


PERMIT TO CONSTRUCT / RECONSTRUCT / MODIFY AN AIR CONTAMINANT SOURCE

	Lincoln-Lancaster County Health Department Environmental Public Health Division Air Quality Program 3131 O Street Lincoln, Nebraska 68510 Phone: (402) 441-8040 Fax: (402) 441-3890	Patricia D. Lopez, RN, MSN Health Director Brock Hanisch, MS, MPH, REHS Environmental Public Health Division Manager Gary R. Bergstrom, Jr. Air Quality Program Supervisor
LLCHD Air Quality Program Source Number:		00032
LLCHD Air Quality Program Construction Permit Number:		224
Effective Date of Permit:		XX – XX – 2024 <small>MM – DD – YYYY</small>

A Permit to Construct / Reconstruct / Modify an Air Contaminant Source is Hereby Issued to:

Permit Holder Name:	Smithfield Packaged Meats Corp. – Lincoln, Nebraska
Address:	200 S. 2nd Street
City, State, ZIP:	Lincoln, Nebraska 68508

This Construction / Reconstruction / Modification Permit is Issued to the Following Source:

Facility Site Name:	Smithfield Packaged Meats Corp. – Lincoln, Nebraska
Facility Address:	200 S. 2nd Street
City, County, State, ZIP:	Lincoln, Lancaster County, Nebraska 68508
Facility NAICS:	311612: Meat Processed from Carcasses

Environmental Public Health Division / Air Quality Program Recommendation:

Permit Writer:	<input type="checkbox"/> Approve Issuance <input type="checkbox"/> Deny Issuance	PERMIT WRITER APPROVAL
Air Quality Program Supervisor:	<input type="checkbox"/> Approve Issuance <input type="checkbox"/> Deny Issuance	SUPERVISOR APPROVAL
Environmental Public Health Division Manager:	<input type="checkbox"/> Approve Issuance <input type="checkbox"/> Deny Issuance	MANAGER APPROVAL

Health Director / Air Pollution Control Officer Authorization:

<p><u>ACTION TAKEN:</u></p> <input type="checkbox"/> Approve Issuance <input type="checkbox"/> Deny Issuance	<p style="text-align: center;"> {XXXXXXXXXXXXXXXXXXXXX} Date </p>	<p style="text-align: center;"> {XX} Patricia D. Lopez, RN, MSN Health Director </p>
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Abbreviations, Symbols, and Units of Measure

Abbreviations, symbols, and units of measure used in this permit shall be as follows:

AP-42	Compilation of Air Pollutant Emission Factors, Volume I, Stationary Point and Area Sources	NAAQS	National Ambient Air Quality Standards
BACT	Best Available Control Technology	NESHAP	National Emission Standards for Hazardous Air Pollutants
bhp	Brake horsepower	NO ₂	Nitrogen dioxide
BMP	Best Management Practice	NO _x	Nitrogen oxides
Btu	British thermal unit	NSPS	New Source Performance Standard
bu	Bushel	NSR	New Source Review
CAA	Clean Air Act	PAL	Plant-wide applicability limit
CDT/CST	Central Daylight Time/Central Standard Time	Pb	Lead (chemical abbreviation)
CE	Control equipment	PEMS	Predictive Emissions Monitoring System
CEM	Continuous emissions monitor	PM	Particulate matter
CEMS	Continuous emissions monitoring system	PM ₁₀	Particulate matter with and aerodynamic diameter equal to or less than 10 microns
cf or ft ³	Cubic feet		
CFR	Code of Federal Regulations	PM _{2.5}	Particulate matter with and aerodynamic diameter equal to or less than 2.5 microns
CO	Carbon monoxide		
CO ₂	Carbon dioxide	ppb	Parts per billion
CO ₂ e	CO ₂ equivalent	ppm	Parts per million
C.P.	Construction permit	ppmv	Parts per million by volume
CPMS	Continuous Parametric Monitoring System	ppmvd	Parts per million by volume, dry basis
dscf	Dry standard cubic feet	PSD	Prevention of Significant Deterioration of Air Quality
dscfm	Dry standard cubic feet per minute		
EMIS	Emergency Management Information System	PTE	Potential to emit
EP	Emission point	RVP	Reid vapor pressure
ESP	Electrostatic precipitator	RATA	Relative Accuracy Test Audit
EU	Emission unit	RMP	Risk Management Plan
FID#	Facility Identification Number	RTO	Regenerative thermal oxidizer
FDCP	Fugitive dust control plan	§	Section
FGR	Flue gas recirculation	scf	Standard cubic feet
FIP	Federal Implementation Plan	SDS	Safety Data Sheet
FR	Federal Register	SIC	Standard Industrial Classification
ft	Feet	SIP	State Implementation Plan
FTIR	Fourier Transform Infrared	SO ₂	Sulfur dioxide
GHGs	Greenhouse gases	SO _x	Sulfur oxides
gpm	gallons per minute	TDS	Total dissolved solids
H ₂ S	Hydrogen sulfide	TO	Thermal oxidizer
HAP	Hazardous air pollutant	TO/HRSG	Thermal oxidizer with heat recovery steam generator
hp	Horsepower		
hr	Hour	tpy	Tons per year
kW	Kilowatt	TRS	Total reduced sulfur
kWh	Kilowatt-hour	TSP	Total suspended particulate matter
lb	Pound	ULNB	Ultra low-NO _x burner
LDAR	Leak detection and repair	ULSD	Ultra low-sulfur diesel (maximum sulfur content of 15 ppm)
LLCAPCRS	Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards	UST	Underground storage tank
LLCHD	Lincoln-Lancaster County Health Department	US EPA	United States Environmental Protection Agency
LNB	Low-NO _x burner		
MACT	Maximum Achievable Control Technology	UTM	Universal Transverse Mercator
Mgal	One thousand gallons	VHAP	Volatile hazardous air pollutant
MMBtu	One million British thermal units	VMT	Vehicle miles traveled
MMscf	One million standard cubic feet	VOC	Volatile organic compound
MW	Megawatt		

Description of Permitting Action

Smithfield Packaged Meats Corp. (hereinafter referred to as ‘Smithfield’, ‘the owner/operator’, or ‘the source’) has submitted a request to obtain a ‘minor New Source Review’ (minor NSR) construction permit in accordance with the provisions set forth in Article 2, Section 17, paragraph (Q) of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCRS). This permit establishes an enforceable limitation on the quantity of wood chips used in the smokehouses associated with the source.

The limitation on wood chip use serves to limit potential emissions of carbon monoxide (CO) from the smokehouses. When combined with potential emissions of CO from all other emission units at the facility, the total CO emissions from the source will be lower than the major source thresholds for purposes of Prevention of Significant Deterioration of Air Quality (PSD). The potential CO emissions from the source will, however, exceed the major source thresholds for Class I (Title V) operating permit purposes. As such, the facility will require a Class I (Title V) operating permit, but is not subject to PSD regulations as of the date of issuance of this permit.

Please refer to the “Statement of Basis” that accompanies the issuance of this permit for more information on this project.

Description of Source

The primary operation for this permit is a meat processing facility. The operations at this facility can be categorized as follows:

- Receiving of carcasses/parts of hogs butchered at another facility;
- Curing/smoking of received hog carcasses/parts;
- Packaging of cured/smoked finished products;
- Refrigeration of finished products; and
- Shipping/distribution of finished products.

Permitted Emission Units

This construction permit establishes enforceable limitations on the emission units set forth in the table below. Additional emission units are present at this source, but are not subject to the terms and requirements of this permit. For the purposes of this permit, ‘Wood’ is defined as chips and sawdust derived from hardwoods and fruitwoods which are placed in an electric-heated smoke generator.

Emission Unit (EU)	Source Classification Code (SCC)	Emission Point Description	Emission Segment Description
3-1	3-02-013-02	Smokehouse #1 – Batch Smoking Cycle (24 lb/hr)	Wood
4-1	3-02-013-02	Smokehouse #2 – Batch Smoking Cycle (24 lb/hr)	Wood
5-1	3-02-013-02	Smokehouse #3 – Batch Smoking Cycle (24 lb/hr)	Wood
6-1	3-02-013-02	Smokehouse #4 – Batch Smoking Cycle (24 lb/hr)	Wood
7-1	3-02-013-02	Smokehouse #5 – Batch Smoking Cycle (24 lb/hr)	Wood
8-1	3-02-013-02	Smokehouse #6 – Batch Smoking Cycle (24 lb/hr)	Wood
9-1	3-02-013-02	Smokehouse #7 – Batch Smoking Cycle (24 lb/hr)	Wood
10-1	3-02-013-02	Smokehouse #8 – Batch Smoking Cycle (24 lb/hr)	Wood
11-1	3-02-013-02	Smokehouse #9 – Batch Smoking Cycle (24 lb/hr)	Wood
12-1	3-02-013-02	Smokehouse #10 – Batch Smoking Cycle (24 lb/hr)	Wood
13-1	3-02-013-02	Smokehouse #11 – Batch Smoking Cycle (24 lb/hr)	Wood
14-1	3-02-013-02	Smokehouse #12 – Batch Smoking Cycle (24 lb/hr)	Wood

Applicable Local Regulations for Construction Permit Issuance

This Construction Permit is being issued in accordance with the applicable provisions of Article 2, Sections 14 and 17 of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCPRS), as well as all other applicable provisions of the LLCAPCPRS.

Facility Regulatory Classification

- The facility will be classified as an area source of hazardous air pollutants (HAP).
- The facility will be classified as a major stationary source of air pollution for the purposes of Class I (Title V) and Class II operating permits, as established in LLCAPCPRS Article 2, Section 5, paragraph (A).
- The facility will not be classified as a major stationary source for the purposes of the Prevention of Significant Deterioration of Air Quality (PSD) Program.
- None of the emission units subject to requirements under this construction permit are subject to the New Source Performance Standards (NSPS) set forth in Title 40, Part 60 of the Code of Federal Regulations (40 CFR 60).
- None of the emission units subject to requirements under this construction permit are subject to the National Emissions Standards for Hazardous Air Pollutants (NESHAPs) in Title 40, Part 61 of the Code of Federal Regulations (40 CFR 61).
- None of the emission units subject to requirements under this construction permit are subject to the National Emissions Standards for Hazardous Air Pollutants for Source Categories (Source Category NESHAPs) in Title 40, Part 63 of the Code of Federal Regulations (40 CFR 63).

Public Participation

This permit is being issued pursuant to the provisions set forth in Article 2, Section 17, paragraph (Q)(1) of the LLCAPCPRS. This permit does not allow for any increase in emissions, but significantly reduces potential emissions from this source. While issued as a new permit, this permitting action is consistent the ‘minor permit modification’ provisions set forth in Article 2, Section 15, paragraph (C)(2) of the LLCAPCPRS. Pursuant to Article 2, Section 14, paragraph (A) of the LLCAPCPRS, ‘minor permit modifications’ may be issued without public notice.

Permitting Authority

The permitting authority for this project is the Air Quality Program in the Environmental Public Health Division of the Lincoln-Lancaster County Health Department (LLCHD). All documents related to applications for permits to construct/reconstruct/modify or operate any emissions unit or source shall be submitted to the LLCHD at the following address.

Lincoln-Lancaster County Health Department
% Air Quality Program
3131 ‘O’ Street
Lincoln, NE 68510

Compliance Authorities

- All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the following:
- If required or requested by the EPA, the owner/operator shall submit reports, tests, and/or notifications to the following:

Lincoln-Lancaster County Health Department
% Air Quality Program
3131 ‘O’ Street
Lincoln, NE 68510

US EPA Region 7
ECAD/AB–Nebraska Air Compliance Coordinator
11201 Renner Blvd.
Lenexa, KS 66219

Definitions

Unless otherwise defined, or a different meaning is clearly required by context, the words and phrases, as used in this permit, the LLCAPPRS, and the related appendices shall have the meanings set forth in LLCAPPRS Article 2, Section 1 (Definitions).

PERMIT CONDITIONS BEGIN ON FOLLOWING PAGE

Regulations

I. Applicable and Non-Applicable Regulations and Requirements.

(A) The following sections (§) of the LLCAPCPRS are requirements of this permit:

Table 1-A: Applicable Regulations of the LLCAPCPRS

Article 1: Administration and Enforcement	
§1	Intent
§2	Unlawful Acts – Permits Required
§3	Violations – Hearings – Orders
§4	Appeal Procedure
§5	Variance
§6	Annual Fees
§7	Compliance – Actions to Enforce – Penalties for Non-Compliance
§8	Procedure for Abatement
§9	Severability
Article 2: Regulations and Standards	
§1	Definitions
§2	Major Sources – Defined
§4	Ambient Air Quality Standards
§6	Emissions Reporting – When Required
§10	Operating Permits for Temporary Sources & Notification of Relocation of...
§14	Permits – Public Participation
§15	Permit Modifications – Reopening for Cause
§16	Stack Heights – Good Engineering Practice (GEP)
§17	Construction Permits – When Required
§20	Particulate Emissions – Limitations and Standards
§32	Dust – Duty to Prevent Escape Of
§33	Compliance – Time Schedule For
§34	Emission Sources – Testing and Monitoring
§35	Compliance – Exceptions Due to Startup, Shutdown, or Malfunction
§36	Control Regulations – Circumvention – When Excepted
§37	Compliance – Responsibility of Owner/Operator Pending Review by Director
§38	Emergency Episodes – Occurrence and Control – Contingency Plans
Appendices	
I	Emergency Emission Reduction Regulations
II & III	Hazardous Air Pollutants (HAPs)

(B) The following sections of the LLCAPCPRS are not requirements of this permit:

Table 1-B: LLCAPCPRS Regulations not Incorporated in Permit

Article 2: Regulations and Standards	
§5	Operating Permits – When Required
§7	Operating Permits – Application
§8	Operating Permits – Content
§9	General Operating Permits for Class I and II Sources
§11	Emergency Operating Permits – Defense
§12	Operating Permit Renewal and Expiration
§13	Class I Operating Permit – EPA Review – Affected States Review
§18	New Source Performance Standards (NSPS)
§19	Prevention of Significant Deterioration (PSD) of Air Quality
§21	Compliance Assurance Monitoring (CAM)
§22	Incinerator Emission Standards

Table 1-B: LLCAPCPRS Regulations not Incorporated in Permit

Article 2: Regulations and Standards	
§23	Hazardous Air Pollutants – Emission Standards
§24	Sulfur Compound Emissions – Existing Sources – Emission Standards
§25	Nitrogen Oxides – Emissions Standards for Existing Stationary Sources
§26	Acid Rain
§27	Hazardous Air Pollutants – Maximum Achievable Control Technology (MACT)
§28	Hazardous Air Pollutants – MACT Emission Standards
§29	Operating Permit Emission Fees
§3, §30, §31	Reserved

- (C) The ‘Prevention of Significant Deterioration of Air Quality (PSD)’ regulations set forth under Title 129 of the Nebraska Administrative Code (Nebraska Air Quality Regulations) are not incorporated as requirements of this permit.
- (D) The following chapter(s) of the Lincoln Municipal Code (LMC) are requirements of this permit:

Table 1-D: Applicable Lincoln Municipal Code (LMC) Chapter(s)

Chapter	Chapter Title
8.06	Air Pollution

General Conditions

- II. In accordance with paragraph (C) of LLCAPCPRS Article 1, Section 2 (Unlawful Acts – Permits Required), it is unlawful to:
 - (A) Construct or operate an air pollution source without first obtaining a permit required under the LLCAPCPRS;
 - (B) Violate any term or condition of this permit or any emission limit set in this permit; or
 - (C) Violate any emission limit or standard established in the LLCAPCPRS.
- III. Violations, hearings, and orders shall be conducted in accordance with LLCAPCPRS Article 1, Section 3 (Violations – Hearings – Orders).
- IV. Appeals shall be conducted in accordance with LLCAPCPRS Article 1, Section 4 (Appeal Procedure).
- V. In accordance with LLCAPCPRS Article 1, Section 5 (Variance), any person who owns or is in control of any plant, building, structure, process, or equipment may apply to the Director for a variance from rules or regulations. Any person who is applying for, or has obtained a variance must comply with all requirements of Article 1, Section 5 of the LLCAPCPRS, as applicable.
- VI. The following provisions of LLCAPCPRS Article 1, Section 6 (Fees) are requirements of this permit:
 - (A) Paragraph (A) – Annual Emission Fees: In accordance with paragraph (A)(1) of LLCAPCPRS Article 1, Section 6 (Fees), any person who owns or operates a source as defined in Article 2, Section 1 of the LLCAPCPRS and is required to obtain a Class I or Class II operating permit in accordance with Article 2, Section 5 of the LLCAPCPRS, or is required to obtain a construction permit in accordance with Article 2, Section 17 of the LLCAPCPRS, must pay annual emission fees in accordance with all applicable provisions set forth under Article 1, Section 6, paragraph (A) of the LLCAPCPRS.
 - (B) Paragraph (D) – In accordance with paragraph (D)(1) of Section 6, any person or source required to obtain a construction permit under Article 2, Section 17 (with the exception of a construction permit obtained in accordance with Article 2, Section 17, paragraph (O)) shall pay a permit fee for activities included under paragraphs (D)(1)(a) through (D)(1)(f) of Section 6. The permit fee shall be charged at the rate specified in paragraph (D)(1) of Section 6. Any person required to

submit fees pursuant to Section 6 shall submit the fees to the Director of the Department by check or other authorized transfer payable to the Lincoln-Lancaster County Health Department. The fees shall be due and payable within thirty (30) days after issuance of the permit.

- (C) Paragraph (H) – All fees provided for herein must be payable to the Lincoln-Lancaster County Health Department. All money collected shall be deposited with the City Treasurer’s Office and credited to Fund 145 Title V Clean Air Fund.

VII. The following provisions of LLCAPCPRS Article 1, Section 7 (Compliance – Actions to Enforce – Penalties for Non-Compliance) are requirements of this permit:

- (A) Paragraph (A) – The County Attorney or Attorney General may institute enforcement proceedings pursuant to Neb. Rev. Stat., §81-1504(23), Neb. Rev. Stat. §81-1508(4), or Nebr. Rev. Stat. §81-1528(2) against any person who fails to comply with the requirements of the LLCAPCPRS. Nothing in the LLCAPCPRS shall preclude the control of air pollution by resolution, ordinance, or rule, regulation, or standard not in actual conflict with the state air pollution control regulations. (Ref: Neb. Rev. Stat. §71-1631(15))
- (B) Paragraph (B) – Any person who fails to comply with the requirements of the LLCAPCPRS or who fails to perform any duty imposed by the LLCAPCPRS shall be subject to a civil penalty of not more than ten thousand dollars (\$10,000) per day per violation.
- (C) Paragraph (C) – Any person who knowingly and willfully fails to comply with the requirements of the LLCAPCPRS or who knowingly and willfully fails to perform any duty imposed by the LLCAPCPRS shall be subject to felony prosecution under Neb. Rev. Stat. §81-1508(f) including a fine of not more than ten thousand dollars (\$10,000) per day per violation, and up to a maximum six (6) month term of imprisonment.
- (D) Paragraph (D) – Enforcement proceedings may include injunctive relief in court to restrain any violation that creates an imminent and substantial endangerment to the public health or to the environment.

VIII. In accordance with LLCAPCPRS Article 1, Section 8 (Procedure for Abatement), if the Director has determined a violation of the Air Pollution Control Program after any hearing required hereunder or if the Director has probable cause to believe a violation has occurred, the Director shall refer the matter to the County Attorney.

IX. In accordance with LLCAPCPRS Article 1, Section 9 (Severability), if any clause, paragraph, or section of the LLCAPCPRS shall be held invalid, it shall be conclusively presumed that the City and County would have enacted the remainder of the LLCAPCPRS not directly related to such clause, paragraph, or section.

X. The owner/operator shall maintain compliance with the requirements set forth in LLCAPCPRS Article 2, Section 4 (Ambient Air Quality Standards).

XI. The following provisions of LLCAPCPRS Article 2, Section 6 (Emissions Reporting – When Required) are requirements of this permit:

- (A) Paragraph (A) – The owner/operator must complete and submit to the Department an annual emissions inventory on forms furnished by or acceptable to the Department by March 31 of each year. The inventory must include all emissions associated with the Permitted Emission Units. The inventory form must be certified in accordance with LLCAPCPRS Article 2, Section 7, paragraph (H).
- (B) Paragraph (B) – The annual emissions inventory must include the information set forth under paragraphs (B)(1-3) of Section 6.

- (C) Paragraph (C) – Actual emissions shall be calculated using the methods and procedures set forth under paragraphs (C)(1-9) of Section 6.
 - (D) Paragraph (D) – Except as otherwise provided in (C) above, any other test methods and procedures for use in determining actual emissions must be approved by the Director.
 - (E) The Director may require the submittal of supplemental information to verify or otherwise assure the quality of emissions reported.
- XII. The following provisions of LLCAPCRS Article 2, Section 15 (Permit Modifications – Reopening For Cause) are requirements of this permit:
- (A) Paragraph (A) – The owner/operator may request the Director to make an administrative permit amendment in writing by specifying the section of the permit that is to be changed and the reason for the change. The source may implement the changes addressed in the request immediately upon submittal of the request, subject to the Department’s final action on the request. Administrative permit amendments include any permit revision that meet the criteria established in paragraphs (A)(1)(a)-(d) of Section 15.
 - (B) Paragraph (C)(2) – The owner/operator may request a minor permit modification consistent with the procedures set forth under paragraph (C)(2) of Section 15, provided that the modification meets the criteria established in paragraphs (C)(2)(a)-(e) of Section 15.
 - (C) Paragraph (E) – Any modification not meeting the administrative permit amendment criteria in paragraph (A) of Section 15, and/or the minor permit modification criteria in paragraph (C)(2) of Section 15 shall be processed in accordance with the provisions for a significant permit modification established in paragraphs (E)(1)-(3) and (E)(5) of Section 15.
 - (D) Paragraph (F)(2) – A permit may be revoked during its term for cause, including, but not limited to:
 - (1) The existence at the facility of unresolved noncompliance with applicable requirements or a term or condition of the permit, and refusal of the owner/operator to agree to an enforceable schedule of compliance to resolve the noncompliance;
 - (2) The owner/operator has falsely certified or submitted false, incomplete, or misleading information to the Department or EPA;
 - (3) The Director determines that the permitted facility or activity endangers human health or the environment and that the danger cannot be removed by a modification of the permit; or
 - (4) The owner/operator has failed to pay a penalty owed pursuant to court order, stipulation and agreement, or order issued by the Administrator.
 - (E) Paragraph (G) – The owner/operator may make changes to a permitted facility without a permit revision if the change is not a modification under LLCAPCRS Article 2, Sections 18, 23, 27, or 28, the change does not require a construction permit under LLCAPCRS Article 2, Sections 17 or 19, and the change is allowed under the applicable provisions of paragraphs (G)(1) or (G)(2) of Section 15.
 - (F) Paragraph (H) – No permit revisions shall be required under any State-approved programs providing for economic incentives, marketable permits, emissions trading or other similar programs or processed for changes that are provided for in the permit.
- XIII. In accordance with paragraph (A) of LLCAPCRS Article 2, Section 16 (Stack Heights – Good Engineering Practice), the degree of emissions limitation required of any source for control of any air pollutant shall not be affected by so much of any source’s stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in paragraph (B) of Section 16.

- XIV. The following provisions of LLCAPCPRS Article 2, Section 17 (Construction Permits – When Required) are requirements of this permit:
- (A) Paragraph (A) – No person shall cause the construction, reconstruction, or modification of any of the items specified in Article 2, Section 17 of the LLCAPCPRS without first having obtained a construction permit from the Department in the manner prescribed by the LLCAPCPRS.
 - (B) Paragraph (K) – Approval, by issuance of a permit for any construction, reconstruction, or modification, does not relieve the owner/operator from his or her responsibility to comply with the applicable portions of the Implementation Plan control strategy. The permittee must comply with all conditions of the construction permit. Any permit noncompliance shall constitute a violation of the LLCAPCPRS and the Act and is grounds for enforcement action or permit revocation.
 - (C) Paragraph (L) – If construction, reconstruction, or modification of the source is not commenced within eighteen (18) months, the construction permit shall lapse except upon showing by the permittee that the complexity of the construction, reconstruction, or modification requires additional time.
 - (D) Paragraph (N) – The owner/operator may request modification of a construction permit pursuant to the applicable provisions set forth in paragraph (N) of Section 17.
 - (E) Paragraph (R) – For each permit issued pursuant to the provisions of Section 17, the owner/operator must place a copy of the permit and of the letter of transmittal on file at the location of the source no later than fourteen (14) calendar days after the date of the letter of transmittal or upon the actual start-up of the constructed/reconstructed/modified source, whichever occurs first. A copy of the permit must also be placed on file at the owner's or operator's main or corporate office no later than thirty (30) calendar days after the date of the letter of transmittal.
- XV. The owner/operator must comply with all regulations set forth in LLCAPCPRS Article 2, Section 18 (New Source Performance Standards and Emission Limits for Existing Sources) determined to be applicable to the source.
- XVI. The following provisions of LLCAPCPRS Article 2, Section 20 (Particulate Limitations and Standards) are requirements of this permit:
- (A) Paragraph (A) – The owner/operator must limit the emissions of particulates from any processing machine, equipment, device or other articles, or any combination thereof to no greater than the amounts set forth in Table 20-2 of Section 20 during any one (1) hour.
 - (B) Paragraph (B) – The owner/operator must limit the emissions of particulate matter caused by the combustion of fuel in accordance with the limits set forth in Table 20-1 of Section 20, as they apply based on heat input rating.
 - (C) Paragraph (E) – The owner/operator must not cause or allow emissions from any emission point that are of opacity equal to or greater than twenty percent (20%), as evaluated by Method 9 in Appendix A of 40 CFR 60, or recorded by a continuous opacity monitoring system operated and maintained pursuant to 40 CFR Part 60 Appendix B, except as provided for in paragraph (D) of this condition.
 - (D) Paragraph (F) – Emission sources subject to monitoring requirements of Article 2, Section 34, paragraph (E) of LLCAPCPRS are allowed to have one six-minute period per hour of not more than twenty-seven percent (27%) opacity. For the purpose of this permit, this exception applies to any unit equipped with a continuous opacity monitoring system (COMS) installed, calibrated, and operated in accordance with the procedures specified in 40 CFR Part 60 Appendix B.

- XVII. The owner/operator must comply with all regulations set forth in LLCAPCPRS Article 2, Section 23 (Hazardous Air Pollutants – Emission Standards) determined to be applicable to the source.
- XVIII. The owner/operator must comply with all regulations set forth in LLCAPCPRS Article 2, Section 28 (Hazardous Air Pollutants – MACT Emission Standards) determined to be applicable to the source.
- XIX. The following provisions of LLCAPCPRS Article 2, Section 32 (Dust – Duty to Prevent Escape Of) are requirements of this permit:
- (A) Paragraph (A) – The source must not cause or permit fugitive particulate matter to become airborne in such quantities and concentrations that it remains visible in the ambient air beyond the premise where it originates.
 - (B) Paragraph (B) – The source must not cause or permit a road, driveway, or open area to be used without applying all such reasonable measures to prevent particulate matter from becoming airborne so that it remains visible beyond the premises where it originates. Such reasonable measures include but are not limited to: paving or frequent cleaning of roads, driveways, and parking lots; application of water or chemical dust suppressants; and the planting and maintenance of vegetative ground cover.
- XX. The following provisions of LLCAPCPRS Article 2, Section 33 (Compliance – Time Schedule For) are requirements of this permit:
- (A) Paragraph (A) – Except as otherwise noted in specific emission control regulations, compliance with the LLCAPCPRS shall be according to the schedule provided under paragraphs (A)(1)-(3) of Section 33.
 - (B) Paragraph (B) – Compliance schedules requiring more than twelve (12) months to conform with applicable rules and regulations to meet National Primary and Secondary Ambient Air Quality Standards will be accomplished in progressive steps. A report will be made in writing to the Director within five (5) days after each step is completed.
 - (C) Paragraph (C) – Failure to meet time schedules approved in accordance with paragraphs (A)(1)-(2) of Section 33 shall constitute a violation of the LLCAPCPRS unless a request to amend the time schedule is received at least thirty (30) days before the end of any specified period approved for a particular activity. Such a request to amend the schedule shall contain the same type of information as required for the initial request for variance as described in paragraph (A)(3) of Section 33.
- XXI. The following provisions of LLCAPCPRS Article 2, Section 34 (Emission Sources – Testing and Monitoring) are requirements of this permit:
- (A) Paragraph (A) – The Department may require any person responsible for the operation of an emission source to make or have tests made to determine the rate of contaminant emissions from the source whenever it has reason to believe, on the basis of estimates of potential contaminant emissions rates from the source and due consideration of probable efficiency of any existing control device, or visible emission determinations made by an official observer, that existing emissions exceed the limitations required in the LLCAPCPRS. Such tests may also be required pursuant to verifying that any newly installed control device meets performance specifications. Should the Department determine that the test did not represent normal operating conditions or emissions, additional tests may be required. Such a requirement shall be considered as an order and subject to all administrative and legal requirements specified.
 - (B) Paragraph (B) – Required tests must be conducted in accordance the test methods and procedures established in paragraphs (B)(1)-(6) of Section 34. A written copy of the test results, certified for completeness and accuracy and signed by the person conducting the test, shall be

- provided to the Department within sixty (60) days of completion of the test unless a different period is specified in the underlying requirements of an applicable federal rule.
- (C) Paragraph (C) – The owner or operator of a source must provide notice to the Department at least thirty (30) days prior to testing to afford the Department an opportunity to have an observer present. The Department may, in writing, approve a notice of less than thirty (30) days. If the testing is pursuant to an underlying requirement contained in a federal rule, the notice provisions of the underlying requirement shall apply.
 - (D) Paragraph (D) – The Department may conduct tests of emissions of contaminants from any stationary source.
 - (1) Upon written request from the Department, the person responsible for the source to be tested shall cooperate with the Department in providing all necessary test ports in stacks or ducts and such other safe and proper facilities, exclusive of instruments and sensing devices, as may be reasonably required to conduct the test with due regard being given to expenditures and possible disruption of normal operations of the source.
 - (2) A report concerning the findings of such tests shall be furnished to the person responsible for the source upon request.
 - (E) Paragraph (F) – The Director may require the owner or operator of any other emission source which is subject to the provisions of these regulations to install, use and maintain such stationary monitoring equipment as is required to demonstrate continuing compliance with any applicable emissions limitations, and to maintain records and make reports regarding such measured emissions to the Department in a manner and on a schedule to be determined by the Director.
 - (F) Paragraph (G) – When a new or modified stationary source becomes operational, the owner or operator will submit a written report of performance tests (if required) to the Director within sixty (60) days after reaching maximum capacity but not later than one hundred eighty (180) days after the startup of operations. Failure to meet established performance standards will result in withdrawal of the provisional approval granted to operate the new or modified stationary source. Final approval and issuance of an operating permit will be withheld for operation of the affected facility until such time as the owner or operator has corrected the deficiencies determined by the performance tests. Upon satisfactory accomplishment of a valid series of performance tests, approval for operation of the new or modified stationary source will be granted through issuance of an operating permit in accordance with Article 2, Section 5.
 - (G) Paragraph (H) – Notwithstanding any other provisions of LLCAPCPRS, the following methods may be used to determine compliance with applicable requirements:
 - (1) A monitoring method approved for the source and incorporated in an operating permit pursuant to LLCAPCPRS Article 2, Section 8;
 - (2) Any compliance test method specified in the State Implementation Plan (SIP);
 - (3) Any test or monitoring method approved for the source in a permit issued pursuant to LLCAPCPRS Article 2, Sections 17, 19, or 27;
 - (4) Any test or monitoring method provided for in the LLCAPCPRS; or
 - (5) Any other test, monitoring, or information gathering method that produces information comparable to that produced by any method described in paragraphs (G)(1)-(4) of this condition.

- XXII. The following provisions of LLCAPCPRS Article 2, Section 35 (Compliance – Exceptions Due to Startup, Shutdown, or Malfunction) are requirements of this permit:
- (A) Paragraph (A) – Upon receipt of a notice of excess emissions issued by the Department, the owner/operator may provide information showing that the excess emissions were the result of a malfunction, start-up, or shutdown.
 - (B) Paragraph (B) – The information provided by the source operator under paragraph (A) of this condition must include, at a minimum, the information specified in paragraphs (B)(1)-(9) of Section 35.
 - (C) Paragraph (C) – The owner/operator must submit the information specified in paragraph (B) of this condition no later than fifteen (15) days after receipt of the notice of excess emissions.
 - (D) Paragraph (D) – The owner/operator must notify the Director, in writing, whenever a planned start-up or shut down may result in excess emissions. This notice must be mailed, no later than ten (10) days prior to such action and must include, but not be limited to, the information specified in paragraphs (D)(1)-(10) of Section 35.
 - (E) Paragraph (E) – The owner/operator must notify the Director, in writing, whenever emissions due to malfunctions, unplanned shutdowns or ensuing start-ups are, or may be, in excess of applicable emission control regulations for one hour or more. Such notification must be mailed within forty-eight (48) hours of the beginning of each period of excess emissions and must include, but not be limited to, the information required in paragraph (D) of Section 35.
- XXIII. The following provisions of LLCAPCPRS Article 2, Section 36 (Control Regulations – Circumvention – When Excepted) are requirements of this permit:
- (A) Paragraph (A) – No person shall cause or permit the installation or use of any machine, equipment, device, or other article, or alter any process in any manner which conceals or dilutes the emissions of contaminants without resulting in a reduction of the total amounts of contaminants emitted.
 - (B) Paragraph (B) – Exception to paragraph (A) above may be granted by the Director, upon request, provided that such action is intended to convert the physical or chemical nature of the contaminant emission and that failure to reduce total contaminant emissions results solely from the introduction of contaminants which are not deemed to be detrimental to the public interest.
- XXIV. In accordance with LLCAPCPRS Article 2, Section 37 (Compliance – Responsibility of Owner/Operator Pending Review by Director), application for review of plans or advice furnished by the Director will not relieve the owner or operator of a new or modified stationary source of legal compliance with any provision of the LLCAPCPRS, or prevent the Director from enforcing or implementing any provision of the LLCAPCPRS.
- XXV. In accordance with LLCAPCPRS Article 2, Section 38 (Emergency Episodes – Occurrence and Control: Contingency Plans), if and when the Director declares an air pollution emergency episode as defined in Section 38, the source must perform all applicable Air Pollution Emergency Actions as required by LLCAPCPRS Appendix I, paragraphs 1.3 (a)(1) and 1.3 (b)(1)-(2) until the Director declares the air pollution episode terminated.

Specific Conditions

XXVI. The following requirements apply to the Permitted Emission Units and are established pursuant to authority set forth in LLCAPCPRS Article 2, Section 17, paragraph (K), or other authorities as referenced herein.

(A) Operating Requirements, Throughput Limits, and/or Work Practice Standards.

- (1) In accordance with the election(s) made in the approved application, the owner/operator shall limit the amount of wood use through the Permitted Emission Units to no more than five hundred (500.0) tons on a dry material basis. This limit shall apply to any period of twelve (12) consecutive months.
- (2) This permit authorizes continued operation of the Permitted Emission Units according to the requirement established herein. Prior to modification(s) to any of the Permitted Emission Units, and/or prior to any change(s) in the method of operation of any of the Permitted Emission Units, the owner/operator shall determine what impact, if any, the proposed modification(s) or change(s) have on the potential to emit for the affected emission unit(s), as well as the combined potential emit for all Permitted Emission Units associated with the source.
- (3) The owner/operator shall operate the Permitted Emission Units in accordance with the manufacturer's specifications. At all times, including periods of startup, shutdown, and malfunction, the owner/operator shall, to the extent practicable, maintain and operate the Permitted Emission Units in a manner consistent with good air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Department which may include, but is not limited to, the manufacturer's specifications or equivalent procedures, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
- (4) The owner/operator is subject to all elections specified in the approved application, and any emissions controls used shall be at a minimum those required in paragraph (B) of this condition.

(B) Emission Limits and Emission Control Requirements.

- (1) The owner/operator shall limit emissions of PM from all Permitted Emission Units in accordance with Condition XVI(B) of this permit. Initial and ongoing compliance with these emission limits may be demonstrated by use of technically valid engineering calculations. These calculations shall be performed using the emissions factors presented in the approved permit application, the 5th edition of AP-42, the EPA's *WebFIRE* database, or other factor(s) approved by the Department.
- (2) In accordance with Article 2, Section 20, paragraph (E) of the LLCAPCPRS, particulate matter emissions from the Permitted Emission Units shall not equal or exceed twenty percent (20%) opacity, as evaluated by an EPA approved method, or recorded by a continuous opacity monitoring system (COMS).
- (3) Particulate matter emissions from EU 14-1 (Smokehouse #12) shall be controlled with a water scrubber. This water scrubber shall be operated at all times the smoke generator associated with EU 14-1 is operating. The water scrubber shall be operated and maintained in accordance with manufacturer specifications.

(C) Monitoring and Record Keeping Requirements.

- (1) Within fifteen (15) days of the end of each calendar month, the owner/operator shall calculate and maintain records of quantity (measured in pounds or tons) of combined

- wood used by the natural smoke generators that exhaust through the Permitted Emission Units for the previous calendar month.
- (2) Within fifteen (15) days of the end of each calendar month, the owner/operator shall calculate and maintain records of the twelve (12) month rolling total quantity (measured in pounds or tons) of combined wood used by the natural smoke generators that exhaust through the Permitted Emission Units. Rolling twelve (12) month totals shall be calculated by adding the wood total from the previous calendar month with the wood totals from the preceding eleven (11) calendar months.
 - (3) The owner/operator shall maintain records of calculations performed demonstrating compliance with the PM emission limits set forth in paragraph (B)(1) of this condition.
 - (4) Compliance with the opacity limit set forth in paragraph (B)(2) of this condition shall be demonstrated by performing visible emissions monitoring and associated record keeping in accordance with applicable monitoring and record keeping procedures established in an operating permit issued for this source.
 - (5) The owner/operator shall maintain records of operation and maintenance of the Permitted Emission Units, as well as the water scrubber associated with EU 14-1 (Smokehouse #12), through use of a Computerized Maintenance Management System (CMMS). These records shall include the following:
 - (a) Records documenting when routine maintenance and preventive actions were performed, with a description of the maintenance and/or preventive action performed.
 - (b) Records documenting equipment failures, malfunctions, or excess visible emissions. Records shall include the time of each occurrence, corrective action(s) taken, and when corrections were made.
 - (6) All records of required monitoring information shall include the following:
 - (a) The date and place as defined in the permit, and time of sampling or measurements;
 - (b) The date(s) analyses were performed;
 - (c) The company or entity that performed the analyses;
 - (d) The analytical techniques or methods used;
 - (e) The results of such analyses; and
 - (f) The operating conditions existing at the time of sampling or measurement.
 - (7) The owner/operator shall retain records of all required monitoring data, reports, and support information required by this permit for a period of at least sixty (60) months from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. These records shall be readily accessible and made available for inspection upon request by the Department.
- (D) Notification and Reporting Requirements.
- (1) In accordance with the requirements set forth under Condition XI of this permit, the owner/operator shall report all regulated pollutant emissions (criteria pollutants and hazardous air pollutants, if any) associated with the Permitted Emission Units on an annual basis. This report shall be submitted no later than March 31 each year.
 - (2) The owner/operator shall calculate and submit any 12-month total of wood use upon request of the Department, except that the owner/operator shall not be required to calculate 12-month totals that cover months occurring more than sixty (60) months prior to the date of the Department's request.

(E) Department Authority.

Pursuant to the authority granted in Section 8.06.030 of the Lincoln Municipal Code (LMC 8.06.030 – Air Pollution, Director Powers and Duties), upon presentation of credentials and other documents as may be required by law, the Director of the LLCHD or an authorized representative has the authority to:

- (1) Enter and inspect or cause to be inspected, during reasonable hours, any building, facility, or place, except a building designed for and used exclusively for a private residence, as the Director deems necessary to determine compliance with the provisions of the LLCAPCPRS and to require the submission of air contaminant emission information in connection with such inspections, tests, and studies.
- (2) Have access to existing and available records relating to emissions or discharges, which cause or contribute to air pollution or the monitoring of such emissions or discharges;
- (3) Issue, modify, or revoke orders prohibiting or abating discharges of air pollutants, or requiring the construction of control systems or any parts thereof or the modification, extension, or adoption of other remedial measures to prevent, control, or abate air pollution.
- (4) Conduct tests and take samples of air contaminants, fuel, process materials, or any other substance which affects or may affect discharges or emissions of air contaminants from any source, giving the owner or operator a receipt for the sample obtained.
- (5) Issue, continue in effect, revoke, modify, or deny permits, under such conditions as the Director may prescribe and consistent with the Clean Air Act and the LLCAPCPRS.

(F) Other Requirements.

- (1) The conditions set forth in this permit shall remain applicable requirements until such time that all permitted emission units are removed from the source, or until the owner/operator requests that the permit be nullified, and all Permitted Emission Units are rendered inoperable.
- (2) The owner/operator shall not make any modifications to any of the Permitted Emission Units and/or associated equipment that may increase emissions or change dispersion characteristics without receiving written approval from the Department.
- (3) Any control or monitoring equipment that may be necessary for compliance with the LLCAPCPRS or any similar requirements of the Federal EPA shall be installed within the time period or by the date specified in the applicable rule or regulation.
- (4) Holding of this permit does not relieve the owner/operator from the responsibility to comply with all applicable portions of the LLCAPCPRS and any other requirements under Local, State, or Federal law. Compliance with this permit shall not be a defense to any enforcement action for violation of an ambient air quality standard.

END OF PERMIT CONDITIONS
