FINAL ACTION REPORT PART 70 PERMIT

Chemical Lime Company, Apex Plant
Source Number 3

Public Notice: Review-Journal September 9, 2011
Public Comment: September 10, 2011 to October 9, 2011, Comments deadline Monday, October 10, 2011 at 5:00 p.m.,

Comments Received: October 10, 2011
Chemical Lime Company

Public Hearing: None

Issuance date: December 16, 2011
Expiration date: December 15, 2016

Copies of comments received and responses to all comments are part of this final action report. All responders shall receive an electronic copy of this report, the final Part 70 Operating Permit, and the final Technical Support Document.

With the exception of Chemical Lime Company, no comments were received during the public comment period. The comments submitted by CLC consist of a four page cover letter and three separate attachments. The cover letter summarizes five primary concerns which are then individually enumerated in each of the attachments.

This Final Action Report addresses every concern/comment submitted by CLC. The format includes three separate sections: Section I addresses the general concerns itemized on the cover letter; Section II addresses each comment presented in Attachment 1; and, Section III addresses the concerns regarding the omission of applicable regulations from 40 CFR 63, Subpart AAAAA.

COMMENTS RECEIVED FROM CHEMICAL LIME COMPANY (CLC) AND DAQEM RESPONSE

I. Response to concerns listed in cover letter.

Concern #1: The Draft Part 70 Operating Permit Inappropriately Revises Authority to Construct (ATC) Permit Conditions

DAQEM Response: CLC listed each specific condition being disputed in Attachment 1 to the cover letter. DAQEM has addressed each of these concerns, individually, in Section II of this document.

Concern #2: The Draft Part 70 Operating Permit Does Not Include a Permit Shield

DAQEM Response: DAQEM cannot include a permit shield unless the Permittee specifically requests it. The request must be accompanied by a streamlining analysis. The analysis shall identify the emission units and/or plant operations that are to be covered by the shield, along with a compliance demonstration for the emission unit/plant operation.

The initial Title V renewal application, submitted on February 26, 2009, made no mention of a permit shield. In addition, the supplemental application that was submitted on December 21, 2010 explicitly states, in Item Number 11J on Page A-3, that a Permit Shield is “not applicable”. Due to the failure of CLC to meet the aforementioned requirements of the application, DAQEM is unable to include a permit shield with this permitting action.

Concern #3: The Draft Part 70 Operating Permit Imposes Substantive New Requirements.

DAQEM Response: CLC listed each specific condition being disputed in Attachment 1 to the cover letter. DAQEM has addressed each of these concerns, individually, in Section II of this document.

Concern #4: Paraphrasing of Applicable Requirements Leads to Confusion and/or Errors

DAQEM Response: CLC listed each specific condition being disputed in Attachment 1 to the cover letter. DAQEM has addressed each of these concerns, individually, in Section II of this document.

Concern #5: 40 CFR Part 63 Subpart AAAAA Omissions

DAQEM Response: CLC listed each of the alleged omissions in Attachment 2 to the cover letter. DAQEM had addressed each of these items, individually, in Section III of this document.

II. Response to comments/concerns from Attachment 1.

1. **Condition II-A-5:** Condition II.A.5 has a portion of the word “interfere” in italics. Please remove the italics.

DAQEM Response: This has been corrected.

2. Font size is inconsistent in various locations throughout the permit. Please correct to consistent font sizes.

DAQEM Response: These are being corrected as they are discovered.

3. **Permit Shield:** Replace the existing Section IV with the following language: “IV. Permit Shield Compliance with the terms and conditions contained in this permit shall be deemed to be compliance with the applicable requirements contained in the statutory and regulatory provisions cited in Section B of the Appendix.”

DAQEM Response: Please refer to the response to Concern #2 in Section I, above.

4. **Omissions:** Substantial portions of 40 CFR Part 63 Subpart AAAAA have been omitted from the draft permit.

DAQEM Response: See itemized responses in the Section III to this document.

5. **Executive Summary:** Add $PM_{2.5}$ to the listing of pollutants for which Apex is major.

DAQEM Response: Change made as requested.

6. **Executive Summary:** The pollutant table should not list lead as 0.00 since there are lead emissions from the facility. Please revise the lead emissions to "<1.0" or remove lead from the table.

DAQEM Response: Table 3.1, on page 3-2 of the Title V renewal application, submitted by Chemical Lime Company on February 26, 2009 indicates that the PTE for lead is 0.00 tons per year. A footnote further explains: "There is insufficient data" (for lead emission data). No further language regarding lead emissions have been presented in subsequent applications or correspondence related to the Title V renewal. DAQEM was not aware of the emission potential for lead and has never completed an NSR analysis for this criteria pollutant.

A source that emits lead becomes subject to permitting requirements at a threshold of 0.3 tons per year and exceeds significance at a threshold of 0.6 tons per year. If lead is being emitted from the source in excess of the thresholds, the Permittee must specify the source of the emissions and comply with the NSR requirements. It should also be noted that emitting a regulated air pollutant, not specifically identified by the source, is a violation of Clear Air Act. Due to the inconsistencies outlined, an arbitrary value of <1.0 cannot be included in the permit without identification of the specific sources of lead emissions and supporting PTE calculations.

7. **Executive Summary:** Remove H_2S from the table since it is not a criteria pollutant.

DAQEM Response: Change made as requested

8. **Executive Summary:** Please specify that emissions in the table are represented as tons/year.

DAQEM Response: Change made as requested.

9. **Condition II-A-5:** The permit condition cites AQR 5.1. Please cite AQR 5.1.1 more specifically.

DAQEM Response: Change made as requested.

10. **Condition II-A-6:** As provided in the draft permit, this permit condition omits a portion of the Mod 10 entry and review requirements. The permit condition should include the Mine Safety and Health Administration (MSHA) safety regulations from Mod 10, Permit Condition I.5 that allow Apex to comply with federal MSHA requirements while complying with AQR 12.5.2.8(b). The permit condition should read as follows:

The Permittee shall allow the Control Officer, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to enter the Permittee's premises where a Part 70 source is located or emissions related activity is conducted. Upon arrival at the facility, the Control Officer or designated representative shall check in at the main office (if arriving between the hours of 8:00 am and 5:00 pm on weekdays) or at the shipping office (if arriving at any other time), and comply with the applicable regulations of the Mine Safety and Health Administration, including the requirement to be escorted by the Permittee, who shall make an escort available promptly in order for the inspection to begin in a timely manner. The Control Officer or an authorized representative may: [AQR 12.5.2.8(b), NSR - ATC/OP Modification 10, Section 1, Condition 5 (05/26/2006)]

a. Have access to and copy any records that must be kept under the conditions of the permit;

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

c. *Sample or monitor substances or parameters for the purpose of assuring compliance with the permit or applicable requirements; and*

d. *Document alleged violations using devices such as cameras or video equipment."*

DAQEM Response: Proposed language has been added to the permit.

11. **Condition II-A-7:** Since Permittee is a singular noun, specifying that the Permittee is individually and collectively liable is grammatically incorrect. Please delete the words "individually and collectively" in order to clarify the permit condition.

DAQEM Response: The condition remains unchanged***.*** The condition, as stated in the permit, is identical to AQR Section 8.1 language.

12. **Condition II-A-8:** This permit condition is an incomplete incorporation of AQR 12.5.2.4. In order to comport with the underlying applicable requirement, the Condition must include language reflecting the following requirements as they relate to supplementing information provided in an application. Please add the following language at the end of existing draft Condition II.A.8:

"In addition, the Permittee shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit. A responsible official shall certify the additional information consistent with the requirements of AQR Section 12.5.2.4."

DAQEM Response: The additional language has been added to the permit, as requested.

13. **Condition II-B-4:** The wording provided in the draft permit is inconsistent with the underlying applicable regulations. The following text is consistent with AQR 80.1 and should replace the existing language:

"The Permittee shall not build, erect, install or use any article, machine, equipment or process, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission, which would otherwise constitute a violation of an applicable requirement the AQR. [AQR 80.1]"

DAQEM Response: Made changes as requested by the Permittee.

14. **Condition II-B-4:** Since 40 CFR 60.12 does not apply to the facility as a whole, it should be deleted from the citation for this permit condition.

DAQEM Response: Made changes as requested by the Permittee.

15. **Condition II-B-5:** Wording should be corrected to: "emissions trading ~~and~~ **or** other…."

DAQEM Response: Made changes as requested by the Permittee.

16. **Condition II-C-5:** AQR 12.9 (3/16/10) is also applicable to Apex. Please add this to the listed citations.

DAQEM Response: Made changes as requested the Permittee.

17. **Condition II-C-6:** Delete this permit condition. The rule cited by DAQEM for this permit condition provides no reference to performing calculations within a certain timeframe. In fact, under AQR 12.5.2.8(b)(1), Apex shall allow the Control Officer to have access to and copy any records that must be kept under the conditions of the Permit. The Control Officer

has access to production, emission, and monitoring records to perform any desired calculations in real time, at any time. *Comments on Section III of the permit request the removal of rolling emission totals since they have no basis in any applicable requirement, further rendering this particular permit condition moot.*

DAQEM Response: The condition remains unchanged. Records demonstrating compliance with rolling 12-month total of production/emission data is a requirement for Title V sources. Therefore, the calculations are to be performed by the source within a specified timeframe. Although this condition is not found in AQR, this is required to specify when the calculations are to be done by the Permittee.

The "rolling twelve month" language was discussed in a face-to-face meeting with representatives of CLC and their consultants, held in the DAQEM office, on December 7, 2010. It was explained, by DAQEM management, that the requirements of "rolling twelve month" emission calculations are standard language for all Title V permits.

18. **Condition II-D-4:** AQR 10.1 requires an existing source to submit a compliance schedule when DAQEM adopts a rule establishing emission limitations with which the source is not in compliance. The wording provided in the draft permit is not supported by the underlying regulation. Delete the permit condition or revise to reflect the AQR.

DAQEM Response: While it is true that the Condition is not written, verbatim, from AQR 10.1, the message is synonymous with the AQR, and quite unambiguous. The condition has not been removed from the permit. Instead, the word "plan" has been replaced with "schedule" and the 90-day time period, specified in AQR 10.1, has been inserted to add clarity and to more closely correlate with AQR 10.1.

19. **Condition II-D-6:** This permit condition should be revised as follows: "Permittee shall **certify compliance** ~~submit compliance certification~~ with the terms . . ."

DAQEM Response: This condition has been revised, as requested by the Permittee.

20. **Condition II-D-6(b):** Delete this permit condition due to redundancy. Condition II.D.6(a) already requires annual submission. If an applicable requirement were to require more frequent submittals, that would be known and identified; since no applicable requirements specify more frequent submittals, the condition is irrelevant.

DAQEM Response: This condition remains unchanged. This requirement can be found in AQR 12.5.2.8(e)(1).

21. **Condition II-D-6(c):** Delete this permit condition since this is actually a requirement under "Permit Contents" in Part 70, and not a component of the compliance certification. It is also addressed in II.D.6(d)(ii) and is therefore redundant.

DAQEM Response: This condition remains unchanged. This requirement can be found in AQR 12.5.2.8(e)(2)

22. **Condition II-D-6(d):** Begin with "the": "the compliance certification shall include all of the following:"

DAQEM Response: The condition has been revised, as requested by the Permittee.

23. **Condition II-D-6(d)(ii):** This permit condition as drafted does not include the applicable language from AQR 12.5.2.8(e)(3)(B) regarding the monitoring and recordkeeping and reporting requirements described in 40 CFR 70.6(a)(3). The requirement to include all material information has also been omitted. Please replace the existing draft language with the following in order to ensure that all applicable requirements have been included in the permit:

"The identification of the methods or other means used by the Permittee for determining the compliance status with each term and condition during the certification period. The methods and means shall include, at a minimum, the monitoring and related recordkeeping and reporting requirements described in 40 CFR 70.6(a)(3). If necessary, the Permittee also shall identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the Act, which prohibits knowingly making a false certification or omitting material information;"

DAQEM Response: The proposed language was taken, verbatim, from AQR 12.2.5.8(3)(e)(B). Therefore, it has been added as requested by the Permittee.

24. **Condition II-D-6(d)(iv):** This permit condition as drafted does not include all applicable language from AQR 12.5.2.8(e)(3)(C). Replace the draft permit language with the following:

"The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the method or means designated in Condition II.D.6.d(ii). The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify, as possible exceptions to compliance, any periods during which compliance is required and in which an excursion or exceedance (as defined under 40 CFR Part 64) occurred;"

DAQEM Response: The Permittee referenced the incorrect condition. The actual condition is II-D-6(d)(iii). With the exception of *"The certification shall be based on the method or means designated in Condition II.D.6.d(ii)",* The proposed language was taken, verbatim, from AQR 12.2.5.8(3)(e)(C). The proposed language, with the exception of the sentence in italics, above, has been added as requested by the Permittee.

25. **Condition II-D-7:** Change Condition II.D.7 to accurately reflect the underlying requirements of AQR 12.5.2.6(d)(4)(B) and AQR 25.6.1 as follows:

"The Permittee shall report to the Control Officer (500 Grand Central Parkway, Box 555210, Las Vegas, NV 89155) any deviation from the permit requirements caused by excess emissions, including those attributable to upset, breakdown, malfunction, or emergency. All reports shall identify the probable cause of the deviation and any corrective actions or preventative measures taken. The report shall be in two parts as specified below:" [AQR 12.5.2.6(d)(4)(B)(i) and AQR 25.6.1]

DAQEM Response: The proposed language has not been added as requested by the Permittee. The probable cause of deviation is only required for II-D-7(b).

26. **Condition II-D-7(a):** Change wording as follows: within twenty-four (24) hours of the time the Permittee learns of the **excess emissions,** ~~event, the report~~ **notification** shall be **provided** ~~communicated~~ by phone (702) 455-5942, fax (702) 383-9994, or email airquality@clarkcountynv.gov

DAQEM Response: The proposed language has no impact on the intent of the condition. Therefore, it has been revised as requested by the Permittee.

27. **Condition II-D-7(b):** Change wording as follows: within seventy-two (72) hours of the notification required by paragraph (a) above, ~~the detailed~~ **a** written report **certified by a responsible official** containing the information required by AQR Section 25.6.3 shall be submitted."

DAQEM Response: The proposed language has no impact on the intent of the condition. Therefore, it has been revised as requested by the Permittee.

28. **Condition II-D-8:** Revise this condition to read as follows: *"The Permittee shall report to the Control Officer with the semi-annual monitoring report all deviations from permit conditions that do not result in excess emissions, including those attributable to malfunction, startup, or shutdown. Reports shall identify the probable cause of each deviation and any corrective actions or preventative measures taken."*

DAQEM Response: The condition has been revised as requested by the Permittee.

29. **Proposed Condition:** AQR 12.5.2.6(d)(4)(B)(ii) has been omitted from the draft permit. This condition, regarding reporting of events that pose a danger to public health, safety, or the environment, should be added to Condition II.D as II.D.9 as follows:

DAQEM Response: Condition added as requested by Permittee (see Condition II-D-9).

30. **Condition II-E-4:** Condition II.E.4 cites 40 CFR 60.8(b), which clearly only applies to testing performed to demonstrate compliance with NSPS regulations. Requiring EPA approval of alternative test methods for testing conducted on non-NSPS emission units or for non-NSPS pollutants unnecessarily restricts the Control Officer's discretion. This permit condition should be deleted or otherwise revised to clarify that it applies only to testing conducted to demonstrate compliance with a requirement under 40 CFR Part 60.

DAQEM Response: Condition changed as requested by Permittee.

31. **Condition III-A:** Condition III.A cites NSR – ATC/OP Modification 10 (Mod 10), Section 2, Condition A (05/22/06) as the basis for the condition. However, the referenced condition does not match the language in the draft permit. In addition, revisions since issuance of Mod 10 in 2006 have been reflected in the tables in the draft permit. Since the intent of the condition in the draft permit appears to be to provide a listing of permitted emission units and the associated PTEs, the language should reflect DAQEM's proper authority or more accurately reflect the language provided in Mod 10. Therefore, please replace the language in Condition III.A of the draft permit with the following language from Mod 10 with the Section and Table references updated to reflect the structure of the draft permit as shown:

DAQEM Response: This is a general condition, in a very generic form. It only serves to indicate that that the emission units shown in the table are present at the source. The condition carries no specific requirements for the source to adhere to. The Permittee is correct that the wording does differ from Modification 10, which technically makes the reference incorrect. Therefore, the authority reference has been changed to an AQR 12.5.2.6, requirements for permit contents.

32. **Blasting PTE:** Ammonium nitrate/fuel oil (ANFO) usage is restricted to 1,370 tons/year by Mod 10 III.A.3. The blasting restriction in the draft permit effectively imposes a new emission limit for which there is no underlying applicable requirement. Delete the limit on

the number of blasts and instead show emissions based on ANFO usage: 30 tons ANFO/hour; 1,370 tons ANFO/year; EF = 17.00 lb NOx/ton ANFO, 67.00 lb CO/ton ANFO, 3.00 lb SO2/ton ANFO; PTE = 170.00 lbs NOx/hr, 670.00 lbs CO/hr, 30.00 lbs SO2/hr; PTE = 11.65 tpy NOx, 45.90 tpy CO, 2.06 tpy SO2. Please see Attachment 3 for documentation of the change to ANFO short-term usage.

DAQEM Response: All throughputs remain unchanged on the permit. When the renewal process was initiated, it was discovered that PM_{10} emissions, resulting from blasting activities, had been omitted on all previous permitting actions. As a result, DAQEM requested that the Permittee provide PTE calculations for PM_{10} emissions for blasting operations. The Permittee responded, on April 29, 2010, by submitting an Excel spreadsheet with updated emissions calculations for the entire plant. The aforementioned spreadsheet calculated PM_{10} emissions from blasting activities using 1 blast per day and 80 blasts per year. This method of calculation is reflected in the current permitting action (see Table III-A-1)

It should also be noted that the emissions for NOx, CO, and SOx on the permit are, in fact, based on 30 tons/hour and 1,370 tons/year, thus making this comment somewhat questionable. The short term PTE is only shown on the TSD (see table III-4). In addition, the short-term PTE calculations indicated in the Permittee's comment, above, is incorrect. Said PTE's are based on 10 tons/hour, the very thing the comment disputes. See sample calculations below:

NOx: (17 lbs/ton) x (30 tons/hr) = 510 lbs/hr (value on permit), not 170 lbs/hr
CO: (67 lbs/ton) x (30 tons/hr) = 2,010 lbs/hr (value on permit), not 670 lbs/hr
SOx: (3 lbs/ton) x (30 tons/hr) = 90 lbs/hr (value on permit), not 30 lbs/hr

33. **<u>Throughput Changes:</u>** The throughputs should be corrected as follows: for K306, 10,950 tons/yr; for L118, SC-20, 1,001 tons/yr; for L206, BE-31, 1,095,750 tons/yr; for H108, SC-117, 93,009 tons/yr; for LO106, BCF-5005, 109,500 tons/yr; for LO106 TC-1003, 175,909 tons/yr. No changes are required for the PTE values for units controlled by baghouses, and changes in emission rates do not result in changes to the PTE for the other EUs.

DAQEM Response: DAQEM accepts the proposed change for L206, BE-31, 1,095,750 tons/yr because the previous throughput could have been a material mistake. No other requested changes were incorporated because these are the throughputs the Permittee submitted application for. These throughputs are currently enforced in the Title V operating permit issued 8/27/2004. Any such changes shall be requested during the revision process prior to the public noitice.

34. **<u>EU R117:</u>** The emission factors for $PM_{2.5}$ and PM_{10} for VS-229 should be 0.00005 and 0.00074 lbs/ton, respectively.

DAQEM Response: The emission factors have been implemented and the corresponding PTE has been updated.

35. **<u>Section H:</u>** The calculations for alternate operating scenarios (AOSs) 1 and 2 appear to be missing. Please refer to the permit application and insert this data.

DAQEM Response: The alternate operating scenarios apply, solely, to replacement of certain internal combustion engines with smaller units. It is impossible to calculate the PTE for the alternate operating scenarios until the Permittee submits exact engine data and emission factors. Furthermore, there is no permit application, as alluded to in the comment above that contains data for an alternate operating scenario. In fact, the original renewal application, submitted on February 26, 2009, specifically states in Items 3.2.1 and 3.2.2, on Page 3-47 that

there are no alternative operating scenarios. The Permittee proposed the alternate operating scenario by adding proposed language to a copy of the original draft permit that was submitted for source review. It was subsequently accepted by DAQEM during a meeting with all interested parties held at DAQEM offices on December 7, 2010.

36. **Condition III-B-1(a):** This condition is based on Mod 10 and should use that permit language. Please delete the language in the draft permit and replace with the language from Mod 10 as follows:

"Neither the actual nor the allowable emission unit and facility-wide emissions shall exceed emission unit, company, and facility-wide emissions listed in Section III.A."

DAQEM Response: Though the language was changed to meet the requests made by the Permitee, DAQEM concurs that the Mod 10 language may be more appropriate. However, it is not DAQEM's policy to limit a facility-wide PTE unless an emission cap is requested. Therefore, DAQEM will replace the language with what it believes was intended: "The Permittee shall operate all emission units in Tables III-A-1 through III-A-4 inclusive in a manner so than neither the actual nor the allowable emissions shall exceed the emission unit PTE."

37. **Conditions III-B-2(b through g), (r), and (s):** These conditions inappropriately revise the "calendar year" emission limits established in Mod 10 into "consecutive twelve month" periods. Please change back to "calendar year" in each case since there is no regulatory basis for revising a previously-issued NSR permit during issuance of a Title V permit. Also, since these limitations are from Mod 10, III.A, this should be provided as the authority for these requirements.

DAQEM Response: EPA provided guidance in its "Guidance in Limiting PTE in NSR Permitting …" p.9 (6/13/89) wherein it instructed that rolling short-term periods were preferred to annual compliance demonstrations. Also, as recently as August 2011, Bill Harnet, EPA, Headquarters spoke in Seattle on this subject stating that for Title V sources "any consecutive 30 day period" should become standard language for compliance demonstration in every Title V Operating Permit. The operating conditions in the ATC were from the old Section 16, rule that may have been inappropriately applied.

38. **Conditions III-B-2(i), (j), (k), (m), (o), (p), and (t):** These conditions cite AQR 12.5.2.6(a) as the authority for each permit condition. However, AQR 12.5.2.6(a) provides no authority for including throughput limits in a Title V permit but instead states that the permit is to include elements that assure compliance with all applicable requirements. No applicable requirement provides a basis for establishing these throughput limits, so the permit conditions should be removed.

DAQEM Response: The production limits have been retained because the monitoring and record keeping of these production throughputs are essential to demonstrate compliance with the emission limits of emission units referenced in Section III-B. As per various EPA guidelines and DAQEM Policy, compliance with the enforceable emission limits to be demonstrated either by appropriate monitoring and record keeping methods. Since direct monitoring of actual emissions of each and every emission unit is not practically possible, measurements of various parameters of process or control devices (e.g. temperature, pressure drop, fuel usage) and recordkeeping of parameters that been limited, such as hours of operation, production levels, or raw material usage have been considered practicable.

39. **<u>Revisions to Conditions III-B-3(a) and (b):</u>** These permit conditions incorrectly generalize the applicability of Mod 10 and neglect to mention the provisions of Mod 10, Condition III.B.7. Please incorporate Mod 10, Condition III.B.7 into the draft permit as follows:

"*a. Except as otherwise provided by Condition III.C.1, wherever a baghouse is used to control emissions from process equipment, the Permittee shall ensure said baghouse is operated at all times the process equipment is in use. [NSR – ATC/OP Modification 10, Section III-B, Condition 5, (05/22/06)]"*

"b. Except as otherwise provided by Condition III.C.6, wherever a binvent is used to control emissions from process equipment, the Permittee shall ensure said binvent is operated at all times the process equipment is in use. [NSR – ATC/OP Modification 10, Section III-B, Condition 5, (05/22/06)]"

DAQEM Response: The requested revisions to these two conditions are limited to the inclusion of the phrase "Except as otherwise provided". This phrase does not alter the intent of the conditions. Therefore, they have been revised as requested by the Permittee.

40. **<u>Revisions to Condition III-B-3(g) and (h):</u>** This condition should be worded to reflect that it applies specifically and only to the equipment listed. *"The Permittee shall not allow fugitive emissions from the following…"*

DAQEM Response: A new condition, III-B-3(f) was added to the permit on November 21, 2011. The addition of condition affected the previous numbering system. Conditions previously identified as III-B-3(g) and (h) are now identified as III-B-3(h) and (i). The two conditions have been revised by adding the phrase "This is applicable to the following emission units".

41. **<u>Condition III-B-3(j):</u>** This condition should be revised as follows to reflect the underlying applicable conditions from Mod 10. Moisture content is presumed to provide a particular control efficiency, however, Mod 10 does not in any way specify an enforceable control factor.

DAQEM Response: The condition has been removed. The AP-42 controlled emission factor has been used to estimate the PTE from the mining and aggregate processing and therefore, the 1.5 % moisture requirement is not applicable for the process.

42. **<u>Condition III-C-1:</u>** This condition should be revised as follows to reflect the Mod 10 language. In addition, the term "all federal requirements" is unacceptably vague. CLC proposes clarification to "applicable federal requirements" and the addition of clarifying language as shown in proposed III.C.1(a) below.

"At least once every two weeks, the Permittee shall conduct visual inspections of emissions and the exterior of each operating baghouse to ensure that it does not exhibit fugitive emissions or unusually high opacity. Should the inspection show that the baghouse is malfunctioning, repairs shall be completed within five working days of discovery of the malfunction. If repairs cannot be completed within five working days, the Permittee shall advise the Control Officer in writing within 24 hours of making this determination. Should the malfunction cause the baghouse to release visible emissions over the opacity limit for the emission unit it controls, Permittee shall make repairs as soon as practicable and shall comply with the applicable requirements of AQR Section 25 and all applicable federal requirements."

DAQEM Response: The condition has been revised as requested by the Permittee. The only change to the condition, based on the Permittee's comment, is to add the word "applicable". It

should be noted that this condition was written, verbatim, as proposed by the Permittee on November 7, 2010. The word “applicable” was not part of the proposed language at that time.

43. **Proposed Amendment to Condition III-C-1:** To address DAQEM's concerns regarding the enforceability of the term "unusually high opacity," Apex proposes the following addition: *"a. For the purposes of this permit condition, “unusually high opacity” shall mean opacity that appears, on an instantaneous basis, to approach the applicable opacity limit for the unit being inspected. [AQR 12.5.2.6(d)(1)(c)]"*

DAQEM Response: The applicable opacity limit is for the baghouse stack. The inspection of the baghouse exterior is supposed to demonstrate no measurable emissions. Therefore, the condition is revised accordingly.

44. **Condition III-C-2:** Please revise this permit condition as follows to correspond with Mod 10 permit language: remove part (a) which states: “recording of the differential pressure across each baghouse except DC-01, DC-02, DC-03 and K4-DC-316”.

DAQEM Response: This condition remains unchanged. In February, 2011, a draft copy of the permit was sent to CLC for review and commentary. A “redline” copy was returned to DAQEM on February 18, 2011. This copy included revisions to the permit conditions, as requested by the Permittee. One such revision included the addition of the following wording to Condition III-C-2 as follows: “recording of the differential pressure across each baghouse except DC-01, DC-02, DC-03 and K4-DC-316”. DAQEM subsequently agreed with permittee’s proposal, and included it in the permit.

45. **Condition III-C-3:** Please cite AQR 12.5.2.6(d)(1)(B) and Mod 10 Conditions II.A and II.B. Please delete the last sentence of this permit condition that refers to updating the OM&M plan after analysis of the performance test results. As described in detail in reference to Condition III.D.2, there is no regulatory authority for DAQEM to impose the testing requirements.

DAQEM Response: The condition remains unchanged. The Permit Writer inadvertently omitted an authority reference from this condition. Instead of citing AQR 12.5.2.6(d)(1)(B), as requested by the Permittee, it was determined that AQR 12.5.2.6(d)(1)(C) was more suitable. The latter AQR mentioned in this paragraph does allow DAQEM to require the installation of monitoring equipment, where it has been deemed appropriate. The baghouse testing requirements have been incorporated in place of a previous requirement for baghouse flow rate monitoring which the Permittee objected to. Condition III-C-2(a) necessitates the need to implement the requirements of Condition III-C-3.

46. **Condition III-C-4:** This provision should not apply to emission units subject to otherwise applicable monitoring requirements as described in the cover letter to DAQEM by JBR Environmental Consultants dated October 10, 2011 and identified as Concern #3. The units subject to this requirement should be "those listed in Table A-2 of the Appendix except R108, K102, K202, K302, K402, K402a and SP7." Please correct the citation to 12.5.2.6(d)(1)(B), which provides for "gap-filling" monitoring in a Part 70 permit when no other monitoring is required by an applicable requirement.

DAQEM Response: The condition remains unchanged. In February, 2011, a draft copy of the permit was sent to CLC for review and commentary. A “redline” copy was returned to DAQEM on February 18, 2011. This copy included revisions to the permit conditions, as requested by the Permittee. One such revision included the addition of what is now Condition III-C-4. The

language that the Permittee is now refuting was included, verbatim, into the Operating Permit as proposed. DAQEM subsequently agreed with the Permittee's proposal, and included it in the permit.

47. **Condition III-C-6:** This condition should be revised as follows to reflect the Mod 10 language. In addition, the term "all federal requirements" is unacceptably vague. CLC proposes clarification to "applicable federal requirements" and the addition of clarifying language as shown in proposed III.C.6(a) below.

DAQEM Response: The word "applicable" has been added to the condition, as requested by the Permittee. It should be noted that this condition was written, verbatim, as proposed by the Permittee on November 7, 2010. The word "applicable" was not part of the proposed language at that time.

48. **Proposed Amendment to Condition III-C-6:** To address DAQEM's concerns regarding the enforceability of the term "unusually high opacity," Apex proposes the following addition: *"a. For the purposes of this permit condition, "unusually high opacity" shall mean opacity that appears, on an instantaneous basis, to approach the applicable opacity limit for the unit being inspected. [AQR 12.5.2.6(d)(1)(c)]"*

DAQEM Response: The applicable opacity limit is for the binvent stack. The inspection of the binvent exterior is supposed to demonstrate no measurable emissions. Therefore, the condition is revised accordingly.

49. **Table III-D-1:** There appears to be a typo under Solid Fuel Handling. Please correct F01 to F101.

DAQEM Response: The correction has been made, as requested by the Permittee.

50. **Table III-D-1: Emission Unit SP3/OOO Applicability:** The portable screening plant, EU: SP-3, has been omitted from the table as an NSPS-subject emission unit. Please add SP-3 to the table and identify it as being subject to 40 CFR Part 60 Subpart OOO and the corresponding requirements.

DAQEM Response: Permit revised as requested by the Permittee

51. **Condition III-D-2:** This permit condition should be deleted. AQR 12.5.2.6 does not provide for additional monitoring or testing requirements to be imposed in a Title V permit unless "the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring." Monitoring of these baghouses is already required by Mod 10, Condition III.B.7 which has been incorporated into the Title V permit. Emissions from these baghouses, even when calculated on a PTE basis, are extremely small. Testing these units will cost over $15,000 with no air quality benefit to be derived. The units requiring testing account for approximately 3% of Apex's PTE at maximum emissions and maximum operation. Existing monitoring suffices to ensure proper operation of these units without additional cost.

DAQEM Response: The emission rate is directly affected by the flow rate through the baghouse. Also, as part of the modification in Modification 10, the Permittee claimed BACT was met by proposing that the grain loading in the outlet from the baghouse be reduced from 0.021 grains/dscf to 0.010 grains/dscf. However, the Permittee proposed no changed to the bags, or to any other parameters of the baghouse. Prior the modification, the Permittee had previously proposed the baghouses be installed to meet BACT at 0.021 grains/dscf. Therefore, DAQEM

believes it is appropriate to test the baghouses to insure they can comply with the technology the source has proposed.

52. **Condition III-D-3:** Please reference 40 CFR Part 63 Subpart AAAAA as the underlying applicable requirement for this permit condition.

DAQEM Response: The citation has been added, as requested by the source.

53. **Condition III-D-4:** Please cite AQR Section 4 as an additional reference for this permit condition.

DAQEM Response: The citation has been added, as requested by the source.

54. **Condition III-D-5:** Please also cite Mod 10, Condition III.F.2.

DAQEM Response: The citation has been added, as requested by the source.

55. **Condition III-D-8:** This permit condition should be removed. The citation provided does not authorize this requirement. There are no provisions in the AQR that establish such a timeframe. If this condition refers to testing conducted to determine compliance with the NSPS, then Part 60 should be cited.

DAQEM Response: The authority reference has been changed to 40 CFR 60.8

56. **Condition III-D-9:** This condition is taken from Mod 10, however, the Mod 10 requirement to notify the Administrator has not been included. Please specify that results associated with tests conducted to demonstrate compliance with NSPS or NESHAP emission limits must be sent to the Administrator.

DAQEM Response: The condition remains unchanged. The word “Administrator” was not used in the Modification 10 condition that is referenced in the renewal permit. The condition uses the term “Compliance Reporting Supervisor”. The term “Control Officer”, defined as the Air Pollution Control Officer appointed by the County Manager, has the same implication and has been adopted for use in all DAQEM operating permits.

57. **Condition III-E-5:** The citation provided is incorrect.

DAQEM Response: The condition did not appear on any previous CLC permits. It was taken from the most recent Title V pattern. AQR Section 19.4.1.3 is used as a reference in the pattern. Section (c)(2) of AQR 19.4.1.3 refers to reporting deviations from permit requirements, which is nearly identical to AQR 12.5.2.6(d)(4)(B). It was for this reason that the reference was used. I believe the reference to be correct since an accidental release, as defined by 40 CFR 68.3, is an unanticipated emission of a regulated substance into the ambient air. This “unanticipated release” can also be defined as a “deviation from permit requirements”.

58. **Section III-F:** This section is labeled III.B in the permit instead of III.F.

DAQEM Response: Unable to locate any reference to III-B in this section.

59. **Condition III-F-5:** Please delete Condition III.F.5 and instead add the citation of AQR 4.2 to Condition III.E.4 to reduce redundancy.

DAQEM Response: Condition removed as requested by Permittee.

60. **Condition III-F-6:** The version of the rule upon which this condition is based is outdated. AQR 25 was revised 5/18/10 with the revisions taking effect 7/1/10. This requirement has already been addressed in Condition II.D.7 and this permit condition should be deleted to avoid redundancy.

DAQEM Response: Condition removed as requested by Permittee

61. **Table A-1, Appendix A:** There appears to be a typo. F109 should be F110.

DAQEM Response: The correction was made as requested by the Permittee.

III. Missing AAAAA Requirements

1. Operating Requirements (CLC)

a. (CLC): Operations, Maintenance and Monitoring (OM&M) Plan [40 CFR 63.7100(d)]

(i) The Permittee shall implement the written OM&M Plan. Any subsequent changes to the plan must be submitted to the Director for approval. Pending approval of the initial or amended plan, the Permittee shall comply with the provisions of the submitted plan.

(ii) The OM&M Plan must contain all the information required in 40 CFR 63.7100(d)(1) through 40 CFR 63.7100(d)(7)

DAQEM Response (Items a-i and a-ii): OM&M plans, and required content, have been addressed in the OP. Refer to the updated Condition III-C-8.

b. (CLC): Startup, Shutdown, and Malfunction Plan (SSMP) [40 CFR 63.7100(e)]

The Permittee shall implement a SSMP according to the requirements in 40 CFR 63.6(e)(3).

DAQEM Response: The SSMP requirement has been added as condition III-C-9

2. Emission Limitations and Standards (CLC)

a. The Permittee shall not cause, allow or permit the discharge of particulate matter in excess of 0.12 pounds per ton of stone feed (lb/tsf) from each kiln and associated lime cooler, or the weighted average of the kilns and associated lime coolers. [40 CFR 63.7090(a) Table 1, Item 1 & Item 4]

DAQEM response: The 0.12 lb/tsf limit has been addressed in the OP. Refer to Conditions III-B-1(b) and III-C-10

b. **(CLC):** The Permittee shall not cause or allow to be emitted into the atmosphere from each kiln and associated lime cooler any gases which exhibit opacity greater than 15 percent, based on a 6-minute block average. [40 CFR 63.7090(b), Table 2, Item 1]

DAQEM Response: The 15% opacity limitation has been addressed in the OP. Refer to Condition III-B-1(g) and Table A-1 of the Appendix.

c. **(CLC):** Permittee shall not allow fugitive emissions to exceed 10 percent opacity. [40 CFR 63.7090(a), Table 1, Item 7].

DAQEM response: The 10% opacity limitation has been addressed in the OP. Refer to Condition III-B-1(f).

3. Operating Limitations and Standards (CLC)

a. **(CLC):** The Permittee shall vent captured emissions from each emission unit equipped with an add-on air pollution control device though a closed system. Dilution air may be added to emission streams for the purpose of controlling temperature at the inlet to a fabric filter. [40 CFR 63.7090(b), Table 2 Item 6]

DAQEM response: This condition has been added to the permit as Condition III-B-3.f.

b. **(CLC):** The Permittee shall operate each capture and control system according to the procedures and requirements in the Operation, Maintenance and Monitoring (OM&M) Plan. [40 CFR 63.7090(b), Table 2 Item 6]

DAQEM Response: Condition III-C-3, in the OP, is specific to the requirements to follow the OM&M plan in regard to the how the baghouses are to be operated and monitored.

4. Monitoring Requirements (CLC)

a. **(CLC):** The Permittee shall inspect each capture/collection and closed vent system for each emission unit equipped with an add on air pollution device at least once each calendar year to ensure that each system is operating in accordance with conditions 3.a and 3.b above, and record the results of the inspection. [40 CFR 63.7113(f)]

DAQEM response: The OP does address control device inspections. Refer to Conditions III-C-1, III-C-2, and III-E-1(f).

b. **(CLC):** Continuous Opacity Monitoring System (COMS) Requirements

(i). **(CLC):** The Permittee shall calibrate, maintain, and operate the continuous opacity monitoring systems (COMS) installed at the kiln stacks to monitor and record the opacity of the gases discharged from each kiln at all times when the associate kiln is in operation. The span of the systems shall be set at 70% opacity. [40 CFR 63.7113(g)]

(ii) **(CLC):** The COMS above shall be maintained, calibrated and operated in accordance with 40 CFR part 63, subpart A, General Provisions and according to 40 CFR 60, Appendix B, "Performance Specification 1 - Specification and Test Procedures for Opacity Continuous Emission Monitoring Systems in Stationary Sources". Facilities that operate COMS installed on or before February 6, 2001, may continue to meet the requirements in effect at the time of COMS installation unless specifically required to re-certify the COMS by their permitting authority. [40 CFR 63.7113(g)(2)]

DAQEM Response (Items 4-b-i and b-ii): The OP does address COMS operation, maintenance and calibration. Refer to Condition III-C-14. The condition requires the span to be set at 40%, not 70%

(iii). **(CLC):** The kiln COMS shall meet the following quality assurance requirements:

(a) Calibration checks: The Permittee shall check the zero (or low-level value between 0 and 20% of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure prescribed by the manufacturer. [40 CFR 63.8(c)(6)]

(b) Zero and span drift adjustments:

(i) The zero and span shall, as a minimum, be adjusted whenever the 24-hr zero drift exceeds two times the limits of the performance specifications in the relevant standard.

(ii) For systems using automatic zero adjustments, the optical and instrumental surfaces shall be cleaned when the cumulative automatic zero compensation exceeds 4% opacity.

(iii) The optical and instrumental surfaces exposed to the effluent gases shall be cleaned prior to performing the zero and span drift adjustments, except for systems using automatic zero adjustments. [40 CFR 63.8(c)(6)]

(c) System checks: The Permittee shall, as minimum procedures, apply a method for producing a simulated zero opacity condition and an upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. All procedures applied shall provide a system check of all analyzer internal optical surfaces and all electronic circuitry including the lamp and photodetector assembly normally used in the measurement of opacity. [40 CFR 63.8(c)(5), 40 CFR §63.7113(g)(2)]

(d) Minimum frequency of operation: Except for system breakdowns, repairs, calibration checks, and zero and span adjustments, the COMS shall be in continuous operation and shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 10-second period, and one cycle of data recording for each successive 6-minute period. [40 CFR 63.8(c)(4)(i)]

(e) Data reduction procedures:

(i) The Permittee shall reduce all data from the COMS to 6-minute averages calculated from 24 or more data points equally spaced over each 6-minute period.

(ii) Data recorded during periods of system breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero and span adjustments shall not be included in the data averages computed under the previous paragraph. An arithmetic or integrated average of all data may be used. [40 CFR 63.8(g)]

DAQEM Response [Items 4-b-iii(a through e]: All conditions have been added to the permit (see Condition III-C-18)

c. **(CLC):** The Permittee shall conduct visual observations as follows for the equipment subject to the opacity limit in Condition 2.c [40 CFR 63.7121(e), Table 6, Item 1]

(i) The Permittee shall conduct a monthly 1-minute visible emissions (VE) observations of each emission unit; observation shall be conducted while the affected source is in operation.

(ii) If no VE are observed in 6 consecutive month checks, decrease the frequency of VE checking from monthly to semi-annually; if VE are observed during any semiannual observation, resume VE observations on a monthly basis, and maintain that schedule until no VE observations are observed in 6 consecutive monthly observations.

(iii) If no VE are observed during the semi-annual observation, decrease observations from semi-annually to annually; if VE are observed during any annual check, resume VE observations on a monthly basis, and maintain that schedule until no VE observations are observed in 6 consecutive monthly observations.

(iv) If VE are observed during any VE observation, the Permittee shall conduct a 6 minute EPA Reference Method 9 opacity test within 1 hour of any observation of VE, and the 6-minute opacity reading shall not exceed the opacity limit in Condition 2.c.

(v) The Permittee shall select a position at least 15 feet but not more than 1,320 feet from the affected emission point with the sun at your back.

DAQEM Response [Items 4-c(i through v)]: With the exception of Item (v), each these conditions appear, verbatim, in the permit. Refer to Condition III-C-10(a through d)

5. <u>Reporting Requirements (CLC)</u>

a. **<u>(CLC):</u>** The Permittee shall submit all of the notifications in 40 CFR 63.6(h)(4), and (5); 63.7(b) and (c); 63.8(e), f(4) and (6); and 63.9(a) through (j) that apply by the applicable deadline below. [40 CFR 63.7130(a)]

DAQEM Response: This condition has been added as requested by the Permittee. Refer to Condition III-F-4.

b. **<u>(CLC):</u>** The Permittee shall submit semi-annual compliance certification reports to the Administrator and to the Control Officer detailing the compliance status with the 40 CFR §63 Subpart AAAAA requirements by January 31 for the reporting period July 1 through December 31, and by July 31 for the reporting period January 1 through June 30 of each year. [40 CFR §63.7131]

DAQEM Response: The OP addresses the frequency requirements for compliance reporting. Refer to Condition III-F-5. However, a new condition for the semi-annual reporting has been added. Refer to condition III-F-6

(i). **(CLC):** The Permittee shall report as a deviation each instance in which the operating limit, opacity limit, or VE limit in Table 2 and Table 6 of 40 CFR §63 Subpart AAAAA as applicable are exceeded. This includes periods of startup, shutdown, and malfunction.

DAQEM Response: The OP addresses the requirement to report each instance of deviation. Refer to Condition II-D-6-d(iii) and II-D-7.

(ii). **<u>(CLC):</u>** Consistent with §§63.6(e) and 63.7(e)(1), deviations that occur during a period of startup, shutdown, or malfunction are not violations if the Permittee demonstrates to the Director that the facility and equipment were operating in accordance with §63.6(e)(1). The Control Officer will determine whether deviations

that occur during a period of startup, shutdown, or malfunction are violations, according to the provisions in §63.6(e).

DAQEM Response: Submittal of a deviation report is required as per permit condition. The source may use affirmative defense while addressing deviations that occur during startup, shutdown and periods of malfunction request exemption based on Subpart AAAAA provisions.

(iii). **(CLC):** The semi-annual compliance certification shall include the following information: [40 CFR 63.7131(c), 63.7131(d), 63.7131(e)]

a. Company name and address.

b. Statement by the responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report.

c. Date of report and beginning and ending dates of the reporting period.

d. If the facility had a startup, shutdown or malfunction during the reporting period and the Permittee took actions consistent with the SSMP, the compliance report shall include the information in §63.10(d)(5)(i).

e. If there were no deviations from any emission limitations (emission limit, operating limit, opacity limit, and VE limit) that apply to the facility, the compliance report shall include a statement that there were no deviations from the emission limitations during the reporting period

f. If there were no periods during which the continuous monitoring systems (CMS) were out-of-control as specified in §63.8(c)(7), a statement that there were no periods during which the CMS were out-of-control during the reporting period. [40 CFR 63.7131(a) Table 7, Item 2]

g. If there was a deviation from an emission limitation at an affected source where the Permittee is not using a CMS to comply with the emission limitations, the compliance report shall contain the following information: [40 CFR 63.7131(d)]

   (i) The total operating time of each emission unit during the reporting period.

   (ii) Information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.

h. If there was a deviation from an emission limitation at an affected source where the Permittee is using a CMS to comply with the emission limitations, the compliance report shall contain the following information: [40 CFR 63.7131(e)]

   (i) The date and time that each malfunction started and stopped.

   (ii) The date and time that each CMS was inoperative, except for zero (low-level) and high-level checks.

   (iii) The date, time and duration that each CMS was out-of-control, including the information in §63.8(c)(8).

   (iv) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of startup, shutdown, or malfunction or during another period.

(v) A summary of the total duration of the deviations during the reporting period and the total duration as a percent of the total affected source operating time during that reporting period.

(vi) A breakdown of the total duration of the deviations during the reporting period into those that are due to startup, shutdown, control equipment problems, process problems, other known causes, and other unknown causes.

(vii) A summary of the total duration of CMS downtime during the reporting period and the total duration of CMS downtime as a percent of the total emission unit operating time during that reporting period.

(viii) A brief description of the process units.

(ix) A brief description of the CMS.

(x) The date of the latest CMS certification or audit.

(xi) A description of any changes in CMS, processes, or controls since the last reporting period.

DAQEM Response: The above requirements have been added. Refer to condition III-F-6

6. <u>Record Keeping Requirements (CLC)</u>

a. The Permittee shall keep a copy of each notification and report that was submitted as required by this Section, including all documentation supporting any Initial Notification or Notification of Compliance Status that was submitted, according to the requirements in §63.10(b)(2)(xiv). [40 CFR §63.7132(a)(1)] ***[DAQEM Response: Added new condition III-E-2-o]***

b. The Permittee shall keep records specified in §63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction. [40 CFR §63.7132(a)(2)] ***[Added new condition III-E-2-q]***

c. The Permittee shall keep records of performance tests, performance evaluations, and opacity and VE observations as required in §63.10(b)(2)(viii). [40 CFR §63.7132(a)(3)] ***[See Condition III-E-2(m)]***

d. The Permittee shall keep records specified in §63.6(h)(6) for VE observations. [40 CFR §63.7132(b)] ***[See Condition II-A-6]***

e. The Permittee shall keep records of all COM data, including records of installation, maintenance, and calibration. [40 CFR 63.7132(c) Table 5, Item 4] ***[Added new condition III-E-2-q]***

f. The Permittee shall keep records of all VE checks. [40 CFR 63.7132(c) Table 6, Item 1] ***[See Condition III-E-2(i)]***

g. The Permittee shall keep the records which document the basis for initial applicability determination as required under §63.7081. [40 CFR 63.7132(d)] ***[Added new condition III-E-2-r]***

h. The Permittee shall keep all records in a form suitable and readily available for expeditious review, according to §63.10 (b)(1). [40 CFR 63.7133(a)] ***[See Condition III-E-6]***

i. The Permittee shall keep all records for a period of 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. [40 CFR 63.7133(b)] ***[See Condition III-E-6]***

j. The Permittee shall keep each record onsite for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1). [40 CFR 63.7133(c)] ***[See Condition III-E-6 (5-year requirement)]***

7. <u>Performance Testing Requirements (CLC)</u>

a. The Permittee shall conduct all required performance tests within 5 years following the initial performance test and within 5 years following each performance test thereafter. [40 CFR 63.7111] ***[See Condition III-D-1. Table III-D-1 lists all test requirements and frequencies]***

b. The Permittee shall submit a notification of intent to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin, as required in §63.7(b)(1). [40 CFR 63.7130(d)] ***[See Condition II-E-3]***

c. The Permittee shall conduct each performance test according to the requirements in 40 CFR 63.7(e)(1) and in section VI.C.7.h below. [40 CFR 63.7112(b)]

DAQEM Response: All performance testing requirements for the source are specified in Section III-D of the OP. The Permittee shall conduct each test in accordance with the specific methods as detailed in the instructions for the individual method.

d. The Permittee shall not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in 40 CFR 63.7(e)(1). [40 CFR 63.7112(c)]

e. The Permittee shall, except for opacity and VE checks, conduct three separate test runs for each performance test required in this section, as specified in 40 CFR 63.7(e)(3). Each test run shall last at least 1 hour. [40 CFR 63.7112(d)]

The Permittee shall calculate the PM emissions from each lime kiln using the following equation: $E = (C_K Q_K + C_C Q_C)/PK$ [40 CFR 63.7112(e)]

Where: E = Emission Rate of PM, pounds per ton (lb/ton) of stone feed
C_K = Concentration of PM in the kiln effluent, grain/dry standard cubic feet(gr/dscf)
Q_K = Volumetric flow rate of kiln effluent gas, dry standard cubic feet per hour.
C_C = Concentration of PM in the cooler effluent (gr/dscf)
Q_C = Volumetric flow rate of cooler effluent gas (dscf/hr)
P = Stone feed rate, tons per hour (tons/hr)
K = Conversion factor, 7000 grains per pound (grains/lb)

DAQEM Response: 40 CFR 63.7112(e) specifically states that the equation is used only to calculate emission for each individual kiln. This is not a valid equation for CLC to use due to the fact that the Permittee specifically requested to calculate PM emissions from the kilns using a weighted average of all four kilns. Test methods are required to be specified in the test protocol. Therefore, this will not be added to the OP.

f. The Permittee may comply with a weighted average PM emission limit by calculating a combined particulate emission rate from all kilns using the following equation:
$E_T = \sum_{i=1}^{n} EiPi \div \sum_{i=1}^{n} Pi$ [40 CFR 63.7112(f)(1)]

Where: E_T = Weighted Emission Rate of PM from all kilns and coolers, lb/ton of stone feed.
E_i = Emission rate of PM from kiln I, or from kiln/cooler combination I, lb/ton of stone feed.
P_i = Stone feed rate to kiln I, tons/hr.

n = number of kilns used in averaging

DAQEM Response: This equation is in the OP. Refer to Condition III-C-10.

g. Performance Testing Requirements for Kilns

(i) The Permittee shall determine the mass rate of stone feed to the kiln during the kiln PM emissions test using any suitable device. [40 CFR 63.7112(a) Table 4, Item 7]

(ii) The Permittee shall calibrate and maintain the device used to comply according to manufacturer's instructions; the measuring device to be used must be accurate to within +/- 5 percent of the mass rate of stone feed over its operating range. [40 CFR 63.7112(a) Table 4, Item 7]

(iii) The Permittee shall have installed and operating a COMS device prior to conducting the PM emissions test on the kilns; the COMS shall be operated in accordance with the requirements set forth in Condition 5.b. [40 CFR 63.7112(a) Table 4, Item 11]

DAQEM Response: Only Kiln 4 is required to operate with a COMS device.

h. Performance Testing Requirement [40 CFR 63.7112(a) Table 4, Item 17]

(i) The Permittee shall conduct opacity observations of the affected emissions points using EPA Reference Method 9.

DAQEM Response: The requirement for Method 9 opacity observations can be found in Conditions III-B-1(e) and (f) and III-B-3(k)

(ii) The Permittee shall use a test duration of at least 3 hours, but the 3-hour test may be reduced to 1 hour if, during the first 1-hour period, there are no individual readings greater than 10 percent opacity and there are no more than three readings of 10 percent during the first 1-hour period.

i. The Permittee shall document in complete test report the following information: [40 CFR 63.7112(h)]

(i) A description of the process and the air pollution control system

(ii) Sampling location descriptions;

(iii) A description of sampling and analytical procedures and any modification to standard procedures;

(iv) Test results, including opacity;

(v) Quality assurance procedures and results;

(vi) Records of operating conditions during the test, preparation of standards, and calibration procedures;

(vii) Raw data sheets for field sampling and field and laboratory analysis;

(viii) Documentation of calculations

(ix) All data recorded and used to establish operating limits; and

(x) Any other information required by the test method

DAQEM Response: A new condition requiring reporting of performance test results has been added (Condition III-D-11). A performance test report usually includes all of the above information. Most of the Subpart AAAAA requirements have been incorporated in to the permit.

It is not practically possible to include all specifics of each requirement in the permit. The Permittee shall include each and every requirement of Subpart AAAAA in the Operations, Maintenance and Monitoring (OM&M) Plan.

COMMENTS RECEIVED FROM EPA REGION IX AND DAQEM RESPONSE

No comments were received from US EPA Region IX.