



MECKLENBURG COUNTY
Land Use and Environmental Services Agency
- AIR QUALITY -

April 20, 2016

Mr. Marcus Kreps, EH&S Resource
Frito-Lay, Inc.
2911 Nevada Boulevard
Charlotte, NC 28273

RE: Air Quality Permit to Construct/Operate No. 15-02V-022

Dear Mr. Kreps:

In accordance with our address change notification dated February 16, 2016, Mecklenburg County Air Quality (MCAQ) forwards herewith Permit to Construct/Operate (Permit) No. 15-02V-022 for the construction/operation of air pollution emission sources or abatement equipment. This permit has been amended to reflect MCAQ's new address at 2145 Suttle Avenue, Charlotte, NC 28208.

Review the permit and attached enclosures carefully. Please note the following:

- **Facility Category:** The category for this facility is "Title V." This category is based on the information supplied to MCAQ and is used to determine appropriate annual and application processing fees.
- **Permit Expiration:** This Permit expires on April 1, 2020. In accordance with Mecklenburg County Air Pollution Control Ordinance Regulation 1.5513 - "Permit Renewal and Expiration," the expiration of a Title V permit terminates a facility's right to operate unless a complete renewal application has been submitted at least nine months before the date of permit expiration. To ensure the next renewal application is timely and complete, the application shall be submitted one year prior to the permit expiration date, thus due to MCAQ on April 1, 2019.
- **Permit Conditions and Limitations:** Part 1 of this Permit contains Facility Conditions and Limitations, which are applicable to your facility. Part 2 of this Permit contains Emission Source Conditions and Limitations, which are applicable to emission sources as identified in the Emission Source Table. Part 1 Condition Nos. A-19 and A-33 now reflect MCAQ's new address.
- **Appendix A** contains information related to toxic air pollutants emissions at your facility. Please refer to Part 1, Condition and Limitation B-5 of this Permit to comply with the air toxics requirement.
- This Permit is transferable to future owners and operators only through action of the Director of MCAQ and shall be subject to the conditions and limitations as specified therein.

This Permit shall be final and binding.

If there are any questions regarding this matter, please do not hesitate to contact me at (704)336-5430.

Sincerely,

Donna Cavaliere
Sr. Air Quality Specialist

DSC:isp

Enclosures (1)
Permit No. 15-02V-022
Appendix A



AIR QUALITY TITLE V PERMIT

Permit No.	Effective Date	Expiration Date	Modification Date(s)	Replaces Permit No(s)
15-02V-022	April 1, 2015	April 1, 2020	April 20, 2016	15-01V-022

In accordance with the provisions of the Mecklenburg County Air Pollution Control Ordinance, and by the authority granted under the North Carolina General Statute (NCGS) Chapter 143, Article 21B, and until such time as this permit expires or is modified or revoked, the Permittee is hereby authorized to construct/operate emission sources and control devices as outlined in Parts 1 and 2 of this permit. The purpose of this permit is to assure compliance with the requirements of Title V of the Clean Air Act (CAA) and 40 CFR Part 70.

Permittee Name: Frito-Lay, Inc.
Site Name (if different): Frito-Lay, Inc.
Permitted Facility Location: 2911 Nevada Boulevard
City, State, Zip: Charlotte, North Carolina 28273
Facility Mailing Address: 2911 Nevada Boulevard
City, State, Zip: Charlotte, North Carolina 28273
Primary SIC Code: 2096
Renewal Application Due: April 1, 2019

 4-20-2016

Program Manager, Air Quality Program

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PART 1
Facility Conditions and Limitations

PART 1

Facility Conditions and Limitations

The entire facility is subject to the conditions and limitations contained in Part 1 (below). The facility shall comply with all applicable Air Quality rules and regulations whether or not these regulations are specifically identified in the permit.

A. LOCAL AND FEDERAL REQUIREMENTS

Mecklenburg County Air Quality (MCAQ) and the United States Environmental Protection Agency (EPA) have the authority to enforce the terms, conditions, and limitations contained in this section.

ADMINISTRATIVE PROVISIONS

A-1. **Applicability**

The facility shall be operated in accordance with the Mecklenburg County Air Pollution Control Ordinance (MCAPCO) **Regulations 1.5211 - “Applicability” and 1.5502 - “Applicability”**. An owner or operator shall have received a permit from the Department and shall comply with the conditions of such permit before constructing, modifying or operating any air pollution source or entering into a contract to construct or install any air cleaning device. This permit does not relieve the facility from the responsibility of acquiring any other permits that may be required.

A-2. **Permit Application**

In accordance with **MCAPCO Regulation 1.5508 - “Permit Content” Subparagraph (i)(16)**, the construction and operation of emission sources and control devices listed in this permit shall be in accordance with all plans, specifications, operating parameters, and other information submitted and which is the basis for the issuance of this permit. The facility shall comply with all applicable Air Quality rules and regulations whether or not these rules and regulations are included as part of the permit.

Applications shall be submitted in accordance with **MCAPCO Regulations 1.5212 - “Applications”, 1.5505 - “Application Submittal Content”, and 1.5507 - “Applications”** and shall be accompanied by the appropriate fee as listed in **MCAPCO Regulation 1.5231 - “Air Quality Fees”**. The owner or operator of a new or modified facility may choose to obtain a construction and operation permit pursuant to **MCAPCO Regulation 1.5504 - “Option for Obtaining Construction and Operation Permit”**.

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete renewal application was submitted but prior to release of a draft permit.

A-3. General Duties and Powers of the Director

In accordance with **MCAPCO Regulation 1.5104 - “General Duties and Powers of the Director, with Approval of the Board”**, the Director or his authorized representative may request performance testing of any emission source to ensure compliance.

A-4. Confidential Information

In accordance with **MCAPCO Regulation 1.5217 - “Confidential Information”**, the Permittee may request that submitted information be treated as confidential. The Permittee must make this request at the time of submittal and include both confidential and public copies of the information for MCAQ files.

A-5. Retention of Permit

In accordance with **MCAPCO Regulation 1.5219 - “Retention of Permit at Permitted Facility”**, a copy of this permit shall be retained at the facility.

A-6. Property Rights

In accordance with **MCAPCO Regulation 1.5508 - “Permit Content” Subparagraph (i)(8)**, this permit does not convey property rights of any sort, or any exclusive privileges.

A-7. Annual Fee Payment

In accordance with **MCAPCO Regulation 1.5508 - “Permit Content” Subparagraph (i)(10)**, the Permittee shall pay fees required under **MCAPCO Regulation 1.5231 - “Air Quality Fees”**.

A-8. Inspection and Entry

In accordance with **MCAPCO Regulation 1.5508 - “Permit Content” Paragraph (I)**, the Permittee shall allow authorized representatives of MCAQ and the EPA to:

- a. enter the Permittee’s premises where the permitted facility is located or emissions-related activity is conducted, or where records are kept under the conditions of the permit;
- b. have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;
- c. inspect, at reasonable times and using reasonable safety practices any source, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- d. sample or monitor substances or parameters, at reasonable times and using reasonable safety practices, for the purpose of assuring compliance with the permit or applicable requirements.

PERMIT CHANGES

A-9. Changes Not Requiring a Permit Modification

a. Section 502(b)(10) Changes:

Changes allowed under Section 502(b)(10) of the federal Clean Air Act are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements. In accordance with **MCAPCO Regulation 1.5523 - "Changes Not Requiring Permit Revisions"** Paragraph (a), the Permittee may make changes without having this permit revised if:

1. the changes are not a modification as defined under **MCAPCO Article 2.0000** or Title I of the federal Clean Air Act;
2. the changes do not cause the allowable emissions under the permit to be exceeded;
3. the Permittee notifies the Director and EPA with written notification as described in **MCAPCO Regulation 1.5523- "Changes Not Requiring Permit Revisions"** Subparagraph (a)(2) at least seven days before the change is made; and,
4. the Permittee shall attach the notice to the relevant permit.

b. Off-Permit Changes:

In accordance with **MCAPCO Regulation 1.5523 - "Changes Not Requiring Permit Revisions"** Paragraph (b), the Permittee may make changes in his operation or emissions without revising the permit if:

1. the change affects only insignificant activities and the activities remain insignificant after the change, or
2. the change is not covered under any applicable requirement.

c. Emissions Trading:

To the extent that emissions trading is allowed under **MCAPCO Article 2.0000**, emissions trading shall be allowed without permit revisions provided that:

1. all applicable requirements are met,
2. the Permittee complies with all terms and conditions of the permit in making the emissions trade,
3. the Permittee notifies the Director and EPA with written notification as described in **MCAPCO Regulation 1.5523 - "Changes Not Requiring Permit Revisions"** Subparagraph (c)(3) at least seven days before making the emissions trade.

A-10. Permit Modifications and Administrative Amendments

a. Administrative Permit Amendments shall be made in accordance with **MCAPCO Regulation 1.5514 - "Administrative Permit Amendments"**.

b. Transfer of Ownership or Operation:

Transfer of ownership or operations shall be made in accordance with **MCAPCO Regulation 1.5524 - "Ownership Change"** which states that applications for ownership change shall contain information as required in **MCAPCO Regulation 1.5505 - "Application Submittal Content" Paragraph (4)** and shall follow the procedures described in **MCAPCO Regulation 1.5212 - "Applications" Paragraph (e)**.

c. Minor Permit Modifications shall be made in accordance with **MCAPCO Regulation 1.5515 - "Minor Permit Modifications"**.

d. Significant Permit Modifications shall be made in accordance with **MCAPCO Regulation 1.5516 - "Significant Permit Modification"**.

A-11. Reopening for Cause

In accordance with **MCAPCO Regulation 1.5517 - “Reopening for Cause”, Paragraph (a)**, a permit shall be reopened and revised under the following circumstances:

- a. additional requirements become applicable to a facility with a remaining permit term of three or more years. Such a reopening shall be completed no later than 18 months after promulgation of the applicable requirement, and no such reopening is required if the effective date of requirement is later than the expiration date of this permit;
- b. MCAQ or EPA finds that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
- c. MCAQ or EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

A-12. Termination, Modification, Revocation of Permits

A permit may be terminated, revoked, or modified as outlined in **MCAPCO Regulations 1.5232 - “Issuance, Revocation, and Enforcement of Permits”, 1.5231 - “Air Quality Fees”, and/or 1.5519 - “Termination, Modification, Revocation of Permits”**.

In accordance with the above-referenced regulations, MCAQ may terminate, modify, or revoke and reissue a permit if:

- a. the information contained in the application or presented in support thereof is determined to be incorrect;
- b. the regulations or conditions under which the permit or permit renewal was granted have changed;
- c. violations of conditions contained in the permit have occurred;
- d. construction of the permitted equipment does not commence within 18 months of permit issuance or, once construction has begun, it ceases prior to completion for a period of 18 consecutive months;
- e. operation of a permitted facility or process ceases permitted activities for a period of 18 consecutive months;
- f. the permit holder fails to pay fees required within 30 days after being billed;
- g. the Permittee refuses to allow the Director or his authorized representative to enter the premises where a source of emissions is located, have access to records required to be kept under the terms and conditions of the permit, inspect any source of emissions, control equipment, and monitoring equipment or methods required in the permit, or collect samples from any emission source; or,
- h. the EPA requests that the permit be revoked under **40 CFR Part 70.7 Paragraph (f) or (g)**.

A-13. Permit Renewal and Expiration

In accordance with **MCAPCO Regulation 1.5513 - “Permit Renewal and Expiration”**, permit expiration terminates the facility’s right to operate unless a complete renewal application has been submitted at least nine months before the date of permit expiration. To ensure the application is timely and complete, the *renewal application shall be submitted one year prior to the permit expiration date*. The renewal application should include the complete application forms for all permitted equipment and any modifications. Permits being renewed are subject to the procedural requirements of **MCAPCO Section 1.5500 - “Title V Procedures”**, including those for public participation and affected States and EPA review. Upon receipt of a timely and complete application for renewal, the Permittee may continue to operate under the conditions of this permit, subject to final action by MCAQ on the renewal application. If a complete renewal application is not received as required, the permit will expire at the end of its term.

NOTIFICATIONS AND REPORTS

A-14. Commencement of Operation

The facility shall be operated in accordance with **MCAPCO Regulation 1.5214 - “Commencement of Operation”**. Upon completion of construction, alteration or installation pursuant to this permit, the permit holder shall notify the Director in writing of such completion and of the holder’s intent to commence operation.

A-15. Malfunction and Excess Emissions Provisions:

In accordance with **MCAPCO Regulation 1.5508 - “Permit Content”** Subparagraph (f)(2), the Permittee shall report by the next business day; malfunctions, emergencies, and other upset conditions as prescribed in **MCAPCO Regulations 2.0524 - “New Source Performance Standards”, 2.0535 - “Excess Emissions Reporting and Malfunctions” (except Paragraph (g)), 2.1110 - “National Emission Standards for Hazardous Air Pollutants”, or 2.1111 - “Maximum Achievable Control Technology”**.

In accordance with **MCAPCO Regulation 2.0535**, the Director shall be notified by 9:00 am of the Department’s next business day after the permittee becomes aware of malfunctions, emergencies and upset conditions that result in excess emissions lasting longer than four (4) hours.

The permittee shall report to the Director within two business days after becoming aware of any deviation not covered by **MCAPCO Regulations 2.0524 - “New Source Performance Standards”, 2.0535 - “Excess Emissions Reporting and Malfunctions” (except Paragraph (g)), 2.1110 - “National Emission Standards for Hazardous Air Pollutants”, or 2.1111 - “Maximum Achievable Control Technology”**.

All reports of deviations and excess emissions shall be certified by a responsible official. After a malfunction or breakdown has been corrected, the Director may require the source to conduct a performance test to demonstrate compliance.

MCAPCO Regulation 2.0535 – “Excess Emissions Reporting and Malfunctions” Paragraph (g) is not a SIP enforceable provision and therefore the conditions and allowances allowed therein are considered as Local only requirements (see Facility Condition and Limitation No. B-8).

A-16. Monitoring Data Recordkeeping and Reporting

In accordance with **MCAPCO Regulation 1.5508 - “Permit Content” Paragraph (f):**

- a. The Permittee shall retain records of all required monitoring data and supporting information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. (Supporting information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation and copies of all reports required by the permit.)
- b. The Permittee shall submit reports of any required monitoring as listed in Part 2 of this Permit to MCAQ at least every six months. The reports should include a summary of data and observations, identification of any deviations from normal operating parameters, and any corrective action taken to return the monitored emission source to normal operating conditions. Normal operating parameters shall be determined from information on file and any operating ranges listed in Part 2 of this permit.

A-17. Annual Emissions Reporting

In accordance with **MCAPCO Regulation 1.5508 - "Permit Content" Subparagraph (i)(14)**, the Permittee shall submit annual reports of actual and potential emissions as required under **MCAPCO Regulation 1.5111 - "General Recordkeeping, Reporting and Monitoring Requirements"** and as specified in the Permit.

A-18. Duty to Provide Information

In accordance with **MCAPCO Regulation 1.5508 - "Permit Content" Subparagraph (i)(9)**, the Permittee shall furnish to MCAQ, in a timely manner, any reasonable information that MCAQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The Permittee shall furnish to MCAQ copies of records required to be kept by the permit when such copies are requested by the Director.

A-19. Submissions

In accordance with **MCAPCO Section 1.5500 - "Title V Procedures"**, any document submitted shall be certified by a responsible corporate official as being true, accurate and complete. Reports, test data, monitoring data, notifications and requests for renewal shall be submitted to:

Director
Mecklenburg County Air Quality
2145 Suttle Avenue
Charlotte, North Carolina 28208-5237

A-20. Information Submittal

The owner or operator shall submit all reports or information as may be required by MCAQ.

OPERATIONAL REQUIREMENTS/STANDARDS

A-21. Equipment and Control Device Operation

Unless otherwise specified by this permit, no equipment may be operated without the concurrent operation of the permitted air emissions control devices.

A-22. National Emission Standards for Hazardous Air Pollutants

The facility shall be operated in accordance with **MCAPCO Regulation 2.1110 - "National Emission Standards for Hazardous Air Pollutants"**, which refers to Title 40 of the Code of Federal Regulations Part 61.140 to 61.157, Subpart M, National Emission Standard for Asbestos, when conducting any renovation or demolition activities.

A-23. Visible Emissions

The facility shall be operated in accordance with **MCAPCO Regulation 1.5107 - “Control and Prohibition of Visible Emissions”**, such that visible emissions shall not be more than 20% opacity for an aggregate of more than six (6) minutes in any one hour or more than twenty (20) minutes in any 24-hour period.

Facilities subject to a visible emission standard as specified by applicability to **MCAPCO Regulations 2.0524 - “New Source Performance Standards”**, or **2.1110 - “National Emission Standards for Hazardous Air Pollutants”**, shall comply with the more stringent standard, but, in no case shall the source’s visible emissions exceed 20% opacity.

A-24. Dust and Related Material

The facility shall be operated in accordance with **MCAPCO Regulation 1.5108 - “Dust and Related Material”**, such that dust shall not be discharged into the atmosphere in such quantities that the ambient air quality standards are exceeded at the property line or in such quantities or of such toxic or corrosive nature that may be injurious to humans or animals or may cause damage to the property of others.

A-25. Fugitive Dust Emission Sources

As required by **MCAPCO Regulation 2.0540 - “Particulates from Fugitive Dust Emission Sources”**, the permittee shall not cause or allow fugitive dust emissions to cause or contribute to substantive complaints.

- a. If fugitive dust emissions cause or contribute to substantive complaints, the permittee shall:
 1. within 30 days upon receipt of written notification from the Director of a second substantive complaint in a 12-month period, submit to the Director a written report that includes the identification of the probable source(s) of the fugitive dust emissions causing complaints and what immediate measures can be made to abate the fugitive emissions;
 2. within 60 days of the initial report submitted under Subparagraph (1) of this Paragraph, submit to the Director a control plan as described in Paragraph (f) of this Regulation; and
 3. within 30 days after the Director approves the plan, be in compliance with the plan.
- b. The Director may require that the permittee develop and submit a fugitive dust control plan as described in MCAPCO 2.0540(f) if:
 1. ambient air quality measurements or dispersion modeling as provided in Paragraph (e) of MCAPCO Regulation 2.1106 – “Determination of Ambient Air Concentrations” show violation or potential for a violation of an ambient air quality standard for particulates in MCAPCO Section 2.0400 - “Ambient Air Quality Standards”; or
 2. if MCAQ observes excessive fugitive dust emissions from the facility beyond the property boundaries for six minutes in any one hour using Reference Method 22 in 40 CFR 60, Appendix A.

A-26. Protection of Stratospheric Ozone

In accordance with **MCAPCO Regulation 1.5501 - “Purpose of Section and Requirement for a Permit” Paragraph (e)**, the Permittee is subject to all the applicable requirements and standards for recycling and emissions reduction pursuant to:

- a. **40 CFR Part 82, Subpart F - “Recycling and Emissions Reduction”** including the following:

1. persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant **40 CFR 82.156**;
 2. equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to **40 CFR 82.158**;
 3. persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to **40 CFR 82.161**;
 4. persons disposing of small appliances, motor vehicle air conditioners (MVACs), and MVAC-like appliances (as defined in **40 CFR 82.152**) must comply with recordkeeping requirements pursuant to **40 CFR 82.166**;
 5. persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to **40 CFR 82.156**; and
 6. owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to **40 CFR 82.166**; and,
- b. **40 CFR Part 82, Subpart B - "Servicing of Motor Vehicle Air Conditioners"**, if the facility maintains, services, repairs, or disposes of MVACs.

A-27. Chemical Accident Prevention Provisions

In accordance with **40 CFR Part 68.215 - "Permit Content and Air Permitting Authority or Designated Agency Requirements"**, any stationary source subject to the Chemical Accident Prevention Provisions of **40 CFR Part 68** shall comply with such provisions, including but not limited to the submittal of a Risk Management Plan (Subpart G).

A-28. Insignificant Activities

The facility shall be operated in accordance with **MCAPCO Regulation 1.5508 - "Permit Content"**, Subparagraphs (i)(15) and (i)(16) such that all insignificant activities as defined in **MCAPCO Regulation 1.5503 - "Definitions"** shall be included in the permit and shall comply with any applicable requirement in MCAPCO.

COMPLIANCE PROVISIONS

A-29. Duty to Comply with this Permit

In accordance with **MCAPCO Regulation 1.5508 - "Permit Content"** Subparagraph (i)(3), noncompliance with any term, condition, or limitation of this permit is grounds for enforcement action; for permit termination, revocation and reissuance or modification; or for denial of a permit renewal application.

In accordance with **MCAPCO Regulation 1.5508 - "Permit Content"** Subparagraph (i)(4), a Permittee shall not claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit as a defense in an enforcement action.

A-30. Enforcement/Variations/Judicial Review

Violation of any applicable MCAPCO regulation or condition listed herein could result in administrative fines and/or legal action as prescribed in **MCAPCO Section 1.5300 - “Enforcement; Variations; Judicial Review”**.

A-31. Duty to Comply with Other Regulations

This permit does not relieve the Permittee of the responsibility of complying with all applicable requirements of any Federal, State, or local water quality or land quality control authority.

A-32. Determination of Compliance

This permit contains provisions which require a specific test method, monitoring, or recordkeeping to be used as a demonstration of compliance with permit limits, but are not intended as the only means of demonstration or certifying compliance with permit limits. Unless otherwise specified, the averaging times for all specified emission standards are tied to or based on the run time of the test method(s) used for determining compliance. Compliance with MCAPCO, including the specific conditions herein, shall be determined by source testing, surveillance, visual observations, data review, plant inspections, and any other credible evidence.

A-33. Compliance Certification

In accordance with **MCAPCO Regulation 1.5508 - “Permit Content” Paragraph (n)**, the Permittee shall submit to MCAQ and EPA by April 30 of each year, a compliance certification by a responsible official with all terms and conditions in the permit, including emissions limitations, standards, or work practices. The certification shall specify:

- a. the identification of each term or condition of the permit that is the basis of the certification;
- b. the compliance status as shown by monitoring data and other information reasonably available to the Permittee;
- c. whether compliance was continuous or intermittent;
- d. the method(s) used for determining the compliance status of the source, currently and over the reporting period; and,
- e. such other facts as the permit may specify to determine the compliance status of the source.

The compliance certification shall comply with additional requirements as may be specified under Sections 114(a)(3) or 504(b) of the federal Clean Air Act.

All compliance certifications shall be submitted to MCAQ and the EPA at the following addresses:

Director
Mecklenburg County Air Quality
2145 Suttle Avenue
Charlotte, NC 28208-5237

and Environmental Protection Agency
Attn: APTMD Air & EPCRA Enforcement Branch
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

In accordance with **MCAPCO Regulation 1.5520 - “Certification by Responsible Official”**, a responsible official shall certify the truth, accuracy, and completeness of the compliance certification. The certification shall state that, based on information and belief formed after reasonable inquiry, the statement and information in the document are true, accurate, and complete.

A-34. Permit Shield

In accordance with **MCAPCO Regulation 1.5512 - “Permit Shield and Application Shield”**, and pursuant to the terms, conditions, and limitations of this permit, the facility shall be deemed in compliance with all applicable requirements as of the date of permit issuance except as follows:

- a. This permit shield shall not apply to any change made at this facility that does not require a permit revision.
- b. This permit shield shall not extend to minor permit modifications made under **MCAPCO Regulation 1.5515 - “Minor Permit Modifications”**.
- c. Nothing in this permit shall alter or affect:
 1. the power of the Director, Mecklenburg County Air Quality under NCGS 143-215.112 or MCAPCO or EPA under Section 303 of the federal Clean Air Act;
 2. the liability of an owner or operator of a facility for any violation of applicable requirements prior to or at the time of permit issuance;
 3. the applicable requirements under Title IV; or
 4. the ability of MCAQ (or EPA under Section 114 of the federal Clean Air Act) to obtain information to determine compliance of the facility with its permit.

A-35. Severability Clause

In accordance with **MCAPCO Regulation 1.5508 - “Permit Content” Subparagraph (i)(2)**, the provisions of this permit are severable. Upon any administrative or judicial challenge, or if any provision of this permit is held invalid, all permit requirements, except those being challenged, will remain valid and enforceable.

A-36. Enforcement Clause

In accordance with **MCAPCO Regulation 1.5508 - “Permit Content” Subparagraph (i)(3)**, noncompliance with any condition of the permit is grounds for enforcement action. In addition, noncompliance with any condition may result in permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

In accordance with **MCAPCO Regulation 1.5508 - “Permit Content” Subparagraph (i)(4)**, the Permittee may not use as a defense 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.

B. LOCAL ONLY REQUIREMENTS

Only Mecklenburg County Air Quality (MCAQ) has the authority to enforce the terms, conditions, and limitations contained in this section. The EPA does not have the authority to enforce the terms, conditions, and limitations contained in this section.

B-1. Incorrect Information and Facility Operation

This permit is subject to revocation or modification by MCAQ upon a determination that information contained in the application or presented in the support thereof is incorrect, conditions under which this permit was granted have changed, or violations of conditions contained in this permit have occurred. The facility shall be properly operated and maintained at all times in a manner that will effect an overall reduction in air pollution. Unless otherwise specified by this permit, no emission source may be operated without the concurrent operation of its associated air pollution control device(s) and appurtenances.

B-2. Violations Prior to Effective Permit Date

This issuance of this permit in no way absolves the Permittee of liability for any potential legal action and/or penalties which may be assessed for violations of local regulations which have occurred prior to the effective date of this permit.

B-3. Operation and Maintenance Reports

Reports on the operation and maintenance of the facility shall be submitted by the Permittee to the Director, Mecklenburg County Air Quality at such intervals and in such form and detail as may be required by MCAQ. Information required in such reports may include, but is not limited to, process weight rates, firing rates, hours of operation, and preventive maintenance schedules.

B-4. Violation of Terms or Conditions

A violation of any Locally enforceable term or condition of this permit shall subject the Permittee to enforcement pursuant to **MCAPCO Section 1.5300 - “Enforcement; Variances; Judicial Review”**, including assessment of civil penalties.

B-5. Toxic Air Pollutants

In accordance with **MCAPCO Section 1.5700 - “Toxic Air Pollutant Procedures”** and/or **MCAPCO Regulation 2.1104 - “Toxic Air Pollutant Guidelines”**, the toxic air pollutants (TAP) emitted by existing processes have been reviewed for regulatory applicability by MCAQ. If applicable, Appendix A lists the relevant permits and associated TAPs.

In accordance with **MCAPCO Regulations 1.5111 - “General Recordkeeping, Reporting and Monitoring Requirements”**, **2.0605 – “General Recordkeeping and Reporting Requirements”**, and/or **2.0903 - “Recordkeeping: Reporting: Monitoring”**, the facility shall report any process additions, modifications or deletions which affect the emissions of any TAP listed in **MCAPCO Section 1.5700 - “Toxic Air Pollutant Procedures”** as prescribed by the following:

- a. If the process modifications will result in a facility-wide TAP emission rate that exceeds the rate listed in **MCAPCO Regulation 1.5711 – “Emission Rates Requiring a Permit”** for any TAP, apply and receive an air toxics permit before the process modification occurs; or

- b. If the process modifications will result in facility-wide TAP emission rates that are below the rates listed in **MCAPCO Regulation 1.5711-“Emission Rates Requiring a Permit”**, submit the new emission rates to MCAQ 15 days prior to the initial change; or
- c. If the process modifications will not result in a net TAP emission increase, provide MCAQ with demonstration (15 days prior to the initial change) that the proposed modification will not result in a net TAP emission increase at the facility.

The facility is required to maintain documentation such that upon request by MCAQ, the facility can make a demonstration that facility-wide emissions of TAPs have or have not exceeded the rates listed in **MCAPCO Regulation 1.5711**.

B-6. Nuisance

The facility shall be operated in accordance with **MCAPCO Regulation 1.5109 - “Nuisance”**. The source shall not discharge any air contaminants or other material to cause injury, detriment, nuisance, annoyance, or endanger the comfort, repose, health or safety of the public or property.

B-7. Odorous Emissions

The facility shall be operated in accordance with **MCAPCO Regulation 1.5110 - “Control and Prohibition of Odorous Emissions”**. The owner or operator of a facility shall not operate the facility without implementing management practices or installing and operating odor control equipment sufficient to prevent odorous emissions from the facility from causing or contributing to objectionable odors beyond the facility’s boundary.

If the Director determines that a source or facility is emitting an objectionable odor, the owner or operator shall be responsible for:

- providing the maximum feasible control determination according to the procedures in **MCAPCO Regulation 1.5113 - “Determination of Maximum Feasible Controls for Odorous Emissions”**, and
- implementing maximum feasible controls for the control of odorous emissions.

B-8. Start-up and Shut-down Excess Emissions Provisions

In accordance with **MCAPCO Regulation 2.0535 – “Excess Emissions Reporting and Malfunctions”** Paragraph (g), excess emissions during start-up and shut-down shall be considered a violation, if the owner or operator cannot demonstrate that the excess emissions are unavoidable. The Director shall determine if excess emissions are unavoidable considering the items listed in this Regulation. The owner or operator shall operate the source and control and monitoring equipment in a manner to minimize emissions during start-up and shut-down.

C. FEDERAL ONLY REQUIREMENTS

Only the EPA has the authority to enforce the terms, conditions, and limitations contained in this section. Mecklenburg County Air Quality does not have the authority to enforce the terms, conditions, and limitations contained in this permit.

- THERE ARE NO FEDERAL ONLY REQUIREMENTS FOR THIS PERMIT -

PART 2

Emission Source Conditions and Limitations

PART 2

Emission Source Conditions and Limitations

In accordance with MCAPCO Section 1.5500-"Title V Procedures", the facility shall comply with all applicable rules and regulations whether or not these rules and regulations are specifically identified in the permit. The emission sources and control devices listed in the following table are subject to the Emission Source Conditions and Limitations contained in Part 2 as referenced in the table.

Emission Source ID	Emission Source Description (type, manufacturer and capacity)	Installation(I)/ Modification(M) Dates	Control Device ID	Control Device Unit or Method	Emission Source Conditions and Limitations		
					Local and Federal Requirements	Local Only Requirements	Federal Only Requirements
ES-1	Boiler #1: One (1) 51.6 million Btu/hour Cleaver Brooks boiler (Model No. DL52, Serial No. WL2824) fueled by natural gas.	(I) 1978 (M) 2012	None	None	D-1, D-3, D-7, D-9, D-10, D-11, D-18	E-1	None
ES-2	Boiler #2: One (1) 51.6 million Btu/hour Cleaver Brooks boiler (Model No. DL52, Serial No. WL2823) fueled by natural gas.	(I) 1978 (M) 2008, 2012	None	None	D-1, D-3, D-7, D-9, D-10, D-11, D-18	E-1	None
ES-3	Boiler #3: One (1) Babcock and Wilcox boiler (Model No. TB 16-31154-36) fueled by bituminous coal or natural gas to include: <ul style="list-style-type: none"> • One (1) 56.25 mmBtu/hr coal-fired burner; and, • One (1) 22.6 mmBtu/hr natural gas-fired burner. 	(I) 1984 (M) 2002, 2014	CD-3r	One (1) Airotech, Inc. reverse pulse fabric filter (Model No. 6P-255-12-TA) (I) 2002	D-1, D-3, D-5, D-8, D-9, D-10, D-11, D-12, D-13, D-14, D-15, D-17, D-18	E-1	None
ES-4	One (1) ash handling system consisting of a vacuum ash conveying system, two (2) bottom ash hoppers, a primary ash separator, an ash storage silo, and a paddle unloader. (Material Handling System #1)	(I) 1984 (M) 2001, 2006	CD-4	One (1) ash baghouse on silo; One (1) ash conditioner on paddle unloader. (I) 1998	D-2, D-14, D-16, D-18	E-1	None
ES-5	One (1) coal handling system consisting of a truck dump hopper, an enclosed vibrating feeder, a bucket elevator, a coal storage silo, and a coal discharge chute. (Material Handling System #2)	(I) 1984 (M) 2009	CD-5	One (1) dust control vent fabric filter on silo. (I) 1984	D-2, D-14, D-16, D-18	E-1	None

Emission Source ID	Emission Source Description (type, manufacturer and capacity)	Installation(I)/ Modification(M) Dates	Control Device ID	Control Device Unit or Method	Emission Source Conditions and Limitations		
					Local and Federal Requirements	Local Only Requirements	Federal Only Requirements
ES-6	One (1) steam heated cooker. (Line #5)	(I) 1992	None	None	D-2, D-18	E-1	None
ES-9	One (1) product cooler. (Line #5)	(I) 1992	None	None	D-2, D-18	E-1	None
ES-10	One (1) steam heated cooker. (Line #6)	(I) 1996	CD-10A CD-10B	Two (2) Heat and Control, Inc. oil mist eliminators (one per stack). (I) 1978	D-2, D-16, D-18	E-1	None
ES-12	One (1) steam heated cooker. (Line #7)	(I) 1996	CD-12A CD-12B	Two (2) Heat and Control, Inc. oil mist eliminators (one per stack). (I) 1978	D-2, D-16, D-18	E-1	None
ES-14	One (1) steam heated starch dryer with process cyclone, with maximum process weight of 1000 lbs/hr. (Material Dryer #1)	(I) 1985	None	None	D-2, D-18	E-1	None
ES-15	One corn handling system including mechanical unloading from trucks/trains, three (3) storage silos, pneumatic in-plant transfer with a separation cyclone (process cyclone), pre-cleaning hopper, and a Carter Day cleaner. (Material Handling System #3)	(I) 1978 (M) 1995, 2003	CD-15	One (1) DU filter for Carter Day cleaner and pneumatic transfer system (I) 1991	D-2, D-14, D-16, D-18	E-1	None
ES-16	One (1) steam heated cooker. (Line #1)	(I) 1978	None	None	D-2, D-18	E-1	None
ES-17	One (1) 4.39 million Btu/hour Casa Herrera oven fueled by natural gas or propane. (Line #1)	(I) 1978 (M) 2004	None	None	D-1, D-3, D-7, D-9, D-10, D-18	E-1	None
ES-18	One (1) 4.39 million Btu/hour Casa Herrera oven fueled by natural gas or propane. (Line #1)	(I) 1978 (M) 2004	None	None	D-1, D-3, D-7, D-9, D-10, D-18	E-1	None
ES-19	One steam heated cooker. (Line #2)	(I) 1978	None	None	D-2, D-18	E-1	None
ES-19A	One (1) ambient air cooler. (Line #2)	(I) 2014	None	None	D-2, D-18	E-1	None

Emission Source ID	Emission Source Description (type, manufacturer and capacity)	Installation(I)/ Modification(M) Dates	Control Device ID	Control Device Unit or Method	Emission Source Conditions and Limitations		
					Local and Federal Requirements	Local Only Requirements	Federal Only Requirements
ES-20	One (1) 5.38 million Btu/hour Casa Herrera oven, fueled by natural gas or propane, with heat recovery system. (Line #2)	(I) 1996 (M) 2004, 2008	None	None	D-1, D-3, D-7, D-9, D-10, D-18	E-1	None
ES-22A	One (1) steam heated cooker. (Line #3)	(I) 1996	None	None	D-2, D-18	E-1	None
ES-22B	One (1) ambient air cooler. (Line #3)	(I) 2014	None	None	D-2, D-18	E-1	none
ES-23	One (1) 5.38 million Btu/hour Casa Herrera oven, fueled by natural gas or propane, with heat recovery system. (Line #3)	(I) 1996 (M) 2004, 2008	None	None	D-1, D-3, D-7, D-9, D-10, D-18	E-1	None
ES-25	One steam heated cooker. (Line #4)	(I) 2000 (M) 2001	None	None	D-2, D-18	E-1	None
ES-25A	One ambient air cooler. (Line #4)	(I) 2001	None	None	D-2, D-18	E-1	None
ES-26B	One (1) 30,000-gal above-ground #6 fuel oil storage tank.	(I) 1993	None	None	D-18	E-1	None
ES-27	One (1) 20,000-gal underground diesel storage tank.	(I) 1996	None	None	D-18	E-1	None
ES-29 and ES-30	Two (2) 0.225 million Btu/hour space heaters fueled by waste oil and diesel.	Unknown	None	None	D-2, D-3, D-7, D-9, D-10, D-18	E-1	None
ES-31	One (1) 0.25 mmBtu/hr fire water heater fueled by diesel.	Unknown	None	None	D-1, D-3, D-7, D-9, D-10, D-18	E-1	None
ES-34r	One (1) 300 HP emergency generator fueled by diesel.	(I) 2002	None	None	D-2, D-3, D-6, D-7, D-9, D-10, D-11, D-14, D-17, D-18	E-1	None
ES-35	One (1) 240 HP fire pump fueled by diesel.	Unknown	None	None	D-2, D-3, D-6, D-7, D-9, D-10, D-11, D-14, D-17, D-18	E-1	None
IN-36	One (1) 2.24 mmBtu/hr propane vaporizer fueled by natural gas.	Unknown	None	None	D-1, D-3, D-7, D-9, D-10, D-18	E-1	None
IN-11 IN-13	Two (2) totally-enclosed drum roller salters.	Unknown	None	None	D-18	E-1	None

Emission Source ID	Emission Source Description (type, manufacturer and capacity)	Installation(I)/ Modification(M) Dates	Control Device ID	Control Device Unit or Method	Emission Source Conditions and Limitations		
					Local and Federal Requirements	Local Only Requirements	Federal Only Requirements
IN-28	One (1) quality control lab hood.	Unknown	None	None	D-4, D-9, D-18	E-1	None
IN-32	Nine (9) corn cook kettles.	(1) 2003	None	None	D-18	E-1	None
IN-32A	Three (3) wheat cook kettles.	Unknown	None	None	D-18	E-1	None
IN-40	One (1) 30-gallon capacity bioremediating Smartwasher (located in maintenance area).	Unknown	None	None	D-4, D-9, D-18	E-1	None
IN-41 IN-42	Two (2) Crystal Clean cold solvent degreasers (One (1) 30-gallon capacity and One (1) 16-gallon capacity) located in Garage and Fork Lift Shop.	Unknown	None	None	D-4, D-9, D-18	E-1	None
IN-43	Two (2) 250-gallon motor oil storage tanks.	Unknown	None	None	D-4, D-18	E-1	None
IN-44	One (1) 550-gallon motor oil storage tank.	Unknown	None	None	D-4, D-18	E-1	None
IN-45	One (1) 30,000-gallon liquid propane storage tank.	Unknown	None	None	D-4, D-18	E-1	None
IN-46	One (1) Titan blast cleaning machine.	Unknown	None	None	D-18	E-1	None
IN-47	Stamping and heat sealing of packages.	Unknown	None	None	D-4, D-9, D-18	E-1	None
IN-48	Package cutting.	Unknown	None	None	D-18	E-1	None
IN-49	Process wastewater pretreatment system including one (1) biotower.	Unknown	None	None	D-4, D-9, D-18	E-1	None
IN-50	Vehicle refueling with five (5) diesel pumps.	Unknown	None	None	D-4, D-9, D-18	E-1	None
IN-51	Paint application using spray cans.	Unknown	None	None	D-4, D-9, D-18	E-1	None

Emission Source ID	Emission Source Description (type, manufacturer and capacity)	Installation(I)/ Modification(M) Dates	Control Device ID	Control Device Unit or Method	Emission Source Conditions and Limitations		
					Local and Federal Requirements	Local Only Requirements	Federal Only Requirements
IN-52	One (1) 45,000-gallon vegetable oil outside holding tank. (Line #6)	(I) 1979					
	One (1) 45,000-gallon vegetable oil outside holding tank. (Line #7)	(I) 1979					
	One (1) 20,000-gallon vegetable oil outside holding tank. (Line #4)	(I) 1979					
	One (1) 30,000-gallon vegetable oil outside holding tank. (Lines #1, #2 and #3)	(I) 1979	None	None	D-4, D-9, D-18	E-1	None
	One (1) 20,000-gallon vegetable oil outside holding tank. (Line #5)	(I) 1979					
	One (1) 600-gallon vegetable oil inside holding tank. (Line #3)	(I) 1996					
IN-53	One (1) 35-gallon capacity Crystal Cold Clean cold solvent degreaser located in the Main Maintenance Shop.	Unknown	None	None	D-4, D-9, D-18	None	None

ALTERNATIVE OPERATING SCENARIOS

The following alternative operating scenarios (AOS) may be implemented by the facility without providing notification to MCAQ.

Emission Source ID	Emission Source Description	Alternative Operating Scenario No.	AOS Description	Emission Source Conditions and Limitations		
				Local and Federal Requirements	Local Requirements	Federal Requirements
None	None	None				

NOTE: If an alternative operating scenario includes construction or installation of new equipment (equipment not currently on-site), the new equipment will be subject to MCAPCO Regulation 1.5232- "Issuance, Revocation, and Enforcement of Permits" Subparagraph (a)(5) which states in part: if "construction of the permitted equipment does not commence within 18 months of permit issuance or once construction has begun, it ceases prior to completion for a period of 18 consecutive months", the permit may be revoked or modified.

EMISSION SOURCE CONDITIONS AND LIMITATIONS

D. LOCAL AND FEDERAL REQUIREMENTS

Mecklenburg County Air Quality (MCAQ) and the United States Environmental Protection Agency (EPA) have the authority to enforce the terms, conditions, and limitations contained in this Section.

- D-1. The facility shall be operated in accordance with **MCAPCO Regulation 2.0503 - “Particulates from Fuel Burning Indirect Heat Exchangers”**, such that the maximum particulate emission rate resulting from the combustion of a fuel shall not exceed the allowable emission rate of 0.28 lb/million Btu input.
- D-2. The facility shall be operated in accordance with **MCAPCO Regulation 2.0515 - “Particulates from Miscellaneous Industrial Processes”**, such that particulate emissions from any stack, vent or outlet shall not exceed the allowable emission rate. The allowable emission rate shall be determined using the appropriate formula below:

$E = 4.10 * P^{0.67}$ For process weight rates greater than 60,000 lbs/hr the following formula shall be used: $E = 55.0 * P^{0.11} - 40$
E = allowable emission rate in lbs/hr P = process weight rate in tons/hr

- D-3. The facility shall be operated in accordance with **MCAPCO Regulation 2.0516 - “Sulfur Dioxide Emissions from Combustion Sources”**, such that sulfur dioxide emissions from any vent, stack or chimney shall not exceed 2.3 pounds per million Btu input.
- D-4. The facility shall be operated in accordance with **MCAPCO 2.0958 - “Work Practices For Sources Of Volatile Organic Compounds”**. The owner or operator of emission sources subject to this regulation shall:
 - A. store all material, including waste material, containing volatile organic compounds in containers covered with a tightly fitting lid that is free of cracks, holes, or other defects, when not in use,
 - B. clean up spills as soon as possible following proper safety procedures,
 - C. store wipe rags in closed containers,
 - D. not clean sponges, fabric, wood, paper products, and other absorbent materials,
 - E. drain solvents used to clean supply lines and other coating equipment into closable containers and close containers immediately after each use,
 - F. clean mixing, blending, and manufacturing vats and containers by adding cleaning solvent, closing the vat or container before agitating the cleaning solvent. The spent cleaning solvent shall then be poured into a closed container.When cleaning parts, the owner or operator of any facility subject to this Regulation shall:
 - A. flush parts in the freeboard area,
 - B. take precautions to reduce the pooling of solvent on and in the parts,
 - C. tilt or rotate parts to drain solvent and allow a minimum of 15 seconds for drying or until all dripping has stopped, whichever is longer,

- D. not fill cleaning machines above the fill line,
- E. not agitate solvent to the point of causing splashing.

Sources on which a control device was installed to comply with **MCAPCO Regulation 2.0518 - "Miscellaneous Volatile Organic Compound Emissions"** Paragraph (d) (now repealed) shall continue to maintain and operate the control device providing at least 85% control efficiency, unless the Director determines that the removal of the control device shall not cause or contribute to a violation of the ozone ambient standard.

D-5. The facility shall be operated in accordance with **MCAPCO Regulation 2.1111 - "Maximum Achievable Control Technology"** and **40 CFR Part 63 - "National Emission Standards For Hazardous Air Pollutants For Source Categories"**. The requirements are stated in **40 CFR 63.1 to 63.15 Subpart A - "General Provisions"**, and **40 CFR 63.11193 to 63.11237** (including Tables 1 through 8) **Subpart JJJJJJ - "National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers at Area Sources"**, which includes the following pertinent sections:

A. **63.11193 - "Am I subject to this subpart?"**

This section states in part that you are subject to this subpart if you own or operate a an industrial, commercial, or institutional boiler that is located at an area source of HAP emissions.

B. **63.11194 - "What is the affected source of this subpart?"**

Portions of this section define an affected source within a fuel subcategory (coal, biomass, or oil).

C. **63.11195 - "Are any boilers not subject to this subpart?"**

D. **63.11196 - "What are my compliance dates?"**

Compliance dates are listed as March 21, 2012 for existing boilers subject to work practice standards, and March 21, 2014 for existing boilers subject to an emission limit or energy assessment. New boilers (start-up after May 20, 2011) must demonstrate compliance upon startup.

E. **63.11200 - "What are the subcategories of boilers?"**

F. **63.11201 - "What standards must I meet?"**

Tables 1, 2, and 3 outline the operating limits and work practice standards.

G. **63.11205 - "What are my general requirements for complying with this subpart?"**

H. **63.11210 - "What are my initial compliance requirements and by what date must I conduct them?"**

I. **63.11211 - "How do I demonstrate initial compliance with the emission limits?"**

J. **63.11212 - "What stack tests and procedures must I use for the performance tests?"**

K. **63.11213 - "What fuel analyses and procedures must I use for the performance tests?"**

L. **63.11214 - "How do I demonstrate initial compliance with the work practice standard, emission reduction measures, and management practices?"**

M. **63.11220 - "When must I conduct subsequent performance tests?"**

N. **63.11221 - "Is the a minimum amount of monitoring data I must obtain?"**

O. **63.11222 - "How do I demonstrate continuous compliance with the emission limits?"**

P. **63.11223 - "How do I demonstrate continuous compliance with the work practice and management practice standards?"**

Q. **63.11224 - "What are my monitoring, installation, operation, and maintenance requirements?"**

- R. **63.11225** – “What are my notification, reporting, and recordkeeping requirements?”
- S. **63.11226** – “How can I assert an affirmative defense if I exceed an emission limit during a malfunction?”
- T. **63.11235** – “What parts of the General Provisions apply to me?”
- U. **63.11236** – “Who implements and enforces this subpart?”
- V. **63.11237** – “What definitions apply to this subpart?”

D-6. The facility shall be operated in accordance with MCAPCO Regulation 2.1111 - “Maximum Achievable Control Technology” and 40 CFR Part 63 - “National Emission Standards For Hazardous Air Pollutants For Source Categories.” The requirements are stated in 40 CFR 63.1 to 63.15 Subpart A - “General Provisions”, and 40 CFR 63.6580 to 63.6675 Subpart ZZZZ - “National Emission Standards from Stationary Reciprocating Internal Combustion Engines” (RICE), including but not limited to:

- A. **63.6580** – “What is the purpose of subpart ZZZZ?”
- B. **63.6585** - “Am I subject to this subpart?”
This section states in part that you are subject to this subpart if you own or operate a stationary RICE at a major or area source of HAP emissions.
- C. **63.6590** – “What parts of my plant does this subpart cover?”
Portions of this section define existing, new, and reconstructed stationary RICE for the purpose of determining emission control requirements. An affected source that is a new or reconstructed stationary RICE located at an area source must meet the requirements of this subpart by meeting the requirements of 40 CFR 60 Subpart IIII, for compression ignition engines, or 40 CFR 60 Subpart JJJJ, for spark ignition engine.
- D. **63.6595** – “When do I have to comply with this subpart?”
Portions of this section require that the owner or operator of a new or reconstructed source comply with the requirements of this subpart by January 18, 2008 if startup of the source is before that date, and on startup if startup of the source is after that date. An owner or operator of a source that is an existing non-emergency stationary RICE with a site rating of more than 500 brake HP located at a major source, an existing stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source, or an existing stationary RICE located at an area source must comply with the requirements of this subpart no later than May 3, 2013.
- E. **63.6600** – “What emission limitations and operating limitations must I meet if I own or operate a stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions?”
- F. **63.6601** – “What emission limitations must I meet if I own or operate a 4SLB stationary RICE with a site rating of greater than or equal to 250 brake HP and less than 500 brake HP located at a major source of HAP emissions?”
- G. **63.6602** – “What emission limitations and other requirements must I meet if I own or operate an existing stationary CI RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions?”
- H. **63.6603** – “What emission limitations and operating limitations must I meet if I own or operate an existing stationary CI RICE located at an area source of HAP emissions?”
- I. **63.6604** – “What fuel requirements must I meet if I own or operate an existing stationary CI RICE?”
- J. **63.6605** – “What are my general requirements for complying with this subpart?”
- K. **63.6610** – “By what date must I conduct the initial performance tests or other initial compliance demonstrations if I

- own or operate a stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions?”**
- L. **63.6611 – “By what date must I conduct the initial performance tests or other initial compliance demonstrations if I own or operate a 4SLB SI stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at a major source of HAP emissions?”**
 - M. **63.6612 – “By what date must I conduct the initial performance tests or other initial compliance demonstrations if I own or operate an existing stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing stationary RICE located at an area source of HAP emissions?”**
 - N. **63.6615 – “When must I conduct subsequent performance tests?”**
 - O. **63.6620 – “What performance tests and other procedures must I use?”**
 - P. **63.6625 – “What are my monitoring, installation, operation, and maintenance requirements?”**
 - Q. **63.6630 – “How do I demonstrate initial compliance with the emission limitations, operating limitation, and other requirements?”**
 - R. **63.6635 – “How do I monitor and collect data to demonstrate continuous compliance?”**
 - S. **63.6640 – “How do I demonstrate continuous compliance with the emission limitations, operating limitations, and other requirements?”**
 - T. **63.6645 – “What notifications must I submit and when?”**
 - U. **63.6650 – “What reports must I submit and when?”**
 - V. **63.6655 – “What records must I keep?”**
 - W. **63.6660 – “In what form and how long must I keep my records?”**
 - X. **63.6665 – “What parts of the General Provisions apply to me?”**
 - Y. **63.6670 – “Who implements and enforces this subpart?”**
 - Z. **63.6675 – “What definitions apply to this subpart?”**
- D-7. The maximum emissions of sulfur dioxide (SO₂) from all sources at the facility except for the coal-fired boiler shall be less than 250 tons/year as determined by any consecutive 12-month period. This limit is assumed by the facility in order to preclude applicability to **MCAPCO Regulation 2.0530 -“Prevention of Significant Deterioration”**.

- Emissions for the above-referenced pollutant(s) shall be determined using one or more of the following methods as applicable:
- 1. Emission rates and control efficiencies obtained through MCAQ-approved emission source testing;
 - 2. Material (mass) balance based on product usage;
 - 3. Emission factors or rates found in the latest edition of the “Compilation of Air Pollutant Emission Factors”, EPA document AP-42;
 - 4. Other emission factors or rates as approved by MCAQ.

- D-8. The maximum emissions of sulfur dioxide (SO₂) from the coal-fired boiler shall be less than 250 tons/year as determined by any consecutive 12-month period. This limit is assumed by the facility in order to preclude applicability to **MCAPCO Regulation 2.0530 - "Prevention of Significant Deterioration"**.

Emissions for the above-referenced pollutant(s) shall be determined using one or more of the following methods as applicable:

1. Emission rates and control efficiencies obtained through MCAQ-approved emission source testing;
2. Material (mass) balance based on product usage;
3. Emission factors or rates found in the latest edition of the "Compilation of Air Pollutant Emission Factors", EPA document AP-42;
4. Other emission factors or rates as approved by MCAQ.

- D-9. The maximum emissions of any individual hazardous air pollutant (HAP) shall be less than 10 tons per year and the maximum emissions of all hazardous air pollutants combined shall be less than 25 tons per year as determined by any consecutive 12-month period. This limit is assumed by the facility in order to preclude applicability to **MCAPCO Regulation 2.1111 - "Maximum Achievable Control Technology"**.

Emissions for the above-referenced pollutant(s) shall be determined using one or more of the following methods as applicable:

1. Emission rates and control efficiencies obtained through MCAQ-approved emission source testing;
2. Material (mass) balance based on product usage;
3. Emission factors or rates found in the latest edition of the "Compilation of Air Pollutant Emission Factors", EPA document AP-42;
4. Other emission factors or rates as approved by MCAQ.

- D-10. The maximum emissions of nitrogen oxides (NO_x) from all sources at the facility shall be:

- less than 100 tons per year as determined by any consecutive 12-month period; and,
- less than 560 pounds per calendar day beginning May 1 through September 30 of any year.

This emissions limitation was requested by the facility in order to preclude applicability of **MCAPCO Section 2.1400 - "Nitrogen Oxides"**.

Emissions for the above-referenced pollutant(s) shall be determined using one or more of the following methods as applicable:

1. Emission rates and control efficiencies obtained through MCAQ-approved emission source testing;
2. Material (mass) balance based on product usage;
3. Emission factors or rates found in the latest edition of the "Compilation of Air Pollutant Emission Factors", EPA document AP-42;
4. Other emission factors or rates as approved by MCAQ.

D-11. To comply with the limits stated above, combustion sources at the facility shall be subject to the following limitations as determined over any consecutive 12-month period.

1. Combustion sources other than Boiler #3 (the coal fired boiler):

The amount of natural gas used in boilers #1 and #2 (ES-1 and ES-2) shall be less than 877.7 million cubic feet per 12 months.

The emergency generator (ES-34r) shall be operated for less than or equal to 500 operating hours per year.
 The fire pump (ES-35) shall be operated for less than or equal to 500 hours per year.

2. Boiler #3: The coal-fired boiler:

$$\begin{aligned}
 \text{12-month rolling coal usage limit} &= \frac{249.98 \text{ (tons of SO}_2\text{)} \times 2000 \text{ (lbs SO}_2\text{ per ton)}}{38 \times \text{average \% sulfur content}} \\
 &= 14,619 \text{ tpy at 0.9\% sulfur content} \\
 &= 16,446 \text{ tpy at 0.8\% sulfur content} \\
 &= 18,795 \text{ tpy at 0.7\% sulfur content ... etc.}
 \end{aligned}$$

The average sulfur content of the coal shall be calculated as follows:

$$\text{Average \% sulfur} = \frac{\sum_{i=1}^n \text{weight of shipment } (i) \times \% \text{ sulfur content of shipment } (i)}{\sum_{i=1}^n \text{weight of shipment } (i)}$$

where (i) = each coal shipment received in a rolling 12-month period
 (n) = total number of coal shipments received in a rolling 12-month period

D-12. Boiler #3 (the coal-fired boiler) shall be operated such that flyash reinjection shall not exceed 30%.

D-13. Boiler #3 (the coal fired boiler) shall not utilize plant waste or any combination of coal and plant waste.

D-14. In accordance with **MCAPCO Regulations 1.5111 - “General Recordkeeping, Reporting and Monitoring Requirements”, 2.0605 – “General Recordkeeping and Reporting Requirements”, and/or 40 CFR Part 64 - “Compliance Assurance Monitoring”,** the facility shall monitor and record the following operating parameters for the emission sources and control devices as listed below:

Emission Source / Control Device	Operating Parameter	Indicator Range	Minimum Frequency	
			Data Measured	Data Recorded
Boiler #3 (ES-3) / Airotech Baghouse (CD-3r)	Pressure Drop Across the Fabric filter	0.5 – 12 inches H ₂ O	Continuous	Once per shift
	Inlet Gas Temperature	< 460 °F		
Ash Handling System (ES-4) / Ash Baghouse (CD-4) on silo.	Observation of visible emissions exhausting from vent bag filter of silo during silo loading. If visible emissions are observed, these observations and any actions taken shall be recorded.		Once per week during silo loading	Once per week during silo loading
Coal Handling System (ES-5) / Dust Control Vent Fabric Filter (CD-5) on silo				
Corn Handling System (ES-15) / DU Filter (CD-15)	Pressure Drop Across the Fabric filter	1 - 6 inches H ₂ O	Continuous	Once per day during operation
40 CFR 63 Subpart JJJJJ (6J) emission sources	Refer to 40 CFR 63.8, 63.10 , 63.11224 and Emission Source Condition and Limitation D-5 of this permit for specific monitoring and recordkeeping requirements related to 40 CFR 63 emission sources		Refer to 40 CFR 63.8, 63.10 and 63.11224	
40 CFR 63 Subpart ZZZZ (4Z) emission sources	Refer to 40 CFR 63.8, 63.10 , 63.6625 and Emission Source Condition and Limitation D-6 of this permit for specific monitoring and recordkeeping requirements related to 40 CFR 63 emission sources		Refer to 40 CFR 63.8, 63.10 and 63.6625	

The facility shall maintain the above-specified operating records as well as any maintenance records for activity conducted on the equipment for a period of not less than five years, unless otherwise specified by the permit. The records shall be available for inspection by MCAQ personnel upon request

- D-15. The coal-fired boiler (ES-3) shall be operated concurrently with the associated control device specified in this Permit to Construct/Operate except when:
- subject to the provisions of **MCAPCO Regulation 2.0535 - “Excess Emissions Reporting and Malfunctions”**; or,
 - during such times as allowed by **MCAPCO Regulation 2.0503.**
- The facility shall be properly operated and maintained at all times in a manner that will effect an overall reduction in air pollution.
- D-16. The material handling systems (ES-4, ES-5, ES-15) and two cookers (ES-10 and ES-12) shall be operated concurrently with the associated control devices specified in this Permit to Construct/Operate except when:
- subject to the provisions of **MCAPCO Regulation 2.0535 - “Excess Emissions Reporting and Malfunctions”**; or,
 - during such times as allowed by **MCAPCO Regulation 2.0515.**

The facility shall be properly operated and maintained at all times in a manner that will effect an overall reduction in air pollution.

D-17. The facility shall, at its own expense and using the most recent versions of the test methods contained in 40 CFR Part 60 (Appendix A) or Part 63 or as approved by the Administrator of the USEPA or MCAQ, demonstrate compliance with the appropriate regulatory requirement as follows:

Emission Source Description and ID	Demonstrate Compliance with ...	Scheduled Testing Frequency
Coal-fired boiler (ES-3) and associated control device (CD-3r)	MCAPCO Regulations 2.0503 and 2.0516, and; 2.0530, 2.1111, and 2.1400 avoidance conditions	Initial Test: within 180 days after initial startup of the emission source or following any modification to the emission source or control device. Additional Tests: every 5 years in conjunction with the request for renewal applications for this Title V permit. The test shall be completed prior to submittal of the renewal application. or upon written request by MCAQ or as requested by Permittee.
40 CFR 63 Subpart JJJJJ (6J) emissions sources	Refer to 40 CFR 63.7, 63.11212 and Emission Source Condition and Limitation D-5 of this permit for specific testing requirements related to 40 CFR 63 emission sources	Refer to 40 CFR 63.7 and 63.111220
40 CFR 63 Subpart ZZZZ (4Z) emissions sources	Refer to 40 CFR 63.7, 63.6620 and Emission Source Condition and Limitation D-6 of this permit for specific testing requirements related to 40 CFR 63 emission sources	Refer to 40 CFR 63.7 63.6612, and 63.6615

All performance tests shall be made by, or under the direction of, a person qualified by training and/or experience in the field of air pollution testing. MCAQ shall be notified at least 60 days in advance of the proposed test so that it may have a representative present to observe the test at its option. The notification shall include a detailed description of the test procedures so that MCAQ may review and approve them. The final test results shall be submitted to MCAQ for review within 60 days after completion of on-site testing. The performance test(s) specified in this condition do not preclude MCAQ from requesting performance testing for other emission sources or for other purposes as defined in **MCAPCO Regulation 1.5104 - "General Duties and Powers of the Director, With the Approval of the Board"**, and referenced in General Condition and Limitation No. A-3 of this Permit.

D-18. The facility shall be operated in accordance with MCAPCO Regulation 1.5111 - “General Recordkeeping: Reporting: Monitoring Requirements”, 2.0605 – “General Recordkeeping and Reporting Requirements”, and/or 2.0903 - “Recordkeeping: Reporting: Monitoring” and MCAPCO Regulation 1.5508 - “Permit Content”, such that the following specific reports and/or notifications shall be submitted to MCAQ by the specified dates:

(1) NOTIFICATIONS TO MCAQ

POLLUTANT/ PARAMETER	NOTIFICATION REQUIREMENT	SUBMITTAL DATE
Performance test notification report	Detailed description of the proposed test procedures to be used.	60 days prior to proposed test date
40 CFR 63 Subpart JJJJJJ (6J) emission sources	Refer to 40 CFR 63.9, 63.11225 , and Emission Source Condition and Limitation No. D-5 of this permit for all specific notification requirements.	Refer to 40 CFR 63.9 and 63.11225
40 CFR 63 Subpart ZZZZ (4Z) emission sources	Refer to 40 CFR 63.9, 63.6645 and Emission Source Condition and Limitation No. D-6 of this permit for all specific notification requirements.	Refer to 40 CFR 63.9 and 63.6645

(2) REPORTS TO MCAQ

POLLUTANT/ PARAMETER	REPORTING REQUIREMENT <i>(Note: Sampling and lab analysis procedures must have approval from MCAQ prior to claiming waste disposal credits for any product)</i>	EMISSION PERIOD (for the previous...)	SUBMITTAL DATE (Postmarked by)
SO ₂ and HAPs from coal-fired boiler (ES-3)	An emissions report (in tons) from the coal-fired boiler (ES-3) listed on this permit to include, at a minimum, the following information: <ol style="list-style-type: none"> 1. All supporting documentation, including emission calculations. <i>(Calculations for previously submitted periods do not need to be re-submitted).</i> 2. Type and amount of coal used per month. 3. A fuel analysis report showing the sulfur content (in percent) of coal used per month. 4. The calculated average sulfur content for the previous rolling 12-month period. 5. Total SO₂ and HAP emissions from the previous rolling 12-month period. 	Rolling 12-month periods	July 30, January 30

POLLUTANT/ PARAMETER	REPORTING REQUIREMENT <i>(Note: Sampling and lab analysis procedures must have approval from MCAQ prior to claiming waste disposal credits for any product)</i>	EMISSION PERIOD (for the previous...)	SUBMITTAL DATE (Postmarked by)
SO ₂ and HAPs from all sources other than coal-fired boiler	A report of facility-wide emissions (in tons) emanating from the combustion emission sources listed on this permit (but excluding the coal-fired boiler) to include, at a minimum, the following information: 1. All supporting documentation, including emission calculations. <i>(Calculations for previously submitted periods do not need to be re-submitted).</i> 2. For each permitted combustion source, type and amount of each fuel used in the previous rolling 12-month period. 3. Total SO ₂ and HAP emissions from the previous rolling 12-month period. 4. The number of hours the emergency generator (ES-34r) and the fire pump (ES-35) operated in the previous rolling 12-month period.	Rolling 12-month periods	July 30, January 30
TSP PM-10 PM-2.5 SO ₂ NO _x CO VOC HAPs	A report of facility-wide emissions (in tons) emanating from the emission sources listed on this permit to include, at a minimum, the following information: 1. All supporting documentation, including emission calculations. <i>(Calculations for previously submitted periods do not need to be re-submitted).</i> 2. For each material handling system, amount (in tons) of materials handled. 3. For each snack food line, operating hours for each type of snack food produced. 4. For each combustion source, type and amount of each fuel used in that year.	Calendar year	April 30 of following year
Title V Monitoring Reports (MCAPCO 1.5508)	Submit a report, certified by a responsible company official, of all required monitoring parameters as found in Facility Condition and Limitation No. A-16 and Emission Source Condition and Limitation No. D-14	6 months	April 30 October 30
Performance Test Report	Results of Performance Test Conducted	Not Applicable	Within 60 days after test
Emergency Generator (ES-34r) and Fire Pump (ES-35)	Number of hours operated and amount of fuel used for each emergency generator for the calendar year	April 30 of the following year	
40 CFR 63 Subpart JJJJJJ (6J) emission sources	Refer to 40 CFR 63.10, 63.11225 and Emission Source Condition and Limitation No. D-5 of this permit for all specific reporting requirements.	Refer to 40 CFR 63.10 and 63.11225	
40 CFR 63 Subpart ZZZZ (4Z) emission sources	Refer to 40 CFR 63.10, 63.6650, 63.6655 , and Emission Source Condition and Limitation No. D-6 of this permit for all specific reporting requirements.	Refer to 40 CFR 63.10, 63.6650, and 63.6655	

3) COMPLIANCE CERTIFICATION TO BOTH EPA AND MCAQ

PARAMETER	REPORTING REQUIREMENT	Emission Period	SUBMITTAL DATE (Postmarked by)
Certification by Responsible Official	Identify each term and condition of the Permit and the facility's compliance status for each as described in facility Condition and Limitation No. A-33.	Calendar year	April 30 of the following year

E. LOCAL ONLY REQUIREMENTS

Only Mecklenburg County Air Quality has the authority to enforce the terms, conditions, and limitations contained in this section. The EPA does not have the authority to enforce the terms, conditions and limitations contained in this Section.

E-1. Permit No. 15-01V-022 shall be void upon issuance of this Permit.

F. FEDERAL ONLY REQUIREMENTS

Only the EPA has the authority to enforce the terms, conditions, and limitations contained in this section. Mecklenburg County Air Quality does not have authority to enforce the terms, conditions, and limitations contained in this Section.

- THERE ARE NO FEDERAL ONLY REQUIREMENTS FOR THIS PERMIT-



APPENDIX A: TOXIC AIR POLLUTANT REVIEW

Facility Name: Frito-Lay, Inc.
Facility Address: 2911 Nevada Boulevard, Charlotte, NC 28273
Date Issued: April 20, 2016

As a result of a process modification or SIC call, the above-referenced facility has been reviewed for toxic air pollutant emissions under MCAPCO Regulation 1.5700 - "Toxic Air Pollutant Procedures" and been found to emit the following substances:

Reviewed Toxic Air Pollutant (TAP)	CAS No.	Toxic Permit Emission Rate (TPER) as listed in MCAPCO Regulation 1.5711 - "Emission Rates Requiring a Permit"				Is TAP also a Hazardous Air Pollutant (HAP)?	Compliance Demonstration Method	
		lb/ year	lb/ day	lb/ hour	lb/ hour		Actual emission rate below TPER?	Air Dispersion Modeling Conducted?
formaldehyde	50-00-0				0.04	Y	Y	N
n-hexane	110-54-3		23			Y	Y	N

ATTACHMENT 1

COMMONLY USED ABBREVIATIONS AND ACRONYMS

BACT	Best Available Control Technology
Btu	British Thermal Unit
CAAA	Clean Air Act Amendments
CAM	Compliance Assurance Monitoring
CEM	Continuous Emission Monitor
CFR	Code of Federal Regulations
CO	Carbon Monoxide
EPA	Environmental Protection Agency
HAP	Hazardous Air Pollutant
HCFC	Halogenated ChloroFluoroCarbon
MACT	Maximum Achievable Control Technology
MCAPCO	Mecklenburg County Air Pollution Control Ordinance
MCAQ	Mecklenburg County Air Quality
mmBtu	Million British Thermal Units
MVAC	Motor Vehicle Air Conditioner
MW	Megawatt
NCGS	North Carolina General Statute
NOx	Nitrogen Oxides
NSPS	New Source Performance Standards
NSR	New Source Review
PM	Particulate Matter
PM10	Particulate Matter less than 10 micrometers
PSD	Prevention of Significant Deterioration
RACT	Reasonable Available Control Technology
RMP	Risk Management Plan
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SO ₂	Sulfur Dioxide
TAP	Toxic Air Pollutant
VOC	Volatile Organic Compound