



State of Idaho  
Department of Environmental Quality  
Air Quality Division

**AIR QUALITY PERMIT  
STATEMENT OF BASIS**

**Permit to Construct No. P-2009.0002**

**Final**

**Nu-West Industries**

**Agrium Conda Phosphate Operations**

**Soda Springs, Idaho**

**Facility ID No. 029-00003**

**February 12, 2009**

**Ken Hanna** *KH*

**Permit Writer**

The purpose of this Statement of Basis is to satisfy the requirements of IDAPA 58.01.01. et seq, Rules for the Control of Air Pollution in Idaho, for issuing air permits.

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## Acronyms, Units, and Chemical Nomenclature

|                          |  |
|--------------------------|--|
| AFS                      | AIRS Facility Subsystem  |
| AIRS                     | Aerometric Information Retrieval System  |
| CAA                      | Clean Air Act  |
| 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 |
| lb/hr                    | pounds per hour  |
| MACT                     | Maximum Achievable Control Technology  |
| $\mu\text{g}/\text{m}^3$ | micrograms per cubic meter   |
| NESHAP                   | National Emission Standards for Hazardous Air Pollutants   |
| $\text{NO}_2$            | nitrogen dioxide   |
| $\text{NO}_x$            | nitrogen oxides  |
| NSPS                     | New Source Performance Standards   |
| PC                       | permit condition   |
| PM                       | particulate matter   |
| $\text{PM}_{10}$         | particulate matter with aerodynamic diameter less than or equal to a nominal 10 micrometers  |
| $\text{PM}_{2.5}$        | particulate matter with aerodynamic diameter less than or equal to a nominal 2.5 micrometers   |
| PSD                      | Prevention of Significant Deterioration  |
| PTC                      | permit to construct  |
| PTE                      | potential to emit  |
| Rules                    | Rules for the Control of Air Pollution in Idaho  |
| SM                       | Synthetic Minor  |
| $\text{SO}_2$            | sulfur dioxide   |
| TAP                      | Toxic Air Pollutant  |
| T/yr                     | tons per year  |
| VOC                      | volatile organic compound  |

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| <b>Location:</b>  | Soda Springs, Idaho         | <b>Facility ID No.</b> | 029-00003   |

### 1. FACILITY INFORMATION

#### 1.1 Facility Description

This PTC is a revision of an existing PTC. Refer to the statement of basis for PTC No. P-2007.0170 or the current Tier I permit for the facility description.

#### 1.2 Permitting Action and Facility Permitting History

This PTC is a revision of an existing PTC. Refer to the current Tier I permit statement of basis for the permitting history.

### 2. APPLICATION SCOPE AND APPLICATION CHRONOLOGY

#### 2.1 Application Scope

Agrium requested a revision to PTC No. P-2007.0170, issued on December 19, 2007, for construction of the West Gypsum Stack II (F-GYP-2). Construction of this new source has not yet commenced. This revision clarifies the emission limit, and operating, monitoring, and recordkeeping requirements for the gypsum stacks to improve assurance of compliance for ongoing operations, as follows:

- Change fluoride emission limit from 36.5 to 14.6 TPY and the pond size limit from 125 to 50 acres after construction of F-GYP-2 is completed.
- Define “completion of construction” for F-GYP-2.
- Improve definition of “wetted surface area” for the ponds since this is a key parameter for determining fluoride emissions. This term will now be referred to as the “visible liquid layer surface area.”
- Improve clarity of the method to be used to measure the “visible liquid layer surface area,” and increase the frequency for monitoring and recording this parameter.
- Add monitoring and recordkeeping requirements per 40 CFR 52.21(r)(6).
- Include 40 CFR Part 61 Subpart A requirements in the permit for the gypsum stacks.

#### 2.2 Application Chronology

|                   |  |
|-------------------|--|
| December 24, 2008 | DEQ received PTC application materials                                     |
| December 29, 2008 | DEQ received PTC application Form GI including the certification statement |
| January 2, 2009   | DEQ received the PTC application fee and the PTC processing fee            |
| January 16, 2009  | Application was determined to be complete                                  |
| January 16, 2009  | A draft permit was provided to Agrium for review                           |
| February 6, 2009  | Comments on draft permit were received from Agrium                         |

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### 3. TECHNICAL ANALYSIS

#### 3.1 Emission Unit and Control Device

**Table 3.1 EMISSION UNIT AND CONTROL DEVICE INFORMATION**

| Emission Unit /ID No. | Emissions Unit Description  | Control Device Description               | Emissions Discharge Point ID No. and/or Description |
|-----------------------|---|--|---|
| F-GYP-0               | 125-acre Gyp Stack, F-GYP-0,<br>The gyp stack is a phosphogypsum settling pond that was built prior to 1967 | Reasonable control of fugitive emissions | Fugitive emissions                                  |
| F-GYP-1               | 125-acre West Gyp Stack I, F-GYP-1<br>The gyp stack is a phosphogypsum settling pond                        | Reasonable control of fugitive emissions | Fugitive emissions                                  |
| F-GYP-2               | 125-acre West Gyp Stack II, F-GYP-2<br>The gyp stack is a phosphogypsum settling pond                       | Reasonable control of fugitive emissions | Fugitive emissions                                  |

#### 3.2 Emissions Inventory

This PTC is a revision of an existing PTC which will not result in an increase in emissions. Following issuance of this PTC, the combined allowable fluoride emissions from the three gypsum stacks will be reduced from 36.5 to 14.6 tons/yr in accordance with Permit Condition 2.3. Refer to the statement of basis for PTC No. P-2007.0170 for details regarding emissions from the gypsum stacks.

#### 3.3 Ambient Air Quality Impact Analysis

This PTC is a revision of an existing PTC which will not result in an increase in emissions. Therefore, the existing ambient air quality impact analysis is not affected and additional modeling is not required.

### 4. REGULATORY REVIEW

#### 4.1 Attainment Designation (40 CFR 81.313)

The facility is located in Caribou County which is designated as attainment or unclassifiable for PM<sub>10</sub>, PM<sub>2.5</sub>, CO, NO<sub>2</sub>, SO<sub>x</sub>, and Ozone. Reference 40 CFR 81.313.

#### 4.2 Permit to Construct (IDAPA 58.01.01.201)

This permit is for a PTC revision per IDAPA 58.01.01.209.04 for which there will be no resulting increase in emissions.

#### 4.3 Tier II Operating Permit (IDAPA 58.01.01.401)

Tier II permit requirements do not apply to this permit.

#### 4.4 Title V Classification (IDAPA 58.01.01.300, 40 CFR Part 70)

Agrium is defined as a major facility for purposes of the Title V Program in accordance with IDAPA 58.01.01.008.10, because it emits or has the potential to emit (PTE) a regulated air pollutant in amounts greater than or equal to major facility thresholds listed in Subsection 008.10. The facility has a PTE for SO<sub>2</sub> and NO<sub>x</sub> of over 100 T/yr for each pollutant. This PTC will be processed according to IDAPA

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58.01.01.209.05.a, and the applicable requirements contained in the PTC will be incorporated into the Tier I operating permit during renewal.

### 4.5 PSD Classification (40 CFR 52.21)

This facility is a designated facility as defined by IDAPA 58.01.01.006.30 and 58.01.01.205 [40 CFR 52.21(a)] (sulfuric acid plant). Since the facility is a designated facility, the PSD applicability threshold is 100 TPY. This facility is a major facility as defined for the PSD program by IDAPA 58.01.01.205 [40 CFR 52.21(b)] because it emits or has the potential to emit a regulated criteria air pollutant (SO<sub>2</sub> and NO<sub>x</sub>) in amounts greater than or equal to 100 tons per year.

### 4.6 NSPS Applicability (40 CFR 60)

The NSPS requirements do not apply to the gypsum stacks.

### 4.7 NESHAP Applicability (40 CFR 61)

For each gypsum stack, the requirements of 40 CFR 61, Subpart R, National Emission Standards for Radon Emissions from Phosphogypsum Stacks, will apply. This includes requirements for distribution and use of the gypsum, for eventual closure of the gypsum stacks, and for the Part 61 Subpart A General Provisions. Refer to the statement of basis for PTC No. P-2007.0170 for additional details.

### 4.8 MACT Applicability (40 CFR 63)

MACT requirements do not apply to the gypsum stacks.

### 4.9 CAM Applicability (40 CFR 64)

The gypsum stack project does not meet the CAM applicability requirements under 40 CFR 60.2 since no control devices are used.

### 4.10 Permit Conditions Review

This section describes the permit conditions for only those permit conditions (PC) that have been added, revised, modified or deleted as a result of this permitting action. DEQ concurs with the requested revisions to the permit as described in the letter from Agrium to DEQ, dated December 23, 2008. The changes are described below.

#### Existing Permit Condition 2.3

##### 2.3 Gyp Stack Emissions Limits

The combined emissions of fluoride (F) from the three 125-acre gyp stacks (F-GYP-0, F-GYP-1 and F-GYP-2) shall not exceed 200 pounds per day and 36.5 tons per any consecutive 12-month period.

#### Revised Permit Condition 2.3

##### 2.3 Gyp Stack Emissions Limits

2.3.1 Upon completion of F-GYP-2, the combined emissions of fluoride (F) from the three 125-acre gypsum stacks (F-GYP-0, F-GYP-1 and F-GYP-2) shall not exceed 200 pounds per day and 14.6 tons per any consecutive rolling 12-month period.

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- 2.3.2 Until construction of F-GYP-2 is completed, the combined emissions of fluoride (F) from the two 125-acre gypsum stacks (F-GYP-0 and F-GYP-1) shall not exceed 200 pounds per day and 36.5 tons per any consecutive rolling 12-month period. After construction of F-GYP-2 is completed, Permit Condition 2.3.2 no longer applies.
- 2.3.3 For purposes of compliance with Permit Conditions 2.3, 2.7 and 2.10, construction of the new gypsum stack (F-GYP-2) shall include placement of at least two feet of compacted phosphogypsum atop the 60 mil HDPE composite liner membrane and compacted clay to ensure adequate liner integrity. At that point, process water will be introduced and when fully displaced by gypsum slurry in both cells, the construction process shall be deemed complete.

Compliance with this emissions rate limit is demonstrated by complying with Permit Condition 2.7 (limitation on the combined visible liquid layer surface area for all of the ponds) and Permit Condition 2.10 (periodic monitoring and recordkeeping of pond size and emissions). This permit condition was changed so the emission limit following construction of F-GYP-2 will be consistent with the emissions estimates used in the permit application for this project. The definition of the completion of construction was added so it will be clear when this action occurs.

### Existing Permit Condition 2.7

#### **2.7 Gyp Stack Area Limits**

The combined wetted surface area of the three 125-acre gyp stacks (F-GYP-0, F-GYP-1, and F-GYP-2) shall not exceed 125 acres.

### Revised Permit Condition 2.7

#### **2.7 Gyp Stack Area Limits**

- 2.7.1 Upon completion of construction of F-GYP-2, the combined visible liquid layer surface area of the ponds within the three 125-acre gyp stacks (F-GYP-0, F-GYP-1, and F-GYP-2) shall not exceed 50 acres on a 12-month rolling average basis.
- 2.7.2 Prior to completion of construction of F-GYP-2, the combined visible liquid layer surface area of the ponds within the two 125-acre gyp stacks (F-GYP-0 and F-GYP-1) shall not exceed 125 acres. After construction of F-GYP-2 is completed, Permit Condition 2.7.2 no longer applies.

Compliance with this operating limit for the size of the gyp stack ponds is demonstrated by complying with Permit Condition 2.10 (periodic monitoring and recordkeeping of pond size). This permit condition was changed so the emission limit following construction of F-GYP-2 will be consistent with the emissions estimates used in the permit application for this project.

### Existing Permit Condition 2.10

#### **Gyp Stack Area Monitoring**

Once per year, the permittee shall measure and record, in acres, the combined wetted surface area of the three 125-acre gyp stacks (F-GYP-0, F-GYP-1, and F-GYP-2).

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### Revised Permit Condition 2.10

#### **2.10 Gyp Stack Area Monitoring**

2.10.1 Upon completion of construction of F-GYP-2, on a twice-monthly basis (the first and third full calendar week of each month), Nu-West shall measure and record, in acres, the combined visible liquid layer surface area of each of the ponds within the three 125-acre gyp stacks. Monitoring and recordkeeping procedures for performing this measurement shall be included in a Water Management and Monitoring Plan. For purposes of demonstrating compliance using the approved Water Management and Monitoring Plan, the term "visible liquid layer area" as used in Permit Condition 2.7 shall mean that observable surface area that is covered with a visible layer of liquid (standing or flowing) within the Gyp Stack system ponds. The Water Management and Monitoring Plan is incorporated by reference into this permit and shall be maintained on-site and made available to DEQ representatives upon request.

Compliance with the 50-acre limit in Permit Condition 2.7 shall be based on a rolling 12-month average of the twice-monthly observations.

Compliance with the daily emission limit in Permit Condition 2.3 shall be demonstrated based on each of the individual observations. Monitoring records that are generated to demonstrate compliance with the daily limit shall also be maintained in accordance with General Provision 7.

2.10.2 Prior to completion of construction of F-GYP-2, once per year the permittee shall measure and record, in acres, the combined visible liquid layer surface area of each of the ponds within the two 125-acre gyp stacks (F-GYP-0 and F-GYP-1). After construction of F-GYP-2 is completed, Permit Condition 2.10.2 no longer applies.

2.10.3 Within 60 days of issuance of the permit, the permittee shall submit a copy of the Water Management and Monitoring Plan (Plan) to DEQ at the address listed in Section 2.2 of this permit. If the Plan is changed, a copy of the revised Plan shall be sent to DEQ.

Compliance Permit Condition 2.10 is demonstrated by complying with the requirements as specified within this permit condition, including requirements to develop and follow a Water management and Monitoring Plan for purposes of measuring and recording the combined visible liquid layer surface area of the ponds. This permit condition was changed to clarify and improve monitoring for the pond area size, a key parameter for demonstrating compliance with the gypsum stack emission rate limit.

### New Permit Condition 2.11

#### **2.11 NSR Projected Emissions Records for the Gypsum Stack Project; 52.21(r)(6)**

The permittee shall maintain records and provide reports as follows for the project to construct a new gypsum stack in accordance with IDAPA 58.01.01.205.01 [40 CFR 52.21(r)(6) and (7)]:

2.11.1 In accordance with 40 CFR 52.21(r)(6)(i), before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

(a) A description of the project;

(b) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project (i.e., gypsum stacks); and

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(c) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under 40 CFR 52.21(b)(41)(ii)(c) and an explanation for why such amount was excluded, and any netting calculations, if applicable.

- 2.11.2 In accordance with 40 CFR 52.21(r)(6)(iii), the owner or operator shall monitor the emissions of fluoride from the emissions units listed in Permit Condition 2.11.1; and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 10 years following resumption of regular operations after the change.
- 2.11.3 In accordance with 40 CFR 52.21(r)(6)(v), the owner or operator shall submit a report to DEQ and the EPA Administrator if the annual emissions, in tons per year, from the project identified under Permit Condition 2.11.1, exceed the baseline actual emissions (as documented and maintained pursuant to Permit Condition 2.11.1(c)), by a significant amount (as defined in 40 CFR 52.21(b)(23)) for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to Permit Condition 2.11.1(c). Such report shall be submitted to DEQ and the EPA Administrator within 60 days after the end of such year. The report shall contain the following:
- (a) The name, address and telephone number of the major stationary source;
  - (b) The annual emissions as calculated pursuant to 40 CFR 52.21(r)(6)(iii); and
  - (c) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).
- 2.11.4 In accordance with 40 CFR 52.21(r)(7), the owner or operator of the source shall make the information required to be documented and maintained pursuant to 40 CFR 52.21(r)(6) available for review upon a request for inspection by the Administrator or the general public pursuant to the requirements contained in 40 CFR 70.4(b)(3)(viii).
- 2.11.5 Written procedures to demonstrate compliance with Permit Condition 2.11 shall be included in the Water Management and Monitoring Plan, including the required records maintenance activities.

Compliance Permit Condition 2.11 is demonstrated by complying with the requirements as specified within this permit condition in accordance with 40 CFR 52.21(r)(6) and (7). This permit condition was added to the permit as requested by Agrium to assure compliance with the requirements of 40 CFR 52.21.

Existing Permit Condition 2.13

### **Reporting**

All facilities designated under 40 CFR 61 Subpart R are exempt from the reporting requirements of 40 CFR 61.10.

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Revised Permit Condition 2.14 (existing Condition 3.13 is replaced by the new Condition 2.14)

### NESHAP 40 CFR 61 Subpart A – General Provisions

**2.14** Generally applicable reporting, record keeping and notification requirements of Subpart A of the National Emission Standards for Hazardous Air Pollutants (NESHAP, 40 CFR 61) are included in Table 2.2. These summaries are provided to highlight the notification and record keeping requirements of 40 CFR 61 for affected facilities, and are not intended to be a comprehensive listing of all general provision requirements that may apply nor do the summaries relieve the permittee from the responsibility to comply with all applicable requirements of the CFR. Should there be a conflict between these summaries and the NESHAP, the NESHAP shall govern. The permittee is encouraged to read all of 40 CFR 61 Subpart A. The CFRs are available online at: <http://www.gpoaccess.gov/cfr/index.html> .

**Table 2.2 NESHAP SUBPART A (40 CFR 61) SUMMARY OF GENERAL PROVISIONS FOR AFFECTED FACILITIES**

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

Compliance Permit Condition 2.14 is demonstrated by complying with the requirements as specified within this permit condition in accordance with 40 CFR Part 61 Subpart A. This condition was expanded to address all of the Subpart A requirements and not just those regarding 40 CFR 61.10. It will be necessary to add this information in the forthcoming Tier I permit, therefore, it has been added now to this PTC as well.

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### Requested New Permit Conditions

- (1) Commencement of Construction: Within 30 calendar days of commencement of physical on-site construction activities related to F-GYP-2, the permittee shall submit written notice to DEQ.
- (2) Completion of Construction: Within 14 calendar days of completion of construction of F-GYP-2, as defined at Permit Condition 1.1, the permittee shall submit written notice to DEQ.

Condition (1) was not added to the permit because PTC General Provision 5 already contains a requirement to submit a notification of the date of initiation of construction, within five working days after occurrence. Condition (2) was not added since there are no known requirements for submittal of a notice for completion of construction. The permit contains similar requirements in Permit Condition 2.14 (40 CFR 61.09) which has been added to the permit so that 40 CFR 61 Subpart A requirements are more clear, and in PTC General Provision 5 with regard to the initial startup date of F-GYP-2.

## 5. PERMIT FEES

Table 5.1 lists the processing fee associated with this permitting action. The facility is subject to a processing fee of \$250 because this is a permit change where no engineering analysis is required. Refer to the chronology for fee receipt dates.

**Table 5.1 PROCESSING FEE TABLE**

| <b>Emissions Inventory</b> |   |  |                                       |
|----------------------------|---|--|---------------------------------------|
| <b>Pollutant</b>           | <b>Annual Emissions Increase (T/yr)</b> | <b>Annual Emissions Reduction (T/yr)</b> | <b>Annual Emissions Change (T/yr)</b> |
| NO <sub>x</sub>            | 0.0                                     | 0  | 0.0                                   |
| SO <sub>2</sub>            | 0.0                                     | 0  | 0.0                                   |
| CO                         | 0.0                                     | 0  | 0.0                                   |
| PM <sub>10</sub>           | 0.0                                     | 0  | 0.0                                   |
| VOC                        | 0.0                                     | 0  | 0.0                                   |
| HAPS                       | 0.0                                     | 0  | 0.0                                   |
| Total:                     | 0.0                                     | 0  | 0.0                                   |
| Fee Due                    | <b>\$ 250.00</b>                        |  |                                       |

## 6. PUBLIC COMMENT

An opportunity for public comment on this PTC application does not apply in accordance with IDAPA 58.01.01 since this a permit revision that will not result in an increase in emissions.

## **Appendix A – AIRS Information**

## AIRS/AFS Facility-wide Classification Form

**Facility Name:** Nu-West Industries – Agrium  
**Facility Location:** Soda Springs  
**Facility ID:** 029-00003 **Date:** 1/14/09  
**Project/Permit No.:** P-2009.0002 **Completed By:** Ken Hanna

- Check if there are no changes to the facilitywide classification resulting from this action. (compare to form with last permit)
- Yes, this facility is an SM80 source.

Identify the facility's area classification as A (attainment), N (nonattainment), or U (unclassified) for each pollutant:

|                      | SO2 | PM10 | VOC |                        |
|----------------------|-----|------|-----|------------------------|
| Area Classification: | A   | A    | U   | DO NOT LEAVE ANY BLANK |

**Check one of the following:**

- SIP [ 0 ]** - Yes, this facility is subject to SIP requirements. (do not use if facility is Title V)
- OR
- Title V [ V ]** - Yes, this facility is subject to Title V requirements. (If yes, do not also use SIP listed above.)

For SIP or TV, identify the classification (A, SM, B, C, or ND) for the pollutants listed below. Leave box blank if pollutant is not applicable to facility.

|                 | SO2 | NOx | CO | PM10 | PT (PM) | VOC | THAP |
|-----------------|-----|-----|----|------|---------|-----|------|
| Classification: | A   | A   | A  | A    | A       | B   | A    |

- PSD [ 6 ]** - Yes, this facility has a PSD permit.

If yes, identify the pollutant(s) listed below that apply to PSD. Leave box blank if pollutant does not apply to PSD.

|                 | SO2                      | NOx                      | CO                       | PM10                     | PT (PM)                  | VOC                      | THAP                     |
|-----------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Classification: | <input type="checkbox"/> |

- NSR - NAA [ 7 ]** - Yes, this facility is subject to NSR nonattainment area (IDAPA 58.01.01.204) requirements.

*Note:* As of 9/12/08, Idaho has no facility in this category.

If yes, identify the pollutant(s) listed below that apply to NSR-NAA. Leave box blank if pollutant does not apply to NSR-NAA.

|                 | SO2                      | NOx                      | CO                       | PM10                     | PT (PM)                  | VOC                      | THAP                     |
|-----------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Classification: | <input type="checkbox"/> |

- NESHAP [ 8 ]** - Yes, this facility is subject to NESHAP (Part 61) requirements. (THAP only)

If yes, what CFR Subpart(s) is applicable?

- NSPS [ 9 ]** - Yes, this facility is subject to NSPS (Part 60) requirements.

If yes, what CFR Subpart(s) is applicable?

If yes, identify pollutant(s) regulated by the subpart(s) listed above. Leave box blank if pollutant does not apply to the NSPS.

|                 | SO2                                   | NOx                                    | CO                       | PM10                     | PT (PM)                  | VOC                      | THAP                     |
|-----------------|---------------------------------------|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Classification: | <input checked="" type="checkbox"/> H | <input checked="" type="checkbox"/> Db | <input type="checkbox"/> |

- MACT [ M ]** - Yes, this facility is subject to MACT (Part 63) requirements. (THAP only)

If yes, what CFR Subpart(s) is applicable?

## **Appendix B – Facility Comments**

Comments on the Draft PTC and Statement of Basis were received from Agrium on February 6, 2009. Those comments, and the DEQ responses are shown below:

1. Proposed Conditions 2.3.2 and 2.7.2 include requirements that F-GYP-0, F-GYP-I, and F-GYP-2 comply with the combined Fluoride emissions limit and the combined visible liquid layer surface area limit provided in those provisions, respectively. However, because Proposed Conditions 2.3.2 and 2.7.2 are intended to apply only to the existing stacks (F-GYP-0 and F-GYP-I) prior to completion of construction of the new stack (F-GYP-2), the reference to F-GYP-2 should be omitted from Proposed Conditions 2.3.2 and 2.7.2. The new stack should not be subject to Fluoride emissions or visible liquid layer surface area limits during construction (see, e.g., 40 CFR section 52.21(b)(3)(viii), indicating that an emissions increase associated with a physical change at a source occurs only after the unit on which construction occurred becomes operational). As explained in Nu-West's December 23, 2008 Request for Permit Revision and further clarified in Section 2 revisions in the attached Commissioning Plan, construction of the new stack will require flooding the liner, which consists of compacted clay, a HPDE layer, and two feet of mechanically compacted dry gypsum, with water and then displacing the water with gypsum slurry. Construction of F-GYP-2 is not complete until after dewatering of the new stack's final gypsum slurry layer. Upon completing construction of F-GYP-2, the potential emissions increase associated with commencing operation of this new stack will be appropriately limited by Proposed Conditions 2.3.1 and 2.7.1.

Response: The change was made as described above. There is no intent for these permit conditions to include F-GYP-2 prior to completion of construction.

2. In an issue related to the previous item, Proposed Condition 2.10 includes a requirement to monitor for compliance with the 125-acre limit in Proposed Condition 2.7 that applies prior to completion of construction of the new gyp stack (F-GYP-2), on a rolling 12-month average basis. While this is consistent with the requirement to monitor the gyp stack visible liquid surface area following construction, it is an added requirement for enhanced monitoring of the existing stacks prior to completion of construction of F-GYP-2. This is a new monitoring requirement that was not included in the Nu-West request and that has no start date. We request that IDEQ reconsider the application of this requirement or specify an applicable time period for applicability.

Response: Permit Condition 2.10 was changed as described above to be consistent with other permit conditions that make requirements clear both during and after construction of F-GYP-2.

3. To avoid confusion later, we would like to add language in Proposed Condition 2.3.3 that explains that the application of water and gypsum slurry during construction of the new stack (F-GYP-2) will be conducted in two phases (i.e., two gyp slurry application cells, as described in Nu-West's December 23, 2008 Request for Permit Revision), and that construction of the new stack (F-GYP-2) shall not be deemed complete for purposes of determining compliance with Proposed Conditions 2.3, 2.7, and potentially 2.10, until process water has been introduced and full displaced by gypsum slurry.

Response: Condition 2.3.3 was changed so that the completion of construction of F-GYP-2 will be more apparent.

4. Proposed Condition 2.3.3 includes a reference to " ... compliance with Permit Conditions 2.3, 2.7 and 2.15, ..." We note that there currently is no Condition 2.15; and suggest that this may be a typographical error and could be Condition 2.10. Please clarify.

Response: The reference was changed to Permit Condition 2.10 as noted.

5. Proposed Table 2.2 references a source reporting exemption at 40 CFR 61.10. We note that there is no such exemption at the provision. We suggest that the intended source exemption provision may be 40 CFR 61.210.

Response: Yes, the source reporting exemption is given by 40 CFR 61.210 which states the following: "All facilities designated under this subpart are exempt from the reporting requirements of 40 CFR 61.10." Table 2.2 was changed to incorporate the reference for this exemption.

6. Proposed Table 2.2 references requirements in 40 CFR 60.13 (NSPS monitoring requirements) and 60.14 (NSPS modification requirements). We suggest that the intended references were to 40 CFR 61.13 and 40 CFR 61.14, which contain relevant emission testing and monitoring requirements for which the provisions were referenced.

Response: The references were corrected as noted to be 40 CFR 61.13 and 40 CFR 61.14.

7. Proposed Table 2.2 states that for 40 CFR 61.12(e) compliance determination purposes, "any creditable evidence may be used if the appropriate performance or compliance test procedure has been performed." The actual wording of 61.12(e) actually states that parties may use "any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed." This wording change affects the meaning of the provision. We suggest that the wording be revised to reflect the meaning of 40 CFR 60.12(e).

Response: For this item, the exact text from 40 CFR 61.12(e) was used in Table 2.2 so the meaning is not changed.