

OPERATING AIR PERMIT

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

Permit #: 2004-AOP-R1

IS ISSUED TO:

Wheeler Brick Company, Inc.
2905 Dan Avenue
Jonesboro, AR 72403
Craighead County
CSN: 16-0002

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:

November 16, 1998

and

November 15, 2003

AND IS SUBJECT TO ALL LIMITS AND CONDITIONS CONTAINED HEREIN.

Signed:

SECTION I: FACILITY INFORMATION

PERMITTEE: Wheeler Brick Company, Inc.
CSN: 16-0002
PERMIT NUMBER: 2004-AOP-R1

FACILITY ADDRESS: 2905 Dan Avenue,
Jonesboro, AR 72403

COUNTY: Craighead

CONTACT PERSON: Randall Wheeler
TELEPHONE NUMBER: (870) 935-5182

REVIEWING ENGINEER: Shane Byrum

UTM North-South (X): 3969.6
UTM East-West (Y): 702.6

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SECTION II: INTRODUCTION

Wheeler Brick Company, Inc. owns and operates a clay brick manufacturing facility located at 2905 Dan Avenue in Jonesboro, 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 single hazardous air pollutant (HAP). This facility is not subject to regulation under the New Source Performance Standards (NSPS) 40 CFR Part 60 Subpart OOO (Standards of Performance for Nonmetallic Mineral Processing Plants) because the facility commenced construction, reconstruction, and modification before August 31, 1983.

This permit (2004-AOP-R1) is a minor modification of permit 2004-AOP-R0. This modification includes raising the permitted heat capacity of the brick-drying kiln from 12.5 to 19 MMBtu/hr. There will be no physical changes to the kiln (past estimates of heat input were understated). No increase in emissions is necessary because emissions were based on permitted brick throughput (7.7 ton/hour), which remains unchanged. The kiln production records indicate that the heat input of the kiln would need to be approximately 19 MMBtu/hr for maximum production of 7.7 tons of brick per hour.

Raw materials (surface clays) are delivered by truck to the facility. In order to minimize air and storm water pollution, the clay is stored inside the grinder building. Some of the clay is run through the primary crusher, while some of the clay is not. Initial blending of clays and "grog" takes place following the initial crushing. A mixture of approximately 80 percent clay and 20 percent "grog" is prepared. The grog contains about 8 percent sawdust, 6 percent aggregate, 3 percent granite fines, and 3 percent scrap brick.

The clay/grog mixture is then ground in a hammermill and sized. A foam dust suppression system controls emissions from the hammermill and screens. Sizing is done by screening. After screening, the mixture is further crushed with a roller mill. A metallic oxide (usually manganese dioxide) may be added to the mixture at this point. The automatic raking which takes place in the roller mill allows the oxide to be evenly distributed throughout the clay blend. A second foam dust suppression system is being installed to control emissions from the roller mill.

Following the roller mill, the clay blend is routed to a mixer where water and/or additional additives are added. Additive A (lignosulfonate) is added as a lubricant to facilitate the extrusion process. An overflow system returns excess ground clay to the storage area.

Bricks are formed by the stiff mud extrusion process. The material is mixed with water and discharged into a vacuum chamber and continuously extruded through a die. The moisture content of the mixture is typically between 14 and 18 percent.

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Engobe application, a process where sand and stains are added to the surface of the extrusion column to provide texture and/or coloring may occur. The extrusion column is then cut into bricks using a wire-cutting machine, and the bricks are mechanically stacked onto a kiln car and transferred to pre-drying storage. The pre-drying storage area is kept warm and moist to avoid premature drying of the bricks.

The kiln cars pass from pre-drying storage through a dryer. Heat for the dryer is supplied from the kiln's cooling zone. The dryer temperature reaches approximately 400 EF.

After drying, the bricks enter the tunnel kiln for firing. The kiln is fueled by natural gas. It is divided roughly into three zones: the firing zone, the flashing zone, and the cooling zone. The temperature in the firing zone typically reaches 2100 EF. Flashing consists of adding uncombusted fuel to the kiln near the end of the firing cycle to impart appropriate color to the bricks. Not all bricks require flashing; typically flashing occurs less than five percent of the time. Controlled cooling is necessary to maintain the structural integrity of the bricks. After cooling, the bricks are packaged and stored for shipping.

The following table is a summary of emissions from the facility. Specific conditions and emissions for each source can be found starting on the page cross referenced in the table.

EMISSION SUMMARY					
Source No.	Description	Pollutant	Emission Rates		Cross Reference Page
			lb/hr	tpy	
	Total Allowable Emissions	PM/PM ₁₀	7.4	32.4	N/A
		PM ₁₀	6.7	29.4	
		SO ₂	6.1	26.3	
		VOC	0.2	0.8	
		CO	9.3	40.5	
		NO _x	2.7	11.8	
		HF	3.8	16.63	
		Non-HF Fluorides	2.26	9.89	
		HCl	1.31	5.74	
		Manganese	0.1	0.44	
01	Dryer	Insignificant			Regulation 19 Appendix A Group C Number 5

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EMISSION SUMMARY					
Source No.	Description	Pollutant	Emission Rates		Cross Reference Page
			lb/hr	tpy	
02	Kiln	PM/PM ₁₀	7.4	32.4	8
		PM ₁₀	6.7	29.4	
		SO ₂	6.1	26.3	
		VOC	0.2	0.8	
		CO	9.3	40.5	
		NO _x	2.7	11.8	
		HF	3.8	16.63	
		Non-HF Fluorides	2.26	9.89	
		HCl	1.31	5.74	
	Manganese	0.1	0.44		
03	Crushing, Grinding, and Storage	Insignificant Regulation 19 Appendix A Group C Number 5			

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SECTION III: PERMIT HISTORY

Permit 2004-AOP-R0 was issued on 11/16/98. This was the first air permit ever issued to this facility. This facility has been in operation since 1966. With issuance of this permit, the facility modified their current operation by the addition of a foam dust suppression system on the roller mill which is part of the crushing and grinding operation.

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SECTION IV: EMISSION UNIT INFORMATION

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SN-02: Kiln

Source Description

Source SN-02 is the tunnel kiln. The kiln is a natural gas fired unit and is rated at 19 MMBTU/Hr of heat input capacity. The kiln is divided into three zones: the firing zone, the flashing zone, and the cooling zone. Heat for the brick dryer is supplied from the kiln's cooling zone. The products of combustion and HAPs associated with the firing of the bricks are emitted from the kiln. This unit was installed in 1978.

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, Subpart E, the permittee shall not exceed the emission rates set forth in the following table for source SN-02. The pound per hour pollutant emission rates are based on the maximum physical capacity of the source (in tons of brick per hour). Compliance with the ton per year (tpy) pollutant emission rates are demonstrated through compliance with Specific Condition 5.

Pollutant	lb/hr	tpy
PM/PM ₁₀	7.4	32.4
PM ₁₀	6.7	29.4
SO ₂	6.1	26.3
VOC	0.2	0.8
CO	9.3	40.5
NO _x	2.7	11.8

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2. Pursuant to §18.8 of the Arkansas Air Pollution Control Code (Regulation 18), the permittee shall not exceed the emission rates set forth in the following table for source SN-02. The pound per hour pollutant emission rates are based on the maximum physical capacity of the source (in tons of brick per hour). Compliance with the ton per year (tpy) pollutant emission rates are demonstrated through compliance with Specific Condition 5.

Air Contaminant	lb/hr	tpy
HF	3.8	16.63
Non-HF Fluorides	2.26	9.89
HCl	1.31	5.74
Manganese	0.1	0.44

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-02 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-02 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. 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.
- The date and time of the observation
 - If visible emissions which appeared to be above the permitted limit were detected
 - 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.
 - The name of the person conducting the opacity observations.

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5. Pursuant to A.C.A. §8-4-203 as referenced by A.C.A. §8-4-304 and §8-4-311 and 40 CFR Part 70.6, the permittee shall not exceed the production limit of 67,450 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 Specific 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. The monthly reports shall also be submitted to the Department per General Provision 7 by the last day of the month after the reported six months.

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SECTION V: PLANTWIDE CONDITIONS

1. Pursuant to §19.4(o) of Regulation 19, 40 CFR Part 52, Subpart E, and A.C.A. §8-4-203 as referenced by §8-4-304 and §8-4-311, the Director shall be notified in writing within thirty (30) days after construction has commenced, construction is complete, the equipment and/or facility is first placed in operation, and the equipment and/or facility first reaches the target production rate.
2. Pursuant to §19.4(q) of Regulation 19, and 40 CFR Part 52, Subpart E, the Director may cancel all or part of this permit if the construction or modification authorized herein is not begun within 18 months from the date of the permit issuance if the work involved in the construction or modification is suspended for a total of 18 months or more.
3. Pursuant to §19.7 of Regulation 19, 40 CFR Part 52, Subpart E, and A.C.A. §8-4-203 as referenced by §8-4-304 and §8-4-311, each emission point for which an emission test method is specified in this permit shall be tested in order to determine compliance with the emission limitations contained herein within sixty (60) days of achieving the maximum production rate, but in no event later than 180 days after initial start-up of the permitted source. The permittee shall notify the Department of the scheduled date of compliance testing at least fifteen (15) days in advance of such test. Compliance test results shall be submitted to the Department within thirty (30) days after the completed testing. The permittee shall provide:
 - (1) Sampling ports adequate for applicable test methods
 - (2) Safe sampling platforms
 - (3) Safe access to sampling platforms
 - (4) Utilities for sampling and testing equipment
4. Pursuant to Regulation 19.3 and 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.

Title VI Provisions

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

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- 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.

6. 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.

7. 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.

8. 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.

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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.

9. 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

10. 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 May 18, 1998.

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 May 18, 1998.

Description of Regulation	Regulatory Citation	Affected Source	Basis for Determination
New Source Performance Standards	Subpart OOO (Standards of Performance)	Facility	Facility commenced construction, reconstruction, and modification before August

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Description of Regulation	Regulatory Citation	Affected Source	Basis for Determination
	for Nonmetallic Mineral Processing Plants)		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 May 18, 1998.

Source	Description	Reason
01	Dryer	Regulation 19 Appendix A Group A Number 13
03	Crushing, Grinding, and Storage	Regulation 19 Appendix A Group A Number 13
N/A	Lingo Sulfonate Tank	Regulation 19 Appendix A Group A Number 3
N/A	Diesel Fuel Storage Tank	Regulation 19 Appendix A Group A Number 3
N/A	207 hp Diesel Emergency Generator	Regulation 19 Appendix A Group A Number 12

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.

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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.
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

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.

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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
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.

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.

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.

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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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.
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.

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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.
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.

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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.
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.

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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
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.
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

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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;
 - 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

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- 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.

Wheeler Brick Company, Inc.

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INVOICE REQUEST FORM

PDS-

Date December 17, 2002

<input checked="" type="checkbox"/>	Air
<input type="checkbox"/>	NPDES
<input type="checkbox"/>	Stormwater
<input type="checkbox"/>	State Permits Branch
<input type="checkbox"/>	Solid Waste

CSN 160002

Facility Name Wheeler Brick Company

Invoice Mailing Address P.O. Box 250

Jonesboro, Arkansas 72403-0250

<input type="checkbox"/>	Initial
<input checked="" type="checkbox"/>	Modification
<input type="checkbox"/>	Annual

Permit Number 2004-AOP-R1

Permit Description Title V

Permit Fee Code A

Amount Due \$1000.00

Engineer Shane Byrum

Paid? No Yes Check #

Comments: Air Permit Fee Calculation

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:

Wheeler Brick Company, Inc. (CSN: 160002) owns and operates a clay brick manufacturing facility located at 2905 Dan Avenue in Jonesboro, 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). This permit (2004-AOP-R1) is a minor modification which includes raising the permitted heat capacity of the brick-drying kiln from 12.5 to 19 MMBtu/hr. There will be no physical changes to the kiln (past estimates of heat input were understated). No increase in emissions is necessary because emissions were based on permitted brick throughput (7.7 ton/hour), which remains unchanged. The kiln production records indicate that the heat input of the kiln would need to be approximately 19 MMBtu/hr for maximum production of 7.7 tons of brick per hour.

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 Shane Byrum, Engineer. Both Rhonda Sharp and Shane Byrum can be reached at the Department's central office, 8001 National Drive, Little Rock, Arkansas 72209, telephone: (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 Crowley Ridge Regional Library, 315 W. Oak, Jonesboro, Arkansas 72401. 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 Commission's Administrative Procedures (Regulation #8) and Regulation #26.

Dated this

Randall Mathis
Director