above should be referenced in future correspondence regarding this facility.

10-23-06
Date

Deborah Jordan
Director, Air Division
EPA Region IX

Abbreviations and Acronyms

AFS	AIRS Facility Subsystem
AIRS	Aerometric Information Retrieval System
AR	Acid Rain
ARP	Acid Rain Program
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CFR	Code of Federal Regulations
D/F	Dioxins/Furans
EIP	Economic Incentives Program
EPA	United States Environmental Protection Agency
gal	Gallon
gr	Grain
HAP	Hazardous Air Pollutant
hr	Hour
Id. No.	Identification Number
J	Joule
kg	Kilogram
lb	Pound
MACT	Maximum Achievable Control Technology
Mg	Megagram
MMBtu	Million British Thermal Units
mo	Month
NESHAP	National Emission Standards for Hazardous Air Pollutants
NOx	Nitrogen Oxides
NSPS	New Source Performance Standards
NSR	New Source Review
O_2	Oxygen
OM&M	Operation, Maintenance, and Monitoring
PM	Particulate Matter
PM-10	Particulate matter less than 10 microns in diameter
ppm	Parts per million
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
psia	Pounds per square inch absolute
QA/QC	Quality Assurance/Quality Check
RMP	Risk Management Plan
SAPU	Secondary Aluminum Processing Unit
SNAP	Significant New Alternatives Program
SO_2	Sulfur Dioxide
TEQ	Toxic Equivalent
TSP	Total Suspended Particulate
µg	Microgram
US EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

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I. Source Identification

I.A. General Information

Parent Company name: Pimalco (a wholly-owned subsidiary of ALCOA)

Parent Company Mailing Address: 6833 West Willis Road, Box 5050

City: Chandler State: AZ Zip: 85226

Plant Name: Pimalco

Plant Location: Lone Butte Industrial Park

City: Chandler State: AZ

County: Maricopa

EPA Region: 9

Reservation: Gila River Indian Community Tribe: Pima, Maricopa

Company Contact: Amy Vasquez Phone: (480) 598-2294

Plant Manager/Contact: same Phone: same

Responsible Official: Donald J. Nelson Phone: (480) 598-2212

Tribal Contact: Dan Blair Phone: (520) 562-2234 x 241

SIC Code: 3354, 3341

AFS Plant Identification Number: 04-013-GIL11

Description of Process: The Pimalco facility is a secondary aluminum production and extrusion operation which produces aluminum extrusions used as structural components for the aircraft industry.

I.B. Emission-Generating Units and Activities

Emission Unit I.D. No.	Unit Description	Associated Control Equipment
DTM Plant		
DTM #1	Moco A Age Anneal Oven (10.5 MMBtu/hr)	DTM #2: Afterburner (VOC control)
DTM #3	Moco D Age Anneal Oven (10.0 MMBtu/hr)	DTM #4: Afterburner (VOC control)
DTM #5	East Age/Anneal Oven	None
DTM #6	West Age/Anneal Oven	None
DTM #10	Cold Dip Tank (10,676 Gallons)	None
DTM #14	Wyco Roll Machine (10 Gallons)	None
IBC Plant		
IBC #3	Electric Melting Furnace No. 0	None
IBC #4	Electric Melting Furnace No. 1	None
IBC #5	Electric Melting Furnace No. 2	None
IBC #6	Electric Melting Furnace No. 3	None
IBC # 12	622 Filter Box (0.62 MMBtu/hr)	None
IBC #15	Homogenizing Oven #1 (20 MMBtu/hr)	None
IBC #16	Homogenizing Oven #2 (20 MMBtu/hr)	None
IBC #17	Homogenizing Oven #3 (20 MMBtu/hr)	None
Aerospace Plant		
Aerospace #1	Despatch Vertical Heat Treat Furnace	None
Aerospace #2	Central Age Anneal Oven (10 MMBtu/hr)	None
Aerospace #4	Southwest Age Anneal Oven (9.6 MMBtu/hr)	None
Aerospace #5	Sutton Billet Heater (9.7 MMBtu/hr)	None
Aerospace #12	Protectsol 512 (Enclosed Spraying Chamber - 55 Gallon Drum)	None
Aerospace #13	Westinghouse Electric Heat Treat Furnace	None
PSI Plant		
PSI #1	UBE Billet Heater (7.0 MMBtu/hr)	None
PSI #4	Lindberg Age Anneal Oven (10 MMBtu/hr)	None
PSI #5	Despatch Vertical Heat Treat Furnace (8.0 MMBtu/hr)	PSI #6: Afterburner (VOC control - 15 MMBtu/hr)
Plant General		
Misc #2	Safety Kleen Solvent Parts Washers (4)	None

II. Generic Permit Conditions

Conditions in this section of the permit (Section IV) apply to all emissions units located at the facility.

[40 CFR § 71.6(a)(1)]

II.A. Testing Requirements

In addition to the unit specific testing requirements derived from the applicable requirements for each individual unit contained in Section III of this permit, the permittee shall comply with the following generally applicable testing requirements as necessary to ensure that the required tests are sufficient for compliance purposes:

1. Submit to EPA a source test plan 30 days prior to any required testing. The source test plan shall include and address the following elements:

    a. Purpose of the test

    b. Source Description and Mode of Operation During Test

    c. Scope of Work Planned for Test

    d. Schedule/Dates

    e. Process Data to be Collected During Test

    f. Sampling and Analysis Procedures

        (1) Sampling Locations

        (2) Test Methods

        (3) Analysis Procedures and Laboratory Identification

    g. Quality Assurance Plan

        (1) Calibration Procedures and Frequency

        (2) Sample Recovery and Field Documentation

        (3) Chain of Custody Procedures

        (4) QA/QC Project Flow Chart

    h. Data Processing and Reporting

(1) Description of Data Handling and QC Procedures

(2) Report Content

2. Unless otherwise specified by an applicable requirement or permit condition in Section III, all source tests shall be performed at maximum operating rates (90% to 110%) of device design capacity.

3. Any operating adjustments made during a source test, that are a result of consultation during the tests with source testing personnel, equipment vendors, or consultants, may render the source test invalid.

4. During each test run the permittee shall record the following information:

   a. Fuel characteristics and/or amount of product processed (if applicable).

   b. All parametric data which is required to be monitored in Section III for the emission unit being tested.

   c. Other source specific data identified in Section III such as minimum test length (e.g., one hour, 8 hours, 24 hours, etc.), minimum sample volume, other operating conditions to be monitored, correction of O_2, etc.

5. Each source test shall consist of at least three (3) valid test runs and the emission results shall be reported as the arithmetic average of all valid test runs and in the terms of the emission limit. There must be at least 3 valid test runs, unless otherwise specified.

6. Source test reports shall be submitted to EPA within 60 days of completing any required source test.

[40 CFR §§ 71.6(a)(3)(i)(B) and (C); 71.6(a)(3)(ii); 71.6(c)(1)]

II.B. Recordkeeping Requirements

In addition to the unit specific recordkeeping requirements derived from the applicable requirements for each individual unit and contained in Section III, the permittee shall comply with the following generally applicable recordkeeping requirements:

1. The permittee shall keep records of required monitoring information that include the following:

   a. The date, place, and time of sampling or measurements;

   b. The date(s) analyses were performed;

c. The company or entity that performed the analyses;

d. The analytical techniques or methods used;

e. The results of such analyses; and

f. The operating conditions as existing at the time of sampling or measurement.

2. The permittee shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

[40 CFR §§ 71.6(a)(3)(i)(B) and (C); 71.6(a)(3)(ii); 71.6(c)(1)]

II.C. Reporting Requirements

1. The permittee shall submit to EPA Region 9 reports of any monitoring required under § 71.6(a)(3)(i)(A), (B), or (C) each six month reporting period from January 1 to June 30 and from July 1 to December 31, except that the first reporting period shall begin on the effective date of this permit and end on December 31, 2006. All reports shall be submitted to EPA and shall be postmarked by the 30th day following the end of the reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with condition IV.E.

a. A monitoring report under this section must include the following:

(1) The company name and address;

(2) The beginning and ending dates of the reporting period;

(3) The emissions unit or activity being monitored;

(4) The emissions limitation or standard, including operational requirements and limitations (such as parameter ranges), specified in the permit for which compliance is being monitored;

(5) All instances of deviations from permit requirements and the date on which each deviation occurred;

(6) If the permit requires continuous monitoring of an emissions limit or parameter range, the report must include the total operating time of the emissions unit during the reporting period, the total duration of excess emissions or parameter exceedances during the reporting period, and the total downtime of the continuous monitoring system during the reporting period;

(7) If the permit requires periodic monitoring, visual observations, work practice checks, or similar monitoring, the report shall include the total time when such monitoring was not performed during the reporting period and at the source's discretion either the total duration of deviations indicated by such monitoring or the actual records of deviations;

(8) All other monitoring results, data, or analyses required to be reported by the applicable requirement;

(9) The emission calculations required by Section III of this permit, for the months covered by the monitoring reporting period;

(10) The name, title, and signature of the responsible official who is certifying to the truth, accuracy, and completeness of the report.

b. Any report required by an applicable requirement that provides the same information described in paragraph II.C.1.a(1) through (10) above shall satisfy the requirement under II.C.1.a.

c. "Deviation," means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or record keeping established in accordance with §§ 71.6(a)(3)(i) and (a)(3)(ii). For a situation lasting more than 24 hours, each 24-hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:

(1) A situation when emissions exceed an emission limitation or standard;

(2) A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met;

(3) A situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit.

2. The permittee shall promptly report to the EPA Regional Office deviations from the permit or start-up, shut-down malfunction plan requirements, the probable cause of such deviations, and any corrective actions or preventive measures taken. "Prompt" is defined as follows:

   a. Any definition of "prompt" or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit;

   b. Where the underlying applicable requirement does not define prompt or provide a timeframe for reporting deviations, reports of deviations will be submitted based on the following schedule:

      (1) For emissions of a hazardous air pollutant (as identified in the applicable regulation) that continues for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence;

      (2) For emissions of any regulated pollutant excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours;

      (3) For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report required in paragraph II.C.1 of this permit.

3. If any of the conditions in II.C.2 of this permit are met, the source must notify the EPA by telephone, facsimile, or electronic mail sent to r9.aeo@epa.gov, based on the timetable listed. A written notice, certified consistent with paragraph II.C.4 of this permit section must be submitted within 10 working days of the occurrence. All deviations reported under this section must also be identified in the 6-month report required under paragraph II.C.1 of this section.

4. Any application form, monitoring report, or compliance certification required to be submitted by this permit shall contain certification by the permit-designated responsible official of truth, accuracy and completeness consistent with Section IV.E of this permit and 40 CFR § 71.5(d). All certifications shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

[40 CFR §§ 71.6(a)(3)(i)(B) and (C); 71.6(a)(3)(ii); 71.6(c)(1)]

II.D. Stratospheric Ozone and Climate Protection

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:

1. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR §82.156.

2. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR §82.158.

3. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR §82.161.

[40 CFR Part 82, Subpart F]

II.E. Asbestos from Demolition and Renovation

The permittee shall comply with the requirements of 40 CFR, §§ 61.140 through 61.157 of the National Emission Standard for Asbestos for all demolition and renovation projects.

[40 CFR Part 61, Subpart M]

II.F. Compliance Schedule

1. For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements.

2. For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis.

[40 CFR §§ 71.5(c)(8)(iii) and 71.6(c)(3)]

II.G. Permit Shield

Nothing in this permit shall alter or affect the following:

1. The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;

2. The ability of the EPA to obtain information under Section 114 of the Clean Air Act or;

3. The provisions of Section 303 of the Clean Air Act (emergency orders), including the authority of the Administrator under that section.

[40 CFR § 71.6(f)]

III. Source or Unit Specific Requirements

III.A. Emission Standards

1. The owner or operator must use the following limit to determine the emission standard for each group 1 furnace (IBC #3, IBC #4, IBC #5, and IBC #6):

   15 μg of D/F TEQ per Mg (2.1 x 10^{-4} gr per ton) of feed/charge.

   [40 CFR § 63.1505(i)(3)]

2. The owner or operator shall use Equation 7a in 40 CFR §63.1513(b) to determine compliance with the D/F emission limit in Condition III.A.1.

   [40 CFR § 63.1513(b)]

3. To convert D/F measurements to TEQ units, the owner or operator must use the procedures and equations in the document cited in 40 CFR §63.1513(d).

   [40 CFR § 63.1513(d)]

4. The owner or operator may demonstrate compliance with the emission limits of 40 CFR § 63.1505(k)(3) by demonstrating that each emission unit is in compliance with the emission limits at 40 CFR § 63.1505(i)(3) and Condition III.A.1, except that the owner or operator must first apply for, and receive, a modification to this title V permit.

   [40 CFR § 63.1505(k)(5)]

5. The owner or operator shall not discharge or cause to be discharged to the atmosphere emissions in excess of the following:

   a. 14.6 tons per year of total HAP, based on a 12-month rolling total

   b. 7.3 tons per year of hydrogen fluoride, based on a 12-month rolling total

   c. 6.2 tons per year of hydrochloric acid, based on a 12-month rolling total

   d. 0.4 tons per year of chlorine, based on a 12-month rolling total

[CAA § 304(f), 40 CFR § 71.6(b)]

III.B. Work Practice and Operational Requirements

1. The owner or operator shall not conduct reactive fluxing in any of the group 1 furnaces (IBC #3, IBC #4, IBC #5, and IBC #6) without first applying for, and receiving, a title V permit modification.

   [40 CFR § 63.1510(w)]

2. The owner or operator must provide and maintain an easily visible label posted at each group 1 furnace (IBC #3, IBC #4, IBC #5, and IBC #6) that identifies:

   a. The name and ID number of the furnace;

   b. A statement that only approved charge material will be used, with a description of approved charge;

   c. The feed charge weight limit;

   d. A statement that flux addition is not permitted; and

   e. The applicable emission limit of Condition III.A.1.

   [40 CFR § 63.1506(b)]

3. The owner or operator must operate each group 1 furnace (IBC #3, IBC #4, IBC #5, and IBC #6) in accordance with the work practice/pollution prevention measures documented in the OM&M plan required by 40 CFR § 63.1510(b) and within the parameter values or ranges established in the OM&M plan. Such measures shall include, but not be limited to:

   a. The owner or operator shall not use more than 2673 pounds (not more than 1 metal container, sized 3 cubic yards) of internally generated (boring) chips per charge.

   b. The owner or operator shall only use the following approved charge material:

      T-bar; sow; ingot; billet; pig; alloying elements; aluminum scrap; internal runaround; boring chips; and purchased scrap.

   c. The owner or operator shall charge only scrap that is consistent with the Purchased Scrap Specification and Inspection procedures in the OM&M plan.

d. The owner or operator shall ensure that each new employee responsible for scrap acceptance and/or charging furnaces receives the scrap inspection training included in the OM&M plan, and that refresher training is provided at least biannually. Only those individuals who have successfully completed the training shall be permitted to conduct scrap inspections.

[40 CFR § 63.1506(n); OM&M Plan]

4. When a process parameter deviates from the value or range established during the performance test and incorporated in the OM&M plan required by 40 CFR § 63.1510(b), the owner or operator must initiate corrective action which restores operation of the affected source or emission unit to its normal or usual mode of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. Corrective actions taken must include follow-up actions necessary to return the process parameter levels to the value or range of values established during the performance test and steps to prevent the likely recurrence of the cause of a deviation. Corrective actions shall include, but not be limited to:

a. If the internally generated chips charge limit of Condition III.B.3.a is exceeded, the owner or operator shall:

(1) Log the date and time the excursion began and ended;

(2) Notify the shift supervisor. The shift supervisor will verify that the limit was exceeded;

(3) Log the corrective actions into an internal non-conformance and corrective action system. Information shall consist of:

i. Cause of the excursion;

ii. Actions taken to correct the excursion;

iii. Date and time the corrective action was initiated and completed; and

iv. Steps to prevent reoccurrence of the excursion.

[40 CFR § 63.1506(p); OM&M Plan]

III.C. Monitoring and Testing Requirements

1. Operation, Maintenance, and Monitoring (OM&M) Plan

a. The owner or operator must comply with all of the provisions of the OM&M plan as submitted to EPA on March 21, 2003, unless and until the plan is revised in accordance with Condition III.C.1.c. or Condition III.C.1.d.

[40 CFR § 63.1510(b)]

b. The owner or operator must monitor operations in accordance with the approved OM&M plan. Such actions shall include, but not be limited to:

(1) The owner or operator shall monitor:

i. The quantity of internally generated chips charged; and

ii. The quality of scrap charged. Scrap shall be inspected upon its arrival to ensure that it meets the purchased scrap specifications of the OM&M plan.

(2) The owner or operator shall comply with the scrap monitoring plan of the OM&M plan as specified in Condition III.C.4.

c. If the EPA determines at any time after receipt of the OM&M plan that any revisions of the plan are necessary to satisfy the requirements of 40 CFR § 63.1510 or 40 CFR Part 63, subpart RRR, the owner or operator must promptly make all necessary revisions and resubmit the revised plan.

d. If the owner or operator determines that any revisions of the OM&M plan are necessary, such revisions will not become effective until the owner or operator submits a description of the changes and a revised plan incorporating them to the EPA.

e. If any revision to the OM&M plan will contravene the terms of this permit, the owner or operator must first apply for, and obtain, a title V permit modification prior to modifying operations.

f. The OM&M plan must contain all the elements specified in 40 CFR § 63.1510(b)(1)-(8).

[40 CFR § 63.1510(b); OM&M Plan]

2. Labels

The owner or operator must inspect the labels required by Condition III.B.2. at least once per calendar month to confirm that the posted labels are intact and legible.

[40 CFR § 63.1510(c)]

3. Site-Specific Monitoring

a. The EPA will review and approve or disapprove a proposed site-specific monitoring plan, or request changes to a plan, based on whether the plan contains sufficient provisions to ensure continuing compliance with applicable emission limits and demonstrates, based on documented test results, the relationship between emissions of D/F and the proposed monitoring parameters for D/F.

[40 CFR § 63.1510(o)(1)(ii)]

b. If the EPA determines that any revisions of the site-specific monitoring plan are necessary to meet the requirements of 40 CFR Part 63, subpart RRR, the owner or operator must promptly make all necessary revisions and resubmit the revised plan to the EPA.

[40 CFR § 63.1510(o)(1)]

c. The site-specific monitoring plan must meet the requirements of 40 CFR §§ 63.1510(o) and 63.1512(e).

[40 CFR § 63.1510(o)]

4. Alternative to Scrap Inspection Program

The owner or operator shall comply with the alternative scrap inspection procedures, approved by EPA on January 23, 2006 pursuant to CFR § 63.1510(w), in lieu of complying with the scrap inspection program requirements of 40 CFR § 63.1510(p).

The scrap inspection procedures shall include, but not be limited to:

(a) Certification and recertification using a written test, at least once every two years for each individual conducting visual scrap inspections;

(b) No painted scrap shall be charged unless a D/F test using an approved test protocol has been performed in accordance with 40 CFR Part 63, subpart RRR;

(c) Maintenance of records documenting inspections of scrap for unacceptable materials.

[40 CFR § 63.1510(w); EPA approval letter dated January 26, 2003]

5. Performance Tests

The owner or operator must ensure that any performance test conducted pursuant to 40 CFR Part 63, subpart RRR complies with the requirements of 40 CFR § 63.1511.

[40 CFR §§ 63.1511 and 63.1512]

6. Usage Tracking

a. The owner or operator shall track use of chlorine, ammonium fluoroborate, and ammonium bi-fluoride. Usage shall be based on purchasing records and inventories.

b. At the start of each calendar month, the owner or operator shall calculate the 12-month rolling total usage of chlorine, ammonium fluoroborate, and ammonium bi-fluoride. Pimalco shall perform the first calculation at the start of the first calendar month following the effective date of this permit.

c. At the start of each calendar month, the owner or operator shall calculate the 12-month rolling total emissions of total HAP, hydrogen fluoride, hydrochloric acid, and chlorine. Pimalco shall perform the first calculation at the start of the first calendar month following the effective date of this permit.

[40 CFR § 71.6(a)(3)(i)(B)]

III.D. Recordkeeping Requirements

1. As required by 40 CFR §§ 63.10(b) and 63.1517(a), the owner or operator shall maintain files of all information (including all reports and notifications) required by the general provisions and subpart RRR.

[40 CFR § 63.1517(a)(1)]

2. The owner or operator may retain records on microfilm, computer disks, magnetic tape, or microfiche and may report required information on paper or on a labeled

computer disk using commonly available and EPA-compatible computer software.

[40 CFR § 63.1517(a)(2)-(a)(3)]

3. In addition to the general records required by 40 CFR § 63.1517(a), the owner or operator must maintain records of:

   a. For each group 1 furnace (IBC #3, #4, #5, and #6), on the furnace charge log, or other similar form, the amount of chips (number of containers) included in each charge;

   b. Scrap inspections using the "load acceptance/rejection," or other similar, form;

   c. Those individuals who have successfully completed the scrap inspection training required by Condition III.B.3.d and the OM&M plan.

   d. Approved site-specific monitoring plan with records documenting conformance with the plan;

   e. Records of monthly inspections for proper unit labeling;

   f. Records for approved alternative monitoring or test procedures;

   g. Current copy of all required plans, including any revisions, with records documenting conformance with the applicable plan, including: startup, shutdown, and malfunction plan; and OM&M plan.

   [40 CFR § 63.1517(b); OM&M plan]

4. The owner or operator must also maintain records of:

   a. Chlorine, ammonium fluoroborate, and ammonium bi-fluoride usage; and

   b. 12-month rolling total emissions of total HAP, hydrogen fluoride, hydrochloric acid, and chlorine.

   [40 CFR § 71.6(a)(3)(i)(B)]

III.E. Notification and Reporting Requirements

Nothing in this section shall be construed as permitting modifications to the source without first obtaining all necessary preconstruction permits.

1. As required by 40 CFR §§ 63.9(b)(1) and 63.1515(a)(1), the owner or operator must provide notification for an area source that subsequently increases its emissions such that the source is a major source subject to the standard.

   [40 CFR § 63.1515(a)(1)]

2. If the source is reconstructed, as defined in 40 CFR § 63.2, the owner or operator shall comply with the notification requirements of 40 CFR § 63.1515(a)(2)-(5).

   [40 CFR § 63.1515(a)(2)-(a)(5)]

3. As required by 40 CFR §§ 63.1515(a)(6) and 63.9(e) and (f), the owner or operator must provide notification of the anticipated date for conducting performance tests and visible emissions observations. The owner or operator must notify the Administrator of the intent to conduct a performance test at least 60 days before the test is scheduled; notification of opacity or visible emission observations for a performance test must be provided at least 30 days before the observations are scheduled to take place.

   [40 CFR § 63.1515(a)(6)]

4. The owner or operator must comply with the startup, shutdown, and malfunction plan requirements of 40 CFR §§ 63.6(e)(3) and 63.1516(a).

   [40 CFR § 63.1516(a)]

5. The owner or operator must submit semiannual reports meeting the requirements of 40 CFR § 63.1516(b) within 60 days after the end of each 6-month period. When no deviations of parameters have occurred, the owner or operator must submit a report stating that no excess emissions occurred during the reporting period.

   [40 CFR § 63.1516(b)]

6. For the purpose of annual certifications of compliance required by 40 CFR Part 71, the owner or operator must certify continuing compliance based upon, but not limited to, the following conditions:

   a. Any period of excess emissions, as defined in 40 CFR § 63.1516(b)(1), that occurred during the year were reported as required by subpart RRR; and

   b. All monitoring, recordkeeping, and reporting requirements were met during the year.

   [40 CFR § 63.1516(c)]

III.F. MACT General Provisions

The owner or operator must comply with the requirements of 40 CFR Part 63, subpart A, as specified in 40 CFR § 63.1518 and Appendix A of 40 CFR Part 63, subpart RRR.

[40 CFR § 63.1518]

IV. Title V Administrative Requirements

Conditions in this section of the permit (Section IV) apply to all emissions units located at the facility.

[40 CFR § 71.6(a)(1)]

IV.A. Fee Payment

1. The permittee shall pay an annual permit fee in accordance with the procedures outlined below. [See § 71.9(a)]

2. The permittee shall pay the annual permit fee by April 1 of each year.

3. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of the U.S. Environmental Protection Agency.

4. The permittee shall send fee payment and a completed fee filing form to

   Mellon Bank
   U.S. EPA -- Region 9
   P.O. Box 360863M
   Pittsburgh, PA 15251

5. The permittee shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by the same deadline as required for fee payment to the address listed in Section III.E of this permit. [Permittees should note that an annual emissions report, required at the same time as the fee calculation worksheet by § 71.9(h), has been incorporated into the fee calculation worksheet form as a convenience.]

6. Basis for calculating annual fee:

   a. The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all "regulated pollutants (for fee calculation)"

emitted from the source by the presumptive emissions fee (in dollars/ton) in effect at the time of calculation.

(1) "Actual emissions" means the actual rate of emissions in tpy of any regulated pollutant (for fee calculation) emitted from a part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions unit's actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. [See § 71.9(c)(6).]

(2) Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data. [See § 71.9(h)(3).]

(3) If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures. § 71.9(e)(2).

(4) The term "regulated pollutant (for fee calculation)" is defined in § 71.2.

(5) The permittee should note that the presumptive fee amount is revised each calendar year to account for inflation, and it is available from EPA prior to the start of each calendar year.

b. The permittee shall exclude the following emissions from the calculation of fees:

(1) The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year. See § 71.9(c)(5)(i);

(2) Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation, see § 71.9(c)(5)(ii); and

(3) The quantity of actual emissions (for fee calculation) of insignificant activities [defined in § 71.5(c)(11)(i)] or of insignificant emissions levels from emissions units identified in the permittee's application [pursuant to § 71.5(c)(11)(ii)]. [See § 71.9(c)(5)(iii).]

7. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official. [Permittees should note that the fee calculation worksheet form already incorporates a section to help you meet this responsibility.]

8. The permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for 5 years following submittal of fee payment. Emission-related data include, for example, emissions-related forms provided by EPA and used by the permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept in accordance with § 71.6(a)(3)(ii). [See § 71.9(i).]

9. Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with § 71.9(l).

10. When notified by EPA of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of notification. [See § 71.9(j)(1) and (2).]

11. A permittee who thinks an EPA assessed fee is in error and who wishes to challenge such fee, shall provide a written explanation of the alleged error to EPA along with full payment of the EPA assessed fee. [See § 71.9(j)(3).]

[40 CFR §§ 71.6(a)(7) and 71.9]

IV.B. Blanket Compliance Statement

1. The permittee must comply with all conditions of this Part 71 permit. Any permit noncompliance, including, but not limited to, violation of any applicable requirement; any permit term or condition; any fee or filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any regulation or order issued by the EPA pursuant to this part constitutes a violation of the Clean Air Act and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [71.6(a)(6)(i),(ii)]

2. Determinations of deviations, continuous or intermittent compliance status, or violations of this permit, are not limited to the applicable 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 in such determinations. [Section 113(a) and 113(e)(1) of the Act, § 51.212, § 52.12, § 52.33]

[40 CFR § 71.6(a)(6)(i) and (ii), and sections 113(a) and 113(e)(1) of the Act, and § 51.212, § 52.12, § 52.33]

IV.C. Compliance Certifications

1. The permittee shall submit to EPA Region 9 a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, postmarked by January 30 of each year and covering the previous calendar year, with the following exception:

   a. The first certification following the issuance of this permit shall cover the period from April 26, 2006 through December 31, 2006, and shall be postmarked by January 30, 2007.

   The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official consistent with Section IV.E. of this permit and section 114(a)(3) of the Clean Air Act.

2. The certification shall include the following:

   a. Identification of each permit term or condition that is the basis of the certification.

   b. Identification of the method(s) or other means used for determining the compliance status of each term and condition during the certification period. If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Clean Air Act, which prohibits knowingly making a false certification or omitting material information.

   c. The compliance status of each term and condition of the permit for the period covered by the certification based on the method or means designated above. The certification shall identify each deviation and take it into account in the compliance certification.

   d. Whether compliance with each permit term was continuous or intermittent.

[40 CFR § 71.6(c)(5)]

IV.D. Duty to Provide and Supplement Information

The permittee shall furnish to EPA, within a reasonable time, any information that EPA may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential should be accompanied by a claim of confidentiality according to the provisions of 40 CFR part 2, subpart B. The permittee,

upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information.

[40 CFR §71.6(a)(6)(v), §71.5(b)]

IV.E. Submissions

Any document required to be submitted with this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. All documents required to be submitted, including reports, test data, monitoring data, notifications, compliance certifications, fee calculation worksheets, and applications for renewals and permit modifications shall be submitted to:

EPA Region IX (Attn: AIR-1)
75 Hawthorne Street
San Francisco, CA 94105

[40 CFR §71.5(d), §71.6 and §71.9]

IV.F. Severability Clause

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

[40 CFR §71.6(a)(5)]

IV.G. Permit Actions

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

[40 CFR §71.6(a)(6)(iii)]

IV.H. Reopening for Cause

EPA shall reopen and revise the permit prior to expiration under any of the following circumstances:

1. Additional applicable requirements under the Act become applicable to a major part 71 source with a remaining permit term of 3 or more years.

2. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

3. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

4. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

[40 CFR §71.7(f)]

IV.I. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

[40 CFR §71.6(a)(6)(iv)]

IV.J. Inspection and Entry

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized representatives from EPA to perform the following:

1. Enter upon the permittee's premises where a Part 71 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

4. As authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

[40 CFR §71.6(c)(2)]

IV.K. Emergency Provisions

1. In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

    a. an emergency occurred and that the permittee can identify the cause(s) of the emergency;

    b. the permitted facility was at the time being properly operated;

    c. during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and

    d. the permittee submitted notice of the emergency to EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

    e. In any enforcement proceeding the permittee attempting to establish the occurrence of an emergency has the burden of proof.

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

[40 CFR §71.6(g)]

IV.L. Transfer of Ownership or Operation

A change in ownership or operational control of this facility may be treated as an administrative permit amendment if the EPA determines no other change in this permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA.

[40 CFR §71.7(d)(1)(iv)]

IV.M. Off Permit Changes

The permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:

1. Each change is not addressed or prohibited by this permit.

2. Each change must comply with all applicable requirements and may not violate any existing permit term or condition;

3. Changes under this provision may not include changes or activities subject to any requirement under Title IV or that are modifications under any provision of Title I of the Clean Air Act;

4. The permittee must provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under §71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change.

5. The permit shield does not apply to changes made under this provision;

6. The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.

[40 CFR §71.6(a)(12)]

IV.N. Permit Expiration and Renewal

1. This permit shall expire upon the earlier occurrence of the following events:

   a. Five (5) years elapses from the date of issuance; or

   b. The source is issued a part 70 permit by an EPA-approved permitting authority.

2. Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted on or before a date 6 months, but not more than 18 months, prior to the date of expiration of this permit.

3. If the permittee submits a timely and complete permit application for renewal, consistent with § 71.5(a)(2), but the EPA has failed to issue or deny the renewal permit, then the permit shall not expire until the renewal permit has been issued or

denied and any permit shield granted pursuant to § 71.6(f) may extend beyond the original permit term until renewal.

4. The permittee's failure to have a Part 71 permit is not a violation of this part until EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.

5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation, affected State, and tribal review.

6. The application for renewal shall include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

[40 CFR §71.5(a)(1)(iii), §71.6(a)(11), §71.7(b), §71.7(c)(1)(i) and (ii), §71.8(d)]

IV.O. Administrative Permit Amendments

1. The permittee may request the use of administrative permit amendment procedures for a permit revision that:

   a. Corrects typographical errors.

   b. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source.

   c. Requires more frequent monitoring or reporting by the permittee.

   d. Allows for a change in ownership or operational control of a source where the EPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the EPA.

   e. Incorporates into the part 71 permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of §§ 71.7 and 71.8 that would be applicable to the change if it were subject to review as a permit modification, and

compliance requirements substantially equivalent to those contained in § 71.6.

f. Incorporates any other type of change which EPA has determined to be similar to those listed above in subparagraphs (a) through (e).

[40 CFR § 71.7(d)]

IV.P. Minor Permit Modifications

1. The permittee may request the use of minor permit modification procedures only for those modifications that:

   a. Do not violate any applicable requirement.

   b. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit.

   c. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.

   d. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

      (1) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and

      (2) An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Clean Air Act.

   e. Are not modifications under any provision of title I of the Clean Air Act.

   f. Are not required to be processed as a significant modification.

2. Notwithstanding the list of changes eligible for minor permit modification procedures in condition IV.P above, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.

3. An application requesting the use of minor permit modification procedures shall meet the requirements of § 71.5(c) and shall include the following:

   a. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

   b. The source's suggested draft permit;

   c. Certification by a responsible official, consistent with § 71.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

   d. Completed forms for the EPA to use to notify affected States as required under § 71.8.

4. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the EPA takes any of the actions authorized by § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

5. A permit shield under § 71.6(f) may not extend to minor permit modifications. [See § 71.7(e)(1)(vi)].

[40 CFR § 71.7(e)(1)]

IV.Q. Group Processing of Minor Permit Amendments

1. Group processing of modifications by EPA may be used only for those permit modifications:

   a. That meet the criteria for minor permit modification procedures under paragraphs III.P.1. of this permit; and

   b. That collectively are below the threshold level of 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in § 71.2, or 5 tons per year, whichever is least.

2. An application requesting the use of group processing procedures shall be submitted to EPA, shall meet the requirements of § 71.5(c), and shall include the following:

   a. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

   b. The source's suggested draft permit.

   c. Certification by a responsible official, consistent with § 71.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.

   d. A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set condition III.Q.1.(ii) above.

   e. Completed forms for the EPA to use to notify affected States as required under § 71.8.

   f. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the EPA takes any of the actions authorized by § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

3. The permit shield under § 71.6(f) may not extend to group processing of minor permit modifications. [See § 71.7(e)(1)(vi)].

[40 CFR § 71.7(e)(2)]

IV.R. Significant Modifications

1. The permittee must request the use of significant permit modification procedures for those modifications that:

   a. Do not qualify as minor permit modifications or as administrative amendments.

b. Are significant changes in existing monitoring permit terms or conditions.

c. Are relaxations of reporting or recordkeeping permit terms or conditions.

2. Nothing herein shall be construed to preclude the permittee from making changes consistent with part 71 that would render existing permit compliance terms and conditions irrelevant.

3. Permittees must meet all requirements of part 71 for applications for significant permit modifications. For the application to be determined complete, the permittee must supply all information that is required by § 71.5(c) for permit issuance and renewal, but only that information that is related to the proposed change. [See § 71.7(e)(3)(ii) and § 71.5(a)(2).]

[40 CFR § 71.7(e)(3)]

IV.S. Operational Flexibility

1. The permittee is allowed to make a limited class of changes under Section 502(b)(10) of the Clean Air Act within this permitted facility that contravene the specific terms of this permit without applying for a permit revision, provided the changes do not exceed the emissions allowable under this permit (whether expressed therein as a rate of emissions or in terms of total emissions) and are not Title I modifications. This class of changes does not include:

   a. Changes that would violate applicable requirements; or

   b. Changes that would contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

2. The permittee is required to send a notice to EPA at least 7 days in advance of any change made under this provision. The notice must describe the change, when it will occur and any change in emissions, and identify any permit terms or conditions made inapplicable as a result of the change. The permittee shall attach each notice to its copy of this permit.

3. Any permit shield provided in this permit does not apply to changes made under this provision.

[40 CFR § 71.6(a)(13)(i)]