

AIR POLLUTION CONTROL PERMIT TO CONSTRUCT

Permittee Name: Agristo North Dakota LLC	Permit Number: ACP-18316 v1.0
Permittee Address: 375 – 2nd Avenue N Grand Forks, ND 58203	Permit Description: True Minor Source for PSD Non-Title V Source Area HAP Source
Source Name & Location: Agristo Grand Forks Processing Facility 3600 – 27 th Avenue N Grand Forks, ND 58203 Lat/Long: 47.9552, -97.0816 NE ¼, SW ¼, Sec. 29, T152N, 50W Grand Forks County	Source Type: Potato Processing
Date of Application:	September 18, 2025

Pursuant to Chapter 23.1-06 of the North Dakota Century Code, the North Dakota Air Pollution Control Rules (North Dakota Administrative Code [NDAC] 33.1-15), and in reliance on statements and representations heretofore made by the permittee (i.e., owner) designated above, a Permit to Construct (PTC, also referred to as ‘permit’) is hereby issued authorizing such permittee to construct and initially operate the source unit(s) listed in Condition 1 at the location designated above. The source may be operated under this PTC until a Permit to Operate (PTO) is issued. This PTC is subject to all applicable rules and orders now or hereafter in effect of the North Dakota Department of Environmental Quality (Department), state and federal regulations, and to any conditions specified below:

Date: _____

James L. Semerad
 Director
 Division of Air Quality

1. Project and Facility Emission Units:

ACP-18316 v1.0_AQEA details the facility wide emission profile and regulation analysis associated with this permit. Table 1-1 lists the new emission units associated with the Project.

Table 1-1: Project Emission Units (new)

Emission Unit Description	Nominal Rating	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
Line 1 french fry fryer	output of 27.6 tons/hr	F-1	1	Thermal oxidizer (TO)
Line 1A formed product fryer	output of 8.8 tons/hr	F-2	1	TO
Natural gas-fired direct flame thermal oxidizer (NSPS Dc)	43.5 MMBtu/hr	TO	1	N/A
Natural gas-fired steam boiler 1 (NSPS Dc)	66.1 MMBtu/hr	BLR-1	2	Low NO _x burner
Natural gas-fired steam boiler 2 (NSPS Dc)	66.1 MMBtu/hr	BLR-2	3	Low NO _x burner
Emergency diesel fire pump engine (NSPS III, MACT ZZZZ)	422 hp	FWP-1	4	None
Emergency diesel generator (NSPS III, MACT ZZZZ)	540 hp	G-1	5	None
Natural gas-fired office water heater	7.0 MMBtu/hr	HTR-1	6 & 7	None
Natural gas-fired production line 1 makeup air unit	29.0 MMBtu/hr	MAU-1	FUG	None
Natural gas-fired production lines 1A/1B makeup air unit	29.0 MMBtu/hr	MAU-2	FUG	None
Natural gas-fired packaging makeup air unit 1	13.0 MMBtu/hr	MAU-3	FUG	None
Natural gas-fired packaging makeup air unit 2	12.0 MMBtu/hr	MAU-4	FUG	None
Natural gas-fired receiving makeup air unit	5.4 MMBtu/hr	MAU-5	FUG	None
Paved roads fugitive emissions	N/A	FUG	FUG	None
Six space heaters	0.6 MMBtu/hr (each)	IA-1	FUG	None
Dry storage heater	2.0 MMBtu/hr	IA-2	FUG	None
Line 1B 1QF hashbrown fryer	output of 5.5 tons/hr	IA-3	FUG	N/A

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 NDAC 33.1-15-12 and Title 40 of the Code of Federal Regulations (CFR) Part 60.

- 1) NSPS Dc – Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (EUs TO, BLR-1, & BLR-2)
- 2) NSPS IIII – Standards of Performance for Stationary Compressor Ignition Internal Combustion Engines (EUs FWP-1 & G-1)

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 NDAC 33.1-15-22 and 40 CFR 63.

- 1) MACT ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines (EUs FWP-1 & G-1)

C. Fuel Restrictions:

- 1) The thermal oxidizer (EU TO), steam boilers (EUs BLR-1 & BLR-2), office water heater (EU HTR-1), and makeup air units (EUs MAU-1 through MAU-5) are restricted to burning pipeline quality natural gas containing no more than 2 grains of sulfur per 100 standard cubic feet. Compliance with this requirement will be demonstrated through recordkeeping.
- 2) The emergency diesel fire pump engine (EU FWP-1) and the emergency diesel generator (EU G-1) shall be fired on ultra-low sulfur diesel containing no more than 15 ppm sulfur. Compliance with this requirement will be demonstrated through recordkeeping.

D. Emergency Engines

To be considered emergency under the reciprocating internal combustion engine (RICE) rules (NSPS IIII, & MACT ZZZZ), engine operations must comply with the operating hour limits as specified in the applicable subpart. There is no limit on the use of emergency stationary RICE in emergency situations [40 CFR 60.4243(d) and 40 CFR 63.6640(f)].

3. **Emission Unit Limits:**

Emission limits from the operation of the source unit(s) identified in Table 1-1 of this PTC are as follows in Table 3-1. Source units not listed are subject to the applicable emission limits specified in NDAC 33.1-15.

Table 3-1: Summary of Permit Emission Limits

EU Description	EU	EP	Pollutant / Parameter	Limit	Regulatory Justification
Line 1 french fry fryer Line 1A formed product fryer Direct flame thermal oxidizer (NSPS Dc)	F-1 F-2 TO	1	SO ₂ Opacity	Condition 2.C.1 20%/40% ^A	NDAC 33.1-15-06-01 NDAC 33.1-15-03-01
Steam boiler 1 (NSPS Dc)	BLR-1	2	SO ₂ Opacity	Condition 2.C.1 20%/40% ^A	NDAC 33.1-15-06-01 NDAC 33.1-15-03-01
Steam boiler 2 (NSPS Dc)	BLR-2	3	SO ₂ Opacity	Condition 2.C.1 20%/40% ^A	NDAC 33.1-15-06-01 NDAC 33.1-15-03-01
Emergency fire pump engine (NSPS III, MACT ZZZZ)	FWP-1	4	Various Operation SO ₂ Opacity	Condition 2.A.2 Condition 2.D Condition 2.C.2 20%/40% ^A	NSPS III NDAC 33.1-15-06-01 NDAC 33.1-15-03-01
Emergency generator (NSPS III, MACT ZZZZ)	G-1	5	Various Operation SO ₂ Opacity	Condition 2.A.2 Condition 2.D Condition 2.C.2 20%/40% ^A	NSPS III NDAC 33.1-15-06 NDAC 33.1-15-03-01
Office water heater	HTR-1	6 7	SO ₂ Opacity	Condition 2.C.1 20%/40% ^A	NDAC 33.1-15-06-01 NDAC 33.1-15-03-01
Production line 1 makeup air unit	MAU-1	FUG	SO ₂ Opacity	Condition 2.C.1 40% ^B	NDAC 33.1-15-06-01 NDAC 33.1-15-03-03
Production lines 1A/1B makeup air unit	MAU-2	FUG	SO ₂ Opacity	Condition 2.C.1 40% ^B	NDAC 33.1-15-06-01 NDAC 33.1-15-03-03
Packaging makeup air unit 1	MAU-3	FUG	SO ₂ Opacity	Condition 2.C.1 40% ^B	NDAC 33.1-15-06-01 NDAC 33.1-15-03-03
Packaging makeup air unit 2	MAU-4	FUG	SO ₂ Opacity	Condition 2.C.1 40% ^B	NDAC 33.1-15-06-01 NDAC 33.1-15-03-03
Receiving makeup air unit	MAU-5	FUG	SO ₂ Opacity	Condition 2.C.1 40% ^B	NDAC 33.1-15-06-01 NDAC 33.1-15-03-03
Paved roads fugitive emissions	FUG	FUG	Opacity	40% ^B	NDAC 33.1-15-03-03

^A Limited to 20% opacity except for one six-minute period per hour when up to 40% is permissible.

^B Fugitive emissions must not exceed 40% opacity for more than one six-minute period per hour.

4. Emission Testing Requirements:

The following testing requirements are applicable until issuance of the PTO. All emission tests identified in Table 4-1 shall be conducted according to the Reference Methods (40 CFR 60 Appendix A), NDAC 33.1-15-01-12, applicable federal regulations, or as specified by the Department in accordance with good professional practice. All testing shall require a minimum of three runs, one hour each, unless otherwise specified in an applicable federal subpart. The Department may conduct, require, and observe emission testing from any source at a reasonable time interval. The Department may reasonably require the permittee to demonstrate compliance with Condition 3 or to quantify emissions of any contaminant not addressed in this PTC whenever it has reason to believe noncompliance or the emission of a non-addressed contaminant is occurring.

Applicable requirement: NDAC 33.1-15-01-12

Table 4-1: Emission Testing Requirements

EU Description	EP ^A	Pollutant / Parameter	Method ^B	Regulatory Justification
Line 1 & 1A fryers (EUs F-1, F-2, & TO)	1	PM	Method 5 or 17 <u>and</u> Method 202	NDAC 33.1-15-01-12

^A Testing requirement applies to each individual emission point unless otherwise stated.

^B Equivalent reference methods approved by the Department may be used.

A. Startup:

Within 365 days after initial startup, the permittee shall conduct emission tests in accordance with Table 4-1 using an independent testing firm to verify emission rates for EP 1.

Applicable requirement: NDAC 33.1-15-12

B. Personnel:

All tests shall be conducted under the direction of reputable, qualified personnel trained in accordance with Department approved methods.

Applicable requirement: NDAC 33.1-15-01-12.1

C. Sampling Access:

The permittee shall provide the necessary facilities (exclusive of instruments and sensing devices) and sampling ports in stacks, ducts, or flues downstream of all emission control devices to conduct emission measurements. The ports shall be located to enable reliable sampling and shall be adequate for the required test methods. Safe sampling access and 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.

Applicable requirements: NDAC 33.1-15-01-12.2, NDAC 33.1-15-12

D. Advanced Notification:

The permittee shall notify the Department using forms found in the Emission Testing Guideline¹, or its equivalent, at least 30 calendar days in advance of any emission test required by the Department. Advanced notification for all other testing will be consistent with the requirements of the appropriate regulations but will in no case be less than 30 calendar days.

Applicable requirement: NDAC 33.1-15-01-12.1

E. Rescheduled Tests:

If the permittee is unable to conduct a test on its 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.¹ Failure to give the proper notification may prevent the Department from observing the test, which may cause test results to be rejected.

Applicable requirement: NDAC 33.1-15-01-12.1

F. Reporting:

A signed copy of the test results shall be furnished to the Department within 60 days of the test date as per 40 CFR 60.13(c)(2). To facilitate test preparation, execution, and reporting, the permittee shall follow the procedures and formats in the Department’s Emission Testing Guideline.¹

Applicable requirement: NDAC 33.1-15-12

5. Stack Height Requirements:

Emissions shall be vented through stacks with heights above the minimums defined in Table 5-1 and below the maximum defined by good engineering practice per NDAC 33.1-15-18. Stacks shall not utilize air dispersion techniques to artificially alter ambient air concentrations. Stack heights shall be no less than those below without prior approval from the Department.

Table 5-1: Minimum Stack Heights

EP Description	EP	Minimum Stack Height (ft)
Direct flame thermal oxidizer	1	60
Steam boiler 1	2	60
Steam boiler 2	3	60
Office water heater exhaust 1	6	50
Office water heater exhaust 2	7	50

¹ See February 7, 2020, NDDEQ Division of Air Quality Emission Testing Guidelines: https://www.deq.nd.gov/publications/AQ/policy/PC/Emission_Testing_Guide.pdf

6. General Conditions (Action Required):**A. 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.

Applicable requirement: NDAC 33.1-15-12

B. Modification:

Any alteration, repair, expansion, or change in the method or physical 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 is considered a modification and must be reviewed and approved by the Department before implementation. The Department shall be notified 10 days in advance of any significant deviations from the application. The issuance of this PTC may be suspended or revoked if the Department determines that a significant deviation has been or is to be made without the proper review or approval.

Applicable requirement: NDAC 33.1-15-14-02.9.d

C. Like-Kind Emission Unit Replacement:

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

- 1) The replacement unit is subject to the same emission limits and performance testing requirements—both state and federal—as the existing unit. The facility must comply with any additional federal standards (e.g. NSPS, MACT) triggered by the replacement.
- 2) The Department must be notified within 10 days of replacement. The date of manufacture of the replacement unit and any additional federal applicability must be included in the notification.
- 3) The replacement unit shall operate in the same manner without increasing throughput and have equal or less emissions than the unit it is replacing.
- 4) Testing shall be conducted to confirm compliance with emission limits within 180 days after start-up of the replacement unit. Emergency units shall not be required to test if replaced by a like-kind unit.

Applicable requirement: NDAC 33.1-15-14-02.9.d

D. 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 approved by the Department.

Applicable requirement: NDAC 33.1-15-14-02.9.d

E. Malfunction Notification:

The permittee shall notify the Department of any malfunction which can be expected to last longer than 24 hours and can cause the emission of air contaminants in violation of applicable rules and regulations. Using empirical estimates of emission rates, the permittee shall conservatively estimate if the malfunction can cause noncompliance.

Applicable requirement: NDAC 33.1-15-01-13.2.a

F. Transfer of Permit to Construct:

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

Applicable requirement: NDAC 33.1-15-14-02.11

7. General Conditions (Obligations):

A. Construction:

This permit shall become invalid if construction does not commence within 18 months after permit issuance, construction is discontinued for a period of 18 months or more, or construction is not completed within a reasonable time as determined by the Department. The Department may provide a time period greater than 18 months when such extension is supported by sufficient documentation from the applicant.

Applicable requirement: NDAC 33.1-15-14-02.10.b.

B. Operation:

Construction and operation of the facility shall be in accordance with the permit application—which includes technical supplements, revisions, and supporting data. Any operations not listed in this permit are subject to all applicable NDAC 33.1-15 requirements. 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 practice for minimizing emissions.

Applicable requirements: NDAC 33.1-15-12, NDAC 33.1-15-22

C. Recordkeeping:

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

Applicable requirements: NDAC 33.1-15-14-02.9.d

D. Control of Organic Compound Emissions:

The permittee shall comply with all applicable requirements of NDAC 33.1-15-07, which establishes requirements for the construction of organic compound facilities related to closed-vent systems, control devices, and seals and for the control of VOC vapors using a continuously burning pilot flare or other equally effective control device.

E. Internal Combustion Engine Emissions Restricted:

The permittee shall comply with all applicable requirements of NDAC 33.1-15-08-01, which restricts the operation of internal combustion engines which emit, from any source, unreasonable and excessive smoke, obnoxious or noxious gas, fumes or vapor.

F. Restriction of Fugitive Emissions:

The release of fugitive emissions shall comply with the applicable requirements in NDAC 33.1-15-17, which restricts particulate matter and gaseous fugitive emissions that would violate other regulations.

G. Permit Invalidation:

This permit shall be effective from the date of its issuance unless suspended, revoked or surrendered. The violation of any condition of this permit may result in revocation or suspension of the permit or other appropriate enforcement action. If any provision or application of a provision of this permit is held invalid in any circumstance, the remainder of this permit shall remain valid.

Applicable requirement: NDAC 33.1-15-14-02.9

H. Nuisance or Danger:

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

Applicable requirements: NDAC 33.1-15-02-03, NDAC 33.1-15-14-02.9.c

I. Right of Entry:

Any duly authorized officer, employee, or agent of the Department may enter and inspect any property, premise, or place at which the source is located at any time for the purpose of ascertaining compliance with NDAC 33.1-15. The Department may inspect monitoring equipment, conduct tests, and take samples of air contaminants, fuel, processing material, and other materials, which affect or may affect the emission of air contaminants from any source. The Department shall have the right to access and copy any records required by the Department.

Applicable requirement: NDAC 33.1-15-01-06, NDCC 23.1-06-11

8. State Enforceable Conditions (Not Federally Enforceable):

A. Emissions of Odorous Substances Restricted:

The permittee shall not discharge into the ambient air any objectionable odorous air contaminant which measures seven odor concentration units or greater.

Applicable requirement: NDAC 33.1-15-16

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