



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706 • (208) 373-0502
www.deq.idaho.gov

C.L. "Butch" Otter, Governor
John H. Tippetts, Director

January 12, 2018

Timothy Vedder III, Manager Conda Phosphate Operations
Itafos Conda LLC
3010 Conda Road
Soda Springs, Idaho 83276

RE: Facility ID No. 029-00003, Project No. 61975, Itafos Conda LLC, Soda Springs
Transfer of Ownership by Permit to Construct Revision

Dear Mr. Vedder:

The Department of Environmental Quality (DEQ) is issuing Permit to Construct (PTC) No. P-2017.0050 Project 61975 to Itafos Conda LLC, located in Soda Springs for a transfer of ownership. This PTC is issued in accordance with IDAPA 58.01.01.209.04 of the Rules for the Control of Air Pollution in Idaho and is based on the certified information received on December 19, 2017. The transfer of ownership is based on the following information:

Previous Permittee Information

| | |
|-----------------------|---|
| Permittee: | Nu-West Industries, Inc., dba Agrium Conda Phosphate Operations |
| Mailing Address: | 3010 Conda Road, Soda Springs, Idaho 83276 |
| Facility Location: | 3010 Conda Road, Soda Springs, Idaho 83276 |
| Facility Contact: | Clint Humpherys, Environmental Specialist |
| Phone Number: | 208.909.5244 |
| E-mail Address: | clint.humpherys@agrium.com |
| Responsible Official: | Timothy Vedder, Plant Manager |
| Phone Number: | 208.909.5313 |

Updated Permittee Information

| | |
|-----------------------|--|
| Permittee: | Itafos Conda LLC |
| Mailing Address: | 109 North Post Oak Lane, Suite 145, Houston, TX 77024 |
| Facility Location: | 3010 Conda Road, Soda Springs, Idaho 83276 |
| Facility Contact: | Timothy Vedder III, Manager Conda Phosphate Operations |
| Phone Number: | 208.909.5313 |
| E-mail Address: | timothy.vedder@agrium.com |
| Responsible Official: | Timothy Vedder III, Manager Conda Phosphate Operations |
| Phone Number: | 208.909.5313 |

This permit is effective immediately and replaces PTC No. P-2017.0050 Project 61835, issued on November 17, 2017. This permit does not release Itafos Conda LLC from compliance with all other applicable federal, state, or local laws, regulations, permits, or ordinances.

In order to fully understand the compliance requirements of this permit, DEQ highly recommends that you schedule a meeting with Rick Elkins, Air Quality Analyst, at 208.236.6160 to review and discuss the terms and conditions of this permit. Should you choose to schedule this meeting, DEQ recommends that the following representatives attend the meeting: your facility's plant manager, responsible official, environmental contact, and any other staff responsible for day-to-day compliance with permit conditions.

If you have any questions, please contact Morrie Lewis at 208.373.0502 or Morrie.Lewis@deq.idaho.gov.

Sincerely,



Mike Simon
Stationary Source Program Manager
Air Quality Division

Attachment

MS/ml Permit No. P-2017.0050 Project 61975

Air Quality

PERMIT TO CONSTRUCT

Permittee Itafos Conda LLC
Permit Number P-2017.0050
Project ID 61975
Facility ID 029-00003
Facility Location 3010 Conda Road
Soda Springs, ID 83276

Permit Authority

This permit (a) is issued according to the "Rules for the Control of Air Pollution in Idaho" (Rules), IDAPA 58.01.01.200-228; (b) pertains only to emissions of air contaminants regulated by the State of Idaho and to the sources specifically allowed to be constructed or modified by this permit; (c) has been granted on the basis of design information presented with the application; (d) does not affect the title of the premises upon which the equipment is to be located; (e) does not release the permittee from any liability for any loss due to damage to person or property caused by, resulting from, or arising out of the design, installation, maintenance, or operation of the proposed equipment; (f) does not release the permittee from compliance with other applicable federal, state, tribal, or local laws, regulations, or ordinances; and (g) in no manner implies or suggests that the Idaho Department of Environmental Quality (DEQ) or its officers, agents, or employees assume any liability, directly or indirectly, for any loss due to damage to person or property caused by, resulting from, or arising out of design, installation, maintenance, or operation of the proposed equipment. Changes in design, equipment, or operations may be considered a modification subject to DEQ review in accordance with IDAPA 58.01.01.200-228.

Date Issued January 12, 2018



Morrie Lewis, Permit Writer



Mike Simon, Stationary Source Manager

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1 Permit Scope

Purpose

- 1.1 This is a change of ownership permit transfer to Itafos Conda LLC from Nu-West Industries, Inc. dba Agrium Conda Phosphate Operations.
- 1.2 This PTC replaces Permit to Construct No. P-2017.0050, issued on November 17, 2017.

Regulated Sources

- 1.3 Table 1.1 lists all sources of regulated emissions in this permit.

Table 1.1 Regulated Sources

| Emission Unit | Emission Unit Description | Control Equipment |
|---------------|--|--|
| Gyp-3 | 151-acre Gyp Stack 3 and 14.5 acre Decant Ditch 3 The gyp stack is a defined area where phosphogypsum is disposed of or stored including a phosphogypsum settling pond with the associated decant ditch | Reasonable control of fugitive emissions |

2 Gyp Stacks

2.1 Process Description

Phosphogypsum, a by-product of the phosphoric acid production process, is slurried to a pile referred to as a “gyp stack.” The slurry is approximately 20% solids. At the gyp stack, solids in the slurry are allowed to settle and the water is decanted to an evaporative cooling pond. The process water is recycled to the processing plant.

The settled phosphogypsum is allowed to dry to a moisture content of about 40% by directing the slurry to a rotation of cells on the stack. When a cell has dried appropriately, the cell is excavated using a backhoe to build up the exterior dikes of the stack. When the interior of the cell is excavated and dikes are elevated to the necessary height, the cell is flooded with slurry again.

2.2 Control Device Descriptions

Table 2.1 Emission Units and Control Equipment

| Emission Unit | Emission Unit Description | Control Equipment |
|---------------|--|--|
| Gyp-3 | 151-acre Gyp Stack 3 and 14.5 acre Decant Ditch 3 The gyp stack is a defined area where phosphogypsum is disposed of or stored including a phosphogypsum settling pond with the associated decant ditch | Reasonable control of fugitive emissions |

Emission Limits

2.3 Reasonable Control of Fugitive Dust

All reasonable precautions shall be taken to prevent PM from becoming airborne in accordance with IDAPA 58.01.01.650-651. In determining what reasonable precautions are, considerations will be given to factors such as the proximity of dust-emitting operations to human habitations and/or activities and atmospheric conditions that might affect the movement of particulate matter. To establish reasonable precautions, the Permittee shall maintain a Fugitive Dust Control Plan which identifies potential sources of fugitive dust and which establishes good operating practices for limiting the formation and dispersion of dust from those sources. The Fugitive Dust Control Plan shall be part of the permit's terms and conditions and shall be enforceable.

The Fugitive Dust Control Plan (Plan) shall contain, at a minimum, the following information and requirements:

- 2.3.1 List all of the potential significant sources of fugitive dust from the facility.
- 2.3.2 Require application of water from trucks or spray systems for the control of dust in disturbed areas, haul roads, and active gyp stacks. The Plan must establish criteria to determine when water must be applied. Water does not need to be applied when the surface is wet (i.e. during/following rainy conditions) or when reduced ambient temperatures may cause the water to freeze. The applicant may choose to use surface improvements to existing roads in lieu of water application where appropriate to control fugitive dust.
- 2.3.3 Require application of suitable dust suppressant chemicals (e.g., magnesium chloride) to unpaved roads during the dry season or when otherwise necessary to control fugitive dust. The Plan must establish criteria to determine when dust suppressants must be

applied. The applicant may choose to use surface improvements to existing roads in lieu of dust suppressant application where appropriate to control fugitive dust.

- 2.3.4 Develop a dust control strategy for fugitive emission sources. The Plan must establish criteria to determine when dust control is needed for fugitive emission sources. Suitable dust control strategies for fugitive emission sources may include water spray systems, dust suppressant chemicals, enclosures, mechanical control devices, or a DEQ-approved alternative method.
- 2.3.5 Require monthly monitoring of engineering parameters that were relied upon in estimating emissions from fugitive emission sources, including vehicle miles traveled on haul roads and daily hours of operation.
- 2.3.6 Require monthly estimation of 12-month rolling actual emissions from Gyp-3 fugitive emission sources. For calculating estimated actual emissions, the material fluoride content, material moisture content, seasonal rainfall, and seasonal snowfall data shall rely upon actual data when available and use the calculation methodology provided in the application for this permit, unless otherwise approved by DEQ.
- 2.3.7 Training/orientation of affected employees about the Fugitive Dust Control Plan procedures.
- 2.3.8 The Fugitive Dust Control Plan shall be maintained in accordance with the General Provisions of this permit.
- 2.3.9 Establish weekly monitoring and recording of those criteria established by the plan which triggers an action to be taken to control fugitive dust.
- 2.3.10 A copy of the Fugitive Dust Control Plan shall remain onsite at all times and shall be submitted to the Pocatello DEQ Regional Office at the address listed in Table 2.2 of this permit.

2.4 NESHAP 40 CFR 61, Subpart R – Radon Emissions from Phosphogypsum Stacks

The permittee shall comply with all applicable requirements of 40 CFR 61, Subpart R. Each person who generates phosphogypsum shall place all phosphogypsum in stacks. Phosphogypsum may be removed from a phosphogypsum stack only as expressly provided by 40 CFR 61, Subpart R, National Emission Standards for Radon Emissions from Phosphogypsum Stacks. If Gyp-3 becomes classified as inactive, the stack is then subject to the radon-222 emissions limits (1.9 pCi/(ft²-sec)) and related requirements in 40 CFR 61 Subpart R. *Inactive stack* means a stack to which no further routine additions of phosphogypsum will be made and which is no longer used for water management associated with the production of phosphogypsum. If Gyp-3 has not been used for either purpose for two years, it is presumed to be inactive.

Operating Requirements

2.5 PSD 40 CFR 52.21 – Best Available Control Technology for Gyp-3

The permittee shall control fluoride emissions (both gaseous and particulate) as specified in 40 CFR 52.21 using Best Available Control Technology (BACT).

- 2.5.1 The permittee shall implement the work practice requirements of 40 CFR 63.602(e)(3) as specified in Permit Condition 2.6.
- 2.5.2 The permittee shall use water wetting on erodible areas of the gypsum dewatering stack for dust control, including road surfaces used by truck and excavator traffic.

2.6 NESHAP 40 CFR 63, Subpart AA – Work Practice Requirements for Gyp-3

The permittee shall prepare and operate in accordance with a Gypsum Dewatering Stack and Cooling Pond Management Plan that contains the information specified in 40 CFR 63.602(e). The Gypsum Dewatering Stack and Cooling Pond Management Plan shall include the control measures used to minimize fugitive hydrogen fluoride emissions from the gypsum dewatering stack system. For Gyp-3, the permittee shall use, and include in the Management Plan, at a minimum two of the control measures listed in 40 CFR 63.602(e)(3)(i) through (vii) for the gypsum dewatering stack system. Specific to Gyp-3, the Permittee shall implement the following work practices:

- 2.6.1. The permittee shall minimize the surface area of the gypsum pond associated with Gyp Stack 3 by using a rim ditch (cell) building technique or other building technique and shall limit the visible liquid surface area to no more than 100 wetted acres on a twelve-month rolling average basis.
- 2.6.2. The permittee shall establish timely closure requirements that at a minimum, contain requirements for the items specified in 40 CFR 63.602(e)(3)(vii)(A) and (B).
 - i. A specific trigger mechanism for when you must begin the closure process on the gypsum dewatering stack; and
 - ii. A requirement to install a final cover. For purposes of this requirement, final cover means the materials used to cover the top and sides of a gypsum dewatering stack upon closure.

2.7 NESHAP 40 CFR 63, Subpart AA – Gypsum Dewatering Stack and Cooling Pond Management Plan Information

The Gypsum Dewatering Stack and Cooling Pond Management Plan must include the information specified in 40 CFR 63.602(e)(1) through (3). The permittee shall submit the Gypsum Dewatering Stack and Cooling Pond Management Plan for approval as specified in 40 CFR 63.602(e)(4).

- 2.7.1 Location (including latitude and longitude of centroid in decimal degrees to four decimal places) of each gypsum dewatering stack and each cooling pond in the gypsum dewatering stack system.
- 2.7.2 Permitted maximum footprint acreage of each gypsum dewatering stack and each cooling pond in the gypsum dewatering stack system.
- 2.7.3 Control measures that you use to minimize fugitive hydrogen fluoride emissions from the gypsum dewatering stack system. For Gyp-3 the permittee must use, and include in the Management Plan, at least two of the control measures listed in 40 CFR 63.602(e)(3)(i) through (vii) for your gypsum dewatering stack system.
- 2.7.4 You must submit your plan for approval with the permit application for modification, construction, or reconstruction. The plan must include details on how you will implement and show compliance with the control technique(s) that you have selected to use. To change any of the information submitted in the plan, you must submit a revised plan 60 days before the planned change is to be implemented in order to allow time for review and approval by DEQ before the change is implemented.

2.8 NESHAP 40 CFR 63, Subpart AA –Notification, Recordkeeping, and Reporting

The permittee shall comply with the reporting and recordkeeping requirements in 40 CFR 63.10 as specified in 40 CFR 63.607(b)(1) through (5). The permittee shall comply with the general recordkeeping requirements in 40 CFR 63.10(b)(1).

- 2.8.1 In the notification of compliance status required in 40 CFR 63.9(h), the permittee shall:
- i. Submit the Gypsum Dewatering Stack and Cooling Pond Management Plan.
 - ii. Each time a gypsum dewatering stack is closed, certify to DEQ within 90 days of closure, that the final cover of the closed gypsum dewatering stack is a drought resistant vegetative cover that includes a barrier soil layer that will sustain vegetation.

2.9 NESHAP 40 CFR 63, Subpart AA – General Provisions

The permittee shall comply with the general provisions in Subpart A of 40 CFR 63 as specified in Appendix A to 40 CFR 63, Subpart AA. At all times, the permittee shall operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination by DEQ or EPA of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to DEQ that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

2.10 Gyp Stack Area Limits

- 2.10.1 The area footprint of Gyp Stack 3 shall not exceed 151 acres.
- 2.10.2 The visible liquid layer surface area of Decant Ditch 3 shall not exceed 14.5 acres on a 12-month rolling average basis.
- 2.10.3 Once construction of Gyp-3 is complete, the permittee shall limit the visible liquid surface area of Gyp Stack 3 to 100 wetted acres on a twelve-month rolling average basis.
- 2.10.4 Construction of Gyp-3 shall be considered complete when process water introduced during the construction process has been displaced by gyp slurry. In addition to the Construction and Operation Notifications required in the General Provisions, Notification of completion shall be sent to DEQ within five working days after construction of Gyp-3 is complete.

2.11 NESHAP 40 CFR 61, Subpart R – Distribution and Use of Phosphogypsum

The permittee shall comply with all applicable requirements of 40 CFR 61, Subpart R. Phosphogypsum may be lawfully removed from a stack and distributed for use in outdoor agricultural research and development, agricultural field use, indoor research and development activities, or for other purposes, only in accordance with the requirements of 40 CFR 61 Subpart R. Phosphogypsum may not be lawfully removed from a stack and distributed or used for any purpose not expressly specified in 40 CFR 61.204 or 40 CFR 61.205 without prior EPA approval.

Monitoring and Recordkeeping Requirements

2.12 Gyp Stack Area Monitoring

- 2.12.1 At the completion of construction of Gyp-3, the permittee shall measure and record, in acres, the maximum area footprint for Gyp Stack 3 and Decant Ditch 3 to demonstrate initial compliance with the area limits contained in Condition 2.10.1 and 2.10.2. The permittee shall submit on an annual basis a statement certifying that the area footprint of Gyp Stack 3 and Decant Ditch 3 has not at any time exceeded its original design. As provided in 2.10.4, construction of Gyp-3 shall be considered complete when process water introduced during the construction process has been displaced by gyp slurry.
- 2.12.2 On a twice-monthly basis (the first and third full calendar week of each month), the permittee shall measure and record, in acres, the visible liquid layer surface area of Gyp Stack 3. Monitoring and recordkeeping procedures for performing this measurement shall be included in a Water Management and Monitoring Plan. For purposes of demonstrating compliance using the approved Water Management and Monitoring Plan, the term "visible liquid layer area," as used in Gyp Stack Area Limits, shall mean that observable surface area that is covered with a visible layer of liquid (standing or flowing) within the gyp stack system ponds. The Water Management and Monitoring Plan is incorporated by reference into this permit and shall be maintained on-site and made available to DEQ representatives upon request.
- 2.12.3 Compliance with Gyp Stack Area Limits shall be based on a rolling 12-month average of the twice-monthly observations.
- 2.12.4 Within 60 days of issuance of the permit, the permittee shall submit a copy of the Water Management and Monitoring Plan (Plan) to DEQ at the address listed in Table 2.2 of this permit. If the Plan is changed, a copy of the revised Plan shall be sent to DEQ.

2.13 Fugitive Emission Control Records

- 2.13.1 The permittee shall monitor and maintain records of the frequency and the method(s) used (i.e., water, chemical dust suppressants, etc.) to reasonably control fugitive emissions.
- 2.13.2 The permittee shall conduct a weekly facility-wide inspection of significant potential sources of fugitive dust emissions, during daylight hours and under normal operating conditions, to ensure that the methods used to reasonably control fugitive dust emissions are effective during times throughout the year in which fugitive dust is likely (i.e., not during the winter when material is frozen or snow-covered). If fugitive dust emissions are not being reasonably controlled, the permittee shall take corrective action as expeditiously as practicable. The permittee shall maintain records of the results of each fugitive dust emissions inspection. The records shall include, at a minimum, the date of each inspection and a description of the following: The permittee's assessment of the conditions existing at the time fugitive emissions were present (if observed), any corrective action taken in response to the fugitive dust emissions, and the date the corrective action was taken.

2.14 NESHAP 40 CFR 61, Subpart R – Radon Monitoring and Compliance

The permittee shall comply with all applicable requirements of 40 CFR 61, Subpart R. Within 60 days following the date on which a stack becomes an inactive stack, each owner or operator of an inactive phosphogypsum stack shall test the stack for radon-222 flux in accordance with the procedures described in 40 CFR 61, Appendix B, Method 115. DEQ and EPA shall be notified at

least 30 days prior to each such emissions test so that DEQ or the EPA may, at its option, observe the test. The test report shall be submitted according to the requirements in 40 CFR 61.203. The permittee shall comply with the Radon monitoring and compliance.

2.15 NESHAP 40 CFR 61 Subpart A – General Provisions

Generally applicable reporting, record keeping, and notification requirements of Subpart A of the National Emission Standards for Hazardous Air Pollutants (NESHAP, 40 CFR 61) are included in Table 2.2. These summaries are provided to highlight the notification and recordkeeping requirements of 40 CFR 61 for affected facilities, and are not intended to be a comprehensive listing of all general provision requirements that may apply nor do the summaries relieve the permittee from the responsibility to comply with all applicable requirements of the CFR. Should there be a conflict between these summaries and the NESHAP, the NESHAP shall govern.

Table 2.2 NESHAP Subpart A (40 CFR 61) Summary of General Provisions for Affected Facilities

| Section | Section Title | Summary of Section |
|------------------|--|--|
| 61.04 | Address | All requests, reports, applications, and other communications shall be submitted to: Director Air and Waste Office Air Quality Permit Compliance EPA Region 10 Department of Environmental Quality Air Operating Permits, OAQ-107 Pocatello Regional Office 1200 Sixth Avenue 444 Hospital Way, #300 Seattle, WA 98101 Pocatello, ID 83201 |
| 61.05 | Prohibited Activities | No owner or operator shall construct or modify any stationary source subject to a standard without first obtaining written approval in accordance with 40 CFR 61.08 |
| 61.07 | Application for approval of construction/modification | Submit application for approval of construction of any new source or modification of an existing source before the construction or modification is planned to commence. |
| 61.09 | Notification of startup | Notification of anticipated date of initial startup of the source not more than 60 days nor less than 30 days before that date; and notification of the actual date of initial startup of the source within 15 days after that date. |
| 61.10 | Source reporting | All facilities designated under Subpart R are exempt from the reporting requirements of 40 CFR 61.10 in accordance with 40 CFR 61.210. |
| 61.12(c) and (e) | Compliance with standards and maintenance requirements | The owner or operator of each stationary source shall maintain and operate the source, including associated equipment for air pollution control, in a manner consistent with good air pollution control practice for minimizing emissions. For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in this part, nothing in this part 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 requirements if the appropriate performance or compliance test had been performed. |
| 61.13 | Emission tests | When emission testing is required under Subpart R, the requirements under 40 CFR 61.13 shall be complied with also. |
| 61.14 | Monitoring Requirements | For any monitoring required under Subpart R, the requirements under 40 CFR 61.14 shall be complied with also. |
| 61.19 | Circumvention | No owner or operator shall build, erect, install or use any article or method, including dilution, to conceal an emission which would otherwise constitute a violation. |

3 General Provisions

General Compliance

3.1 The permittee has a continuing duty to comply with all terms and conditions of this permit. All emissions authorized herein shall be consistent with the terms and conditions of this permit and the “Rules for the Control of Air Pollution in Idaho.” The emissions of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit, the “Rules for the Control of Air Pollution in Idaho,” and the Environmental Protection and Health Act (Idaho Code §39-101, et seq.)

[Idaho Code §39-101, et seq.]

3.2 The permittee shall at all times (except as provided in the “Rules for the Control of Air Pollution in Idaho”) maintain in good working order and operate as efficiently as practicable all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable Idaho laws for the control of air pollution.

[IDAPA 58.01.01.211, 5/1/94]

3.3 Nothing in this permit is intended to relieve or exempt the permittee from the responsibility to comply with all applicable local, state, or federal statutes, rules, and regulations.

[IDAPA 58.01.01.212.01, 5/1/94]

Inspection and Entry

3.4 Upon presentation of credentials, the permittee shall allow DEQ or an authorized representative of DEQ to do the following:

- Enter upon the permittee’s premises where an emissions source is located, emissions-related activity is conducted, or where records are kept under conditions of this permit;
- Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit;
- Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
- As authorized by the Idaho Environmental Protection and Health Act, sample or monitor, at reasonable times, substances or parameters for the purpose of determining or ensuring compliance with this permit or applicable requirements.

[Idaho Code §39-108]

Construction and Operation Notification

3.5 This permit shall expire if construction has not begun within 18 months of its issue date, or if construction is suspended for one year.

[IDAPA 58.01.01.211.02, 5/1/94]

3.6 The permittee shall furnish DEQ written notifications as follows:

- A notification of the date of initiation of construction, within five working days after occurrence; except in the case where pre-permit construction approval has been granted then notification shall be made within five working days after occurrence or within five working days after permit issuance whichever is later;

- A notification of the date of any suspension of construction, if such suspension lasts for one year or more;
- A notification of the initial date of achieving the maximum production rate, within five working days after occurrence - production rate and date;

[IDAPA 58.01.01.211.01, 5/1/94]

- A notification of the anticipated date of initial start-up of the stationary source or facility not more than sixty days or less than thirty days prior to such date; and
- A notification of the actual date of initial start-up of the stationary source or facility within fifteen days after such date.

[IDAPA 58.01.01.211.03, 5/1/94]

Performance Testing

3.7 If performance testing (air emissions source test) is required by this permit, the permittee shall provide notice of intent to test to DEQ at least 15 days prior to the scheduled test date or shorter time period as approved by DEQ. DEQ may, at its option, have an observer present at any emissions tests conducted on a source. DEQ requests that such testing not be performed on weekends or state holidays.

3.8 All performance testing shall be conducted in accordance with the procedures in IDAPA 58.01.01.157. Without prior DEQ approval, any alternative testing is conducted solely at the permittee's risk. If the permittee fails to obtain prior written approval by DEQ for any testing deviations, DEQ may determine that the testing does not satisfy the testing requirements. Therefore, at least 30 days prior to conducting any performance test, the permittee is encouraged to submit a performance test protocol to DEQ for approval. The written protocol shall include a description of the test method(s) to be used, an explanation of any or unusual circumstances regarding the proposed test, and the proposed test schedule for conducting and reporting the test.

3.9 Within 60 days following the date in which a performance test required by this permit is concluded, the permittee shall submit to DEQ a performance test report. The written report shall include a description of the process, identification of the test method(s) used, equipment used, all process operating data collected during the test period, and test results, as well as raw test data and associated documentation, including any approved test protocol.

[IDAPA 58.01.01.157, 4/5/00 and 4/11/15]

Monitoring and Recordkeeping

3.10 The permittee shall maintain sufficient records to ensure compliance with all of the terms and conditions of this permit. Monitoring records shall include, but not be limited to, the following: (a) the date, place, and times of sampling or measurements; (b) the date 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. All monitoring records and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes, but is not limited to, all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. All records required to be maintained by this permit shall be made available in either hard copy or electronic format to DEQ representatives upon request.

[IDAPA 58.01.01.211, 5/1/94]

Excess Emissions

- 3.11 The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130–136 for excess emissions due to start-up, shut-down, scheduled maintenance, safety measures, upsets, and breakdowns.

[IDAPA 58.01.01.130–136, 4/5/00]

Certification

- 3.12 All documents submitted to DEQ—including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certification—shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete.

[IDAPA 58.01.01.123, 5/1/94]

False Statements

- 3.13 No person shall knowingly make any false statement, representation, or certification in any form, notice, or report required under this permit or any applicable rule or order in force pursuant thereto.

[IDAPA 58.01.01.125, 3/23/98]

Tampering

- 3.14 No person shall knowingly render inaccurate any monitoring device or method required under this permit or any applicable rule or order in force pursuant thereto.

[IDAPA 58.01.01.126, 3/23/98]

Transferability

- 3.15 This permit is transferable in accordance with procedures listed in IDAPA 58.01.01.209.06.

[IDAPA 58.01.01.209.06, 4/11/06]

Severability

- 3.16 The provisions of this permit are severable, and if 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.

[IDAPA 58.01.01.211, 5/1/94]