



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706 • (208) 373-0502

C.L. "Butch" Otter, Governor
Toni Hardesty, Director

November 5, 2009

Monty Johnson
Environmental Engineering Manager
J. R. Simplot Company – Don Siding Plant
P.O. Box 912
Pocatello, Idaho 83204

RE: Facility ID No. 077-00006, Don Siding Plant, Pocatello
Final Permit Letter

Dear Mr. Johnson:

The Department of Environmental Quality (DEQ) is issuing Permit to Construct (PTC) No. P-2009.0053 to J. R. Simplot Company for the construction and operation of a 10-acre decant pond to be located at the Don Siding Plant in Pocatello, in accordance with IDAPA 58.01.01.200 through 228 (Rules for the Control of Air Pollution in Idaho).

This permit is based on your permit application received on April 22, 2009. This permit is effective immediately. This permit does not release J. R. Simplot Company from compliance with all other applicable federal, state, or local laws, regulations, permits, or ordinances.

This permit to construct does not contravene any existing Tier I operating permit conditions, therefore the process or equipment may be operated in accordance with the permit to construct before the Tier I operating permit is issued. As you requested, the permit to construct will be incorporated into the Tier I operating permit renewal which DEQ is processing at this time.

Pursuant to General Provision 5 of your permit, it is required that Construction and Operation Notification be provided. Please provide this information as listed to DEQ's Pocatello Regional Office, 444 Hospital Way #300, Pocatello, Idaho 83201, Fax (208) 236-6168.

Pursuant to IDAPA 58.01.23, you, as well as any other entity, may have the right to appeal this final agency action within 35 days of the date of this decision. However, prior to filing a petition for a contested case, I encourage you to contact Morrie Lewis at (208) 373-0502 or Morrie.Lewis@deq.idaho.gov to address any questions or concerns you may have with the enclosed permit.

Sincerely,

A handwritten signature in black ink that reads "Mike Simon".

Mike Simon
Stationary Source Program Manager
Air Quality Division

MSML

Project No. P-2009.0053

Enclosures



Air Quality
PERMIT TO CONSTRUCT
 State of Idaho
 Department of Environmental Quality

PERMIT No.: P-2009.0053
FACILITY ID No.: 077-00006
AQCR: 61 **CLASS:** A **ZONE:** 12
SIC: 2874 **NAICS:** 325312
UTM COORDINATE (km): 375.6, 4751.6

1. PERMITTEE

J. R. Simplot Company – Don Siding Plant

2. PROJECT

Permit to construct – addition of a 10-acre decant pond

3. MAILING ADDRESS

P.O. Box 912

CITY

Pocatello

STATE

ID

ZIP

83204

4. FACILITY CONTACT

Kirk Adkins

TITLE

Environmental Manager

TELEPHONE

(208) 234-5470

5. RESPONSIBLE OFFICIAL

John Bob

TITLE

Plant Manager

TELEPHONE

(208) 234-5317

6. EXACT PLANT LOCATION

1150 W. Highway 30, Pocatello, Idaho 83204

COUNTY

Bannock

7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS

Manufacture of nitrogen, phosphate, and sulfate commercial products

8. PERMIT AUTHORITY

This permit is issued according to the Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01.200 through 228, and 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.

This permit (a) does not affect the title of the premises upon which the equipment is to be located; (b) 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; (c) does not release the permittee from compliance with other applicable federal, state, tribal, or local laws, regulations, or ordinances; (d) in no manner implies or suggests that the 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.

This permit will expire if construction has not begun within two years of its issue date or if construction is suspended for one year.

This permit has been granted on the basis of design information presented with its application. Changes in design, equipment or operations may be considered a modification. Modifications are subject to DEQ review in accordance with IDAPA 58.01.01.200 through 228 of the Rules for the Control of Air Pollution in Idaho.

MORRIE LEWIS, PERMIT WRITER
 DEPARTMENT OF ENVIRONMENTAL QUALITY

MIKE SIMON, STATIONARY SOURCE PROGRAM MANAGER
 DEPARTMENT OF ENVIRONMENTAL QUALITY

DATE MODIFIED/REVISED:

DATE ISSUED:

November 5, 2009

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Acronyms, Units, and Chemical Nomenclature

AQCR	Air Quality Control Region
CFR	Code of Federal Regulations
DEQ	Department of Environmental Quality
EPA	U.S. Environmental Protection Agency
HAP	hazardous air pollutant
IDAPA	a numbering designation for all administrative rules in Idaho promulgated in accordance with the Idaho Administrative Procedures Act
NAICS	North American Industry Classification System
PM	particulate matter
PM ₁₀	particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers
PSD	Prevention of Significant Deterioration
PTC	permit to construct
SIC	Standard Industrial Classification
T/yr	tons per year
TAP	toxic air pollutant
UTM	Universal Transverse Mercator

AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-2009.0053

Permittee: J.R. Simplot Co. – Don Siding Plant

Location: Pocatello, Idaho

Facility ID No. 077-00006

1. PERMIT TO CONSTRUCT SCOPE

Purpose

1.1 This is an initial permit to construct (PTC) for a 10-acre decant pond.

Regulated Sources

1.2 Table 1.1 lists all sources of regulated emissions in this PTC.

Table 1.1 SUMMARY OF REGULATED SOURCES

Permit Section	Source Description	Emissions Controls
2	10-acre Decant Pond	None

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2. 10-ACRE DECANT POND

2.1 Process Description

The following is a narrative description of the 10-acre decant pond regulated in this PTC permit. This description is for informational purposes only.

The 10-acre decant pond is to be located north of the existing lower gypsum compartment, as part of the phosphogypsum stack lining project. The purpose of the project is to contain the by-product gypsum, associated stack system process waters, and any runoff from the active gypsum storage area within the lined limits of the stack vertical expansion, thereby minimizing future ground water impacts.

Operating Requirements

2.2 The 10-acre decant pond shall not exceed 10 acres in surface area.

Recordkeeping Requirements

2.3 The permittee shall maintain documentation of the surface area of the 10-acre decant pond to demonstrate compliance with Permit Condition 2.2.

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3. PERMIT TO CONSTRUCT GENERAL PROVISIONS

General Compliance

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 and 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.]

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. 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

4. Upon presentation of credentials, the permittee shall allow DEQ or an authorized representative of DEQ to do the following:
 - a. Enter upon the permittee’s premises where an emissions source is located or emissions related activity is conducted, or where records are kept under conditions of this permit;
 - b. Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
 - d. 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

5. The permittee shall furnish DEQ written notifications as follows in accordance with IDAPA 58.01.01.211:
 - a. A notification of the date of initiation of construction, within five working days after occurrence;
 - b. A notification of the date of any suspension of construction, if such suspension lasts for one year or more;
 - c. 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;

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- d. A notification of the actual date of initial start-up of the stationary source or facility within fifteen days after such date; and
- e. 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, 5/1/94]

Performance Testing

- 6. 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.

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.

Within 30 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]

Monitoring and Recordkeeping

- 7. The permittee shall maintain sufficient records to ensure compliance with all of the terms and conditions of this permit. Records of monitoring information 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 and 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]

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Excess Emissions

8. The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130-136 for excess emissions due to startup, shutdown, scheduled maintenance, safety measures, upsets and breakdowns.

[IDAPA 58.01.01.130-136, 4/5/00]

Certification

9. 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

10. 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

11. 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

12. 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

13. 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]