

**PIMA COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR PROGRAM**

33 N. Stone Avenue, Suite 700 • Tucson, AZ 85701 • Phone: (520) 724-7400

AIR QUALITY OPERATING PERMIT

(As required by Title 17.12, Article II, Pima County Code)

ISSUED TO

WESTERN EMULSIONS, INC.

ASPHALT EMULSION PLANT

3450 E. 36th STREET

TUCSON, AZ 85713

This air quality operating permit does not relieve applicant of responsibility for meeting all air pollution regulations

THIS PERMIT ISSUED SUBJECT TO THE SPECIFIC AND ADMINISTRATIVE CONDITIONS IDENTIFIED IN THIS PERMIT

PERMIT NUMBER **30**

PERMIT CLASS **II**

ISSUED **MONTH XX, 2014**

EXPIRES: **MONTH XX, 2019**

SIGNATURE

TITLE

Scott Porter, Environmental Quality Manager, PDEO

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Specific Conditions

Applicability

- I. The Specific Conditions in this air quality operating permit apply to the operations, equipment, and sources identified in the permit application and shall not relieve the Permittee or its subcontractors from compliance with all local, county, state, and federal laws, statutes, and codes or from obtaining permits for other operations or activities when required. [PCC 17.12.010.D & PCC 17.12.165]
- II. The Specific Conditions apply to the following affected facilities, equipment, sources and operations at the facility:
- A. New Source Performance Standards (NSPS)
- Applicable to the NSPS affected boiler: Each steam generating unit that commenced construction, reconstruction or modification after June 9, 1989 and has a maximum design heat input capacity of 100 MMBtu/h or less, but greater than or equal to 10 MMBtu/hr. [40 CFR 60.40c(a)]
[Federally Enforceable Condition]
- B. Local Stationary Source Performance Standards
- Applicable to the existing fossil-fuel fired industrial and commercial equipment: All industrial and commercial installations which are less than 250 MMBTU/hr; but in aggregate on any premises are rated greater than 0.5 MMBTU/hr in which fuel is burned for the primary purpose of producing steam, hot water, hot air or other liquids, gases, or solids. [PCC 17.16.165.A]
- C. Facility Wide Operations
- Applicable to facility wide operations: All sources of air contaminants operating at the facility.
- III. The Specific Conditions are grouped into the following emission categories:
- Category A New Source Performance Standards (NSPS) for Small Industrial-Commercial-Institutional Steam Generating Units (40 CFR Part 60, Subpart Dc).
- Category B Fossil-Fuel Fired Industrial and Commercial Equipment
- Category C Facility Wide Operations
- IV. If more than one emission limit or emission standard is applicable to the same source, the more stringent standard or emission limit shall apply. [PCC 17.16.10.B]

Category A

New Source Performance Standards (NSPS) for Small Industrial - Commercial - Institutional Steam Generating Units (40 CFR Part 60, Subpart Dc)

The provisions of this Category are applicable to the NSPS affected steam generating unit (boiler) identified in Table 1 of Attachment 2.

I. Emission Limitations and Standards

A. Opacity Standard

The Permittee shall not cause, allow, or permit the effluent from any boiler or heater to have an average opacity density equal to or greater than 20 percent. [PCC 17.16.040.A]

B. Fuel Limitation

The Permittee shall burn only natural gas in the NSPS affected boiler in Table 1 of Attachment 2. [PCC 17.12.185.A.2 & PCC 17.12.190.B]
[Material Permit Condition]

II. Monitoring Requirements

[PCC 17.12.185.A.3]

A. Opacity

A demonstration to show compliance with the emission limitation for opacity in I.A of this Category shall not be required since the percent of opacity of visible emissions from the boilers while combusting natural gas fuel is inherently low. The Permittee shall operate and maintain the boilers at all times - including periods of startup, shutdown, and malfunction - in a manner consistent with good air pollution control practices and the manufacturer's guidelines. [PCC 17.12.185.A.3]

B. Fuel Limitation and Consumption

1. The Permittee shall determine the total monthly amount of natural gas combusted (delivered) in each NSPS affected boiler. The volume of natural gas consumption shall be measured directly from the flow meter upstream of the boiler. [40 CFR 60.48c(g)]

[Federally Enforceable Condition]

2. The Permittee shall be considered in compliance with the fuel limitation in I.B of this Category by demonstrating that only commercially available pipeline quality natural gas was fired in the NSPS affected boiler. Such a demonstration may be made by making available to the Control Officer for his inspection, documentation, such as invoices or statements from the fuel supplier, showing that only commercial natural gas was purchased for use in the boiler. [PCC 17.12.185.A.3]

III. Recordkeeping Requirements

[PCC 17.12.185.A.4]

Fuel Consumption

The Permittee shall retain all records to determine the amount of natural gas burned (delivered) in the NSPS Boiler for a period of two years following the date of such record. In addition, these records shall be further maintained for a period of three years pursuant to Pima County Code (this additional record retention requirement is not federally enforceable).

[40 CFR 60.48c(i), PCC 17.12.185.A.4.b]

[Federally Enforceable Condition]

IV. Reporting Requirements

[PCC 17.12.185.A.5]

A. Fuel Consumption

The Permittee shall annually report to the Control Officer the annual amount of natural gas combusted (delivered) in the NSPS affected boiler. The annual amount of natural gas combusted (delivered) shall be determined from the sum of 12 consecutive calendar months of fuel combusted as recorded in II.B of this Category. This record shall be made available to the Control Officer within 30 working days of the end of the year and may be submitted electronically.

[EPA DETERMINATION DETAIL CONTROL NUMBER 0300118, 40 CFR 60.19(b)]

[Federally Enforceable Condition]

B. Excess Emissions

The Permittee shall report to the Control Officer any emissions in excess of the limits established by this permit in accordance with I.B of the Additional Permit Conditions.

[PCC 17.12.185.A.5 & PCC 17.12.040]

V. Testing Requirements

[PCC 17.12.045, PCC 17.12.050 & PCC 17.20.010]

For purposes of demonstrating compliance, these test methods shall be used, provided that for the purpose of establishing whether or not the facility has violated or is in violation of any provision of this permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a facility would have been in compliance with applicable federal requirements if the appropriate performance or compliance procedures or methods had been performed.

A. Opacity

When required, the Permittee shall perform visual determinations of the opacity of the boiler and heater emissions in accordance with EPA Reference Method 9, Appendix A in 40 CFR 60 to demonstrate compliance with the opacity standard in I.A of this Category.

B. Fuel Limitation

When required, the Permittee need only demonstrate that pipeline quality natural gas was fired exclusively since the sulfur content of pipeline quality natural gas is regulated by the Federal Energy Regulatory Commission.

[PCC 17.12.185.A.3 & PCC 17.20.010]

C. Alternative Test Method

The Permittee may submit an alternate and equivalent test method(s) that is listed in 40 CFR Subpart 60, Appendix A, to the Control Officer in a test plan, for approval by the Control Officer.

[PCC 17.12.045.D]

Category B

Fossil-Fuel Fired Industrial and Commercial Equipment

The provisions of this Category are applicable to the Non-NSPS fossil-fuel fired industrial and commercial equipment (boilers and heaters) identified in Table 1 of Attachment 2.

I. Emission Limitations and Standards

[PCC 17.12.185.A.2]

A. Opacity Standard

The Permittee shall not cause or permit the effluent from any boiler or heater to have an average optical density equal to or greater than twenty percent (20%) opacity. [PCC 17.16.040.A]

B. Fuel Limitation

The Permittee shall burn only natural gas in the affected boiler(s). [PCC 17.12.190.B]

[Material Permit Condition]

II. Monitoring Requirements

[PCC 17.12.185.A.3]

A. Opacity

A demonstration to show compliance with the emission limitation for opacity in I.A of this Category shall not be required since the percent of opacity of visible emissions while combusting natural gas is inherently low. The Permittee shall operate and maintain the boilers and heaters at all times - including periods of startup, shutdown, and malfunction - in a manner consistent with good air pollution control practices and consistent with manufacturer's guidelines.

B. Fuel Limitation

The Permittee shall be considered in compliance with the fuel limitation in I.B of this Category by demonstrating that only commercially available pipeline quality natural gas was fired in the affected boilers and heaters. Such a demonstration may be made by making available to the Control Officer for his inspection, documentation, such as invoices or statements from the fuel supplier, showing that only commercial natural gas was purchased for use in the boilers and heaters.

III. Recordkeeping Requirements

[PCC 17.12.185.A.4]

Onsite Records

All records shall be retained on-site by the Permittee for at least five years from the date of generation and shall be made available for review upon the Control Officer's request.

IV. Reporting Requirements

[PCC 17.12.185.A.5]

Excess Emissions

The Permittee shall report to the Control Officer any emissions in excess of the limits established by this permit in accordance with I.B of the Additional Permit Conditions. [PCC 17.12.185.A.5 & PCC 17.12.040]

V. Testing Requirements

[PCC 17.12..045, PCC 17.12.050 & PCC 17.20.010]

For purposes of demonstrating compliance, these test methods shall be used, provided that for the purpose of establishing whether or not the facility has violated or is in violation of any provision of this permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a facility would have been in compliance with applicable federal requirements if the appropriate performance or compliance procedures or methods had been performed.

A. Opacity

When required, the Permittee shall perform visual determinations of the opacity of the boiler and heater emissions in accordance with EPA Reference Method 9, Appendix A in 40 CFR 60 to demonstrate compliance with the opacity standard in I.A of this Category.

B. Fuel Limitation

When required, the Permittee need only demonstrate that pipeline quality natural gas was fired exclusively since the sulfur content of pipeline quality natural gas is regulated by the Federal Energy Regulatory Commission. [PCC 17.12.185.A.3 & PCC 17.20.010]

C. Alternative Test Method

The Permittee may submit an alternate and equivalent test method(s) that is listed in 40 CFR Subpart 60, Appendix A, to the Control Officer in a test plan, for approval by the Control Officer. [PCC 17.12.045.D]

Category C

Facility Wide Operations

The provisions of this Category are applicable to facility wide operations, other equipment listed in Attachment 2, and all other sources of air contaminants operating at the facility.

I. Emission Limitations and Standards

[PCC 17.12.185.A.2]

A. Air Pollution Control

1. The Permittee shall not cause or permit the planning, construction, installation, erection, modification, use or operation of an emission source which will cause or contribute to a violation of a performance standard in Title 17 of the Pima County Code. [PCC 17.16.020.A]
2. Materials including solvents or other volatile compounds, paints, acids, alkalies, pesticides, fertilizers and manure shall be processed, stored, used and transported in such a manner and by such means that they will not evaporate, leak, escape or be otherwise discharged into the ambient air so as to cause or contribute to air pollution. Where means are available to reduce effectively the contribution to air pollution from evaporation, leakage or discharge, the installation and use of such control methods, devices, or equipment shall be mandatory. [PCC 17.16.430.F]
3. Where a stack, vent or other outlet is at such a level that fumes, gas mist, odor, smoke, vapor or any combination thereof constituting air pollution are discharged to adjoining property, the Control Officer may require the installation of abatement equipment or the alteration of such stack, vent or other outlet by the owner or operator thereof to a degree that will adequately reduce or eliminate the discharge of air pollution to adjoining property. [PCC 17.16.020.B]

B. Odor Limiting Standard

The Permittee shall not emit gaseous or odorous materials from equipment, operations or premises under his control in such quantities or concentrations as to cause air pollution. [PCC 17.16.030]

C. Opacity Standard

Except as otherwise specified in this permit, the opacity of all plumes and effluents from all point and non-point sources shall not exceed 20% as determined by EPA Reference Method 9, Appendix A 40 CFR 60. [PCC 17.16.050.B & PCC 17.16.130.B.1]

D. Visibility Limiting Standard

[PCC 17.16.050]

1. The Permittee shall not cause, suffer, allow or permit operations or activities likely to result in excessive amounts of airborne dust without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne.
2. The Permittee shall not cause, suffer, allow, or permit diffusion of visible emissions, including fugitive dust, beyond the property boundary line within which the emissions become airborne, without taking reasonably necessary and feasible precautions to control generation of airborne particulate matter. Sources may be required to cease temporarily the activity or operation which is causing or contributing to the emissions until reasonably necessary and feasible precautions are taken.

- a. The provisions of this subsection do not apply when wind speeds exceed twenty-five (25) miles per hour (using the Beaufort Scale of Wind-Speed Equivalents, or as recorded by the National Weather Service). This exception does not apply if control measures have not been taken or were not commensurate with the size or scope of the emission source.
- b. This subsection shall not apply to the generation of airborne particulate matter from undisturbed land.

E. Concealment

[PCC 17.20.040]

No person shall construct, install, erect, use, replace, modify, or operate an emission source so as to conceal an emission which would otherwise be a violation of a control standard established herein. Concealment shall include:

1. The use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere;
2. Operating in a piecemeal fashion to avoid compliance with a standard that would otherwise apply to the source on the basis of its size; and
3. Operating in a manner, under conditions, or during such times that emissions cannot be observed.

II. Monitoring Requirements

[PCC 17.12.185.A.3]

A. Odor Limiting Standard

Monitoring for odors at the facility to determine compliance with the standard in I.B of this Category is not normally necessary as the use of good modern practices prevents the emission of odors in such quantities or concentrations as to cause air pollution. The Control Officer may ask the Permittee to monitor and control odor emissions if the Control Officer has reasonable cause to believe a violation of a standard has been committed.

B. Monthly Visible Emissions Check

To assure compliance with I.C and I.D of this Category, the Permittee shall observe facility wide point and nonpoint sources, including other equipment listed in Attachment 2, at least once a month while the facility is in operation. If the observer sees a plume that, on an instantaneous basis, appears to exceed 20 percent, or the plume is crossing property boundaries, the Permittee shall, if practicable, conduct a visual determination of opacity in accordance with EPA Reference Method 9. If the results exceed the applicable opacity limit, or the emissions cross the property boundary, this shall be recorded and reported as an excess emission.

III. Recordkeeping Requirements

[PCC 17.12.185.A.3 & 4]

A. Monthly Visible Emissions Check

The Permittee shall maintain records of the monthly visible emissions checks required in II.B and any EPA Method 9 visual opacity determinations. Records shall include at a minimum:

- a. The date and time of the monitoring,
- b. The name of the person conducting the monitoring,
- c. The particular piece of equipment or area being monitored; and,
- d. The results of the monitoring to include whether excessive emissions were observed. If excessive emissions were observed, the record shall include corrective action taken and the results of the required follow-up opacity determination.

B. Record Retention

The Permittee shall retain records of all required monitoring records and support information for at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes copies of all reports required by the permit. [PCC 17.12.185.4.b]

C. Recordkeeping for Compliance Determinations

The Permittee shall retain a copy of the permit onsite including all required monitoring records and support information. In addition, all equipment identified in the permit equipment list shall be marked with a unique, clearly visible, and accessible ID to identify the piece of equipment. The Permittee shall be considered in compliance by demonstrating that sufficient information on the equipment and facility operations is periodically collected, recorded, and maintained to assure that the compliance status of any specific condition of this permit can be readily ascertained at any time. [PCC 17.12.080 & PCC 17.24.020.A]

IV. Reporting Requirements

[PCC 17.12.185.A.5]

Excess Emissions

The Permittee shall report to the Control Officer any emissions in excess of the limits established by this permit in accordance with I.B of the Additional Permit Conditions. [PCC 17.12.185.A.5 & PCC 17.12.040]

V. Facility Changes

Revision Notification

When applicable, the Permittee shall submit the proper notification and follow the required permit revision procedures pursuant to PCC 17.12.240, PCC 17.12.255.B or PCC 17.12.260.

VI. Testing Requirements

[PCC 17.12.045, PCC 17.12.050 & PCC 17.20.010]

For purposes of demonstrating compliance, these test methods shall be used, provided that for the purpose of establishing whether or not the facility has violated or is in violation of any provision of this permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance with applicable federal requirements if the appropriate performance or compliance procedures or methods had been performed.

Opacity

When required, the Permittee shall perform visual determinations of the opacity of emissions in accordance with EPA Reference Method 9, Appendix A in 40 CFR 60 to demonstrate compliance with the opacity standard in I.C of this Category.

Proposed Permit

Additional Permit Requirements

I. Compliance with Permit Conditions

[PCC 17.12.185.A.7.a & b]

- A. The Permittee shall comply with all conditions of this permit including all applicable requirements of Arizona air quality statutes and the air quality rules. Any permit noncompliance constitutes a violation of the Arizona Revised Statutes and is grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application. In addition, noncompliance with any federally enforceable requirement constitutes a violation of the Clean Air Act.
- B. The Permittee shall report to the Control Officer any emissions in excess of the limits established by this permit. The report shall be in 2 parts as specified below: [PCC 17.12.185.A.5 & PCC 17.12.040]
 - 1. Notification by telephone or facsimile within 24 hours of the time the Permittee first learned of the occurrence of excess emission that includes all available information from 17.12.040.B. The number to report excess emissions is **520-724-7400**. The facsimile number is **520-838-7432**.
 - 2. Detailed written notification by submission of an excess emissions report within 72 hours of the notification under I.B.1 above. **Send to PDEQ 33 N. Stone Avenue, Suite 700, Tucson, Arizona 85701.**
- C. 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.
- D. The permit does not convey any property rights of any sort, or any exclusive privilege to the permit holder.
- E. The Permittee shall pay fees to the Control Officer pursuant to PCC 17.12.520. [PCC 17.12.185.A.9 & PCC 17.12.520]

II. Permit Revision, Reopening, Revocation and Reissuance, or Termination for Cause [PCC 17.12.185.A.7.c]

The permit may be revised, reopened, revoked and reissued, or terminated for cause pursuant to PCC 17.12.270. The filing of a request by the Permittee for a permit revision, revocation and reissuance, or termination; or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

III. Duty to Provide Information

[PCC 17.12.165.G & PCC 17.12.185.A.7.e]

- A. The Permittee shall furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the Permittee shall also furnish to the Control Officer copies of records required to be kept by the permit. For information claimed to be confidential, the Permittee shall furnish a copy of such records to the Control Officer along with a claim of confidentiality.
- B. If the Permittee has failed to submit any relevant facts or if the Permittee has submitted incorrect information in the permit application, the Permittee shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

IV. Severability Clause

[PCC 17.12.185.A.6]

The provisions of this permit are severable. If any provision of this permit is held invalid, the remainder of this permit shall not be affected thereby.

Attachment 1
Applicable Regulations

Requirements Specifically Identified as Applicable

Compliance with the terms contained in this permit shall be deemed compliance with the following federally applicable requirements in effect on the date of permit issuance:

Code of Federal regulations (CFR):

40 CFR 60 Subpart Dc Standards of Performance for Small Industrial Commercial-Institutional Steam
Generating Units

EPA Determination Detail Control Number 0300118

Pima County Code (PCC) Title 17, Chapter 17:

- 17.12.010 Statutory authority
- 17.12.020 Planning, constructing, or operating without a permit
- 17.12.040 Reporting requirements
- 17.12.045 Test methods and procedures
- 17.12.050 Performance tests
- 17.12.080 Permit display or posting
- 17.12.165 Permit application processing procedures for Class II and Class III permits
- 17.12.185 Permit contents for Class II and Class III permits
- 17.12.520 Fees related to Class II and Class III permits

- 17.16.010 Local rules and standards - Applicability of more than one standard
- 17.16.020 Noncompliance with applicable standards
- 17.16.030 Odor limiting standards
- 17.16.040 Standards and applicability (Includes NESHAP)
- 17.16.050 Visibility limiting standard
- 17.16.165 Standards of performance for fossil-fuel fired industrial and commercial equipment
- 17.16.430 Standards of performance for unclassified sources

Attachment 2
Permitted Equipment List

Equipment	Manufacturer	Model	Serial / ID Number	Allowable Fuel(s)	Allowable Hours of Operation	Capacity	Manufacture Date	NSPS
Boiler	Superior	2-66-1258	5796	Natural Gas	N/A	10.5 MMBTU	1971	No ¹
Hot Oil Heater	Phoenix	63	60605	Natural Gas	N/A	6.3 MMBTU	-	No ¹
Boiler	Superior	4-5-1506	14001	Natural Gas	N/A	12.6 MMBTU	1998	Yes
Hot Oil Heater	Phoenix	84	0839	Natural Gas	N/A	2.8 MMBTU	2008	No ¹

Note: ¹Boilers are subject to NSPS if they are above 10 MMBTU and manufactured after June 9, 1989.

Other equipment identified in the permit application that are unclassified sources in accordance with PCC 17.16.430, which are not otherwise subject to existing standards of performance under PCC 17.16, Article IV, 40 CFR 60 (NSPS), or 40 CFR 63 (NESHAP):

Fifteen welded steel emulsion storage tanks of varying capacity. (Largest tank is 20,000 gallons).

Three 9000 gallons welded steel emulsifier storage tanks.

One 500 gallon welded steel mixing storage tank.

One 100 gallon crosslink polymer HCL acid storage tank.

Ten asphalt storage tanks of varying capacity. (Largest tank is 844,900 gallons).

One Single-Spot asphalt loading rack.

One 2-spot asphalt loading rack.