



STATE OF IDAHO
DIVISION OF
ENVIRONMENTAL QUALITY

224 South Arthur • Pocatello, Idaho 83204-3202 • (208) 236-6160

Dirk Kempthorne, Governor
C. Stephen Allred, Administrator

May 24, 2000

CERTIFIED MAIL #

Marty Rockwell
Plant Manager
Kimberly-Clark/Ballard Medical Products
1999 Alvin Ricken Dr.
Pocatello, ID 83201

RE: P-990138, Kimberly-Clark/Ballard Medical Products, Pocatello
(Permit to Construct a Medical Device Manufacturing Facility, PTC No. 005-00036)

Dear Mr. Rockwell:

On October 14, 1999, the Idaho Department of Health and Welfare, Division of Environmental Quality (DEQ) received a Permit to Construct (PTC) application from Kimberly-Clark/Ballard Medical for the existing medical device manufacturing facility located near Pocatello, Idaho. On December 21, 1999, the application was determined complete. On March 20, 2000, a draft PTC was issued for your review, and on April 20, 2000, DEQ received your consent to issue the permit without changes to the draft form. Based on review of the application and all applicable state and federal rules and regulations, DEQ finds that this project meets the provisions of IDAPA 16.01.01.200 (*Rules for the Control of Air Pollution in Idaho*). Enclosed is PTC No. 005-00036.

This permit does not release the permittee from compliance with all other applicable federal, state, local, or tribal laws, regulations, or ordinances.

Please refer to the appropriate permit number when submitting reports required in the Reporting Requirements section of the permit.

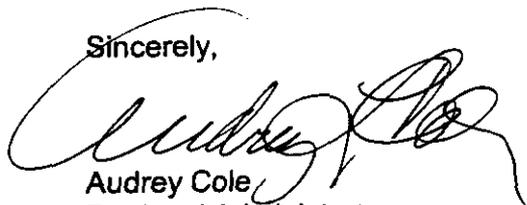
You are strongly encouraged to request a meeting with DEQ to discuss the permit terms and requirements with which your facility must comply. Mr. Richard Elkins of the Pocatello Regional Office will contact you regarding this meeting. DEQ strongly recommends that in addition to your facility's plant manager; your responsible official, environmental contact, and any operations staff responsible for day-to-day compliance with permit conditions also attend the meeting.

You, as well as any other entity, may have the right to appeal this final agency action pursuant to the Idaho Department of Health and Welfare Rules, Title 5, Chapter 3, "Rules Governing Contested Case Proceedings and Declaratory Rulings," by filing a petition with the Hearings Coordinator, Department of Health and Welfare, Administrative Procedures Section, 450 West State Street, Tenth Floor, Boise, Idaho 83720-5450, within thirty-five (35) days of the date of this decision. However, DEQ encourages you to contact the Air Quality Permit Program to address any concerns you may have with the enclosed permit prior to filing a petition for a contested case.

Mr. Marty Rockwell
May 24, 2000
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If you have any questions regarding the terms or conditions of the enclosed permit, please contact Richard Elkins or Tiffany Floyd, at (208) 236-6160.

Sincerely,



Audrey Cole
Regional Administrator
Pocatello Regional Office

AC/ZQK/hs 86387 J:\XFER\AIR_PERM\PRO\PTC\BALLARD\IP990138.PL

Enclosures

cc: DEQ State Office
Pocatello Regional Office

STATE OF IDAHO
 PERMIT TO CONSTRUCT
 AN AIR POLLUTION
 EMITTING SOURCE

PERMIT NUMBER

005 - 00036

AQCR

061

CLASS

B

SIC

3841

ZONE

12

UTM COORDINATE (km)

384.5, 4746.0

1. PERMITTEE

Kimberly-Clark/Ballard Medical Products

2. PROJECT

Medical Device Manufacturing Facility

3. MAILING ADDRESS

1999 Alvin Ricken Drive

CITY

Pocatello

STATE

Idaho

ZIP CODE

83201

4. SITE LOCATION COUNTY

Bannock

NO. OF FULL-TIME EMPLOYEES

550

PROPERTY AREA AT SITE (Acreage)

5. PERSON TO CONTACT

Marty Rockwell

TITLE

Plant Manager

TELEPHONE

(208) 232-9399

6. EXACT PLANT LOCATION

UTM 384.5 km Easting, 4746 km Northing

7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS

Medical Device Manufacturing

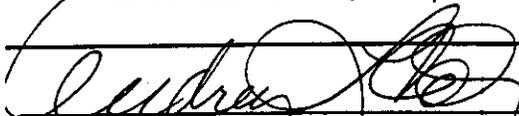
8. GENERAL CONDITIONS

This permit is issued according to the *Rules for the Control of Air Pollution in Idaho*, Section 16.01.01.200, and pertains only to emissions of air contaminants that are regulated by the State of Idaho and to the sources specifically allowed to be constructed 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 Idaho Department of Health and Welfare, Division of Environmental Quality (DEQ) or its officers, agents, or employees, assumes 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 is not transferable to another person, place, piece or set of 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 of design or equipment may require Department approval pursuant to the *Rules for the Control of Air Pollution in Idaho*, IDAPA 16.01.01.200, et.seq.


 ADMINISTRATOR, POCATELLO REGIONAL OFFICE
 DIVISION OF ENVIRONMENTAL QUALITY

DATE: May 24, 2000

**PERMIT TO CONSTRUCT
PERMITTEE, PROJECT, AND LOCATION**

Kimberly-Clark/Ballard Medical Products
Medical Device Manufacturing Facility
Pocatello, Idaho

PERMIT NUMBER

0 0 5 - 0 0 0 3 6

SOURCE

Facility-Wide Conditions

1. EMISSION LIMITS

1.1 Emission Limits

Emissions of Methylene Chloride shall not exceed forty-six thousandths pounds per hour (0.046 lb/hr) on an annual average. Emissions of Acrylonitrile shall not exceed twenty-eight ten thousandths pounds per hour (0.0028 lb/hr) on an annual average.

1.2 Opacity Limit

Emissions from the roof vents, or any other stack, vent, or functionally equivalent opening associated with the medical device manufacturing facility, shall not exceed twenty percent (20%) opacity for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period, as required by IDAPA 16.01.01.625 (*Rules for the Control of Air Pollution in Idaho*). Opacity shall be determined by the procedures contained in IDAPA 16.01.01.625.

1.3 Odorous Emissions

No person shall allow, suffer, cause or permit the emission of odorous gases, liquids or solids into the atmosphere in such quantities as to cause air pollution in accordance with IDAPA 16.01.01.775-776.

2. OPERATING REQUIREMENTS

2.1 Throughput Limits

The maximum hourly throughput of Acrylic Cement C003 shall not exceed eighty-three thousandths pounds per hour (0.083 lb/hr) on an annual average. The maximum hourly throughput of Cylolac PLN6000 A0011 shall not exceed twenty-eight pounds per hour (28 lb/hr) on an annual average.

3. MONITORING AND RECORD KEEPING REQUIREMENTS

3.1 Throughput Monitoring

Each month, the Permittee shall monitor and record the throughput of Acrylic Cement C003 for that month and for the previous consecutive 12-month period. Each month, the Permittee shall monitor and record the throughput of Cylolac PLN6000 A0011 for that month and for the previous 12-month period. The most recent two (2) years' compilation of data shall be kept on site and shall be made available to DEQ representatives upon request.

3.2 Monitor Operating Parameters

DATE: May 24, 2000

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0 0 5 - 0 0 0 3 6

SOURCE

Facility-Wide Conditions

Each month, the Permittee shall monitor and record the hours of operation in hours per month (hr/mo) and hours for the previous consecutive 12-month period (hr/yr). The most recent two (2) years' compilation of records shall be kept on site, in a log, and shall be made available to DEQ representatives upon request.

3.3 Determine Average Hourly Throughput Rate

Each month, the Permittee shall determine the average hourly throughput rate of Acrylic Cement C003 and Cyclac PLN6000 A0011 for the previous consecutive 12-month period using the following equation:

Throughput rate (lb/hr) = Product Throughput (lb/yr) / Hours of Operation (hr/yr)

Throughput rate (lb/hr) = Average hourly throughput rate of Acrylic Cement C003 or Cyclac PLN6000 A0011

Product Throughput (lb/yr) = Mass of Acrylic Cement C003 or Cyclac PLN6000 A0011 used during the most recent consecutive 12-month period

Hours of Operation (hr/yr) = Hours of operation during the most recent consecutive 12-month period.

3.4 Record Odor Complaints

The permittee shall maintain a log of odor complaints received. The log shall, at a minimum, include the date that each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, and any corrective action taken. If the complaint has merit, the permittee shall take corrective action.

4. REPORTING REQUIREMENTS

4.1 Certification of Documents

All documents including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, and compliance certifications submitted to DEQ 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.

DATE: May 24, 2000

PERMIT TO CONSTRUCT GENERAL PROVISIONS

- A. 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 emission 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.
- B. 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.
- C. The Permittee shall allow the Director, and/or the authorized representative(s), upon the presentation of credentials:
1. To enter at reasonable times upon the premises where an emission source is located, or in which any records are required to be kept under the terms and conditions of this permit; and
 2. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit, to inspect any monitoring methods required in this permit, and require stack emission testing in conformance with IDAPA 16.01.01.157 when deemed appropriate by the Director.
- D. Nothing in this permit is intended to relieve or exempt the Permittee from compliance with any applicable federal, state, or local law or regulation, except as specifically provided herein.
- E. The Permittee shall notify DEQ, in writing, of the required information for the following events within five (5) working days after occurrence:
1. Initiation of Construction - Date
 2. Completion/Cessation of Construction - Date
 3. Actual Production Startup - Date
 4. Initial Date of Achieving Maximum Production Rate - Production Rate and Date
- F. If emission testing is specified, the Permittee must schedule such testing within sixty (60) days after achieving the maximum production rate, but not later than one hundred and eighty (180) days after initial startup. Such testing must **strictly** adhere to the procedures outlined in IDAPA 16.01.01.157 and shall not be conducted on weekends or state holidays without prior written DEQ approval. Testing procedures and specific time limitations may be modified by DEQ by prior negotiation if conditions warrant adjustment. DEQ shall be notified at least fifteen (15) days prior to the scheduled compliance test. Any records or data generated as a result of such compliance test shall be made available to DEQ upon request.

The maximum allowable operating rate shall be limited to 120% of the average operating rate attained during any performance test period, for which a test protocol has been granted prior approval by DEQ, unless (1) the test demonstrates noncompliance, (2) a more restrictive operating limit is specified elsewhere in this permit, or (3) at such an operating rate, emissions would exceed any emission limit(s) set forth in this permit.

- G. 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.

DATE: May 24, 2000
