

ADEQ DRAFT MINOR SOURCE AIR PERMIT

Permit No. : 1765-AR-1

IS ISSUED TO:

Helm Fertilizer Helena Terminal
645 Phillips 422 - Slack Water Harbor
Helena-West Helena, AR 72342
Phillips County
AFIN: 54-00160

THIS PERMIT IS THE ABOVE REFERENCED PERMITTEE'S AUTHORITY TO CONSTRUCT, MODIFY, OPERATE, AND/OR MAINTAIN THE EQUIPMENT AND/OR FACILITY IN THE MANNER AS SET FORTH IN THE DEPARTMENT'S MINOR SOURCE AIR PERMIT AND THE APPLICATION. THIS PERMIT IS ISSUED PURSUANT TO THE PROVISIONS OF THE ARKANSAS WATER AND AIR POLLUTION CONTROL ACT (ARK. CODE ANN. § 8-4-101 *ET SEQ.*) AND THE REGULATIONS PROMULGATED THEREUNDER, AND IS SUBJECT TO ALL LIMITS AND CONDITIONS CONTAINED HEREIN.

Signed:

Stuart Spencer
Associate Director, Office of Air Quality

Date

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List of Acronyms and Abbreviations

Ark. Code Ann.	Arkansas Code Annotated
AFIN	ADEQ Facility Identification Number
C.F.R.	Code of Federal Regulations
CO	Carbon Monoxide
HAP	Hazardous Air Pollutant
lb/hr	Pound Per Hour
No.	Number
NO _x	Nitrogen Oxide
PM	Particulate Matter
PM ₁₀	Particulate Matter Smaller Than Ten Microns
SO ₂	Sulfur Dioxide
Tpy	Tons Per Year
UTM	Universal Transverse Mercator
VOC	Volatile Organic Compound

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Section I: FACILITY INFORMATION

PERMITTEE: Helm Fertilizer Helena Terminal

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PERMIT NUMBER: 1765-AR-1

FACILITY ADDRESS: 645 Phillips 422 - Slack Water Harbor
Helena-West Helena, AR 72342

MAILING ADDRESS: P. O. Box 2764
HELENA-WEST HELENA, AR 72390

COUNTY: Phillips County

CONTACT NAME: Bobby Guynes

CONTACT POSITION: Terminal Manager

TELEPHONE NUMBER: (870) 338-8177

REVIEWING ENGINEER: Lauren Featherston

UTM North South (Y): Zone 15: 3810450.49 m

UTM East West (X): Zone 15: 719533.28 m

Section II: INTRODUCTION

Summary of Permit Activity

Helm Fertilizer Helena Terminal Incorporated is a fertilizer terminal for both solid and liquid fertilizers in Helena-West Helena. In this permit, new sources such as the Nitrogen Solution Tanks and the Blenders 1 and 2 are added. The emissions calculations have been updated to include calculations for Aggregate Handling and Storage Piles, Industrial Wind Erosion, and Unpaved Roads. The permit format has also been updated from the previous 1997 permit, and several issues regarding their CAO have been addressed. The permitted annual emissions have increased by 15.1 tpy of PM, 3.6 tpy of VOC, 0.02 tpy of Ammonia, and 4.34 tpy of Ammonium Nitrate. The permitted annual emissions have decreased by 14.3 tpy of PM₁₀.

Process Description

Dry fertilizer is received by barge. The fertilizer is then moved by excavator to a conveyor. The conveyor from the dry dock transfers the fertilizer to the conveyor leading to the Dry Storage Warehouse. The conveyor then unloads the fertilizer inside the dry storage building. The dry fertilizer is transferred from the dry storage building via front end loaders. The fertilizer is then conveyed either by direct truck loadout or through one of two dry fertilizer blenders to trucks for distribution.

Regulations

The following table contains the regulations applicable to this permit.

Regulations
Arkansas Air Pollution Control Code, Regulation 18, effective March 14, 2016
Regulations of the Arkansas Plan of Implementation for Air Pollution Control, Regulation 19, effective March 14, 2016

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Total Allowable Emissions

The following table is a summary of emissions from the facility. This table, in itself, is not an enforceable condition of the permit.

TOTAL ALLOWABLE EMISSIONS		
Pollutant	Emission Rates	
	lb/hr	tpy
PM	53.3	50.3
PM ₁₀	23.6	20.9
VOC	1.6	3.6
Ammonia*	0.01	0.02
Ammonium Nitrate*	1.78	4.34

*Air Contaminants

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Section III: PERMIT HISTORY

Permit #1765-A Helm Fertilizer Helena Terminal Incorporated is proposing to construct and operate a fertilizer storage and distribution facility at Slack Water Harbor, Phillips County, Arkansas. Operations at the facility include dry fertilizer receiving, storage, and distribution.

Air permit #1765-A will be the first air permit issued to the facility.

Helm Fertilizer Helena Terminal, Inc. will not be subject to applicable regulations of 40 CFR Part 60 Subpart X, Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities, due to the storage of granular triple superphosphate that is not fresh and operations being limited to storage and distribution only.

Section IV: EMISSION UNIT INFORMATION

Specific Conditions

- The permittee shall not exceed the emission rates set forth in the following table.
 [Reg.19.501 *et seq.* and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

SN	Description	Pollutant	lb/hr	tpy
01	Offload - Barge to excavator bucket	PM ₁₀	0.7	0.4
02	Offload - Excavator bucket to hopper	PM ₁₀	0.7	0.4
03	Offload - Hopper to conveyor**	PM ₁₀	0.7	0.4
04	Offload - Conveyor to conveyor	PM ₁₀	0.7	0.4
05	Offload - Conveyor to conveyor	PM ₁₀	0.7	0.4
06	Offload - Conveyor to dry storage	PM ₁₀	0.1	0.1
07	Loadout1 - Dry storage to FEL*	PM ₁₀	0.1	0.1
08	Loadout1 - FEL to hopper	PM ₁₀	0.7	0.4
09	Loadout1 - Hopper to conveyor	PM ₁₀	0.1	0.1
10	Loadout1 - Conveyor to truck	PM ₁₀	0.7	0.4
11	Loadout2 - Dry storage to FEL	PM ₁₀	0.1	0.1
12	Loadout2 - FEL to hopper	PM ₁₀	0.7	0.4
13	Loadout2 - Hopper to conveyor	PM ₁₀	0.1	0.1
14	Loadout2 - Conveyor to truck	PM ₁₀	0.7	0.4
15	Blender1 - Dry storage to FEL for hopper 1	PM ₁₀	0.1	0.1
16	Blender1 - FEL to hopper 1	PM ₁₀	0.7	0.4
17	Blender1 - Dry storage to FEL for hopper 2	PM ₁₀	0.1	0.1
18	Blender1 - FEL to hopper 2	PM ₁₀	0.7	0.4
19	Blender1 - Dry storage to FEL for hopper 3	PM ₁₀	0.1	0.1
20	Blender1 - FEL to hopper 3	PM ₁₀	0.7	0.4
21	Blender1 - Dry storage to FEL for hopper 4	PM ₁₀	0.1	0.1

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SN	Description	Pollutant	lb/hr	tpy
22	Blender1 - FEL to hopper 4	PM ₁₀	0.7	0.4
23	Blender1 - Dry storage to FEL for hopper 5	PM ₁₀	0.1	0.1
24	Blender1 - FEL to hopper 5	PM ₁₀	0.7	0.4
25	Blender1 - Sack to hopper 6	PM ₁₀	0.7	0.4
26	Blender1 - Sack to hopper 7	PM ₁₀	0.7	0.4
27	Blender1 - Hopper 1 to auger	PM ₁₀	0.1	0.1
28	Blender1 - Hopper 2a to auger	PM ₁₀	0.1	0.1
29	Blender1 - Hopper 2b to auger	PM ₁₀	0.1	0.1
30	Blender1 - Hopper 3a to auger	PM ₁₀	0.1	0.1
31	Blender1 - Hopper 3b to auger	PM ₁₀	0.1	0.1
32	Blender1 - Hopper 4 to auger	PM ₁₀	0.1	0.1
33	Blender1 - Hopper 5 to auger	PM ₁₀	0.1	0.1
34	Blender1 - Hopper 6 to auger	PM ₁₀	0.1	0.1
35	Blender1 - Hopper 7 to auger	PM ₁₀	0.1	0.1
36	Blender1 - Auger to transfer box	PM ₁₀	0.1	0.1
37	Blender1 - Transfer box to loadout conveyor	PM ₁₀	0.1	0.1
38	Blender1 - Loadout conveyor to truck	PM ₁₀	0.7	0.4
39	Blender2 - Dry storage to FEL for hopper 1	PM ₁₀	0.1	0.1
40	Blender2 - FEL to hopper 1	PM ₁₀	0.7	0.4
41	Blender2 - Dry storage to FEL for hopper 2	PM ₁₀	0.1	0.1
42	Blender2 - FEL to hopper 2	PM ₁₀	0.7	0.4
43	Blender2 - Dry storage to FEL for hopper 3	PM ₁₀	0.1	0.1
44	Blender2 - FEL to hopper 3	PM ₁₀	0.7	0.4
45	Blender2 - Dry storage to FEL for hopper 4	PM ₁₀	0.1	0.1
46	Blender2 - FEL to hopper 4	PM ₁₀	0.7	0.4
47	Blender2 - Dry storage to FEL for hopper 5	PM ₁₀	0.1	0.1

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SN	Description	Pollutant	lb/hr	tpy
48	Blender2 - FEL to hopper 5	PM ₁₀	0.7	0.4
49	Blender2 - Dry storage to FEL for hopper 6	PM ₁₀	0.1	0.1
50	Blender2 - FEL to hopper 6	PM ₁₀	0.7	0.4
51	Blender2 - Sack to hopper 7	PM ₁₀	0.7	0.4
52	Blender2 - Sack to hopper 8	PM ₁₀	0.7	0.4
53	Blender2 - Hopper 7 to hopper 9	PM ₁₀	0.1	0.1
54	Blender2 - Hopper 8 to hopper 10	PM ₁₀	0.1	0.1
55	Blender2 - Hopper 1 to auger	PM ₁₀	0.1	0.1
56	Blender2 - Hopper 2 to auger	PM ₁₀	0.1	0.1
57	Blender2 - Hopper 3 to auger	PM ₁₀	0.1	0.1
58	Blender2 - Hopper 4 to auger	PM ₁₀	0.1	0.1
59	Blender2 - Hopper 5 to auger	PM ₁₀	0.1	0.1
60	Blender2 - Hopper 6 to auger	PM ₁₀	0.1	0.1
61	Blender2 - Hopper 9 to auger	PM ₁₀	0.1	0.1
62	Blender2 - Hopper 10 to auger	PM ₁₀	0.1	0.1
63	Blender2 - Auger to transfer box	PM ₁₀	0.1	0.1
64	Blender2 - Transfer box to loadout conveyor	PM ₁₀	0.1	0.1
65	Blender2 - Loadout conveyor to truck	PM ₁₀	0.7	0.4
66	Unpaved Roads	PM ₁₀	1.5	6.6
67	Nitrogen Tank 1	VOC	0.8	1.8
68	Nitrogen Tank 2	VOC	0.8	1.8

*FEL = Front End Loader

**Industrial wind Erosion along conveyor accounted for in this total

2. The permittee shall not exceed the emission rates set forth in the following table.
 [Reg.18.801 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

SN	Description	Pollutant	lb/hr	tpy
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SN	Description	Pollutant	lb/hr	tpy
01	Offload - Barge to excavator bucket	PM	1.5	0.7
02	Offload - Excavator bucket to hopper	PM	1.5	0.7
03	Offload - Hopper to conveyor**	PM	1.5	0.8
04	Offload - Conveyor to conveyor	PM	1.5	0.7
05	Offload - Conveyor to conveyor	PM	1.5	0.7
06	Offload - Conveyor to dry storage	PM	0.2	0.1
07	Loadout1 - Dry storage to FEL*	PM	0.2	0.1
08	Loadout1 - FEL to hopper	PM	1.5	0.7
09	Loadout1 - Hopper to conveyor	PM	0.2	0.1
10	Loadout1 - Conveyor to truck	PM	1.5	0.7
11	Loadout2 - Dry storage to FEL	PM	0.2	0.1
12	Loadout2 - FEL to hopper	PM	1.5	0.7
13	Loadout2 - Hopper to conveyor	PM	0.2	0.1
14	Loadout2 - Conveyor to truck	PM	1.5	0.7
15	Blender1 - Dry storage to FEL for hopper 1	PM	0.2	0.1
16	Blender1 - FEL to hopper 1	PM	1.5	0.7
17	Blender1 - Dry storage to FEL for hopper 2	PM	0.2	0.1
18	Blender1 - FEL to hopper 2	PM	1.5	0.7
19	Blender1 - Dry storage to FEL for hopper 3	PM	0.2	0.1
20	Blender1 - FEL to hopper 3	PM	1.5	0.7
21	Blender1 - Dry storage to FEL for hopper 4	PM	0.2	0.1
22	Blender1 - FEL to hopper 4	PM	1.5	0.7
23	Blender1 - Dry storage to FEL for hopper 5	PM	0.2	0.1
24	Blender1 - FEL to hopper 5	PM	1.5	0.7
25	Blender1 - Sack to hopper 6	PM	1.5	0.7
26	Blender1 - Sack to hopper 7	PM	1.5	0.7

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SN	Description	Pollutant	lb/hr	tpy
27	Blender1 - Hopper 1 to auger	PM	0.2	0.1
28	Blender1 - Hopper 2a to auger	PM	0.2	0.1
29	Blender1 - Hopper 2b to auger	PM	0.2	0.1
30	Blender1 - Hopper 3a to auger	PM	0.2	0.1
31	Blender1 - Hopper 3b to auger	PM	0.2	0.1
32	Blender1 - Hopper 4 to auger	PM	0.2	0.1
33	Blender1 - Hopper 5 to auger	PM	0.2	0.1
34	Blender1 - Hopper 6 to auger	PM	0.2	0.1
35	Blender1 - Hopper 7 to auger	PM	0.2	0.1
36	Blender1 - Auger to transfer box	PM	0.2	0.1
37	Blender1 - Transfer box to loadout conveyor	PM	0.2	0.1
38	Blender1 - Loadout conveyor to truck	PM	1.5	0.7
39	Blender2 - Dry storage to FEL for hopper 1	PM	0.2	0.1
40	Blender2 - FEL to hopper 1	PM	1.5	0.7
41	Blender2 - Dry storage to FEL for hopper 2	PM	0.2	0.1
42	Blender2 - FEL to hopper 2	PM	1.5	0.7
43	Blender2 - Dry storage to FEL for hopper 3	PM	0.2	0.1
44	Blender2 - FEL to hopper 3	PM	1.5	0.7
45	Blender2 - Dry storage to FEL for hopper 4	PM	0.2	0.1
46	Blender2 - FEL to hopper 4	PM	1.5	0.7
47	Blender2 - Dry storage to FEL for hopper 5	PM	0.2	0.1
48	Blender2 - FEL to hopper 5	PM	1.5	0.7
49	Blender2 - Dry storage to FEL for hopper 6	PM	0.2	0.1
50	Blender2 - FEL to hopper 6	PM	1.5	0.7
51	Blender2 - Sack to hopper 7	PM	1.5	0.7
52	Blender2 - Sack to hopper 8	PM	1.5	0.7

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SN	Description	Pollutant	lb/hr	tpy
53	Blender2 - Hopper 7 to hopper 9	PM	0.2	0.1
54	Blender2 - Hopper 8 to hopper 10	PM	0.2	0.1
55	Blender2 - Hopper 1 to auger	PM	0.2	0.1
56	Blender2 - Hopper 2 to auger	PM	0.2	0.1
57	Blender2 - Hopper 3 to auger	PM	0.2	0.1
58	Blender2 - Hopper 4 to auger	PM	0.2	0.1
59	Blender2 - Hopper 5 to auger	PM	0.2	0.1
60	Blender2 - Hopper 6 to auger	PM	0.2	0.1
61	Blender2 - Hopper 9 to auger	PM	0.2	0.1
62	Blender2 - Hopper 10 to auger	PM	0.2	0.1
63	Blender2 - Auger to transfer box	PM	0.2	0.1
64	Blender2 - Transfer box to loadout conveyor	PM	0.2	0.1
65	Blender2 - Loadout conveyor to truck	PM	1.5	0.7
66	Unpaved Roads	PM	6.5	28.1
67	Nitrogen Tank 1	Ammonium Nitrate	0.89	2.17
		Ammonia	0.003	0.008
68	Nitrogen Tank 2	Ammonium Nitrate	0.89	2.17
		Ammonia	0.003	0.008

*FEL = Front End Loader

** Industrial wind Erosion along conveyor accounted for in this total

- Visible emissions may not exceed the limits specified in the following table of this permit as measured by EPA Reference Method 9. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

SN	Limit	Regulatory Citation
Facility Wide	20%	19.503

- 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

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- prohibited by Regulation 18, if the emission of the air contaminant constitutes air pollution within the meaning of Ark. Code Ann. § 8-4-303. [Reg.18.801 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
5. The permittee shall not conduct operations in such a manner as to unnecessarily cause air contaminants and other pollutants to become airborne. [Reg.18.901 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
 6. The permittee shall not exceed a throughput of 175,000 tons of solid fertilizer at the facility per rolling 12 month period. [Reg.19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
 7. The permittee shall not exceed a throughput of 14,466,546 gallons of 32% Nitrogen Solution at the facility per rolling 12 month period. [Reg.19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
 8. The permittee shall maintain monthly records to demonstrate compliance with Specific Condition #6 and 7. The permittee shall update these records by the fifteenth day of the month following the month to which the records pertain. The twelve month rolling totals and each individual month's data shall be maintained on-site and made available to Department personnel upon request. [Reg.19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
 9. Vehicles traveling on the facility's unpaved roads may not exceed 25 miles per hour in speed. The permittee shall post a speed limit of 25 mph or less on all unpaved facility roads. [Reg.19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
 10. Facilities may not open burn any refuse, garbage, trade waste, or other waste material. The facility may not conduct a salvage operation by open burning. [Reg.18.602 and Ark. Code Ann. §8-4-203 as referenced by §§ 8-4-304 and 8-4-311]
 11. Visible emissions from any stationary source shall not extend past its property boundaries at ground level if it is determined by the Department to be a nuisance to the surrounding community. A stationary source shall take whatever steps are necessary to prevent visible emissions from extending past property boundaries. [Reg.19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
 12. The permittee shall water all haul roads as needed in order to ensure that no visible emissions extend beyond the property boundary or the affected facility. Dust suppression activities should be conducted in a manner and at a rate of application that will not cause runoff from the area being applied. [Reg.19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

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13. Nothing in this permit shall be construed to authorize a violation of the Arkansas Water and Air Pollution Control Act or the federal National Pollutant Discharge Elimination System (NPDES). [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

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Section V: INSIGNIFICANT ACTIVITIES

The Department deems the following types of activities or emissions as insignificant on the basis of size, emission rate, production rate, or activity in accordance with Group A of the Insignificant Activities list found in Regulation 18 and Regulation 19 Appendix A. Group B insignificant activities may be listed but are not required to be listed in permits. Insignificant activity emission determinations rely upon the information submitted by the permittee in an application dated September 19, 2018. [Reg.19.408 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

Description	Category
1000 Gallon Diesel Tank	A3

Section VI: GENERAL CONDITIONS

1. Any terms or conditions included in this permit that specify and reference Arkansas Pollution Control & Ecology Commission Regulation 18 or the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 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 (Ark. Code Ann. § 8-4-101 *et seq.*). Any terms or conditions included in this permit that specify and reference Arkansas Pollution Control & Ecology Commission Regulation 18 or the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*) as the origin of and authority for the terms or conditions are enforceable under this Arkansas statute.
2. This permit does not relieve the owner or operator of the equipment and/or the facility from compliance with all applicable provisions of the Arkansas Water and Air Pollution Control Act and the regulations promulgated under the Act. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
3. The permittee shall notify the Department in writing within thirty (30) days after each of the following events: commencement of construction, completion of construction, first operation of equipment and/or facility, and first attainment of the equipment and/or facility target production rate. [Reg.19.704 and/or Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
4. Construction or modification must commence within eighteen (18) months from the date of permit issuance. [Reg.19.410(B) and/or Reg.18.309(B) and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
5. The permittee must keep records for five years to enable the Department to determine compliance with the terms of this permit such as hours of operation, throughput, upset conditions, and continuous monitoring data. The Department may use the records, at the discretion of the Department, to determine compliance with the conditions of the permit. [Reg.19.705 and/or Reg.18.1004 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
6. A responsible official must certify any reports required by any condition contained in this permit and submit any reports to the Department at the address below. [Reg.19.705 and/or Reg.18.1004 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

Arkansas Department of Environmental Quality
Office of Air Quality
ATTN: Compliance Inspector Supervisor

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5301 Northshore Drive
North Little Rock, AR 72118-5317

7. The permittee shall test any equipment scheduled for testing, unless stated in the Specific Conditions of this permit or by any federally regulated requirements, within the following time frames: (1) newly constructed or modified equipment within sixty (60) days of achieving the maximum production rate, but no later than 180 days after initial start up of the permitted source or (2) existing equipment already operating according to the time frames set forth by the Department. The permittee must notify the Department of the scheduled date of compliance testing at least fifteen (15) business days in advance of such test. The permittee must submit compliance test results to the Department within sixty (60) calendar days after the completion of testing. [Reg.19.702 and/or Reg.18.1002 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
8. The permittee shall provide: [Reg.19.702 and/or Reg.18.1002 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
 - a. Sampling ports adequate for applicable test methods;
 - b. Safe sampling platforms;
 - c. Safe access to sampling platforms; and
 - d. Utilities for sampling and testing equipment
9. The permittee shall operate equipment, control apparatus and emission monitoring equipment within their design limitations. The permittee shall maintain in good condition at all times equipment, control apparatus and emission monitoring equipment. [Reg.19.303 and/or Reg.18.1104 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
10. If the permittee exceeds an emission limit established by this permit, the permittee will be deemed in violation of said permit and will be subject to enforcement action. The Department may forego enforcement action for emissions exceeding any limits established by this permit provided the following requirements are met: [Reg.19.601 and/or Reg.18.1101 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
 - a. The permittee demonstrates to the satisfaction of the Department that the emissions resulted from an equipment malfunction or upset and are not the result of negligence or improper maintenance, and the permittee took all reasonable measures to immediately minimize or eliminate the excess emissions.
 - b. The permittee reports the occurrence or upset or breakdown of equipment (by telephone, facsimile, or overnight delivery) to the Department by the end of the next business day after the occurrence or the discovery of the occurrence.
 - c. The permittee must submit to the Department, within five business days after the occurrence or the discovery of the occurrence, a full, written report of such occurrence, including a statement of all known causes and of the scheduling and

nature of the actions to be taken to minimize or eliminate future occurrences, including, but not limited to, action to reduce the frequency of occurrence of such conditions, to minimize the amount by which said limits are exceeded, and to reduce the length of time for which said limits are exceeded. If the information is included in the initial report, the information need not be submitted again.

11. The permittee shall allow representatives of the Department upon the presentation of credentials: [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
 - a. To enter upon the permittee's premises, or other premises under the control of the permittee, where an air pollutant source is located or in which any records are required to be kept under the terms and conditions of this permit;
 - b. To have access to and copy any records required to be kept under the terms and conditions of this permit, or the Act;
 - c. To inspect any monitoring equipment or monitoring method required in this permit;
 - d. To sample any emission of pollutants; and
 - e. To perform an operation and maintenance inspection of the permitted source.
12. The Department issued this permit in reliance upon the statements and presentations made in the permit application. The Department has no responsibility for the adequacy or proper functioning of the equipment or control apparatus. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
13. The Department may revoke or modify this permit when, in the judgment of the Department, such revocation or modification is necessary to comply with the applicable provisions of the Arkansas Water and Air Pollution Control Act and the regulations promulgated the Arkansas Water and Air Pollution Control Act. [Reg.19.410(A) and/or Reg.18.309(A) and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
14. This permit may be transferred. An applicant for a transfer must submit a written request for transfer of the permit on a form provided by the Department and submit the disclosure statement required by Arkansas Code Annotated §8-1-106 at least thirty (30) days in advance of the proposed transfer date. The permit will be automatically transferred to the new permittee unless the Department denies the request to transfer within thirty (30) days of the receipt of the disclosure statement. The Department may deny a transfer on the basis of the information revealed in the disclosure statement or other investigation or, deliberate falsification or omission of relevant information. [Reg.19.407(B) and/or Reg.18.307(B) and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

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15. This permit shall be available for inspection on the premises where the control apparatus is located. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
16. This permit authorizes only those pollutant emitting activities addressed herein. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
17. This permit supersedes and voids all previously issued air permits for this facility. [Reg. 18 and/or Reg. 19 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
18. The permittee must pay all permit fees in accordance with the procedures established in Regulation 9. [Ark. Code Ann. § 8-1-105(c)]
19. The permittee may request in writing and at least 15 days in advance of the deadline, an extension to any testing, compliance or other dates in this permit. No such extensions are authorized until the permittee receives written Department approval. The Department may grant such a request, at its discretion in the following circumstances:
 - a. Such an extension does not violate a federal requirement;
 - b. The permittee demonstrates the need for the extension; and
 - c. The permittee documents that all reasonable measures have been taken to meet the current deadline and documents reasons it cannot be met.

[Reg.18.314(A) and/or Reg.19.416(A), Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]
20. The permittee may request in writing and at least 30 days in advance, temporary emissions and/or testing that would otherwise exceed an emission rate, throughput requirement, or other limit in this permit. No such activities are authorized until the permittee receives written Department approval. Any such emissions shall be included in the facility's total emissions and reported as such. The Department may grant such a request, at its discretion under the following conditions:
 - a. Such a request does not violate a federal requirement;
 - b. Such a request is temporary in nature;
 - c. Such a request will not result in a condition of air pollution;
 - d. The request contains such information necessary for the Department to evaluate the request, including but not limited to, quantification of such emissions and the date/time such emission will occur;
 - e. Such a request will result in increased emissions less than five tons of any individual criteria pollutant, one ton of any single HAP and 2.5 tons of total HAPs; and
 - f. The permittee maintains records of the dates and results of such temporary emissions/testing.

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[Reg.18.314(B) and/or Reg.19.416(B), Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

21. The permittee may request in writing and at least 30 days in advance, an alternative to the specified monitoring in this permit. No such alternatives are authorized until the permittee receives written Department approval. The Department may grant such a request, at its discretion under the following conditions:
 - a. The request does not violate a federal requirement;
 - b. The request provides an equivalent or greater degree of actual monitoring to the current requirements; and
 - c. Any such request, if approved, is incorporated in the next permit modification application by the permittee.

[Reg.18.314(C) and/or Reg.19.416(C), Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

22. Any credible evidence based on sampling, monitoring, and reporting may be used to determine violations of applicable emission limitations. [Reg.18.1001, Reg.19.701, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]