

August 5, 2024

Mr. Eric Halstenson
Environmental Manager
J.R. Simplot Company
3430 Gateway Drive
Grand Forks, ND 58203

Re: Air Quality
Title V (Renewal)
Permit to Operate

Dear Mr. Halstenson:

Pursuant to the Air Pollution Control Rules of the State of North Dakota, the Department of Environmental Quality has reviewed your permit renewal application dated January 6, 2024, for the J.R. Simplot Company located in Grand Forks County, North Dakota.

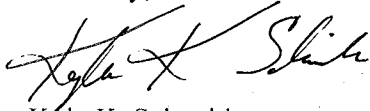
Enclosed is a copy of the Department's draft/proposed Title V Permit to Operate and statement of basis for the facility. Before making final determinations on the permit application, the Department provides for public comment by means of the enclosed public notice, to be immediately followed by a 45-day Environmental Protection Agency (EPA) review period. As indicated in the notice, the 30-day public comment period will begin August 15, 2024 and end September 13, 2024.

If any changes are subsequently made to the draft permit, then a review copy of the proposed permit reflecting those changes will be provided to EPA prior to the start of a 45-day EPA review period. The 45-day EPA review period is scheduled to begin September 14, 2024 and end October 28, 2024.

All comments received will be considered in the final determination concerning issuance of the permit. The Department will take final action on the permit application following the public comment period and the EPA review period. You will be notified in writing of our final determination.

If you have any questions, please contact me at (701)328-5218 or email kkschneider@nd.gov.

Sincerely,



Kyla K. Schneider
Environmental Scientist
Division of Air Quality

KKS:er

Enc:

xc/enc: EPA Region 8, Air Permitting (email – r8airpermitting@epa.gov)

NOTICE OF INTENT TO ISSUE AN
AIR POLLUTION CONTROL
TITLE V
PERMIT TO OPERATE

Take notice that the North Dakota Department of Environmental Quality (NDDEQ) proposes to reissue an Air Pollution Control Permit to Operate to J.R. Simplot Company for operation of their facility in accordance with the ND Air Pollution Control Rules. The facility is located at 3630 Gateway Drive in the city of Grand Forks, Grand Forks County and processes potatoes. The J.R. Simplot Company mailing address is 3630 Gateway Drive, Grand Forks, ND 58203. The draft permit incorporates ACP-18187 v1.0.

A thirty-day public comment period for the draft permit will begin August 15, 2024 and end on September 13, 2024. Direct comments in writing to the NDDEQ, Division of Air Quality, 4201 Normandy Street 2nd Floor, Bismarck, ND 58503-1324 or email AirQuality@nd.gov, Re: Public Comment Permit No. AOP-28367 v6.0. Please note that, to be considered, comments submitted by email must be sent to the email address listed; comments sent to any other email address **will not** be considered. Comments must be received by 11:59 p.m. central time on the last day of the public comment period to be considered in the final permit determination. A public hearing regarding issuance of the permit will be held if a significant degree of public interest exists as determined by the NDDEQ. Requests for a public hearing must be received in writing by the NDDEQ before the end of the public comment period.

The notice, draft permit, statement of basis and application are available for review at the NDDEQ address and at the Division of Air Quality website at <https://deq.nd.gov/AQ/PublicCom.aspx>. A copy of these documents may be obtained by writing to the Division of Air Quality or contacting Kyla Schneider at (701)328-5218 or emailing kkschneider@nd.gov.

The NDDEQ will consider every request for reasonable accommodation to provide an accessible meeting facility or other accommodation for people with disabilities, language interpretation for people with limited English proficiency (LEP), and translations of written material necessary to access programs and information. Language assistance services are available free of charge to you. To request accommodations or language assistance, contact the NDDEQ Non-discrimination/EJ Coordinator at 701-328-5150 or deqEJ@nd.gov. TTY users may use Relay North Dakota at 711 or 1-800-366-6888.

Dated this 6th day of August 2024

James L. Semerad
Director
Division of Air Quality

AIR POLLUTION CONTROL TITLE V PERMIT TO OPERATE

Permittee: Name: J.R. Simplot Company Address: 3630 Gateway Drive Grand Forks, ND 58203	Permit Number: AOP-28367 v6.0 Source Name: J.R. Simplot Company
Source Location: 3630 Gateway Drive Grand Forks, ND Grand Forks County	Source Type: Potato Processing; Food Products
Expiration Date: July 6, 2029	

Pursuant to Chapter 23.1-06 of the North Dakota Century Code (NDCC), and the Air Pollution Control Rules of the State of North Dakota, Article 33.1-15 of the North Dakota Administrative Code (NDAC), and in reliance on statements and representations heretofore made by the permittee (i.e., owner) designated above, a Title V Permit to Operate is hereby issued authorizing such permittee to operate the emissions units at the location designated above. This Title V Permit to Operate is subject to all applicable rules and orders now or hereafter in effect of the North Dakota Department of Environmental Quality (Department) and to any conditions specified on the following pages. All conditions are enforceable by EPA and citizens under the Clean Air Act unless otherwise noted.

Renewal: _____

 James L. Semerad
 Director
 Division of Air Quality

J.R. Simplot Company
Title V Permit to Operate
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Permit Shield

Compliance with the terms and conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:

- Such applicable requirements are included and are specifically identified in this permit; or
- The Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the determination or a concise summary thereof, is included in this permit.

Applicable Requirement: NDAC 33.1-15-14-06.5.f(1)

1. **Emission Unit Identification:**

The emission units regulated by this permit are as follows:

Emission Unit Description ^A	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
Natural gas-fired Cleaver-Brooks Model D68 boiler with a rated heat input of 50.287×10^6 Btu/hr	B1	B1	None
Natural gas/biogas-fired Cleaver-Brooks Model D94 boiler with a rated heat input of 75.431×10^6 Btu/hr (2013)	B2	B2	None
Natural gas-fired Cleaver-Brooks Model DL-68-RH boiler rated at 73.19×10^6 Btu/hr heat input (1995)	B3	B3	None
Line 1 french fry process dryer equipped with eight natural gas/propane-fired burners rated at 3.7×10^6 Btu/hr each	D1	D1A & D1B	None
Natural gas-fired potato dryer with a rated heat input capacity of 9.65×10^6 Btu/hr	D4	D4A & D4B	None
Line 2 retrograde dryer/cooler rated at 9,000 pounds of product per hour	D5	D5	None
Line 1 potato fryer rated at 45,000 pounds of finished product per hour	PF1	PF1	Wet Electrostatic Precipitator (WESP)
Line 2 potato fryer rated at 9,000 pounds of finished product per hour	PF2		
Line 4 potato fryer rated at 45,000 pounds of finished product per hour	PF4	PF4	WESP
Two potato by-product dryers, each rated at 15.18 tons/hr wet material. Each dryer is equipped with a natural gas/propane-fired burner rated at 18×10^6 Btu/hr.	F1 & F2	F1 & F2	Baghouses (one for each unit)

Emission Unit Description ^A	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
By-product cooler with a process weight rate of 2.25 tons/hr	F5	F5	Baghouse
Truck loadout with a rated capacity of 90.0 tons/hr	F8	F8	Baghouse
Digester gas flare rated at 55×10^6 Btu/hr	FL1	FL1	None
Cummins emergency diesel generator engine rated at 300 kW (407 bhp, built 2013); Tier 3 certified (NSPS III; MACT ZZZZ)	E1 ^B	E1	None
Kohler emergency diesel generator engine rated at 300 kW (407 bhp, built 2013); Tier 3 certified (NSPS III; MACT ZZZZ)	E2 ^B	E2	None
Various natural gas-fired air handling units and unit heaters rated from 0.1×10^6 Btu/hr to 11.4×10^6 Btu/hr with a total heat input of $<120 \times 10^6$ Btu/hr	Various ^C	N/A ^D	None

^A All process weight rates, heat inputs and horsepower are considered nominal unless otherwise noted.

^B The potential to emit for an emergency stationary reciprocating internal combustion engine (RICE) is based on operating no more hours per year than is permitted by the subparts (40 CFR 60, Subpart IIII and 40 CFR 63, Subpart ZZZZ) for other than emergency situations. For engines to be considered emergency stationary RICE under the RICE rules, engine operations must comply with the operating hour limits as specified in the applicable subparts (40 CFR 60, Subpart IIII and 40 CFR 63, Subpart ZZZZ). There is no time limit on the use of emergency stationary RICE in emergency situations [40 CFR 60, Subpart IIII, §60.4211(f) and 40 CFR 63, Subpart ZZZZ, §63.6640(f)].

^C Insignificant or fugitive emission sources (no specific emission limit).

^D These units are internally vented.

2. **Applicable Standards, Restrictions and Miscellaneous Conditions:**

A. **Fuel Restrictions:**

- 1) The fuel burning equipment (except for EU B2, E1 and E2) is restricted to combusting only natural gas and/or propane.
- 2) EU B2 (Boiler No. 2) is restricted to combusting natural gas, propane and biogas. Natural gas is restricted to no more than 2 grains of sulfur per 100 standard cubic feet and biogas is restricted to no more than 500 ppm hydrogen sulfide by volume.
 - a) The concentration of hydrogen sulfide in the biogas burned shall be monitored and recorded weekly. If the concentration of hydrogen sulfide in the biogas is found to exceed 500 ppm by volume, then the owner/operator shall contact the Department within 10 days of the measurement.

- 3) EU E1 and E2 (emergency generator engines) are restricted to combusting only distillate oil containing no more than 0.0015 percent sulfur by weight.

Applicable Requirements: ACP-17593 v1.0 and NDAC 33.1-15-12-02, Subpart III

B. New Source Performance Standards (NSPS): The permittee shall comply with all applicable requirements of the following NDAC 33.1-15-12-02 and 40 CFR 60 subparts in addition to complying with Subpart A – General Provisions.

- 1) Subpart Dc – Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (EU B2 and B3).
- 2) Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (EU E1 and E2).

Applicable Requirements: NDAC 33.1-15-12, Subparts A, Dc and IIII

C. National Emission Standards for Hazardous Air Pollutants (NESHAP)/Maximum Achievable Control Technology (MACT): The permittee shall comply with all applicable requirements of the following NDAC 33.1-15-22-03 and 40 CFR 63 subparts in addition to complying with Subpart A - General Provisions.

- 1) Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (EU E1 and E2). As an area source of Hazardous Air Pollutant emissions, compliance with 40 CFR 63, Subpart ZZZZ is achieved by complying with 40 CFR 60, Subpart IIII. The North Dakota Department of Environmental Quality has not adopted the area source provisions of this subpart. Please send all documentation to EPA at the following address:

U.S. EPA Region 8
1595 Wynkoop Street
Mail Code 8ENF-AT
Denver, CO 80202-1129

Applicable Requirements: NDAC 33.1-15-22-03, Subpart A and 40 CFR 63, Subpart ZZZZ

D. Flare Restrictions:

- 1) The stack height for the flare shall be at least 36 feet above ground level.
- 2) The flare must be equipped and operated with an automatic ignitor or a continuous burning pilot which must be maintained in good working order as outlined in NDAC 33.1-15-07-12.

- 3) The presence of a flame shall be monitored using a thermocouple or any other equivalent device approved by the Department.

Applicable Requirements: ACP-17379 v1.0 and NDAC 33.1-15-07-02

- E. **Operations and Maintenance:** The system used to remove hydrogen sulfide from the digester gas prior to combustion as biogas in the boiler (EU B2) shall be operated in accordance with the manufacturer's recommended Operations and Maintenance (O&M) procedures or a site-specific O&M procedure developed from the manufacturer's recommended O&M procedures. The owner/operator shall maintain the O&M procedures onsite and shall provide the Department with a copy when requested.

Applicable Requirement: ACP-17379 v1.0

- F. **Prevention of Significant Deterioration (PSD) Review:** This facility is exempt from PSD review due to fuel sulfur restrictions. Any relaxation in these limits that increases the potential to emit above the applicable PSD threshold of any contaminant in any 12-month period when normal operations (no malfunctions) occur will require a full PSD review of the source as though construction had not commenced on the source.

Applicable Requirement: NDAC 33.1-15-14-06.5.b(1)

- G. **Stack Height:** Emission from EU PF4 shall be vented from a height of at least 65 feet.

Applicable Requirement: ACP-18187 v1.0

- H. **Like-Kind Engine Replacement:** This permit allows the permittee to replace the existing engine with a like-kind engine. Replacement is subject to the following conditions.

- 1) The Department must be notified within 10 days after change-out of the engine.
- 2) The replacement engine shall operate in the same manner, provide no increase in throughput and have equal or less emissions than the engine it is replacing.
- 3) The date of manufacture of the replacement engine must be included in the notification. The facility must comply with any applicable federal standards (e.g. NSPS, NESHAP, MACT) triggered by the replacement.
- 4) The replacement engine is subject to the same state emission limits as the existing engine in addition to any NSPS or MACT emission limit that is applicable.

Applicable Requirement: NDAC 33.1-15-14-06.5.b(1)

3. Emission Unit Limits:

A. Emission Limits:

Emission Unit Description	EU	EP	Pollutant/ Parameter	Emission Limit	NDAC Applicable Requirement
Boiler No. 1	B1	B1	PM ^A	0.80 lb/10 ⁶ Btu	33.1-15-05-02.2.a
			Opacity	20% ^B	33.1-15-03-02
Boiler No. 2	B2	B2	PM ^A	0.80 lb/10 ⁶ Btu	33.1-15-05-02.2.a
			SO ₂ (biogas)	See Cond. 2.A	33.1-15-06-01.2
			Opacity	20% ^B	33.1-15-03-02
Boiler No. 3	B3	B3	PM ^A	0.46 lb/10 ⁶ Btu	33.1-15-05-02.2.b
			Opacity	20% ^B	33.1-15-03-02
Line 1 process dryer	D1	D1A & D1B	PM ^A	0.50 lb/10 ⁶ Btu	33.1-15-14-06.5.b(1)
			Opacity	20% ^B	33.1-15-03-02
Potato dryer	D4	D4A & D4B	PM ^A	1.0 lb/hr	ACP-18187 v1.0
			Opacity	20% ^B	33.1-15-03-02
Line 2 retrograde dryer/cooler	D5	D5	Opacity	20% ^B	33.1-15-03-02
Line 1 potato fryer	PF1	PF1	PM ^C	4.0 lb/hr	33.1-15-02-04
Line 2 potato fryer	PF2		Opacity	20% ^B	33.1-15-03-02
Line 4 potato fryer	PF4	PF4	PM ^C	3.48 lb/hr	ACP-18187 v1.0
			Opacity	20% ^B	33.1-15-03-02
Potato by-product dryers	F1 & F2	F1 & F2	PM ^A	1.5 lb/hr (each unit)	PTC 2/23/96
			Opacity	20% ^B	33.1-15-03-02
By-product cooler	F5	F5	PM ^A	0.075 lb/hr	PTC 2/23/96
			Opacity	20% ^B	33.1-15-03-02
Truck loadout	F8	F8	PM ^A	0.034 lb/hr	PTC 2/23/96
			Opacity	20% ^B	33.1-15-03-02
Digester gas flare	FL1	FL1	SO ₂	56.6 lb/hr (1-hr avg.)	ACP-17379 v1.0
			Opacity	20% ^D	33.1-15-03-03.1

Emission Unit Description	EU	EP	Pollutant/ Parameter	Emission Limit	NDAC Applicable Requirement
Emergency diesel generator engine	E1	E1	Opacity	20% ^B	33.1-15-03-02
			Operating Hours	See Condition 1 Footnote A	33.1-15-12-02, Subpart III
Emergency diesel generator engine	E2	E2	Opacity	20% ^B	33.1-15-03-02
			Operating Hours	See Condition 1 Footnote A	33.1-15-12-02, Subpart III

A Filterable particulate matter.

B 40% opacity is permissible for not more than one six-minute period per hour.

C Total filterable particulate matter and condensable particulate matter.

D 60% opacity is permissible for not more than one six-minute period per hour.

- B. **Opacity Limit for Fugitive Emissions:** The permittee shall not discharge into the ambient air any air contaminant which exhibits an opacity great than 40% for more than one six-minute period per hour. Such visible emissions shall have been visibly transported off the property of emission origination and remains visible to an observer positioned off said property when sighting along a line which does not cross the property of emission origination.

Applicable Requirement: NDAC 33.1-15-03-03

4. **Monitoring Requirements and Conditions:**

A. **Requirements:**

Emission Unit Description	EU	Pollutant/ Parameter	Monitoring Requirement (Method)	Condition Number	NDAC Applicable Requirement
Boiler No. 1	B1	PM	Recordkeeping	4.B.2	33.1-15-14-06.5.a(3)(a)
		Opacity	Recordkeeping	4.B.2	33.1-15-14-06.5.a(3)(a)
Boiler No. 2	B2	PM	Recordkeeping	4.B.2	33.1-15-14-06.5.a(3)(a)
		SO ₂ (biogas)	Fuel Type/ Calculation	2.A.2 & 4.B.3	ACP-17593 v1.0 & 33.1-15-14-06.5.a(3)(a)
		Opacity	Recordkeeping	4.B.2	33.1-15-14-06.5.a(3)(a)
		Monthly Fuel Usage	Monthly Fuel Usage	4.B. 1 & 4.B.6	33.1-15-12-02, Subpart Dc

Emission Unit Description	EU	Pollutant/Parameter	Monitoring Requirement (Method)	Condition Number	NDAC Applicable Requirement
Boiler No. 3	B3	PM	Recordkeeping	4.B.2	33.1-15-14-06.5.a(3)(a)
		Opacity	Recordkeeping	4.B.2	33.1-15-14-06.5.a(3)(a)
		Monthly Fuel Usage	Monthly Fuel Usage	4.B.1 & 4.B.6	33.1-15-12-02, Subpart Dc
Line 1 process dryer	D1	PM/Opacity	Recordkeeping	4.B.2	33.1-15-14-06.5.a(3)(a)
Potato dryer	D4	PM/Opacity	Recordkeeping	4.B.2	33.1-15-14-06.5.a(3)(a)
Line 2 retrograde dryer/cooler	D5	Opacity	Recordkeeping	4.B.2	33.1-15-14-06.5.a(3)(a)
Line 1 potato fryer	PF1	PM/Opacity	O&M Plan/Visible Emissions Observations (VEO), WESP Oper. Voltage Measurements & Testing	4.B.4, 4.B.5 & 4.B.7	33.1-15-14-06.5.a(3)(a)
Line 2 potato fryer	PF2				
Line 4 potato fryer	PF4	PM/Opacity	O&M Plan/VEO, WESP Oper. Voltage Measurements & Testing	4.B.4, 4.B.5 & 4.B.7	33.1-15-14-06.5.a(3)(a)
Potato by-product dryers	F1 & F2	PM/Opacity	O&M Plan/VEO	4.B.4 & 4.B.5	33.1-15-14-06.5.a(3)(a)
By-product cooler	F5	PM/Opacity	O&M Plan/VEO	4.B.2	33.1-15-14-06.5.a(3)(a)
Truck loadout	F8	PM/Opacity	O&M Plan/VEO	4.B.4 & 4.B.5	33.1-15-14-06.5.a(3)(a)
Digester gas flare	FL1	SO ₂	Calculation	4.B.8	ACP-17379 v1.0
		Opacity	Recordkeeping	4.B.2	33.1-15-14-06.5.a(3)(a)
Emergency generator engines	E1 & E2	Opacity	Recordkeeping	4.B.2	33.1-15-14-06.5.a(3)(a)
		Operating Hours	Recordkeeping	4.B.9	33.1-15-12, Subpart IIII

B. Monitoring Conditions:

- 1) The monitoring shall be in accordance with the following requirements of NDAC 33.1-15-12 and 40 CFR 60, as applicable.
 - a) Subpart A, §60.13, Monitoring Requirements.
 - b) Subpart Dc, §60.46c, Emission monitoring for sulfur dioxide.

- 2) For purposes of compliance monitoring, burning of fuels outlined in Condition 2.A Fuel Restrictions shall be considered credible evidence of compliance with any applicable opacity, particulate and SO₂ emission limit. However, results from tests conducted in accordance with the test methods in 40 CFR 50, 51, 60, 61, or 75 will take precedence over the burning of natural gas, propane or biogas for evidence of compliance or noncompliance with any applicable opacity, particulate and SO₂ emission limit, in the event of enforcement action.
- 3) The permittee shall calculate sulfur dioxide emission rates from the sulfur content of the biogas using EPA emission factors or other methods approved by the Department. Pipeline quality natural gas and commercial propane are presumed to contain negligible amounts of sulfur, and therefore, no sulfur analysis of these fuels is required.
- 4) The permittee shall maintain and operate air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions and in accordance with Condition 7.O of this permit.
- 5) At least once per week in which the emission unit is operated, a company representative who is certified or has received Department approved visible emissions training (requires a one-time visible emissions session, plus one hour visible emissions field training; need not be certified) shall observe the emission points. If no visible emissions are present, the permittee shall record the date, time and observation results. If the observation indicates visible emissions are present:
 - a) The permittee must investigate for a potential problem within eight hours. Any problems that are discovered must be corrected as soon as possible. If the correction of the situation is expected to take longer than 24 hours, the permittee shall follow procedures as outlined in Condition 7.G. All instances of visible emissions observed, associated investigations of malfunctions, and corrective actions taken shall be recorded. Following corrective maintenance, a visible emissions observation shall be made by a trained company representative (need not be certified).
 - b) The permittee shall comply with the opacity and particulate limits in Conditions 3.A and nothing in this condition authorizes noncompliance.
- 6) As required by 40 CFR, Subpart Dc, §60.48c, Reporting and recordkeeping requirements, the owner or operator shall record and maintain records of the amounts of each fuel combusted during each month for EU B2 and B3.
- 7) WESP:
 - a) The WESP operating voltage (secondary voltage) for the Line 1 and Line 2 potato fryers (EP PF1) shall be maintained at a minimum of 43 kV, based on a daily block average. The daily block average shall be established using a minimum of one voltage reading per hour. The permittee shall notify the Department as soon as

possible during normal working hours if the daily block average for operating voltage (secondary voltage) drops below 43 kV.

- b) The WESP operating voltage (secondary voltage) for the Line 4 potato fryer (EP PF4) shall be maintained at a minimum of 47 kV, based on a daily block average. The daily block average shall be established using a minimum of one voltage reading per hour. The permittee shall notify the Department as soon as possible during normal working hours if the daily block average for operating voltage (secondary voltage) drops below 47 kV.
 - c) During the final two years of the 5-year permit period, prior to submitting a Title V permit renewal application, the permittee shall conduct a stack test on EP PF1 and PF4 to ensure compliance with the PM emission limits. Any resulting changes to the WESP minimum operating voltages shall be submitted as a part of the Title V renewal application. The permittee may conduct a performance test at any time to establish a new minimum operating voltage.
- 8) Digester Flare Emission Calculation: During each occurrence of flaring, the permittee shall calculate and record the SO₂ emission rate (lb/hr) based on the H₂S content and quantity of gas flared. If any calculated exceedance of the SO₂ emission rate for the flare occurs, the exceedance shall be reported to the Department within 10 working days.
- 9) A log shall be kept of the total hours of operation on a calendar year basis for each engine using a non-resettable hour meter. Records shall be maintained to differentiate between time operated for emergency purposes, for maintenance/testing purposes, and for other nonemergency purposes.
- a) Operational and maintenance data shall be collected to demonstrate that the facility complies with the engine manufacturer's emission-related written instructions [40 CFR 60.4211(a)].

5. **Recordkeeping Requirements:**

- A. The permittee shall maintain compliance monitoring records as outlined in the Monitoring Records table that include the following information.
 - 1) The date, place (as defined in the permit) and time of sampling or measurement.
 - 2) The date(s) testing was performed.
 - 3) The company, entity, or person that performed the testing.
 - 4) The testing techniques or methods used.
 - 5) The results of such testing.

- 6) The operating conditions that existed at the time of sampling or measurement.
- 7) The records of quality assurance for emissions measuring systems including but not limited to quality control activities, audits and calibration drifts as required by the applicable test method.
- 8) A copy of all field data sheets from the emissions testing.
- 9) A record shall be kept of all maintenance activities conducted on the emission units or air pollution control equipment.
- 10) Records shall be kept as to the type of fuel usage.
- 11) Engine operating hours differentiated by emergency vs. non-emergency and information to demonstrate compliance with the manufacturer's emission-related written instructions.

Applicable Requirements: NDAC 33.1-15-14-06.5 a(3)(b)[1] and NDAC 33.1-15-12-02, Subpart III

Monitoring Records

Emission Unit Description	EU	Pollutant/ Parameter	Compliance Monitoring Record
Boiler No. 1	B1	PM	Type of Fuel Usage
		Opacity	Type of Fuel Usage
Boiler No. 2	B2	PM	Type of Fuel Usage
		SO ₂ (biogas)	Type of Fuel Usage/Calculation
		Opacity	Type of Fuel Usage
Boiler No. 3	B3	Monthly Fuel Usage	Monthly Fuel Usage
		PM	Type of Fuel Usage
		Opacity	Type of Fuel Usage
Line 1 process dryer	D1	Monthly Fuel Usage	Monthly Fuel Usage
		PM/Opacity	Type of Fuel Usage
		PM/Opacity	Type of Fuel Usage
Potato dryer	D4	PM/Opacity	Type of Fuel Usage
Line 2 retrograde dryer/cooler	D5	PM/Opacity	O&M Data/VEO Data
Line 1 potato fryer	PF1	PM/Opacity	O&M Data/VEO Data/WESP
Line 2 potato fryer	PF2		Operating Voltage and Test Data
Line 4 potato fryer	PF4	PM/Opacity	O&M Data/VEO Data/WESP Operating Voltage and Test Data

Emission Unit Description	EU	Pollutant/ Parameter	Compliance Monitoring Record
Potato by-product dryers	F1 & F2	PM/Opaicity	O&M Data/VEO Data
By-product cooler	F5	PM/Opaicity	O&M Data/VEO Data
Truck loadout	F8	PM/Opaicity	O&M Data/VEO Data
Rail loadout	F9	PM/Opaicity	O&M Data/VEO Data
Digester gas flare	FL1	SO ₂	Calculation
		Opacity	Type of Fuel Usage
Emergency generator engines	E1 & E2	Opacity	Type of Fuel Usage
		Operating Hours	Hours of Operation Data

- B. In addition to requirements outlined in Condition 5.A, recordkeeping for EU B2 and B3 shall be in accordance with NDAC 33.1-15-12-02 (40 CFR 60), Subpart A, §60.7, Notification and Recordkeeping and Subpart Dc, §60.48c, Reporting and Recordkeeping Requirements.

Applicable Requirement: NDAC 33.1-15-12-02, Subparts A and Dc

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

Applicable Requirement: NDAC 33.1-15-14-06.5.a(3)(b)[2]

6. Reporting:

- A. For EU B2 and B3, reporting shall be in accordance with the following requirements of NDAC 33.1-15-12-02 (40 CFR 60), as applicable.

- 1) Subpart A, §60.7, Notification and Recordkeeping.
- 2) Subpart Dc, §60.48c, Reporting and Recordkeeping Requirements.

Applicable Requirements: NDAC 33.1-15-12-02, Subparts A and Dc

- B. The permittee shall submit a semi-annual monitoring report for all monitoring records required under Condition 5 in a format provided or approved by the Department. All instances of deviations from the permit must be identified in the report. A monitoring report shall be submitted within 45 days after June 30 and December 31 of each year.

Applicable Requirements: NDAC 33.1-15-14-06.5.a(3)(c)[1] and [2]

- C. The permittee shall submit an annual compliance certification report in accordance with NDAC 33.1-15-14-06.5.c(5) within 45 days after December 31 of each year in a format provided or approved by the Department.

Applicable Requirement: NDAC 33.1-15-14-06.5.c(5)

- D. For emission units where the method of compliance monitoring is demonstrated by an EPA Test Method or a portable analyzer test, the test report shall be submitted to the Department within 60 days after completion of the test.

Applicable Requirement: NDAC 33.1-15-14-06.5.a(6)(e)

- E. The permittee shall submit an annual emission inventory report (AEIR) in a format provided or approved by the Department. This report shall be submitted by March 15 of each year. Insignificant units/activities listed in this permit do not need to be included in the report.

Applicable Requirements: NDAC 33.1-15-14-06.5.a(7) and NDAC 33.1-15-23-04

7. **Facility Wide Operating Conditions:**

A. **Ambient Air Quality Standards:**

- 1) Particulate and gases. The permittee shall not emit air contaminants in such a manner or amount that would violate the standards of ambient air quality listed in Table 1 of NDAC 33.1-15-02, external to buildings, to which the general public has access.
- 2) Radioactive substances. The permittee shall not release into the ambient air any radioactive substances exceeding the concentrations specified in NDAC 33.1-10.
- 3) Other air contaminants. The permittee shall not emit any other air contaminants in concentrations that would be injurious to human health or well-being or unreasonably interfere with the enjoyment of property or that would injure plant or animal life.
- 4) Disclaimer. Nothing in any other part or section of this permit may in any manner be construed as authorizing or legalizing the emission of air contaminants in such manner that would violate the standards in Paragraphs 1), 2) and 3) of this condition.

Applicable Requirements: NDAC 33.1-15-02-04 and 40 CFR 50.1(e)

- B. **Fugitive Emissions:** The release of fugitive emissions shall comply with the applicable requirements in NDAC 33.1-15-17.

Applicable Requirement: NDAC 33.1-15-17

- C. **Open Burning:** The permittee may not cause, conduct, or permit open burning of refuse, trade waste, or other combustible material, except as provided for in Section 33.1-15-04-02 and may not

conduct, cause, or permit the conduct of a salvage operation by open burning. Any permissible open burning under NDAC 33.1-15-04-02 must comply with the requirements of that section.

Applicable Requirement: NDAC 33.1-15-04

- D. **Asbestos Renovation or Demolition:** Any asbestos renovation or demolition at the facility shall comply with emission standard for asbestos in NDAC 33.1-15-13.

Applicable Requirement: NDAC 33.1-15-13-02

- E. **Requirements for Organic Compounds Gas Disposal:**

- 1) Any organic compounds, gases and vapors which are generated as wastes as the result of storage, refining or processing operations and which contain hydrogen sulfide shall be incinerated, flared or treated in an equally effective manner before being released into the ambient air.
- 2) Each flare must be equipped and operated with an automatic ignitor or a continuous burning pilot.

Applicable Requirement: NDAC 33.1-15-07-02

- F. **Rotating Pumps and Compressors:** All rotating pumps and compressors handling volatile organic compounds must be equipped and operated with properly maintained seals designed for their specific product service and operating conditions.

Applicable Requirement: NDAC 33.1-15-07-01.5

- G. **Shutdowns/Malfunction/Continuous Emission Monitoring System Failure:**

- 1) **Maintenance Shutdowns.** In the case of shutdown of air pollution control equipment for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the Department at least 24 hours prior to the planned shutdown provided that the air contaminating source will be operated while the control equipment is not in service. Such prior notice shall include the following:
 - a) Identification of the specific facility to be taken out of service as well as its location and permit number.
 - b) The expected length of time that the air pollution control equipment will be out of service.
 - c) The nature and estimated quantity of emissions of air pollutants likely to be emitted during the shutdown period.

- d) Measures, such as the use of off-shift labor and equipment, that will be taken to minimize the length of the shutdown period.
- e) The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period.
- f) Nothing in this subsection shall in any manner be construed as authorizing or legalizing the emission of air contaminants in excess of the rate allowed by this article or a permit issued pursuant to this article.

Applicable Requirement: NDAC 33.1-15-01-13.1

2) Malfunctions.

- a) When a malfunction in any installation occurs that can be expected to last longer than 24 hours and cause the emission of air contaminants in violation of this article or other applicable rules and regulations, the person responsible for such installation shall notify the Department of such malfunction as soon as possible during normal working hours. The notification must contain a statement giving all pertinent facts, including the estimated duration of the breakdown. The Department shall be notified when the condition causing the malfunction has been corrected.
- b) Immediate notification to the Department is required for any malfunction that would threaten health or welfare or pose an imminent danger. During normal working hours the Department can be contacted at 701-328-5188. After hours the Department can be contacted through the 24-hour state radio emergency number 1-800-472-2121. If calling from out of state, the 24-hour number is 701-328-9921.
- c) Unavoidable Malfunction. The owner or operator of a source who believes any excess emissions resulted from an unavoidable malfunction shall submit a written report to the Department which includes evidence that:
 - [1] The excess emissions were caused by a sudden, unavoidable breakdown of technology that was beyond the reasonable control of the owner or operator.
 - [2] The excess emissions could not have been avoided by better operation and maintenance, did not stem from an activity or event that could have been foreseen and avoided, or planned for.
 - [3] To the extent practicable, the source maintained and operated the air pollution control equipment and process equipment in a manner consistent with good practice for minimizing emissions, including minimizing any bypass emissions.
 - [4] Any necessary repairs were made as quickly as practicable, using off-shift labor and overtime as needed and possible.

- [5] All practicable steps were taken to minimize the potential impact of the excess emissions on ambient air quality.
- [6] The excess emissions are not part of a recurring pattern that may have been caused by inadequate operation or maintenance, or inadequate design of the malfunctioning equipment.

The report shall be submitted within 30 days of the end of the calendar quarter in which the malfunction occurred or within 30 days of a written request by the Department, whichever is sooner.

The burden of proof is on the owner or operator of the source to provide sufficient information to demonstrate that an unavoidable equipment malfunction occurred. The Department may elect not to pursue enforcement action after considering whether excess emissions resulted from an unavoidable equipment malfunction. The Department will evaluate, on a case-by-case basis, the information submitted by the owner or operator to determine whether to pursue enforcement action.

Applicable Requirement: NDAC 33.1-15-01-13.2

- 3) **Continuous Emission Monitoring System Failures.** When a failure of a continuous emission monitoring system occurs, an alternative method for measuring or estimating emissions must be undertaken as soon as possible. The owner or operator of a source that uses an alternative method shall have the burden of demonstrating that the method is accurate. Timely repair of the emission monitoring system must be made. The provisions of this subsection do not apply to sources that are subject to monitoring requirements in Chapter 33.1-15-21 (40 CFR 75, Acid Rain Program).

Applicable Requirement: NDAC 33.1-15-01-13.3

- H. **Air Pollution from Internal Combustion Engines:** The permittee shall comply with all applicable requirements of NDAC 33.1-15-08-01 -- Internal Combustion Engine Emissions Restricted.

Applicable Requirement: NDAC 33.1-15-08-01

- I. **Prohibition of Air Pollution:**

- 1) The permittee shall not permit or cause air pollution, as defined in NDAC 33.1-15-01-04.
- 2) Nothing in any other part of this permit or any other regulation relating to air pollution shall in any manner be construed as authorizing or legalizing the creation or maintenance of air pollution.

Applicable Requirement: NDAC 33.1-15-01-15

J. **Performance Tests:**

- 1) The Department may reasonably require the permittee to make or have made tests, at a reasonable time or interval, to determine the emission of air contaminants from any source, for the purpose of determining whether the permittee is in violation of any standard or to satisfy other requirements of NDCC 23.1-06. All tests shall be made, and the results calculated in accordance with test procedures approved or specified by the Department including the North Dakota Department of Environmental Quality Emission Testing Guideline. All tests shall be conducted by reputable, qualified personnel. The Department shall be given a copy of the test results in writing and signed by the person responsible for the tests.
- 2) The Department may conduct tests of emissions of air contaminants from any source. Upon request of the Department, the permittee shall provide necessary and adequate access into stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants.

Applicable Requirement: NDAC 33.1-15-01-12

- 3) Except for sources subject to 40 CFR 63, the permittee shall notify the Department by submitting a Proposed Test Plan, or its equivalent, at least 30 calendar days in advance of any tests of emissions of air contaminants required by the Department. The permittee shall notify the Department at least 60 calendar days in advance of any performance testing required under 40 CFR 63, unless otherwise specified by the subpart. If the permittee is unable to conduct the performance test on the scheduled date, the permittee shall notify the Department as soon as practicable when conditions warrant and shall coordinate a new test date with the Department.

Failure to give the proper notification may prevent the Department from observing the test. If the Department is unable to observe the test because of improper notification, the test results may be rejected.

Applicable Requirements: NDAC 33.1-15-14-06.5.a(3)(a), NDAC 33.1-15-12-02 Subpart A (40 CFR 60.8), NDAC 33.1-15-13-01.2 Subpart A (40 CFR 61.13), NDAC 33.1-15-22-03 Subpart A (40 CFR 63.7)

- K. **Pesticide Use and Disposal:** Any use of a pesticide or disposal of surplus pesticides and empty pesticide containers shall comply with the requirements in NDAC 33.1-15-10.

Applicable Requirements: NDAC 33.1-15-10-01 and NDAC 33.1-15-10-02

- L. **Air Pollution Emergency Episodes:** When an air pollution emergency episode is declared by the Department, the permittee shall comply with the requirements in NDAC 33.1-15-11.

Applicable Requirements: NDAC 33.1-15-11-01 through NDAC 33.1-15-11-04

- M. **Stratospheric Ozone Protection:** The permittee shall comply with any applicable standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for MVACs in Subpart B:

- 1) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to Section 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 Section 82.158.
- 3) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to Section 82.161.
- 4) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to Section 82.156.

Applicable Requirement: 40 CFR 82

- N. **Chemical Accident Prevention:** The permittee shall comply with all applicable requirements of Chemical Accident Prevention pursuant to 40 CFR 68. The permittee shall comply with the requirements of this part no later than the latest of the following dates:

- 1) Three years after the date on which a regulated substance is first listed under this part; or
- 2) The date on which a regulated substance is first present above a threshold quantity in a process.

Applicable Requirement: 40 CFR 68

- O. **Air Pollution Control Equipment:** The permittee shall maintain and operate air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. The manufacturer's recommended Operations and Maintenance (O&M) procedures, or a site-specific O&M procedure developed from the manufacturer's recommended O&M procedures, shall be followed to assure proper operation and maintenance of the equipment. The permittee shall have the O&M procedures available onsite and provide the Department with a copy when requested.

Applicable Requirement: NDAC 33.1-15-14-06.5.b(1)

- P. **Prevention of Significant Deterioration of Air Quality** (40 CFR 52.21 as incorporated by NDAC Chapter 33.1-15-15): If this facility is classified as a major stationary source under the Prevention of Significant Deterioration of Air Quality (PSD) rules, a Permit to Construct must be obtained from the Department for any project which meets the definition of a “major modification” under 40 CFR 52.21(b)(2).

If this facility is classified as a major stationary source under the PSD rules and the permittee elects to use the method specified in 40 CFR 52.21(b)(41)(ii)(a) through (c) for calculating the projected actual emissions of a proposed project, then the permittee shall comply with all applicable requirements of 40 CFR 52.21(r)(6).

Applicable Requirement: NDAC 33.1-15-15-01.2

8. **General Conditions:**

- A. **Annual Fee Payment:** The permittee shall pay an annual fee, for administering and monitoring compliance, which is determined by the actual annual emissions of regulated contaminants from the previous calendar year. The Department will send a notice, identifying the amount of the annual permit fee, to the permittee of each affected installation. The fee is due within 60 days following the date of such notice. Any source that qualifies as a “small business” may petition the Department to reduce or exempt any fee required under this section. Failure to pay the fee in a timely manner or submit a certification for exemption may cause this Department to initiate action to revoke the permit.

Applicable Requirements: NDAC 33.1-15-14-06.5.a(7) and NDAC 33.1-15-23-04

- B. **Permit Renewal and Expiration:** This permit shall be effective from the date of its issuance for a fixed period of five years. The permittee’s right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least six months, but no more than 18 months, prior to the date of permit expiration. The Department shall approve or disapprove the renewal application within 60 days of receipt. Unless the Department requests additional information or otherwise notifies the applicant of incompleteness, the application shall be deemed complete. For timely and complete renewal applications for which the Department has failed to issue or deny the renewal permit before the expiration date of the previous permit, all terms and conditions of the permit, including any permit shield previously granted shall remain in effect until the renewal permit has been issued or denied. The application for renewal shall include the current permit number, description of any permit revisions and off-permit changes that occurred during the permit term, and any applicable requirements that were promulgated and not incorporated into the permit during the permit term.

Applicable Requirements: NDAC 33.1-15-14-06.4 and NDAC 33.1-15-14-06.6

- C. **Transfer of Ownership or Operation:** This permit may not be transferred except by procedures allowed in Chapter 33.1-15-14 and is to be returned to the Department upon the destruction or change of ownership of the source unit(s), or upon expiration, suspension or revocation of this permit. A change in ownership or operational control of a source is treated as an administrative permit amendment if no other change in the 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 the Department.

Applicable Requirement: NDAC 33.1-15-14-06.6.d

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

Applicable Requirement: NDAC 33.1-15-14-06.5.a(6)(d)

- E. **Submissions:**

- 1) Reports, test data, monitoring data, notifications, and requests for renewal shall be submitted to the Department using a format provided or approved by the Department. Physical submittals shall be submitted to:

North Dakota Department of Environmental Quality
Division of Air Quality
4201 Normandy Street, 2nd Floor
Bismarck, ND 58503-1324

- 2) Any application form, report or compliance certification submitted shall be certified as being true, accurate, and complete by a responsible official.

Applicable Requirement: NDAC 33.1-15-14-06.4.d

- F. **Right of Entry:** Any duly authorized officer, employee or agent of the North Dakota Department of Environmental Quality may enter and inspect any property, premise or place listed on this permit or where records are kept concerning this permit at any reasonable time for the purpose of ascertaining the state of compliance with this permit and the North Dakota Air Pollution Control Rules. The Department may conduct tests and take samples of air contaminants, fuel, processing material, and other materials which affect or may affect emissions of air contaminants from any source. The Department shall have the right to access and copy any records required by the Department's rules and to inspect monitoring equipment located on the premises.

Applicable Requirements: NDAC 33.1-15-14-06.5.c(2) and NDAC 33.1-15-01-06

- G. **Compliance:** The permittee must comply with all conditions of this permit. Any noncompliance with a federally-enforceable permit condition constitutes a violation of the Federal Clean Air Act. Any noncompliance with any State enforceable condition of this permit constitutes a violation of NDCC Chapter 23.1-06 and NDAC 33.1-15. Violation of any condition of this permit is grounds for enforcement action, for permit termination, revocation and reissuance or modification, or for denial of a permit renewal application. Noncompliance may also be grounds for assessment of penalties under the NDCC 23.1-06. 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.

Applicable Requirements: NDAC 33.1-15-14-06.5.a(6)(a) and NDAC 33.1-15-14-06.5.a(6)(b)

- H. **Duty to Provide Information:** The permittee shall furnish to the Department, within a reasonable time, any information that the Department 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. This includes instances where an alteration, repair, expansion, or change in method of operation of the source occurs. Upon request, the permittee shall also furnish to the Department copies of records that the permittee is required to keep by this permit, or for information claimed to be confidential, the permittee may furnish such recourse directly to the Department along with a claim of confidentiality. 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. Items that warrant supplemental information submittal include, but are not limited to, changes in the ambient air boundary and changes in parameters associated with emission points (i.e., stack parameters). The permittee shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete renewal application was submitted but prior to release of a draft permit.

Applicable Requirements: NDAC 33.1-15-14-06.5.a(6)(e), NDAC 33.1-15-14-06.6.b(3) and NDAC 33.1-15-14-06.4.b

- I. **Reopening for Cause:** The Department will reopen and revise this permit as necessary to remedy deficiencies in the following circumstances:

- 1) Additional applicable requirements under the Federal Clean Air Act become applicable to the permittee with a remaining permit term of three or more years. Such a reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the expiration date of this permit.
- 2) The Department or the United States Environmental Protection Agency determines that this permit contains a material mistake or inaccurate statements were made in establishing the emissions standards or other terms or conditions of this permit.
- 3) The Department or the United States Environmental Protection Agency determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- 4) Reopenings shall not be initiated before a notice of intent to reopen is provided to the permittee by the Department at least 30 days in advance of the date that this permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency. Proceedings to reopen and issue this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

Applicable Requirement: NDAC 33.1-15-14-06.6.f

- J. **Permit Changes:** The 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.

Applicable Requirement: NDAC 33.1-15-14-06.5.a(6)(c)

- K. **Off-Permit Changes:** A permit revision is not required for changes that are not addressed or prohibited by this permit, provided the following conditions are met:

- 1) No such change may violate any term or condition of this permit.
- 2) Each change must comply with all applicable requirements.
- 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 Federal Clean Air Act.
- 4) A Permit to Construct under NDAC 33.1-15-14-02 has been issued, if required.
- 5) Before the permit change is made, the permittee must provide written notice to both the Department and Air Program (8P-AR), Office of Partnerships & Regulatory Assistance, US EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129, except for changes that qualify as insignificant activities in Section 33.1-15-14-06. This notice shall describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result.
- 6) The permittee shall record 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. The record shall reside at the permittee's facility.

Applicable Requirement: NDAC 33.1-15-14-06.6.b(3)

- L. **Administrative Permit Amendments:** This permit may be revised through an administrative permit amendment, if the revision to this permit accomplishes one of the following:

- 1) Corrects typographical errors.
- 2) Identifies a change in the name, address or phone number of any person identified in this permit or provides a similar minor administrative change at the source.
- 3) Requires more frequent monitoring or reporting by the permittee.
- 4) Allows for a change in ownership or operational control of the source where the Department 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 Department.

- 5) Incorporates into the Title V permit the requirements from a Permit to Construct when the review was substantially equivalent to Title V requirements for permit issuance, renewal, reopenings, revisions and permit review by the United States Environmental Protection Agency and affected state review, that would be applicable to the change if it were subject to review as a permit modification and compliance requirements substantially equivalent to Title V requirements for permit content were contained in the Permit to Construct.
- 6) Incorporates any other type of change which the Administrator of the United States Environmental Protection Agency has approved as being an administrative permit amendment as part of the Department's approved Title V operating permit program.

Applicable Requirement: NDAC 33.1-15-14-06.6.d

M. **Minor Permit Modification:** This permit may be revised by a minor permit modification, if the proposed permit modification meets the following requirements:

- 1) Does not violate any applicable requirement.
- 2) Does not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in this permit.
- 3) Does 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.
- 4) Does 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 a federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the Federal Clean Air Act; and alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the Federal Clean Air Act.
- 5) Is not a modification under NDAC 33.1-15-12, 33.1-15-13, and 33.1-15-15 or any provision of Title I of the Federal Clean Air Act.
- 6) Is not required to be processed as a significant modification.

Applicable Requirement: NDAC 33.1-15-14-06.6.e(1)

N. **Significant Modifications:**

- 1) Significant modification procedures shall be used for applications requesting permit modifications that do not qualify as minor permit modifications or as administrative amendments. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions shall be considered significant. Nothing therein shall be construed to preclude the permittee from making changes consistent with this subsection that would render existing permit compliance terms and conditions irrelevant.

- 2) Significant permit modifications shall meet all Title V requirements, including those for applications, public participation, review by affected states, and review by the United States Environmental Protection Agency, as they apply to permit issuance and permit renewal. The Department shall complete review of significant permit modifications within nine months after receipt of a complete application.

Applicable Requirement: NDAC 33.1-15-14-06.6.e(3)

- O. **Operational Flexibility:** The permittee is allowed to make a limited class of changes within the 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, are not Title I modifications and a Permit to Construct is not required. This class of changes does not include changes that would violate applicable requirements; or changes to federally-enforceable permit terms or conditions that are monitoring, recordkeeping, reporting, or compliance certification requirements.

The permittee is required to send a notice to both the Department and Air Program (8P-AR), Office of Partnerships & Regulatory Assistance, US EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129, at least seven 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. Any permit shield provided in this permit does not apply to changes made under this provision.

Applicable Requirement: NDAC 33.1-15-14-06.6.b(2)

- P. **Relationship to Other Requirements:** Nothing in this permit shall alter or affect the following:

- 1) The provisions of Section 303 of the Federal Clean Air Act (emergency orders), including the authority of the administrator of the United States Environmental Protection Agency under that section.
- 2) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance.
- 3) The ability of the United States Environmental Protection Agency to obtain information from a source pursuant to Section 114 of the Federal Clean Air Act.
- 4) Nothing in this permit shall relieve the permittee of the requirement to obtain a Permit to Construct.

Applicable Requirements: NDAC 33.1-15-14-06.3 and NDAC 33.1-15-14-06.5.f(3)(a), (b) and (d)

- Q. **Severability Clause:** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

Applicable Requirement: NDAC 33.1-15-14-06.5.a(5)

- R. **Circumvention:** The permittee shall not cause or permit the installation or use of any device of any means which conceals or dilutes an emission of air contaminants which would otherwise violate this permit.

Applicable Requirement: NDAC 33.1-15-01-08

9. **State Enforceable Only Conditions (not Federally enforceable):**

- A. **General Odor Restriction:** The permittee shall not discharge into the ambient air any objectionable odorous air contaminant which exceeds the limits established in NDAC 33.1-15-16.

Applicable Requirement: NDAC 33.1-15-16

- B. **Hydrogen Sulfide Restriction:** The permittee shall not discharge into the ambient air hydrogen sulfide (H₂S) in concentrations that would be objectionable on land owned or leased by the complainant or in areas normally accessed by the general public. For the purpose of complaint resolution, two samples with concentrations greater than 0.05 parts per million (50 parts per billion) sampled at least 15 minutes apart within a two-hour period and measured in accordance with Section 33.1-15-16-04 constitute a violation.

Applicable Requirement: NDAC 33.1-15-16-04

J.R. Simplot Company
(Grand Forks Facility)
Title V Permit to Operate No. AOP-28367 v6.0
(Previously T5-F76008)

Statement of Basis
(2/26/24)

Facility Background: The J.R. Simplot Company (Simplot) is a potato processing facility in Grand Forks that produces a variety of potato products such as french fries and hash browns. The highest emitting units at the facility are three Cleaver Brooks gas boilers ranging from 50 to 75 x 10⁶ Btu/hr heat input (NO_x and CO) and the potato fryers (PM). Hexane is the predominant hazardous air pollutant emitted (< 1 ton per year).

Permit to Operate (PTO) 74001 was first issued to Western Potato Service, Inc., for the then-named Western Potato Service Processing Plant on March 7, 1974. In 1976, the plant was purchased by the Red River Valley Potato Processing Co-Operative, Inc., which soon became the International Cooperative, Inc. PTO F76008 was issued to the International Cooperative, Inc. for the plant on October 1, 1976, and the permit was subsequently renewed at approximately three-year intervals.

The J.R. Simplot Company (Simplot) assumed ownership of the facility in 1982 and was issued PTO F76008 on July 28, 1982. Permit to Construct (PTC) 12/21/94 was issued on that date and permitted the construction of the Cleaver Brooks 73 x 10⁶ Btu/hr boiler and several other new emission units related to a plant expansion. PTC 2/23/96 was issued on that date and permitted construction of a potato by-product drying facility at the plant. PTC99009, issued May 20, 1999, permitted a processing line 1 upgrade and the addition of makeup air units. Title V Permit No. T5-F76008 was first issued on February 22, 1999.

Title V Permit Renewal No. 1 was issued on July 6, 2004 (AOP-28367 v2.0). Renewal No. 2 was issued on September 8, 2009 (AOP-28367 v3.0); it removed No. 6 fuel oil as a boiler fuel. Construction Permit No. ACP-17397 v1.0 (PTC11082) was issued November 7, 2011, to permit the installation of a natural gas/biogas-fired boiler (EU B4), construction of a digester gas (biogas) flare, and removal of the three existing boilers. Simplot later determined EU B4 would not be installed, and the three existing boilers would remain in use.

ACP-17450 v1.0 (PTC12044) was issued June 13, 2012, to remove oil as a fuel for the three natural gas/oil boilers (EU B1, B2 and B3) and to add biogas as a fuel for EU B2. ACP-17593 v1.0 (PTC14003) was issued January 6, 2014, to revise the hydrogen sulfide limit for biogas combusted in the EU 2 boiler. Renewal No. 3 was issued June 19, 2014 (AOP-28367 v4.0).

ACP-17648 v1.0 (PTC14058) was issued September 24, 2014, to permit construction of the Line 2 potato fryer and the retrograde dryer/cooler. Revision No. 1 to Renewal No. 3 (AOP-28367 v4.1) incorporating ACP-17648 v1.0 was issued July 19, 2014. A February 23, 2018, Departmental letter approved the replacement of the regenerative thermal oxidizer (RTO) with a wet electrostatic precipitator (WESP) for two of the potato fryers (EU PF1 and PF2/EP PF1).

Title V Permit Renewal No. 4 was issued on October 15, 2019 (AOP-28367 v5.0); it updated air pollution control, monitoring and recordkeeping for EP PF1 (potato fryer lines) to the WESP and the removed the NO_x limit for EU B3 (Boiler No. 3). ACP-18187 v1.0 was issued May 23, 2023,

for removal of line 3 potato fryer (EU PF3) and update the line 4 potato fryer (EU PF4) and dryer (EU D4).

Current Action: On January 6, 2024, the Department received a timely permit application through CERIS-ND from the J.R. Simplot Company for renewal of their Title V Permit to Operate No. AOP-28367. The draft renewal permit changes incorporate ACP-18187 v1.0 and other administrative updates.

The Department proposes to issue Title V Permit to Operate No. AOP-28367 v6.0 after the required 30-day public comment period and subsequent 45-day EPA review period. This statement of basis summarizes the relevant information considered during this renewal of the Title V permit. The legal basis for each permit condition is stated in the draft permit under the heading of "Applicable Requirement."

Applicable Programs/As-Needed Topics:

1. **Title V.** The facility holds a Title V permit to operate due to the potential to emit more than 100 tons per year (tpy) of a criteria pollutant (NO_x). The facility is considered a minor/area source of Hazardous Air Pollutant (HAP) emissions because individual and combined potential annual HAP emissions are below 10 tpy and 25 tpy, respectively.
2. **New Source Performance Standards (NSPS).** The following NDAC 33.1-15-12-03 and 40 CFR 60 subparts apply to the facility.

Subpart A, General Provisions, applies to all source units to which another NSPS subpart applies.

Subpart Dc, Small Industrial-Commercial-Institutional Steam Generating Units (EU B2 and B3); manufactured (EU B3, 1995) or rebuilt (EU B2, 2013) after June 9, 1989, and heat rating between 10 million and 100 million Btu/hour.

Subpart IIII, Stationary Compression Ignition Internal Combustion Engines (EU E1 and E2); both engines manufactured after 2006.

3. **National Emission Standards for Hazardous Air Pollutants (NESHAP).** No NDAC 33.1-15-13 and 40 CFR 61 subparts apply to the facility, with the possible exception of NDAC 33.1-15-13-02 (40 CFR 61), Subpart M (National Emission Standard for Asbestos) may apply during facility modifications involving asbestos.
4. **Maximum Achievable Control Technology (MACT).** The following NDAC 33.1-15-22-03 and 40 CFR 63 subpart applies to the facility, which is an area source of HAP emissions.

Subpart A, General Provisions, applies to all source units to which another MACT subpart applies.

Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (EU E1 and EU 2). As an area source of HAPs

emissions, compliance with 40 CFR 63, Subpart ZZZZ is achieved by complying with 40 CFR 60, Subpart IIII. North Dakota has not adopted the area source provisions of this subpart; all required reports and documentation are to be sent to EPA Region 8.

5. **Acid Rain.** NDAC 33.1-15-21 (40 CFR 72, 73, 75 and 76) does not apply to the facility since the plant is not an existing electric utility steam generating/electric utility facility.
6. **Prevention of Significant Deterioration (PSD).** The facility is not a major source under NDAC 33.1-15-15 (40 CFR 52) because it does not have the potential to emit more than 250 tons of any criteria pollutant per year during normal operations; therefore, this permit is not subject to PSD review.
7. **Best Available Control Technology (BACT).** Since the facility is not a major PSD source, a BACT review is not required for this draft permit.
8. **Gap Filling.** This draft permit contains gap filling for testing, monitoring or recordkeeping not otherwise required by rule. The gap filling conditions are generally identified by the applicable requirement NDAC 33.1-15-14-06.5.a(3)(a).
9. **Streamlining Decisions.** The NDAC 33.1-15-06-01.2 *Restrictions applicable to fuel burning installations* emission limit for sulfur (3.0 lb sulfur per million Btu) was streamlined because the standard ND natural gas fuel restriction for sulfur (2 grains per 100 scf) is more stringent.
10. **Compliance Assurance Monitoring (CAM).** CAM does not apply because no controlled emission unit needs a control device to avoid exceeding major source thresholds for the pollutant that is limited.
11. **Permit Shield.** Permit shield applies because the permittee has requested one and the permit to operate contains a permit shield. There is no change to the permit shield in the draft permit.
12. **New Conditions/Limits.** This draft permit incorporates new conditions/limits as specified in construction permit ACP-18187 v1.0. Specific changes in the draft permit are addressed in the permit changes by section discussed below.
13. **40 CFR 98 - Mandatory Greenhouse Gas Reporting.** This rule requires sources above certain emission thresholds to calculate, monitor and report greenhouse gas emissions. According to the definition of "applicable requirement" in 40 CFR 70.2, neither Subpart 98 nor Clean Air Act Section 307(d)(1)(V), the CAA authority under which Subpart 98 was promulgated, are listed as applicable requirements for the purpose of Title V permitting. Although the rule is not an applicable requirement under 40 CFR 70, the source is not relieved from the requirement to comply with the rule separately from compliance with their Part 70 operating permit. It is the responsibility of each source to determine applicability to the subpart and to comply, if necessary.

Permit Changes by Section:

Note: Administrative changes were made to some sections of the permit to update to the current North Dakota (ND) format and to correct errors. In addition, the Permit to Operate number and references to Permit to Construct numbers have been updated to accommodate the Air Quality database (CERIS-ND). These changes may not be specifically addressed below.

Cover: Permit Number, permit renewal, permit revision and expiration date were all updated.

Table of Contents: Page numbers and condition headings were updated as necessary.

Permit Shield: No changes.

1. **Emission Unit Identification:** In the table, the natural gas fired potato dryer EU D4 was updated, line 3 potato fryer (EU PF3) was removed, line 4 potato fryer (EU PF4) emission control was updated to a WESP and an emergency engine was added (EU E2). Additionally, the applicable subpart references were updated.
2. **Applicable Standards, Restrictions and Miscellaneous Conditions:** EU E2 was added to the fuel restrictions and a stack height was added for EU PF4 per ACP-18187 v1.0.
3. **Emission Unit Limits:** In the table, the line 3 potato fryer (EU PF3) was removed and the emission limits for the potato dryer (EU D4) and line 4 potato fryer (EU PF4) were updated per ACP-18187 v1.0. Emission limits for the emergency generator engine (EU E2) were added. The standard opacity limits were provided as footnotes in the table instead of Condition 3.B. The North Dakota fugitive emissions opacity limit was provided in Condition 3.B.
4. **Monitoring Requirements and Conditions:** In the table, the monitoring for line 4 potato fryer (EU PF4) was updated to include the WESP and line 3 potato fryer (EU PF3) was removed. Monitoring for the generator engine EU E2 was added. The visual emissions monitoring condition was updated to the current ND standard. WESP monitoring was updated for the line 1 and line 2 potato fryers (EU PF1 and PF2) based on May 2024 testing (43 kV minimum secondary voltage). WESP monitoring was added for the line 4 potato fryers (EU PF4) based on November 2023 testing (47 kV minimum secondary voltage). Engine monitoring was updated to the current ND standard.
5. **Recordkeeping Requirements:** In the table, the recordkeeping for line 4 potato fryer (EU PF4) was updated to include the WESP and line 3 potato fryer (EU PF3) was removed. Recordkeeping for the generator engine EU E2 was added.
6. **Reporting:** Conditions 6.A, B, C, D and E were administratively revised to reflect the current ND reporting conditions
7. **Facility Wide Operating Conditions:** The Noncompliance Due to an Emergency condition (7.H) was removed per EPA's Affirmative Defense Provision Rule effective 8/21/23 and to reflect the current ND standard facility wide operating conditions. All subsequent condition lettering designation was updated.

8. **General Conditions:** Conditions 8.E was administratively revised to reflect the current ND general conditions.
9. **State Enforceable Only Conditions (not Federally enforceable):** No changes.

Comments/Recommendations: It is recommended that Title V Permit to Operate No. AOP-28367 v6.0 be processed and considered for issuance following a 30-day public comment period and a subsequent 45-day EPA review period.