AIR POLLUTION CONTROL PERMIT TO CONSTRUCT

Permittee: **Name**: Epitome Energy, LLC **Address**: 1651 Old Highway 19 Redwing, MN 55066	**Permit Number**: ACP-18210 v 1.0 **Permit Description**: PSD Major; HAP Major; Future TV
Source Name & Location: Epitome Energy, LLC 47.99296, -97.1149 Grand Forks, ND 58203	**Source Type**: Soybean Processing

Date of Application: June 2, 2023
Revised on: August 25, 2023

Pursuant to Chapter 23.1-06 of the North Dakota Century Code, and the Air Pollution Control Rules of the State of North Dakota (Article 33.1-15 of the North Dakota Administrative Code), and in reliance on statements and representations heretofore made by the permittee (i.e., owner) designated above, a Permit to Construct is hereby issued authorizing such permittee to construct and initially operate the source unit(s) at the location designated above. This Permit to Construct is subject to all applicable rules and orders now or hereafter in effect of the North Dakota Department of Environmental Quality (Department) and to any conditions specified below:

Date: _____

James L. Semerad
Director
Division of Air Quality

1. Project and Facility Emissions Units:

Table 1-1 lists all emissions units associated with the facility upon Project completion.

Table 1-1: Facility Emissions Units upon Project Completion

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment Description
Rail Receiving (NSPS DD)	1	100	Bean Receiving Baghouse Filter
Tuck Receiving (NSPS DD)	2		
Material Handling (NSPS DD)	3		
Bean Storage Bin A	4	101	Bean Storage Bin A Vent Filter [A]
Bean Storage Bin B	5	102	Bean Storage Bin B Vent Filter [A]
Bean Storage Bin C	6	103	Bean Storage Bin C Vent Filter [A]
Bean Storage Bin D	7	104	Bean Storage Bin D Vent Filter [A]
Scalper (NSPS DD)	8	105	Scalper Baghouse Filter [A]
Day Bin #1	9	107	Cleaning and Aspiration Baghouse Filter [A]
Day Bin #2	10		
Vertical Seed Conditioner Cyclone	11		VSC Baghouse Filter [A]
Hull Screener #1 Secondary Aspiration Cyclone	12		Cleaning and Aspiration Baghouse Filter [A]
Hull Screener #2 Secondary Aspiration Cyclone	13		
Conveyance Aspiration	14		
Whole Bean Aspirator Cyclone	15		
Hulloosenator/Cascade Dryer #1 CCD Cyclone	16		
Hulloosenator/Cascade Dryer #2 CCD Cyclone	17		
Hulloosenator/Cascade Dryer #3 CCD Cyclone	18		
Cracking/Cascade Cooler #1 CCC Cyclone	19		
Cracking/Cascade Cooler #2 CCC Cyclone	20		
Cracking/Cascade Cooler #3 CCC Cyclone	21		
Jet Dryer A	22		Jet Dryer A Baghouse Filter [A]
Jet Dryer B	23		Jet Dryer B Baghouse Filter [A]
Jet Dryer C	24		Jet Dryer C Baghouse Filter [A]

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment Description
Flakers (8)	25		Flakers Baghouse Filter [A]
Extractor Purge Fan (MACT GGGG)	26	108	--
Dryer Cyclone A (MACT GGGG)	27	109	Dryer Cyclone A [A]
Dryer Cyclone B (MACT GGGG)	28		Dryer Cyclone B [A]
Dryer Cyclone C (MACT GGGG)	29		Dryer Cyclone C [A]
Cooler Cyclone D (MACT GGGG)	30		Cooler Cyclone D [A]
30,000-gallon Hexane Storage Tank #1 (MACT GGGG)	TK1	110	Mineral Oil System [B]
30,000-gallon Hexane Storage Tank #2 (MACT GGGG)	TK2		
30,000-gallon Hexane Storage Tank #3 (MACT GGGG)	TK3		
Mineral Oil System Vent Fan (MACT GGGG)	31		
Hull Grinding Hammermill #1	32	106	Hull Grinding Baghouse Filter [A]
Hull Grinding Hammermill #2	33		
Hull Pelletizing	34		Hull Pelletizing Cyclone [A]
Meal Grinding Hammermill #1	35		Meal Grinding Baghouse Filter [A]
Meal Grinding Hammermill #2	36		
Meal Grinding Hammermill #3	37		
Calcium Storage Bin	38		
Meal Storage Bin #1	39	111	Meal Storage Baghouse Filter [A]
Meal Storage Bin #2	40		
Meal Storage Bin #3	41		
Meal Storage Bin #4	42		
Meal Storage Bin #5	43		
Hull Pellet Bin #1	44	112	Hull Pellet Bin #1 Vent Filter [A]
Hull Pellet Bin #2	45	113	Hull Pellet Bin #2 Vent Filter [A]
Hull Pellet Bin #3	46	114	Hull Pellet Bin #3 Vent Filter [A]
Hull Pellet Bin #4	47	115	Hull Pellet Bin #4 Vent Filter [A]
Hull Recovery/Reclaim	48	116	Hull Recovery/Reclaim Baghouse Filter [A]
Meal Loadout Storage Bin	49	117	Meal/Hull Pellet Loadout Baghouse Filter [A]
Meal/Hulls Train Loadout	50		

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment Description
Meal/Hulls Truck Loadout	51		
Hull/Pellet Loadout Storage Bin	52	127	Hull/Pellet Loadout Storage Bin Vent Filter [A]
Steam Boiler A rated at 92.1 MMBtu/hr and fired on natural gas (NSPS Dc, MACT DDDDD)	53	118	Low NOx Burners & Boiler A Flue Gas Recirculation
Steam Boiler B rated at 92.1 MMBtu/hr and fired on natural gas (NSPS Dc, MACT DDDDD)	54	119	Low NOx Burners & Boiler B Flue Gas Recirculation
Diesel fuel-fired emergency fire pump engine #1 rated at a maximum of 600 hp (NSPS IIII, MACT ZZZZ)	55	123	--
Diesel fuel-fired emergency fire pump engine #2 rated at a maximum of 600 hp (NSPS IIII, MACT ZZZZ)	56	124	--
Natural gas-fired emergency generator set #1 rated at a maximum of 620 hp (NSPS JJJJ, MACT ZZZZ)	57	125	--
Extraction Fugitive Loss (MACT GGGG)	FUG1	FS1	--
Cooling Tower A, B, & C	FUG2	FS2	Mist Eliminators
Paved Roads	FUG3	FS3	--

[A] Air Pollution Control equipment also function as Material Recovery Equipment (MRE)

[B] Inherent Process Equipment (IPE) are considered part of the design under 40 CFR 52.21(b)(4)

2. Applicable Standards, Restrictions and Miscellaneous Conditions:

A. New Source Performance Standards (NSPS):

The permittee shall comply with all applicable requirements of the following NSPS subparts, in addition to Subpart A, as referenced in Chapter 33.1-15-12 of the North Dakota Air Pollution Control Rules and 40 CFR 60.

1) Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (EUs 53 & 54)

2) Subpart DD - Standards of Performance for Grain Elevators (EUs 1, 2, 3, & 8)

3) Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (EUs 55 & 56)

4) Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (EU 57)

B. National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Source Categories/Maximum Achievable Control Technology (MACT):

The permittee shall comply with all applicable requirements of the following MACT subparts, in addition to Subpart A, as referenced in Chapter 33.1-15-22 of the North Dakota Air Pollution Control Rules and 40 CFR 63.

1) Subpart GGGG - National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production (EUs 26 - 31, TK1 - TK3, FUG1)

2) Subpart ZZZZ - National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (EUs 55, 56, & 57)

3) Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (EUs 53 & 54)

C. Fuel Restrictions

1) The steam boilers (EUs 53 & 54) and emergency generator (EU 57) are restricted to combusting natural gas containing no more than 2 grains of sulfur per 100 standard cubic feet.

2) The emergency fire pump engines (EUs 55 & 56) shall be fired on ultra-low sulfur diesel fuel (ULSD) containing no more than 0.0015 percent sulfur by weight.

D. Process Safety Management (PSM) Program using Fugitive Emissions Management (EUs 26 - 31, TK1 - TK3, FUG1:

The permittee shall prepare and implement a Process Safety Management (PSM) program to control fugitive VOC emissions. A written PSM program must be developed and maintained and made available to the Department upon request.

The following are minimum requirements for the detection portion of the PSM program:

1) Plant personnel shall check on a weekly basis for any signs of a leak based on sight, sound, and/or smell at pump seals, valves, process piping, and process equipment.

a) If a leak is detected a first attempt at repair shall be made within 24-hours, if possible. If repair cannot be completed within 24 hours of

detection, a work order must be written to initiate repairs and the first attempt at repair shall be within 5 days of detection.

b) If repair requires a plant or process unit shutdown, then a temporary epoxy or other appropriate temporary patch or repair must be installed within five days of leak detection or put on the delay of repair list. The unit must be on the delay of repair list until the appropriate repair can be made during a plant shutdown.

c) All leaks that require a plant or process unit shutdown must be repaired within two years of leak detection.

2) The following are minimum requirements for PSM recordkeeping and reporting:

a) Weekly inspection observations shall be recorded in writing and shall be signed and dated by the person that conducted the inspection/reading.

b) If leaks are observed, the nature and extent of the observed leak shall be recorded along with documentation regarding corrective actions.

c) PSM program records shall be maintained for not less than five years.

d) Semi-annual reports of equipment on the delay of repair list must be submitted to the Department that contain the component where leak was detected, date of leak detected, date of first attempt of repair, and include reason for delay of repair.

E. Cooling tower (EU FUG2):

The cooling towers shall be equipped with and operated with mist eliminators that are guaranteed to limit drift to 0.0005% or less of the circulating flow.

F. Emergency Engines (EUs 55, 56, & 57):

For engines to be considered emergency stationary RICE under the RICE rules, engine operations must comply with the non-emergency operating hour limits as specified in the applicable subpart. There is no time limit on the use of emergency stationary RICE in emergency situations. The potential to emit for an emergency stationary reciprocating internal combustion engine (RICE) is based on operating no more hours per year than is allowed by the applicable subpart (40 CFR 60, Subpart IIII and 40 CFR 60, Subpart JJJJ) except for emergency situations.

3. Emission Unit Limits:

Emission limits from the operation of the source unit(s) identified in Table 1-1 of this Permit to Construct (hereafter referred to as "permit") are as follows. Source units not listed are subject to the applicable emission limits specified in the North Dakota Air Pollution Control Rules.

Table 3-1: Permit Emissions Limits

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Pollutant / Parameter	Emission Limit or Design/Work Practice
Bean Receiving and Material Handling	1 - 3	100	$PM/PM_{10}/PM_{2.5}$	0.003[C]/0.003/0.0025[D] gr/dscf (BACT, 40 CFR 52.21(c))
			Opacity	0% Condition 2.A.2
Bean Storage Bin A-D	4 - 7	101 - 104	$PM/PM_{10}/PM_{2.5}$	0.004/0.004/0.004 gr/dscf (BACT, 40 CFR 52.21(c))
			Opacity	20% [A] (33.1-15-03-02)
Scalper	8	105	$PM/PM_{10}/PM_{2.5}$	0.003[C]/0.003/0.0025[D] gr/dscf (BACT, 40 CFR 52.21(c))
			Opacity	0% Condition 2.A.2
Meal/Hull	32 - 38	106	$PM/PM_{10}/PM_{2.5}$	0.0043/0.0043/0.0039[E] gr/dscf (BACT, 40 CFR 52.21(c))
			Opacity	20% [A] (33.1-15-03-02)
Preparation Building	9 - 25	107	$PM/PM_{10}/PM_{2.5}$	0.003/0.003/0.0025[D] gr/dscf (BACT, 40 CFR 52.21(c))
			Opacity	20% [A] (33.1-15-03-02)
Extractor Purge Fan	26	108	VOC/HAP	Condition 2.D
			Operational	Condition 2.B.1)
Extraction DTDC Cyclones	27 - 30	109	$PM/PM_{10}/PM_{2.5}$	0.0013/0.0013/0.0013 gr/dscf (BACT, 40 CFR 52.21(c))

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Pollutant / Parameter	Emission Limit or Design/Work Practice
			VOC/HAP	Condition 2.D
			Operational	Condition 2.B.1)
Hexane Storage Tanks & Mineral Oil system Vent Fan	TK1 - TK3 & 31	110	VOC/HAP	Condition 2.D
			Operational	Condition 2.B.1)
Meal Storage	39 - 43	111	$PM/PM_{10}/PM_{2.5}$	0.003/0.003/0.0025[D] gr/dscf (BACT, 40 CFR 52.21(c))
			Opacity	20% [A] (33.1-15-03-02)
Hull Pellet Bin 1-4 [B]	44 - 47	112 - 115	$PM/PM_{10}/PM_{2.5}$	0.004/0.004/0.004 gr/dscf (BACT, 40 CFR 52.21(c))
			Opacity	20% [A] (33.1-15-03-02)
Hull Filter	48	116	$PM/PM_{10}/PM_{2.5}$	0.003/0.003/0.0025[D] gr/dscf (BACT, 40 CFR 52.21(c))
			Opacity	20% [A] (33.1-15-03-02)
Meal/Hull Pellet Loadout	49 - 51	117	$PM/PM_{10}/PM_{2.5}$	0.003/0.003/0.0025[D] gr/dscf (BACT, 40 CFR 52.21(c))
			Opacity	20% [A] (33.1-15-03-02)
Steam Boiler A & B	53 & 54	118 & 119	NO_X	0.04 lb/MMBtu (Condition 3.A)
			SO_2	Condition 2.C.1)
			Operational	Condition 2.A.1) & Condition 2.B.3)
			Opacity	20% [A] (33.1-15-03-02)

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Pollutant / Parameter	Emission Limit or Design/Work Practice
Diesel Fire Pump 1 & 2	55 & 56	123 &124	Various SO_2 Operation	Condition 2.A.3) Condition 2.C.2) Condition 2.F
Emergency Generator 1	57	125	Various SO_2 Operation	Condition 2.A.4) Condition 2.C.1) Condition 2.F
Hull/Pellet Loadout Storage Bin	52	127	$PM/PM_{10}/PM_{2.5}$ Opacity	0.004/0.004/0.004 gr/dscf (BACT, 40 CFR 52.21(c)) 20% [A] (33.1-15-03-02)
Extraction Fugitive Losses	FUG1	FS1	VOC/HAP Operational	Condition 2.D Condition 2.B.1)
Cooling Tower A, B, & C	FUG2	FS2	$PM/PM_{10}/PM_{2.5}$	Condition 2.E
Allowable Facility Solvent Loss	TK1 - TK3, 26-31 & FUG1	108 - 110 & FS1	Solvent Loss	0.15 gal/ton (BACT, Condition 3.B)

[A] 40% opacity is permissible for not more than one six-minute period per hour.
[B] Only one Pellet bin to operate at any one time.
[C] Less restrictive 40 CFR 60 Subpart DD limits also apply as follows: 0.01 gr/dscf
[D] BACT for $PM_{2.5}$ is 0.003 gr/dscf. The lower limit is needed to be protective of the ambient air increment standard under 52.21(c)
[E] BACT for $PM_{2.5}$ is 0.0043 gr/dscf. The lower limit is needed to be protective of the ambient air increment standard under 52.21(c)

A. Steam boiler emissions restrictions (EU 53 & 54):

EU 53 & 54 shall not discharge to the atmosphere any emissions of NO_X in excess of 0.040 lb/MMBtu higher heating value basis determined by compliance testing.

B. Solvent Loss Limit:

For the first 18 months after the startup of the facility, the VOC solvent loss ratio for the vegetable oil extraction processes is limited to the amounts in Table 3-2. The VOC solvent loss ratio limits listed represent the Best Available Control Technology (BACT) for VOCs as defined by 40 CFR 52.21(j).

Table 3-2: Allowable Solvent Loss Ratio Upon Start-up

Month	VOC solvent loss ratio limit in gallons of solvent (as VOC) lost per ton of soybeans processed (12-month rolling average) [A]
1 (initial startup)	0.2
2	0.2
3	0.2
4	0.2
5	0.2
6	0.2
7	0.196
8	0.192
9	0.188
10	0.183
11	0.179
12	0.175
13	0.171
14	0.167
15	0.163
16	0.158
17	0.154
18	0.15

[A] Includes emissions from periods of startup, shutdown and malfunction.

On or after the 18th month after startup, the VOC solvent loss ratio for the vegetable oil extraction processes shall be less than 0.150 gallons of solvent (as VOC) lost per ton of soybeans processed (12-month rolling average basis). The gallons of solvent lost (as VOC) shall be calculated by multiplying the actual solvent lost (in gallons) by the average volume fraction of VOC in the solvent. Solvent losses from periods of startup, shutdown and malfunction shall be included when calculating the amount of solvent lost.

By the last day of each month, the owner/operator shall calculate and record the VOC solvent loss ratio from the vegetable oil extraction processes for the initial 12-month operating period. If the calculated VOC solvent loss ratio exceeds the applicable VOC solvent loss ratio limit, the

owner/operator shall notify the Department in writing within 15 days of the date the calculation was made.

4. Emission Testing Requirements:

A. Initial testing:

All initial testing will require a minimum of 3 runs, one hour each, unless otherwise specified in a federal subpart.

Table 4-1: Initial Emissions Testing for Project

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Pollutant / Parameter	Method [A]
Bean Receiving	1-3	100	$PM/PM_{10}/PM_{2.5}$ Opacity	5 or 17 [B] 9
Scalper	8	105	$PM/PM_{10}/PM_{2.5}$ Opacity	5 or 17 [B] 9
Meal/Hull	32-38	106	$PM/PM_{10}/PM_{2.5}$ Opacity	5 or 17 [B] 9 [C]
Preparation Building	9-25	107	$PM/PM_{10}/PM_{2.5}$ Opacity	5 or 17 [B] 9 [C]
Extraction DTDC Cyclones	27-30	109	$PM/PM_{10}/PM_{2.5}$	5 or 17 [B]
Steam Boiler A & B	53 & 54	118 & 119	NO_X	7.E

[A] Equivalent reference methods approved by the Department may be used.
[B] Method 201A may be used if breakdown between $PM/PM_{10}/PM_{2.5}$ is desired.
[C] Compliance with PM limit (Method 5 testing) may be used to demonstrate compliance with opacity limit.

A signed copy of the test results shall be furnished to the Department within 60 days of the test date. The basis for this condition is NDAC 33.1-15-01-12 which is hereby incorporated into this permit by reference. To facilitate preparing for and conducting such tests, and to facilitate reporting the test results to the Department, the permittee shall follow the procedures and formats in the Department's Emission Testing Guideline.[1]

1) Test:

Within 180 days after initial startup, the permittee shall conduct emissions tests at the emission units listed in Table 4-1 using an independent testing firm, to determine the

[1] See February 7, 2020, North Dakota Department of Environmental Quality Division of Air Quality Emissions Testing Guidelines. Available at: https://www.deq.nd.gov/publications/AQ/policy/PC/Emission_Testing_Guide.pdf

compliance status of the facility with respect to the emission limits specified in Table 3-1. Emissions testing shall be conducted for the pollutant(s) listed below in accordance with EPA Reference Methods listed in 40 CFR 60, Appendix A. Test methods other than those listed below may be used upon approval by the Department.

2) Notification:

The permittee shall notify the Department using the form in the Emission Testing Guideline, or its equivalent, at least 30 calendar days in advance of any tests of emissions of air contaminants required by the Department. If the permittee is unable to conduct the performance test on the scheduled date, the permittee shall notify the Department at least five days prior to the scheduled test date and coordinate a new test date with the Department.

3) Sampling Ports/Access:

Sampling ports shall be provided downstream of all emission control devices and in a flue, conduit, duct, stack or chimney arranged to conduct emissions to the ambient air. The ports shall be located to allow for reliable sampling and shall be adequate for test methods applicable to the facility. Safe sampling platforms and safe access to the platforms shall be provided. Plans and specifications showing the size and location of the ports, platform and utilities shall be submitted to the Department for review and approval.

4) Other:

a) The Department may require the permittee to have tests conducted to determine the emission of air contaminants from any source, whenever the Department has reason to believe that an emission of a contaminant not addressed by the permit applicant is occurring, or the emission of a contaminant in excess of that allowed by this permit is occurring. The Department may specify testing methods to be used in accordance with good professional practice. The Department may observe the testing. All tests shall be conducted by reputable, qualified personnel. A signed copy of the test results shall be furnished to the Department within 60 days of the test date.

All tests shall be made available, and the results calculated in accordance with test procedures approved by the Department. All tests shall be made under the direction of persons qualified by training or experience in the field of air pollution control as approved by the Department.

b) The Department may conduct tests of emissions of air contaminants from any source. Upon request of the Department, the permittee shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination

of the emission of air contaminants.

B. Sampling and Testing:

The Department may require the permittee to conduct tests to determine the emission rate of air contaminants from the source. The Department may observe the testing and may specify testing methods to be used. A signed copy of the test results shall be furnished to the Department within 60 days of the test date. The basis for this condition is NDAC 33.1-15-01-12 which is hereby incorporated into this permit by reference. To facilitate preparing for and conducting such tests, and to facilitate reporting the test results to the Department, the permittee shall follow the procedures and formats in the Department's Emission Testing Guideline.

5. General Conditions (Equipment):

A. Best Management Practices:

At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

B. Operation of Air Pollution Control Equipment:

The permittee shall maintain and operate all air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions.

C. Stack Heights:

Emissions shall be vented through stacks that meet the following height requirements. Stack heights may be no less than those listed in the table below without prior approval from the Department.

Table 5-1: Stack Heights (ft)

Emission Unit (EU)	Emission Point (EP)	Stack Height (Feet)
1-3	100	154
4	101	128
5	102	128
6	103	128
7	104	128
8	105	154
32-38	106	165
9-25	107	185
26	108	51
27-30	109	185

Emission Unit (EU)	Emission Point (EP)	Stack Height (Feet)
31	110	40
39-43	111	123
44	112	96
45	113	96
46	114	96
47	115	96
48	116	90
49-51	117	154
53	118	85
54	119	85
55	123	28
56	124	28
57	125	10
52	127	82
FUG2	FS2	28

D. Like-Kind Engine Replacement:

This permit allows the permittee to replace an existing engine with a like-kind unit. Replacement is subject to the following conditions:

1) The Department must be notified within 10 days after change-out of the unit.

2) The replacement unit shall operate in the same manner, provide no increase in throughput and have equal or less emissions than the unit it is replacing.

3) The date of manufacture of the replacement unit must be included in the notification. The facility must comply with any applicable federal standards (e.g. NSPS, MACT) triggered by the replacement.

4) The replacement unit is subject to the same state emission limits as the existing unit in addition to any NSPS or MACT emission limit that is applicable. Testing shall be conducted to confirm compliance with the emission limits within 180 days after start-up of the unit.

E. Organic Compound Emissions:

The permittee shall comply with all applicable requirements of NDAC 33.1-15-07 – Control of Organic Compounds Emissions.

F. Air Pollution from Internal Combustion Engines

The permittee shall comply with all applicable requirements of NDAC 33.1-15-08-01 – Internal Combustion Engine Emissions Restricted.

G. Fugitive Emissions:

The release of fugitive emissions shall comply with the applicable requirements in NDAC 33.1-15-17.

6. General Conditions (Procedural):

A. Construction:

Construction of the facility described in this permit shall be in accordance with information provided in the permit application as well as any plans, specifications and supporting data submitted to the Department. The Department shall be notified ten days in advance of any significant deviations from the specifications furnished. The issuance of this Permit to Construct may be suspended or revoked if the Department determines that a significant deviation from the plans and specifications furnished has been or is to be made.

Any violation of a condition issued as part of this permit to construct as well as any construction which proceeds in variance with any information submitted in the application, is regarded as a violation of construction authority and is subject to enforcement action.

B. Startup Notice:

A notification of the actual date of initial startup shall be submitted to the Department within 15 days after the date of initial startup.

C. Permit Invalidation:

This permit shall become invalid if construction is not commenced within eighteen months after issuance of such permit, if construction is discontinued for a period of eighteen months or more; or if construction is not completed within a reasonable time.

D. Source Operations:

Operations at the installation shall be in accordance with statements, representations, procedures and supporting data contained in the initial application, and any supplemental information or application(s) submitted thereafter. Any operations not listed in this permit are subject to all applicable North Dakota Air Pollution Control Rules.

E. Alterations, Modifications, or Changes

Any alteration, repairing, expansion, or change in the method of operation of the source which results in the emission of an additional type or greater amount of air contaminants, or which results

in an increase in the ambient concentration of any air contaminant, must be reviewed and approved by the Department prior to the start of such alteration, repairing, expansion or change in the method of operation.

F. Title V Permit to Operate:

Within one year after startup of the units covered by this Permit to Construct, the permittee shall submit a permit application for a Title V Permit to Operate for the facility.

G. Recordkeeping:

The permittee shall maintain any compliance monitoring records required by this permit or applicable requirements. The permittee shall retain records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information may include all calibration and maintenance records and all original strip-chart recordings/computer printouts for continuous monitoring instrumentation, and copies of all reports required by the permit.

H. Annual Emission Inventory/Annual Production Reports:

The permittee shall submit an annual emission inventory report and/or an annual production report upon Department request, on forms supplied or approved by the Department.

I. Malfunction notification:

The permittee shall notify the Department of any malfunction which can be expected to last longer than twenty-four hours and can cause the emission of air contaminants in violation of applicable rules and regulations.

J. Nuisance or Danger:

This permit shall in no way authorize the maintenance of a nuisance or a danger to public health or safety.

K. Transfer of Permit to Construct:

The holder of a permit to construct may not transfer such permit without prior approval from the Department.

L. Right of Entry:

Any duly authorized officer, employee or agent of the North Dakota Department of Environmental Quality may enter and inspect any property, premise or place at which the source addressed in this permit is located at any time for the purpose of ascertaining the state of compliance with the North Dakota Air Pollution Control Rules. The Department may conduct tests and take samples of air contaminants, fuel, processing material, and other materials which affect or may affect emissions of air contaminants from any source. The Department shall have the right to access and copy any

records required by the Department's rules and to inspect monitoring equipment located on the premises.

M. Other Regulations:

The permittee of the source unit(s) described in Condition 1 of this permit shall comply with all State and Federal environmental laws and rules. In addition, the permittee shall comply with all local burning, fire, zoning, and other applicable ordinances, codes, rules and regulations.

N. Permit Issuance:

This permit is issued in reliance upon the accuracy and completeness of the information set forth in the application. Notwithstanding the tentative nature of this information, the conditions of this permit herein become, upon the effective date of this permit, enforceable by the Department pursuant to any remedies it now has, or may in the future have, under the North Dakota Air Pollution Control Law, NDCC Chapter 23.1-06.

7. State Enforceable Only Conditions (not Federally enforceable)

A. Odor Restrictions:

The permittee shall not discharge into the ambient air any objectionable odorous air contaminant which is in excess of the limits established in NDAC 33.1-15-16.