

OPERATING AIR PERMIT

Pursuant to the Regulations of the Arkansas Operating Air Permit Program, Regulation #26:

Permit #: 1343-AOP-R0

IS ISSUED TO:

Acme Brick Company - Ouachita Plant
Grigsby Ford Road
Malvern, AR 72104
Hot Springs County
CSN: 30-0086

THIS PERMIT AUTHORIZES THE ABOVE REFERENCED PERMITTEE TO INSTALL, OPERATE, AND MAINTAIN THE EQUIPMENT AND EMISSION UNITS DESCRIBED IN THE PERMIT APPLICATION AND ON THE FOLLOWING PAGES. THIS PERMIT IS VALID BETWEEN:

8/14/98

and

8/13/03

AND IS SUBJECT TO ALL LIMITS AND CONDITIONS CONTAINED HEREIN.

Signed:

Keith A. Michaels

Date Amended

SECTION I: FACILITY INFORMATION

PERMITTEE: Acme Brick Company - Ouachita Plant
CSN: 30-0086
PERMIT NUMBER: 1343-AOP-R0

FACILITY ADDRESS: Grigsby Ford Road
Malvern, AR 72104

COUNTY: Hot Springs

CONTACT PERSON: Joe Spence
TELEPHONE NUMBER: (501) 332-6991

REVIEWING ENGINEER: Kimberly A. Fuller

UTM North-South (X): 515.5
UTM East-West (Y): 3801.5

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SECTION II: INTRODUCTION

Acme Brick Company owns and operates a clay brick manufacturing facility located on Grigsby Ford Road in Malvern, Arkansas. This facility manufactures hard fired clay brick for use in the construction of commercial and residential structures. This facility is subject to regulation under the *Regulations of the Arkansas Operating Air Permit Program* (Regulation #26) because it emits over 25 tons per year of a combination of hazardous air pollutants (HAP) and over 10 tons per year of a single HAP.

A combination of three raw materials are used to form the brick clay body. These materials are shale mined eight miles west of the plant, an alluvial clay mined three miles west of the plant, and a kaolin clay mined from the Perla clay pits located four miles east of the plant. All materials are hauled to the plant by trucks and are stored under roof in the clay preparation building.

The three materials are placed in proportioning feeders with a front end loader. The materials are conveyed from the feeders to a primary crusher. There they are ground to a four inch maximum size and conveyed to the adjoining grinding and sizing building. This area contains a hammermill for grinding and vibrating screens for sizing.

The raw material is conveyed from the grinding operations to a screw auger extruder. The clay is extruded through a die and cut to size. Several types of materials are used as surface coatings during this process. After the brick are cut to size and coated, an automated setting head places brick on refractory kiln cars.

The kiln cars move from the extrusion to the drying process. The kiln cars wait in a surge area before entry into the dryers. The tunnel dryers are continuous counterflow heat exchangers which reduce the moisture in the wet brick to approximately 1% by weight. Waste heat from the cooling zone of the kiln is introduced near the dryer exit. Two exhaust fans pull this waste heat toward the entrance end of the dryer as the product flows in the opposite direction. The dryer uses the waste heat from the kiln as its only heat source.

The tunnel kiln is also a counterflow heat exchanger and also operates continuously. A neutral pressure zone exists at the end of the firing zones. The combustion gases are pulled toward the entrance of the kiln by an exhaust fan. Simultaneously, ambient cooling air is introduced into the cooling zone of the kiln. Product discoloration will occur if combustion gases are pulled into the cooling zone. The heat for the dryers is supplied by the dryer supply fan in the cooling zone, which redirects the heated ambient air which has been utilized for cooling the brick.

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The final process is the brick packaging. The brick are automatically removed from the kiln cars and are inspected, sorted, and tied with steel and plastic bands.

Arkansas operating permit #1343-AOP-R0 is the first operating permit issued to Acme Brick Company - Ouachita Plant under Regulation 26. The facility is modifying their existing air permit by the incorporation of on-site stack test data to quantify emissions from four sources, the removal of six sources (SN-03, SN-04&05, SN-07, SN-08, and SN-09) by defining them as insignificant under Regulation 19 Appendix A Group C Number 5, and the addition of a high efficiency HEPA filter on the packaging process. A summary of facility wide emissions is provided in the following table. Specific emission unit information can be located using the indicated cross reference pages.

EMISSION SUMMARY					
Source No.	Description	Pollutant	Emission Rates		Cross Reference Page
			lb/hr	tpy	
Total Allowable Emissions		PM/PM ₁₀	4.4	18.7	N/A
		SO ₂	13.1	54.4	
		VOC	1.2	4.4	
		CO	13.2	53.8	
		NO _x	4.6	19.2	
		Flourides	4.73	17.77	
		HCL	2.96	9.45	
1	Screen and Hammermill Exhaust	Sources combined to form source number SN-09 (Grinding Building).			
2	Hammermill				
3	Holding Room Exhaust Fan	Insignificant Regulation 19 Appendix A Group C Number 5			
4 & 5	Dryer Exhaust Fans	Insignificant Regulation 19 Appendix A Group C Number 5			
6	Tunnel Kiln Exhaust Fan	PM/PM ₁₀	4.4	18.7	8
		SO ₂	13.1	54.4	
		VOC	1.2	4.4	

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EMISSION SUMMARY					
Source No.	Description	Pollutant	Emission Rates		Cross Reference Page
			lb/hr	tpy	
		CO	13.2	53.8	
		NO _x	4.6	19.2	
		Flourides	4.73	17.77	
		HCL	2.96	9.45	
7	Plant Vacuum System	Insignificant Regulation 19 Appendix A Group C Number 5			
8	Brick Process Dust Collector	Insignificant Regulation 19 Appendix A Group C Number 5			
9	Grinding Building	Insignificant Regulation 19 Appendix A Group C Number 5			

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SECTION III: PERMIT HISTORY

Air permit # 1343-A was the initial State Implementation Plan (SIP) permit issued to Acme Brick Company's Ouachita plant in Malvern, Arkansas. The permit was issued on October 16, 1992 for the permitting of a hard fired clay brick manufacturing facility.

Air permit # 1343-AR-1 was issued to Acme Brick Company's Ouachita plant on April 26, 1993. The air permit was modified by removing two old source numbers (SN-01 and SN-02) by incorporating the use of a dust collector on the emissions from these sources. A new source number (SN-08) was also added to account for the dust collector installed on the emissions from the additive area.

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SECTION IV: EMISSION UNIT INFORMATION

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SN-06
Tunnel Kiln Exhaust Fan

Source Description

Source SN-06 is the tunnel kiln exhaust fan. The tunnel kiln is a counterflow heat exchanger that operates continuously. The combustion gases are pulled toward the entrance end of the kiln by an exhaust fan. Ambient cooling air is introduced into the cooling zone of the kiln. The heat for the dryers is supplied by the dryer supply fan in the cooling zone. The equipment was installed in 1980.

Specific Conditions

1. Pursuant to §19.5 of the Regulations of the Arkansas State Implementation Plan for Air Pollution Control (Regulation 19) and 40 CFR Part 52, Supart E, the permittee shall not exceed the emission rates set forth in the following table for source SN-06. The pound per hour pollutant emission rates are based on the maximum stack testing data. The ton per year pollutant emission rates are based on the average stack testing data and are limited by Plantwide Condition 5.

Pollutant	lb/hr	tpy
PM/PM ₁₀	4.4	18.7
SO ₂	13.1	54.4
VOC	1.2	4.4
CO	13.2	53.8
NO _x	4.6	19.2

2. Pursuant to §18.8 of the Regulations of the Arkansas Air Pollution Control Code (Regulation 18), the permittee shall not exceed the hazardous air pollutant (HAP) emission rates set forth in the following table for source SN-06. The pound per hour pollutant emission rates are based on the maximum stack testing data. The ton per year pollutant emission rates are based on the average stack testing data and are limited by Plantwide Condition 5.

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HAP	lb/hr	tpy
Fluoride	4.73	17.77
HCL	2.96	9.45

3. Pursuant to §18.5 of Regulation 18 and 40 CFR Part 52, Subpart E, the permittee shall not exceed 20% opacity from source SN-06 as measured by EPA Reference Method 9.

4. Pursuant to §19.7 of Regulation 19 and 40 CFR Part 52, Subpart E, daily observations of the opacity from source SN-06 shall be conducted by personnel familiar with the permittee's visible emissions. The permittee shall accept such observations for demonstration of compliance. The permittee shall maintain personnel trained in EPA Reference Method 9 after the next scheduled, Department sponsored Visible Emissions Training in October of 1998. If visible emissions which appear to be in excess of the permitted opacity are detected, the permittee shall immediately take action to identify the cause of the visible emissions, implement corrective action, and document that visible emissions did not appear to be in excess of the permitted opacity following the corrective action. The permittee shall maintain records which contain the following items in order to demonstrate compliance with this specific condition. These records shall be updated daily, kept on site, and made available to Department personnel upon request.

- a. The date and time of the observation
- b. If visible emissions which appeared to be above the permitted limit were detected
- c. If visible emissions which appeared to be above the permitted limit were detected, the cause of the exceedance of the opacity limit, the corrective action taken, and if the visible emissions appeared to be below the permitted limit after the corrective action was taken.
- d. The name of the person conducting the opacity observations.

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SECTION V: PLANTWIDE CONDITIONS

1. Pursuant to A.C.A. §8-4-203 as referenced by A.C. A. §8-4-304 and §8-4-311, the equipment, control apparatus and emission monitoring equipment shall be operated within their design limitations and maintained in good condition at all times.
2. Pursuant to A.C.A. §8-4-203(a) as referenced by A.C.A. §8-4-304 and §8-4-311, this permit subsumes and incorporates all previously issued air permits for this facility.
3. Pursuant to §18.8 of the Arkansas Air Pollution Control Code (Air Code), **the permittee shall not cause or permit the emission of air contaminants, including odors or water vapor and including an air contaminant whose emission is not otherwise prohibited by Regulation #18, if the emission of the air contaminant constitutes air pollution within the meaning of A.C.A. §8-4-303.**
4. Pursuant to §18.9 of the Arkansas Air Pollution Control Code (Air Code), **the permittee shall not conduct operations in such a manner as to unnecessarily cause air contaminants and other pollutants from becoming airborne.**
5. Pursuant to A.C.A. §8-4-203 as referenced by §8-4-304 and §8-4-311, and 40 CFR Part 70.6, the permittee shall not exceed the production limit of 150,042 tons of clay brick during any consecutive 12 month period.
6. Pursuant to §19.7 of the Regulation 19 and 40 CFR Part 52 Subpart E, permittee shall maintain records which demonstrate compliance with the limit set in Plantwide Condition 5 and may be used by the Department for enforcement purposes. Compliance shall be determined on a monthly basis by totaling the clay brick production for the previous 12 months. Each 12 month total shall be available for inspection by the last day of the month after the reported 12 months. These records shall be maintained on site and shall be provided to Department personnel upon request.

Title VI Provisions

7. The permittee shall comply with the standards for labeling of products using ozone depleting substances pursuant to 40 CFR Part 82, Subpart E:
 - a. All containers containing a class I or class II substance stored or transported, all products containing a class I substance, and all products directly manufactured with a

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class I substance must bear the required warning statement if it is being introduced to interstate commerce pursuant to §82.106.

- b. The placement of the required warning statement must comply with the requirements pursuant to §82.108.
- c. The form of the label bearing the required warning must comply with the requirements pursuant to §82.110.
- d. No person may modify, remove, or interfere with the required warning statement except as described in §82.112.

8. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for MVACs in Subpart B:

- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to §82.156.
- b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.
- c. Persons performing maintenance, service repair, or disposal of appliances must be certified by an approved technician certification program pursuant to §82.161.
- d. Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with record keeping requirements pursuant to §82.166. ("MVAC-like appliance" as defined at §82.152.)
- e. Persons owning commercial or industrial process refrigeration equipment must comply with leak repair requirements pursuant to §82.156.
- f. 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 §82.166.

9. If the permittee manufactures, transforms, destroys, imports, or exports a class I or class II substance, the permittee is subject to all requirements as specified in 40 CFR part 82, Subpart A, Production and Consumption Controls.

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10.If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

The term “motor vehicle” as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term “MVAC” as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or the system used on passenger buses using HCFC-22 refrigerant.

11.The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR part 82, Subpart G, Significant New Alternatives Policy Program.

Permit Shield

12.Compliance with the conditions of this permit shall be deemed compliance with all applicable requirements, as of the date of permit issuance, included in and specifically identified in item A of this condition:

A. The following have been specifically identified as applicable requirements based upon information submitted by the permittee in an application dated November 7, 1997.

Source No.	Regulation	Description
Facility	Arkansas Regulation 19	Compilation of Regulations of the Arkansas State Implementation Plan for Air Pollution Control
Facility	Arkansas Regulation 26	Regulations of the Arkansas Operating Air Permit Program

B. The following requirements have been specifically identified as not applicable, based upon information submitted by the permittee in an application dated November 7, 1997.

Description of Regulation	Regulatory Citation	Affected Source	Basis for Determination
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Description of Regulation	Regulatory Citation	Affected Source	Basis for Determination
New Source Performance Standards	Subpart OOO (Standards of Performance for Nonmetallic Mineral Processing Plants)	Facility	Facility commenced construction, reconstruction, and modification before August 31, 1983.

C. Nothing shall alter or affect the following:

Provisions of Section 303 of the Clean Air Act;

The liability of an owner or operator for any violation of applicable requirements prior to or at the time of permit issuance;

The applicable requirements of the acid rain program, consistent with Section 408(a) of the Clean Air Act; or

The ability of the EPA to obtain information under Section 114 of the Clean Air Act.

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SECTION VI: *DE MINIMIS* EMISSION SOURCES

Pursuant to §26.3(d) of Regulation 26, the following sources are below the *de minimis* emission levels. Insignificant and trivial activities will be allowable after approval and federal register notice publication of a final list as part of the operating air permit program. Any activity for which a state or federal applicable requirement applies is not *de minimis*, even if this activity meets the criteria of §3(d) of Regulation 26 or is listed below. *De minimis* emission determinations rely upon the information submitted by the permittee in an application dated *November 7, 1997*.

A 500 gallon diesel storage tank with a vapor pressure less than 0.5 psia.
A 1000 gallon diesel storage tank with a vapor pressure less than 0.5 psia.
A 275 gallon waste oil storage tank with a vapor pressure less than 0.5 psia.
Three 40 gallon hydraulic reservoirs with a vapor pressure less than 0.5 psia.
Two 400 gallon hydraulic reservoirs with a vapor pressure less than 0.5 psia.
A 55 gallon engine oil reservoir with a vapor pressure less than 0.5 psia.
A 55 gallon hydraulic die lube reservoir with a vapor pressure less than 0.5 psia.
A 300 gallon vacuum pump reservoir with a vapor pressure less than 0.5 psia.
A 55 gallon gear lube reservoir with a vapor pressure less than 0.5 psia.
A 55 gallon transmission oil reservoir with a vapor pressure less than 0.5 psia.
A 55 gallon antifreeze tank with a vapor pressure less than 0.5 psia.
A 550 gallon gasoline tank.
Dry Coating Mixer
Bat Loss Drop
Proportioning Feeders
Pugmill
Brick/Refractory Saw
Brick Packaging/Dehacking
Brick Setting
Slurry Mixers
Additive Storage
Clay Storage Room
Conveyor Drop points and Material Storage
Sand Dryer
Emergency Diesel Generator
Primary Crusher
Source SN-08: Brick Process Dust Collector
Source SN-03: Holding Room Exhaust Fan
Source SN-09: Grinding Operations at the current production rate. (Old source numbers SN-01 and SN-02.)

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Sources SN-04 and SN-05: Dryer Exhaust Fans at the current production rate.
Source SN-07: Plant Vacuum System at the current production rate.
Centralized Vacuum System for Grinding Building - Hoffmann Model 4205A, 20 hp, 600 cfm

Pursuant to §26.3(d) of Regulation 26, the following emission units, operations, or activities have been determined by the Department to be below the *de minimis* emission levels. Activities included in this list are allowable under this permit and need not be specifically identified.

1. Natural gas-burning equipment with a design rate less than 1 million BTU per hour.
2. Combustion emissions from propulsion of mobile sources and emissions from refueling these sources unless regulated by Title II and required to obtain a permit under Title V of the federal Clean Air Act, as amended. This does not include emissions from any transportable units, such as temporary compressors or boilers. This does not include emissions from loading racks or fueling operations covered under any applicable federal requirements.
3. Air conditioning and heating units used for comfort that do not have applicable requirements under Title VI of the Act.
4. Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process.
5. Non-commercial food preparation or food preparation at restaurants, cafeterias, or caterers, etc.
6. Consumer use of office equipment and products, not including commercial printers or businesses primarily involved in photographic reproduction.
7. Janitorial services and consumer use of janitorial products.
8. Internal combustion engines used for landscaping purposes.
9. Laundry activities, except for dry-cleaning and steam boilers.
10. Bathroom/toilet emissions.
11. Emergency (backup) electrical generators at residential locations.
12. Tobacco smoking rooms and areas.

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13. Blacksmith forges.
14. Maintenance of grounds or buildings, including: lawn care, weed control, pest control, and water washing activities.
15. Repair, up-keep, maintenance, or construction activities not related to the sources' primary business activity, and not otherwise triggering a permit modification. This may include, but is not limited to such activities as general repairs, cleaning, painting, welding, woodworking, plumbing, re-tarring roofs, installing insulation, paved/paving parking lots, miscellaneous solvent use, application of refractory, or insulation, brazing, soldering, the use of adhesives, grinding, and cutting.¹
16. Surface-coating equipment during miscellaneous maintenance and construction activities. This activity specifically does not include any facility whose primary business activity is surface-coating or includes surface coating or products.
17. Portable electrical generators that can be "moved by hand" from one location to another.²
18. Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic.
19. Brazing or soldering equipment related to manufacturing activities that do not result in emission of HAPs.³

¹ Cleaning and painting activities qualify if they are not subject to VOC or HAP control requirements. Asphalt batch plant owners/operators must get a permit.

²"Moved by hand" means that it can be moved by one person without assistance of any motorized or non-motorized vehicle, conveyance, or device.

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³Brazing, soldering, and welding equipment, and cutting torches related to manufacturing and construction activities that emit HAP metals are more appropriate for treatment as insignificant activities based on size or production thresholds. Brazing, soldering, and welding equipment, and cutting torches related directly to plant maintenance and upkeep and repair or maintenance shop activities that emit HAP metals are treated as trivial and listed separately.

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20. Air compressors and pneumatically operated equipment, including hand tools.
21. Batteries and battery charging stations, except at battery manufacturing plants.
22. Storage tanks, vessels, and containers holding or storing liquid substances that do not contain any VOCs or HAPs.⁴
23. Containers of less than or equal to 5 gallons in capacity that do not emit any detectable VOCs or HAPs when closed. This includes filling, blending, or mixing of the contents of such containers by a retailer.
24. Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and non-volatile aqueous salt solutions, provided appropriate lids and covers are used and appropriate odor control is achieved.
25. Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and non-volatile aqueous salt solution, provided appropriate lids and covers are used and appropriate odor control is achieved.
26. Drop hammers or presses for forging or metalworking.
27. Equipment used exclusively to slaughter animals, but not including other equipment at slaughter-houses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment.
28. Vents from continuous emission monitors and other analyzers.
29. Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.
30. Hand-held applicator equipment for hot melt adhesives with no VOCs in the adhesive.
31. Equipment used for surface coating, painting, dipping, or spraying operations, containing less than 0.4 lb/gal VOCs, has no hexavalent chromium, and emits no more than 0.1 tpy of all other HAPs.

⁴Exemptions for storage tanks containing petroleum liquids or other volatile organic liquids are based on size and limits including storage tank capacity and vapor pressure of liquids stored and are not appropriate for this list.

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32. Lasers used only on metals and other materials which do not emit HAPs in the process.
33. Consumer use of paper trimmers/binders.
34. Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boiler delivering the steam.
35. Salt baths using non-volatile salts that do not result in emissions of any air pollutant covered by this regulation.
36. Laser trimmers using dust collection to prevent fugitive emissions.
37. Bench-scale laboratory equipment used for physical or chemical analysis.
38. Routine calibration and maintenance of laboratory equipment or other analytical instruments.
39. Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.
40. Hydraulic and hydrostatic testing equipment.
41. Environmental chambers not using hazardous air pollutant gases.
42. Shock chambers, humidity chambers and solar simulators.
43. Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes and any required fugitive dust control plan or its equivalent is submitted.
44. Process water filtration systems and demineralizers.
45. Demineralized water tanks and demineralizer vents.
46. Boiler water treatment operations, not including cooling towers.
47. Emissions from storage or use of water treatment chemicals, except for hazardous air pollutants or pollutants listed under regulations promulgated pursuant to Section 112(r) of the Act, for use in cooling towers, drinking water systems, and boiler water/feed systems.

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48. Oxygen scavenging (de-aeration) of water.
49. Ozone generators.
50. Fire suppression systems.
51. Emergency road flares.
52. Steam vents and safety relief valves.
53. Steam leaks.
54. Steam cleaning operations.
55. Steam and microwave sterilizers.
56. Site assessment work to characterize waste disposal or remediation sites.
57. Miscellaneous additions or upgrades of instrumentation.
58. Emissions from combustion controllers or combustion shutoff devices.
59. Use of products for the purpose of maintaining motor vehicles operated by the facility, not including air cleaning units or such vehicles (i.e. antifreeze, fuel additives).
60. Stacks or vents to prevent escape of sanitary sewer gases through the plumbing traps.
61. Emissions from equipment lubricating systems (i.e. oil mist), not including storage tanks, unless otherwise exempt.
62. Residential wood heaters, cookstoves, or fireplaces.
63. Barbecue equipment or outdoor fireplaces used in conjunction with any residential or recreational use.
64. Log wetting areas and log flumes.
65. Periodic use of pressurized air for cleanup.

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66. Solid waste dumpsters.
67. Emissions of wet lime from lime mud tanks, lime mud washers, lime mud piles, lime mud filter and filtrate tanks, and lime mud slurry tanks.
68. Natural gas odoring activities unless the Department determines that a nuisance may occur.
69. Emissions from engine crankcase vents.
70. Storage tanks used for the temporary containment of materials resulting from an emergency reporting of an unanticipated release.
71. Equipment used exclusively to mill or grind coatings in roll grinding rebuilding, and molding compounds where all materials charged are in paste form.
72. Mixers, blenders, roll mills, or calenders for rubber or plastic for which no materials in powder form are added and in which no organic solvents, diluents, or thinners are used.
73. The storage, handling, and handling equipment for bark and wood residues not subject to fugitive dispersion offsite (this applies to equipment only).
74. Maintenance dredging of pulp and paper mill surface impoundments and ditches containing cellulosic and cellulosic derived biosolids and inorganic materials such as lime, ash, or sand.
75. Tall oil soap storage, skimming, and loading.
76. Water heaters used strictly for domestic (non-process) purposes.
77. Facility roads and parking areas, unless necessary to control offsite fugitive emissions.
78. Agricultural operations, including onsite grain storage.

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SECTION VII: GENERAL PROVISIONS

1. Pursuant to 40 C.F.R. 70.6(b)(2), any terms or conditions included in this permit which specify and reference Arkansas Pollution Control & Ecology Commission Regulation 18 or the Arkansas Water and Air Pollution Control Act (A.C.A. §8-4-101 *et seq.*) as the sole origin of and authority for the terms or conditions are not required under the Clean Air Act or any of its applicable requirements, and are not federally enforceable under the Clean Air Act. Arkansas Pollution Control & Ecology Commission Regulation 18 was adopted pursuant to the Arkansas Water and Air Pollution Control Act (A.C.A. §8-4-101 *et seq.*). Any terms or conditions included in this permit which specify and reference Arkansas Pollution Control & Ecology Commission Regulation 18 or the Arkansas Water and Air Pollution Control Act (A.C.A. §8-4-101 *et seq.*) as the origin of and authority for the terms or conditions are enforceable under this Arkansas statute.
2. Pursuant to 40 C.F.R. 70.6(a)(2) and §26.7 of the Regulations of the Arkansas Operating Air Permit Program (Regulation 26), this permit shall be valid for a period of five (5) years beginning on the date this permit becomes effective and ending five (5) years later.
3. Pursuant to §26.4 of Regulation #26, it is the duty of the permittee to submit a complete application for permit renewal at least six (6) months prior to the date of permit expiration. Permit expiration terminates the permittee's right to operate unless a complete renewal application was submitted at least six (6) months prior to permit expiration, in which case the existing permit shall remain in effect until the Department takes final action on the renewal application. The Department will not necessarily notify the permittee when the permit renewal application is due.
4. Pursuant to 40 C.F.R. 70.6(a)(1)(ii) and §26.7 of Regulation #26, where an applicable requirement of the Clean Air Act, as amended, 42 U.S.C. 7401, *et seq.* (Act) is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act, both provisions are incorporated into the permit and shall be enforceable by the Director or Administrator.
5. Pursuant to 40 C.F.R. 70.6(a)(3)(ii)(A) and §26.7 of Regulation #26, records of monitoring information required by this permit shall include the following:
 - a. The date, place as defined in this permit, and time of sampling or measurements;
 - b. The date(s) 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

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- f. The operating conditions existing at the time of sampling or measurement.
6. Pursuant to 40 C.F.R. 70.6(a)(3)(ii)(B) and §26.7 of Regulation #26, records of all required monitoring data and support information shall be retained for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.
7. Pursuant to 40 C.F.R. 70.6(a)(3)(iii)(A) and §26.7 of Regulation #26, the permittee shall submit reports of all required monitoring every 6 months. If no other reporting period has been established, the reporting period shall end on the last day of the anniversary month of this permit. The report shall be due within 30 days of the end of the reporting period. Even though the reports are due every six months, each report shall contain a full year of data. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official as defined in §26.2 of Regulation #26 and must be sent to the address below.

Arkansas Department of Pollution Control and Ecology
Air Division
ATTN: Air Enforcement Branch
Post Office Box 8913
Little Rock, AR 72219

8. Pursuant to 40 C.F.R. 70.6(a)(3)(iii)(B), §26.7 of Regulation #26, and §19.6 of Regulation #19, all deviations from permit requirements, including those attributable to upset conditions as defined in the permit shall be reported to the Department. An initial report shall be made to the Department within 24 hours of discovery of the occurrence. The initial report may be made by telephone and shall include:
- a. The facility name and location,
 - b. The process unit or emission source which is deviating from the permit limit,
 - c. The permit limit, including the identification of pollutants, from which deviation occurs,
 - d. The date and time the deviation started,
 - e. The duration of the deviation,
 - f. The average emissions during the deviation,
 - g. The probable cause of such deviations,
 - h. Any corrective actions or preventive measures taken or being take to prevent such deviations in the future, and
 - i. The name of the person submitting the report.

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A full report shall be made in writing to the Department within five (5) business days of discovery of the occurrence and shall include in addition to the information required by initial report a schedule of actions to be taken to eliminate future occurrences and/or to minimize the amount by which the permits limits are exceeded and to reduce the length of time for which said limits are exceeded. If the permittee wishes, they may submit a full report in writing (by facsimile, overnight courier, or other means) within 24 hours of discovery of the occurrence and such report will serve as both the initial report and full report.

9. Pursuant to 40 C.F.R. 70.6(a)(5) and §26.7 of Regulation #26, and A.C.A. §8-4-203, as referenced by §8-4-304 and §8-4-311, if any provision of the permit or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end, provisions of this Regulation are declared to be separable and severable.
10. Pursuant to 40 C.F.R. 70.6(a)(6)(i) and §26.7 of Regulation #26, the permittee must comply with all conditions of this Part 70 permit. Any permit noncompliance with applicable requirements as defined in Regulation #26 constitutes a violation of the Clean Air Act, as amended, 42 U.S.C. 7401, *et seq.* and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. Any permit noncompliance with a state requirement constitutes a violation of the Arkansas Water and Air Pollution Control Act (A.C.A. §8-4-101 *et seq.*) and is also grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application..
11. Pursuant to 40 C.F.R. 70.6(a)(6)(ii) and §26.7 of Regulation #26, it shall not be a defense for a permittee 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.
12. Pursuant to 40 C.F.R. 70.6(a)(6)(iii) and §26.7 of Regulation #26, this permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
13. Pursuant to 40 C.F.R. 70.6(a)(6)(iv) and §26.7 of Regulation #26, this permit does not convey any property rights of any sort, or any exclusive privilege.

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14. Pursuant to 40 C.F.R. 70.6(a)(6)(v) and §26.7 of Regulation #26, the permittee shall furnish to the Director, within the time specified by the Director, any information that the Director 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. Upon request, the permittee shall also furnish to the Director copies of records required to be kept by the permit. For information claimed to be confidential, the permittee may be required to furnish such records directly to the Administrator along with a claim of confidentiality.
15. Pursuant to 40 C.F.R. 70.6(a)(7) and §26.7 of Regulation #26, the permittee shall pay all permit fees in accordance with the procedures established in Regulation #9.
16. Pursuant to 40 C.F.R. 70.6(a)(8) and §26.7 of Regulation #26, no permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for elsewhere in this permit.
17. Pursuant to 40 C.F.R. 70.6(a)(9)(i) and §26.7 of Regulation #26, if the permittee is allowed to operate under different operating scenarios, the permittee shall, contemporaneously with making a change from one operating scenario to another, record in a log at the permitted facility a record of the scenario under which the facility or source is operating.
18. Pursuant to 40 C.F.R. 70.6(b) and §26.7 of Regulation #26, all terms and conditions in this permit, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator and citizens under the Act unless the Department has specifically designated as not being federally enforceable under the Act any terms and conditions included in the permit that are not required under the Act or under any of its applicable requirements.
19. Pursuant to 40 C.F.R. 70.6(c)(1) and §26.7 of Regulation #26, any document (including reports) required by this permit shall contain a certification by a responsible official as defined in §26.2 of Regulation #26.
20. Pursuant to 40 C.F.R. 70.6(c)(2) and §26.7 of Regulation #26, the permittee shall allow an authorized representative of the Department, upon presentation of credentials, to perform the following:
 - a. Enter upon the permittee's premises where the permitted source is located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

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- 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 Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with this permit or applicable requirements.
21. Pursuant to 40 C.F.R. 70.6(c)(5) and §26.7 of Regulation #26, the permittee shall submit a compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. This compliance certification shall be submitted annually and shall be submitted to the Administrator as well as to the Department. All compliance certifications required by this permit shall include the following:
- a. The identification of each term or condition of the permit that is the basis of the certification;
 - b. The compliance status;
 - 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 established by the monitoring requirements of this permit; and
 - e. Such other facts as the Department may require elsewhere in this permit or by §114(a)(3) and 504(b) of the Act.
22. Pursuant to §26.7 of Regulation #26, nothing in this permit shall alter or affect the following:
- a. The provisions of Section 303 of the Act (emergency orders), including the authority of the Administrator under that section;
 - b. The liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance;
 - c. The applicable requirements of the acid rain program, consistent with §408(a) of the Act; or
 - d. The ability of EPA to obtain information from a source pursuant to §114 of the Act.
23. Pursuant to A.C.A. §8-4-203 as referenced by §8-4-304 and §8-4-311, this permit authorizes only those pollutant emitting activities addressed herein.

AIR DIVISION
INVOICE REQUEST FORM

(9-96)

Facility Name & Address:

Acme Brick Company - Ouachita Plant
PO Box 250
Malvern, AR 72104

CSN: 30-0086

Permit No: 1343-AOP-R0

Permit Description: T5

(e.g. A = AIR CODE, S=SIP, H=NESHAP, P=PSD, N=NSPS, T5= Title V)

Initial Fee Calculations:

Title V = 3(17.78)(TPY each pollutant, except CO) - amount of last annual air permit fee

NOTE: Do Not double count HAPs and VOCs!!!
No greater than 4000 tpy per pollutant or less than \$1000

Mod Fee Calculations:

Title V = 3 (17.78)(TPY increase of each pollutant, except CO)

NOTE: Do Not double count HAPs and VOCs!!!
No greater than 4000 tpy for each contaminant but not less than \$1000

$F = [(\$17.78) * (123.92 \text{ tpy})] - [\$1,511.00] = \$692.29 < \$1,000.00$

Fee Amount: \$ 1,000.00

Engineer: Kimberly A. Fuller


Date: March 1, 1998

Public Notice

Pursuant to the Arkansas Operating Air Permit Program (Regulation #26) Section 6(b), the Air Division of the Arkansas Department of Pollution Control and Ecology gives the following notice:

Acme Brick Company owns and operates a clay brick manufacturing facility located on Grigsby Ford Road in Malvern, Arkansas. This facility manufactures hard fired clay brick for use in the construction of commercial and residential structures. This facility is subject to regulation under the *Regulations of the Arkansas Operating Air Permit Program* (Regulation #26) because it emits over 10 tons per year of a hazardous air pollutant (HAP).

The application has been reviewed by the staff of the Department and has received the Department's tentative approval subject to the terms of this notice.

 Citizens wishing to examine the permit application and staff findings and recommendations may do so by contacting Rhonda Sharp, Information Officer. Citizens desiring technical information concerning the application or permit should contact Kimberly A. Fuller, Engineer. Both Rhonda Sharp and Kimberly A. Fuller can be reached at the Department's central office, 8001 National Drive, Little Rock, Arkansas, 72209 (501) 682-0744.

The draft permit and permit application are available for copying at the above address. A copy of the draft permit has also been placed at the Tri-Lakes Regional Library, 200 Woodbine, Hot Springs, Arkansas 71901. This information may be reviewed during normal business hours.

Interested or affected persons may also submit written comments or request a hearing on the proposal to the Department at the above address - Attention: Rhonda Sharp. In order to be considered, the comments must be submitted within thirty (30) days of publication of this notice. Although the Department is not proposing to conduct a public hearing, one will be scheduled if significant comments on the permit provisions are received. If a hearing is scheduled, adequate public notice will be given in the newspaper of largest circulation in the county in which the facility in question is, or will be, located.

The Director shall make a final decision to issue or deny this application or to impose special conditions in accordance with Section 2.1 of the Arkansas Pollution Control and Ecology's Commission Administrative Procedures (Regulation #8) and Regulation #26.

Dated this

Randall Mathis

Director