



DIVISION OF ENVIRONMENTAL QUALITY

DRAFT OPERATING AIR PERMIT

PERMIT NUMBER: 2420-AOP-R2

IS ISSUED TO:

Arkansas BioEnergy, LLC - Leola
15964 Highway 46 South
Leola, AR 72084
Grant County
AFIN: 27-00385

PURSUANT TO THE RULES OF THE ARKANSAS OPERATING AIR PERMIT PROGRAM, RULE 26: 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:

AND

THE PERMITTEE IS SUBJECT TO ALL LIMITS AND CONDITIONS CONTAINED HEREIN.

Signed:

Demetria Kimbrough
Associate Director, Office of Air Quality
Division of Environmental Quality

Date

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List of Acronyms and Abbreviations

Ark. Code Ann.	Arkansas Code Annotated
AFIN	Arkansas DEQ Facility Identification Number
C.F.R.	Code of Federal Regulations
CO	Carbon Monoxide
COMS	Continuous Opacity Monitoring System
HAP	Hazardous Air Pollutant
Hp	Horsepower
lb/hr	Pound Per Hour
NESHAP	National Emission Standards (for) Hazardous Air Pollutants
MVAC	Motor Vehicle Air Conditioner
No.	Number
NO _x	Nitrogen Oxide
NSPS	New Source Performance Standards
PM	Particulate Matter
PM ₁₀	Particulate Matter Equal To Or Smaller Than Ten Microns
PM _{2.5}	Particulate Matter Equal To Or Smaller Than 2.5 Microns
SNAP	Significant New Alternatives Program (SNAP)
SO ₂	Sulfur Dioxide
SSM	Startup, Shutdown, and Malfunction Plan
Tpy	Tons Per Year
UTM	Universal Transverse Mercator
VOC	Volatile Organic Compound

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SECTION I: FACILITY INFORMATION

PERMITTEE: Arkansas BioEnergy, LLC - Leola

AFIN: 27-00385

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FACILITY ADDRESS: 15964 Highway 46 South
Leola, AR 72084

MAILING ADDRESS: 7070 Carl Road
Bastrop, LA 71220

COUNTY: Grant County

CONTACT NAME: Joseph Branson

CONTACT POSITION: Plant Manager

TELEPHONE NUMBER: (318) 351-5140

REVIEWING ENGINEER: Thamoda Crossen

UTM North South (Y): Zone 15: 3780442.84 m

UTM East West (X): Zone 15: 537920.31 m

SECTION II: INTRODUCTION

Summary of Permit Activity

Arkansas BioEnergy, LLC operates wood pellet product manufacturing facility located at 15964 Highway 46 South, Leola, Leola, Grant County, Arkansas. BioEnergy produces wood pellets from lumber mill wood shavings. The raw material is delivered to the site by trucks, and the produced pellets are shipped offsite by trucks. The pellet manufacturing process takes place within the enclosed Pellet Cube. The facility submitted a modification application to update Pellet Cooler with Cyclone (SN-02)'s HAPs emission rates.

The facility's permitted annual emissions are changing by -0.3 tpy PM, -0.3 tpy PM₁₀ and -0.2 tpy VOC.

Process Description

The Leola facility produces wood pellets from lumber mill wood shavings. The raw material is delivered to the site by trucks, and the produced pellets are shipped offsite by trucks. The pellet manufacturing process takes place within the enclosed Pellet Cube. The facility consists of several process areas as follows:

- Wood Shavings Receiving, Conveyance, and Storage;
- Pellet Cube:
 - Hammermill;
 - Pellet Mill;
 - Pellet Cooler;
 - Screening; and
- Pellet Conveyance, Storage, and Loadout.

Wood Shavings Receiving, Conveyance, and Storage

The facility receives raw material as wood shavings via trucks. The shavings are unloaded into the Truck Dump and then mechanically conveyed to an enclosed screen. Rejects from the screen are collected in a hopper and then moved to the reject storage pile. After being screened, the shavings are conveyed to the shaving container. The truck dump, enclosed screen, and conveyance to the shaving container are controlled by baghouse SN-05. If the shavings container is full, they are received and stored in a fiber shavings storage tent until they can be routed via dump truck to the shaving's storage container.

Pellet Cube – Hammer Mill

The shavings are transferred from the shaving container to the hammermill via a conveyor. Baghouse SN-05 controls the conveyor drop point. Once received in the hammermill, the shavings are shredded and crushed. The exhaust air from this process is controlled by hammermill baghouse SN-01, and the captured material from the baghouse is conveyed to be processed in the pellet mill.

Pellet Cube - Pellet Mill

The crushed shavings from the hammermill are conveyed to the pellet mill, where sizing dies are perforated with round holes. The shavings are then pressed into pellets. The high pressure and the friction heat in the sizing die activate the lignin in the wood, bonding the ground wood into a pellet. Small amounts of starch are injected into the pellet-forming process to assist with this operation. The starch dosing system utilizes super sacks and a screw conveyor.

Pellet Cube – Pellet Cooler

Pellets are conveyed from the pellet mill to the pellet cooler, where fresh air intake is used to cool the pellets. The exhaust air from the cooling is controlled by pellet cooler cyclone SN-02, and the captured material from the cyclone is conveyed to be processed in the pellet mill.

Pellet Cube – Screening

After the finished pellets are processed through the pellet cooler, they are sent to a screen within the pellet cube. The screened reject materials are conveyed to be re-processed in the pellet mill.

Pellet Conveyance, Storage, and Loadout

After screening, the finished pellets are conveyed out of the Pellet Cube into the pellet storage silo. From the pellet silo, pellets are conveyed to the pellet loadout operation, where finished pellets are loaded into trucks. The conveyor to the silo, the silo, and the loadout operation are controlled by baghouse SN-05. Captured material from baghouse SN-05 is returned to the conveyor that feeds into the hammermill.

Miscellaneous Sources

Particulate emissions from haul roads are estimated as SN-03. The diesel fuel cube, shavings reject storage pile, and shavings storage tent are insignificant activities (A-13).

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Rules and Regulations

The following table contains the rules and regulations applicable to this permit.

Rules and Regulations
Arkansas Air Pollution Control Code, Rule 18, effective March 14, 2016
Rules of the Arkansas Plan of Implementation for Air Pollution Control, Rule 19, effective May 6, 2022
Rules of the Arkansas Operating Air Permit Program, Rule 26, effective March 14, 2016

Emission Summary

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

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
Total Allowable Emissions		PM	25.7	39.4
		PM ₁₀	13.6	35.6
		PM _{2.5}	See Note*	
		VOC	56.0	219.7
HAPs		Total HAP	1.37	5.35
01	Hammer Mill with Baghouse	PM	0.4	1.4
		PM ₁₀	0.4	1.4
		VOC	15.8	62.0
		Single HAP	0.07	0.27
		Total HAP	0.21	0.81
02	Pellet Cooler with Cyclone	PM	6.7	26.4
		PM ₁₀	6.7	26.4
		VOC	34.8	136.4
		Single HAP	0.25	0.97
		Total HAP	0.95	3.71
03	Haul Road Emissions	PM	17.0	5.3
		PM ₁₀	4.9	1.5
04	Source was removed in Permit #2420-AOP-R1.			
05	Pellet Silo with Baghouse	PM	1.6	6.3
		PM ₁₀	1.6	6.3
		VOC	5.4	21.3
		Single HAP	0.06	0.23
		Total HAP	0.21	0.83

*PM_{2.5} limits are source specific, if required. Not all sources have PM_{2.5} limits.

**HAPs included in the VOC totals. Other HAPs are not included in any other totals unless specifically stated.

***Air Contaminants such as ammonia, acetone, and certain halogenated solvents are not VOCs or HAPs.

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SECTION III: PERMIT HISTORY

Permit #2420-AOP-R0 was issued to Arkansas BioEnergy, LLC - Leola in 2020 for initial Title V permit, which consists of wood shavings conveyance and storage, a hammer mill (SN-01), steam injection and starch dosing, a pellet mill, a pellet cooler (SN-02), pellet screening, pellet conveyance and storage (SN-05), haul roads (SN- 03), and an emergency fire pump (SN-04). Annual permitted emissions are set at 39.8 tons per year (tpy) of PM, 36.0 tpy of PM₁₀, 0.3 tpy of SO₂, 186.3 tpy of VOC, 0.8 tpy of CO, 0.9 tpy of NO_x, and 2.89 tpy of Total HAP for this initial permit.

Permit #2420-AOP-R1 was issued to Arkansas BioEnergy, LLC - Leola in October 26, 2023 for a Significant Modification for this facility to update VOC and HAPs emission limits of SN-02 and SN-05, to add Fiber Shavings storage as an insignificant activity, to add fines material return lines from the SN-01 baghouse and SN-02 cyclone to pellet mill feed line in the process description, to removal of the propane fired package boiler and diesel fired emergency fire pump engine SN-04, to replacement of diesel storage tank with diesel storage cube. The facility's permitted annual emissions changed by -0.1 tpy PM, -0.1 tpy PM₁₀, -0.3 SO₂, 33.6 tpy VOC, -0.8 CO, -0.9 NO_x and 2.46 tpy total HAPs.

SECTION IV: SPECIFIC CONDITIONS

SN-01 and SN-02 – Pellet Cube Hammer Mill Baghouse and Pellet Cooler Cyclone

Wood shavings are routed to the Hammer Mill which shreds and crushes the shavings so that they can be easily processed in the Pellet Mill. The exhaust air is sent to the Hammer Mill baghouse and captured material is returned to be reprocessed at the Hammer Mill. Crushed shavings are routed to the Pellet Mill, where the crushed shavings are pressed into pellets. The pellets are then routed in a closed system to a Pellet Cooler for cooling. In the Pellet Cooler, fresh air is used to cool the pellets, causing the release of hydrocarbons and particulate matter (PM). This exhaust air is sent to the Pellet Cooler Cyclone (SN-02) and any captured material is returned to be reprocessed at the Pellet Mill.

1. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by complying with Plantwide Conditions #8 and #9. [Rule 19.501 *et seq.* and 40 C.F.R. § 52 Subpart E]

SN	Description	Pollutant	lb/hr	tpy
01	Hammer Mill with Baghouse	PM ₁₀	0.4	1.4
		VOC	15.8	62.0
02	Pellet Cooler with Cyclone	PM ₁₀	6.7	26.4
		VOC	34.8	136.4

2. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by complying with Plantwide Conditions #8 and #9. [Rule 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
01	Hammer Mill with Baghouse	PM	0.4	1.4
		Single HAP	0.07	0.27
		Total HAP	0.21	0.81
02	Pellet Cooler with Cyclone	PM	6.7	26.4
		Single HAP	0.25	0.97
		Total HAP	0.95	3.74

3. Visible emissions may not exceed the limits specified in the following table of this permit as measured by EPA Reference Method 9.

SN	Limit	Regulatory Citation
01, 02	5%	§19.503 and 40 C.F.R. Part 52, Subpart E

4. Weekly observations of the opacity from SN-01 and SN-02 shall be conducted by a person trained but not necessarily certified in EPA Reference Method 9. If visible emissions in excess of the permitted levels are detected, the permittee shall immediately take action to identify the cause of the visible emissions in excess of the permit limit, 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 monthly, kept on site, and made available to Department personnel upon request. [Rule 19.503 and 40 C.F.R. § 52 Subpart E]
- 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.
[Rule 19.503 and 40 C.F.R. § 52 Subpart E]
5. The permittee conducted initial testing on SN-01 for PM₁₀ using Method 201A with 202 and for VOC using Method 25A on November 17, 2022. Emission factors and emission calculations remain unchanged from the initial Title V permit application submitted on May 15, 2020. The permittee shall conduct subsequent performance tests for the hammer mill baghouse for each listed pollutant every twelve months until three consecutive tests are passed, then the permittee shall conduct subsequent performance tests every sixty months. Testing shall be conducted with the source operating at least at 90% of its permitted capacity of 7.2 tons of shavings per hour. Emission testing results shall be extrapolated to correlate with 100% of the permitted capacity to demonstrate compliance. Failure to test within this range shall limit the permittee to operating within 10% above the tested rate. The permittee shall measure the operation rate during the test and if testing is conducted below 90% of the permitted capacity, records shall be maintained at all times to demonstrate that the source does not exceed operation at 10% above the tested rate. [Rule 19.702 and/or Rule 18.1002 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

Test Location	Pollutant	Test Method	Maximum Hourly Emission Rate (lb/hr)
Hammer Mill Baghouse	PM ₁₀	Method 201A with 202	0.4
	VOC	Method 25A	14.2

6. The permittee conducted initial testing on SN-02 for PM₁₀ using Method 201A with 202 and for VOC using Method 25A on November 17, 2022. The permittee shall conduct subsequent performance tests for the pellet cooler cyclone for each listed pollutant every twelve months until three consecutive tests are passed, then the permittee shall conduct subsequent performance tests every sixty months. Testing shall be conducted with the source operating at least at 90% of its permitted capacity of 7.2 tons of shavings per hour. Emission testing results shall be extrapolated to correlate with 100% of the permitted capacity to demonstrate compliance. Failure to test within this range shall limit the permittee to operating within 10% above the tested rate. The permittee shall measure the operation rate during the test and if testing is conducted below 90% of the permitted capacity, records shall be maintained at all times to demonstrate that the source does not exceed operation at 10% above the tested rate. [Rule 19.702 and/or Rule 18.1002 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

Test Location	Pollutant	Test Method	Maximum Hourly Emission Rate (lb/hr)
Pellet Cooler Cyclone	PM ₁₀	Method 201A with 202	6.7
	VOC	Method 25A	31.2

SN-03 – Haul Road Emissions

Particulate emissions from facility haul roads.

Specific Conditions

7. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by complying with Plantwide Conditions #8 and #9. [Rule 19.501 *et seq.* and 40 C.F.R. § 52 Subpart E]

SN	Description	Pollutant	lb/hr	tpy
03	Haul Road Emissions	PM ₁₀	4.9	1.5

8. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by complying with Plantwide Conditions #8 and #9. [Rule 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
03	Haul Road Emissions	PM	17.1	5.3

9. The permittee shall not operate in a manner such that fugitive emissions from the haul roads (SN-03) would cause a nuisance off-site or allow visible emissions from extending beyond the property boundary. Under normal conditions, off-site opacity less than or equal to 5% shall not be considered a nuisance. [Rule 18.501 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
10. 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]

SN-05 – Pellet Silo with Baghouse

Finished pellets are mechanically conveyed to a pellet storage silo. From there, the pellets are off loaded onto trucks for shipment to the customers. The pellet storage silo and a loadout operation will be controlled by the Pellet Silo Baghouse to remove excess dust from the silo and serves as a quality control measure. Additionally, this baghouse controls particular emissions from the shavings truck dump, shavings screen, conveyance to the shavings silo, and conveyance to the hammermill.

Specific Conditions

11. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by complying with Plantwide Conditions #8 and #9. [Rule 19.501 *et seq.* and 40 C.F.R. § 52 Subpart E]

SN	Description	Pollutant	lb/hr	tpy
05	Pellet Silo with Baghouse	PM ₁₀	1.6	6.3
		VOC	5.4	21.3

12. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by complying with Plantwide Conditions #8 and #9. [Rule 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
05	Pellet Silo with Baghouse	PM	1.6	6.3
		Total HAP	0.21	0.83

13. Visible emissions may not exceed the limits specified in the following table of this permit as measured by EPA Reference Method 9.

SN	Limit	Regulatory Citation
05	20%	§19.503 and 40 C.F.R. Part 52, Subpart E

14. Weekly observations of the opacity from SN-05 shall be conducted by a person trained but not necessarily certified in EPA Reference Method 9. If visible emissions in excess of the permitted levels are detected, the permittee shall immediately take action to identify the cause of the visible emissions in excess of the permit limit, implement corrective action, and document that visible emissions did not appear to be in excess of the permitted opacity following the corrective action/perform an EPA Reference Method 9 test to verify emissions are not in excess of the permitted level. The permittee shall maintain records which contain the following items in order to demonstrate compliance

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with this specific condition. These records shall be updated weekly, 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.
[Rule 19.503 and 40 C.F.R. § 52 Subpart E]

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SECTION V: COMPLIANCE PLAN AND SCHEDULE

Arkansas BioEnergy, LLC - Leola will continue to operate in compliance with those identified regulatory provisions. The facility will examine and analyze future rules and regulations that may apply and determine their applicability with any necessary action taken on a timely basis.

SECTION VI: PLANTWIDE CONDITIONS

1. The permittee shall notify the Director in writing within thirty (30) days after commencing construction, completing construction, first placing the equipment and/or facility in operation, and reaching the equipment and/or facility target production rate. [Rule 19.704, 40 C.F.R. § 52 Subpart E, and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
2. If the permittee fails to start construction within eighteen months or suspends construction for eighteen months or more, the Director may cancel all or part of this permit. [Rule 19.410(B) and 40 C.F.R. § 52 Subpart E]
3. The permittee must test any equipment scheduled for testing, unless otherwise stated in the Specific Conditions of this permit or by any federally regulated requirements, within the following time frames: (1) new equipment or newly 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) operating equipment according to the time frames set forth by the Division of Environmental Quality or within 180 days of permit issuance if no date is specified. The permittee must notify the Division of Environmental Quality of the scheduled date of compliance testing at least fifteen (15) business days in advance of such test. The permittee shall submit the compliance test results to the Division of Environmental Quality within sixty (60) calendar days after completing the testing. [Rule 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]
4. The permittee must provide:
 - 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.

[Rule 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]
5. The permittee must operate the equipment, control apparatus and emission monitoring equipment within the design limitations. The permittee shall maintain the equipment in good condition at all times. [Rule 19.303 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
6. This permit subsumes and incorporates all previously issued air permits for this facility. [Rule 26 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

7. Unless otherwise specified in the permit, approval to construct any new major stationary source or a major modification subject to 40 C.F.R. § 52.21 shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The Division of Environmental Quality may extend the 18-month period upon a satisfactory showing that an extension is justified. [Rule 19.901 *et seq.* and 40 C.F.R. § 52 Subpart E]
8. The permittee shall not exceed a throughput of 62,765 tons of finished pellets at the facility per rolling 12 month period. [Rule 19.705, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 70.6]
9. The permittee shall maintain monthly records to demonstrate compliance with Plantwide Condition #8. 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, made available to Department personnel upon request, and submitted in accordance with General Provision #7. [Rule 19.705 and 40 C.F.R. § 52 Subpart E]

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 the following table of this condition.

Inapplicable Regulations

Source No.	Regulation	Description
Facility	40 C.F.R. Part 63 NESHAP Subpart DDDD	National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products

SECTION VII: INSIGNIFICANT ACTIVITIES

The Division of Environmental Quality 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 Rule 18 and Rule 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 May 6th, 2025. [Rule 26.304 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

Description	Category
Shavings Storage and Loading	A-13
Shavings Handlings	A-13
Reject Storage Pile	A-13
Diesel Cube	A-2

SECTION VIII: GENERAL PROVISIONS

1. Any terms or conditions included in this permit which specify and reference Arkansas Pollution Control & Ecology Commission Rule 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 Rule 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 which specify and reference Arkansas Pollution Control & Ecology Commission Rule 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. [40 C.F.R. § 70.6(b)(2)]
2. 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. [40 C.F.R. § 70.6(a)(2) and Rule 26.701(B)]
3. The permittee must submit a complete application for permit renewal at least six (6) months before permit expiration. Permit expiration terminates the permittee's right to operate unless the permittee submitted a complete renewal application at least six (6) months before permit expiration. If the permittee submits a complete application, the existing permit will remain in effect until the Division of Environmental Quality takes final action on the renewal application. The Division of Environmental Quality will not necessarily notify the permittee when the permit renewal application is due. [Rule 26.406]
4. 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, the permit incorporates both provisions into the permit, and the Director or the Administrator can enforce both provisions. [40 C.F.R. § 70.6(a)(1)(ii) and Rule 26.701(A)(2)]
5. The permittee must maintain the following records of monitoring information as required by this permit.
 - a. The date, place as defined in this permit, and time of sampling or measurements;
 - b. The date(s) analyses performed;
 - c. The company or entity performing the analyses;
 - d. The analytical techniques or methods used;
 - e. The results of such analyses; and
 - f. The operating conditions existing at the time of sampling or measurement.

[40 C.F.R. § 70.6(a)(3)(ii)(A) and Rule 26.701(C)(2)]

6. The permittee must retain the records of all required monitoring data and support information for at least five (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. [40 C.F.R. § 70.6(a)(3)(ii)(B) and Rule 26.701(C)(2)(b)]
7. The permittee must submit reports of all required monitoring every six (6) months. If the permit establishes no other reporting period, the reporting period shall end on the last day of the month six months after the issuance of the initial Title V permit and every six months thereafter. The report is due on the first day of the second month after the end of the reporting period. The first report due after issuance of the initial Title V permit shall contain six months of data and each report thereafter shall contain 12 months of data. The report shall contain data for all monitoring requirements in effect during the reporting period. If a monitoring requirement is not in effect for the entire reporting period, only those months of data in which the monitoring requirement was in effect are required to be reported. The report must clearly identify all instances of deviations from permit requirements. A responsible official as defined in Rule 26.2 must certify all required reports. The permittee will send the reports electronically using <https://portal.adeq.state.ar.us> or mail them to the address below:

Division of Environmental Quality
Office of Air Quality
ATTN: Compliance Inspector Supervisor
5301 Northshore Drive
North Little Rock, AR 72118-5317

[40 C.F.R. § 70.6(a)(3)(iii)(A) and Rule 26.701(C)(3)(a)]

8. The permittee shall report to the Division of Environmental Quality all deviations from permit requirements, including those attributable to upset conditions as defined in the permit.
 - a. For all upset conditions (as defined in Rule 19.601), the permittee will make an initial report to the Division of Environmental Quality by the next business day after the discovery of the occurrence. The initial report may be made by telephone and shall include:
 - i. The facility name and location;
 - ii. The process unit or emission source deviating from the permit limit;
 - iii. The permit limit, including the identification of pollutants, from which deviation occurs;
 - iv. The date and time the deviation started;
 - v. The duration of the deviation;
 - vi. The emissions during the deviation;

- vii. The probable cause of such deviations;
- viii. Any corrective actions or preventive measures taken or being taken to prevent such deviations in the future; and
- ix. The name of the person submitting the report.

The permittee shall make a full report in writing to the Division of Environmental Quality within five (5) business days of discovery of the occurrence. The report must include, in addition to the information required by the initial report, a schedule of actions taken or planned to eliminate future occurrences and/or to minimize the amount the permit's limits were exceeded and to reduce the length of time the limits were exceeded. The permittee may submit a full report in writing (by facsimile, overnight courier, or other means) by the next business day after discovery of the occurrence, and the report will serve as both the initial report and full report.

- b. For all deviations, the permittee shall report such events in semi-annual reporting and annual certifications required in this permit. This includes all upset conditions reported in 8a above. The semi-annual report must include all the information as required by the initial and full reports required in 8a.

[Rule 19.601, Rule 19.602, Rule 26.701(C)(3)(b), and 40 C.F.R. § 70.6(a)(3)(iii)(B)]

- 9. If any provision of the permit or the application thereof to any person or circumstance is held invalid, such invalidity will 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 Rule are declared to be separable and severable. [40 C.F.R. § 70.6(a)(5), Rule 26.701(E), and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
- 10. The permittee must comply with all conditions of this Part 70 permit. Any permit noncompliance with applicable requirements as defined in Rule 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, for permit modification; or for denial of a permit renewal application. [40 C.F.R. § 70.6(a)(6)(i) and Rule 26.701(F)(1)]
- 11. 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 to maintain compliance with the conditions of this permit. [40 C.F.R. § 70.6(a)(6)(ii) and Rule 26.701(F)(2)]
- 12. The Division of Environmental Quality may modify, revoke, reopen and reissue the permit or terminate the permit for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [40 C.F.R. § 70.6(a)(6)(iii) and Rule 26.701(F)(3)]

13. This permit does not convey any property rights of any sort, or any exclusive privilege. [40 C.F.R. § 70.6(a)(6)(iv) and Rule 26.701(F)(4)]
14. The permittee must 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 must also furnish to the Director copies of records required by the permit. For information the permittee claims confidentiality, the Division of Environmental Quality may require the permittee to furnish such records directly to the Director along with a claim of confidentiality. [40 C.F.R. § 70.6(a)(6)(v) and Rule 26.701(F)(5)]
15. The permittee must pay all permit fees in accordance with the procedures established in Rule 9. [40 C.F.R. § 70.6(a)(7) and Rule 26.701(G)]
16. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes provided for elsewhere in this permit. [40 C.F.R. § 70.6(a)(8) and Rule 26.701(H)]
17. If the permit allows 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 operational scenario. [40 C.F.R. § 70.6(a)(9)(i) and Rule 26.701(I)(1)]
18. The Administrator and citizens may enforce under the Act all terms and conditions in this permit, including any provisions designed to limit a source's potential to emit, unless the Division of Environmental Quality specifically designates terms and conditions of the permit as being federally unenforceable under the Act or under any of its applicable requirements. [40 C.F.R. § 70.6(b) and Rule 26.702(A) and (B)]
19. Any document (including reports) required by this permit pursuant to 40 C.F.R. § 70 must contain a certification by a responsible official as defined in Rule 26.2. [40 C.F.R. § 70.6(c)(1) and Rule 26.703(A)]
20. The permittee must allow an authorized representative of the Division of Environmental Quality, upon presentation of credentials, to perform the following: [40 C.F.R. § 70.6(c)(2) and Rule 26.703(B)]
 - 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 required 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
 - d. As authorized by the Act, sample or monitor at reasonable times substances or parameters for assuring compliance with this permit or applicable requirements.
- 21. The permittee shall submit a compliance certification with the terms and conditions contained in the permit, including emission limitations, standards, or work practices. The permittee must submit the compliance certification annually. If the permit establishes no other reporting period, the reporting period shall end on the last day of the anniversary month of the initial Title V permit. The report is due on the first day of the second month after the end of the reporting period. The permittee must also submit the compliance certification to the Administrator as well as to the Division of Environmental Quality. All compliance certifications required by this permit must include the following: [40 C.F.R. § 70.6(c)(5) and Rule 26.703(E)(3)]
 - 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 Division of Environmental Quality may require elsewhere in this permit or by § 114(a)(3) and § 504(b) of the Act.
- 22. Nothing in this permit will alter or affect the following: [Rule 26.704(C)]
 - 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. This permit authorizes only those pollutant emitting activities addressed in this permit. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
- 24. 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 Division of Environmental Quality approval. The Division of Environmental Quality 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.

[Rule 18.314(A), Rule 19.416(A), Rule 26.1013(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]

25. 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 Division of Environmental Quality approval. Any such emissions shall be included in the facility's total emissions and reported as such. The Division of Environmental Quality 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 Division of Environmental Quality 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.

[Rule 18.314(B), Rule 19.416(B), Rule 26.1013(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]

26. 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 Division of Environmental Quality approval. The Division of Environmental Quality 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.

[Rule 18.314(C), Rule 19.416(C), Rule 26.1013(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]

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27. Any credible evidence based on sampling, monitoring, and reporting may be used to determine violations of applicable emission limitations. [Rule 18.1001, Rule 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]