



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

JUN 18 2015

Mr. Kendall Hale
Chief, Permit Section
Missouri Department of Natural Resources
Air Pollution Control Program
PO Box 176
Jefferson City, Missouri 65102

RE: Draft Permit to Construct
Ag Processing Inc.
Installation ID 021-0060
Project No. 2014-06-076

Dear Mr. Hale:

A draft of the Permit to Construct for Ag Processing Inc. in St. Joseph was placed on public notice May 22, 2015 by the Missouri Department of Natural Resources Air Pollution Control Program (MDNR-APCP). The United States Environmental Protection Agency, Region 7 (EPA) has reviewed this draft construction permit and provides the following comments for your consideration and use.

- 1) Ag Processing Inc.-St. Joseph submitted an application to modify an existing prevention of significant deterioration (PSD) major source permit to construct. The pollutant of concern, associated with this construction permit modification, is particulate matter less than two and one-half (2.5) microns in diameter (PM_{2.5}). The application indicated that hexane was the only pollutant that triggered a refined air quality assessment which MDNR appears to have undertaken. However, it appears to EPA that Ag Processing and/or MDNR should have considered the increase in PM_{2.5} as a part of their air quality analysis.

The United States Court of Appeals for the District of Columbia Circuit (Court) on January 22, 2013 vacated and remanded portions of the U.S. EPA rule establishing significant impact levels (SILs) and vacated the rule establishing the significant monitoring concentration (SMC) for particulate matter less than 2.5 micrometers (PM_{2.5}). SILs and SMCs are screening tools that are used by regulatory authorities to determine whether a new source or a major modification to an existing source may be exempted from certain requirements (e.g., source impact analysis and pre-construction pollutant monitoring) under §165 of the Clean Air Act (CAA). Taking the Court's decision at face value, a new major source or a major modification at an existing major stationary source involving PM_{2.5} would need to collect PM_{2.5} preconstruction monitoring data in advance of a PSD permit application and would also need to complete an ambient air quality impacts analysis including a multi-source NAAQS and increment analysis. The draft permit to construct does not include any air quality impact analysis regarding PM_{2.5} and EPA recommends MDNR and Ag Processing address this deficiency.



- 2) Several of the draft construction permit conditions require Ag Processing Inc. (permittee) to operate and maintain control devices in “accordance with manufacturer’s specifications;” “in accordance with good operational practices;” and “to maintain pressure drop within ranges specified by the manufacturer.” EPA contends these conditions are too vague and as such are not enforceable as a practical matter.

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Permit conditions must contain sufficient detail to ensure the facility and the public clearly understand the obligations and how compliance will be evaluated. Vague permit provisions preclude the permittee from understanding its obligations and preclude regulators and the public from ensuring the permittee is complying with its obligations. Any standard that is based on what a manufacturer or industry specifies is practically unenforceable because the compliance criteria are not in the permit, not necessarily available to the public, and subject to change at the manufacturer’s will.

According to EPA, a permit “must contain more explicit monitoring requirements” than just manufacturers specifications. As such, the following sections should be amended to include more specific compliance requirements that make clear the permittee’s obligations to the permittee, regulators and the public in order to ensure practical enforceability.

- Special Condition 4. A.;
- Special Condition 6. B.;
- Special Condition 6. C. 3.;
- Special Condition 6. D. 2.; and
- Special Condition 6. F. 2.

- 3) Special Condition 4. E. requires Ag Processing to “maintain” a copy of manufacturer’s specifications to document that the evaporators, condensers, mineral oil absorption system, solvent recovery system and chiller are being operated within the parameters set forth by the manufacturer(s). EPA contends that simply maintaining a copy of the manufacturer’s specifications will not document operational compliance. MDNR should include the explicit activities, the manufacturer(s) require the permittee undertake to verify compliance, in each of the appropriate Special Conditions.
- 4) Special Condition 13 includes a reference to a “**Table 15**” (emphasis added), however, there is no Table 15 in this draft Permit to Construct. EPA recommends MDNR amend Special Condition 13.
- 5) Table 1, in Special Condition 6.A., presents particulate emission limitations that apply to the emission points impacted by the increased oilseed production at Ag Processing. The PM_{2.5} limit which, encompasses emission points EP50, EP51, and EP52, is set at 0.09 lb./hr. However, the Ag Processing application, submitted for this construction permit, indicates the post-project emissions from the combination of emission points EP50, EP51 and EP52 is 0.27 tpy or 0.06 lb./hr. Additionally, Table 1 shows an emission limit of 0.001 lb./hr. for emission point EP54; whereas the Ag Processing application shows a post-project emission limit for EP54 at 0.23 tpy or 0.05 lb./hr. EPA recommends MDNR rectify the discrepancy between Ag Processing’s post-project emissions and the emission limits established in Special Condition 6.

- 6) Special Condition 11. A. requires the permittee to maintain and / or repair paved haul roads. This special condition is too vague to be enforceable as a practical matter. Permit conditions must contain sufficient detail to ensure the facility and the public clearly understand obligations in the permit and how compliance with these requirements will be evaluated. As such, MDNR should amend Special Condition 11. A. to include specific compliance requirements the permittee must undertake to maintain and / or repair haul roads in order to ensure practical enforceability.
- 7) Special Condition 4. A. and 4. C. make reference to permittee requirements “as specified in permit application 2006-04-052.” These references, to a previous permit application, do not establish a clear legal obligation for the permittee nor do they allow for clear regulatory compliance verification. MDNR should include the specific details regarding the emission controls associated with the extraction process; the desolventizing-toasting process; and solvent storage tanks.

We appreciate the opportunity to provide what we hope you will find to be a constructive comment. If you have any questions, please contact Bob Cheever by phone at 913-551-7980 or email at cheever.robert@epa.gov.

Sincerely,



Mark A Smith, Chief
Air Permitting and Compliance Branch
EPA Region 7

