

(S)

AIR POLLUTION CONTROL PERMIT

ATTAINMENT AREA MINOR SOURCE

EI FACILITY NO. 603007790 PERMIT NO. 603007790-N01

STACK NO.(S). S10, S11 TYPE: Permit to construct and operate

SOURCE NO.(S). B10, B11

PERMISSION TO COMMENCE CONSTRUCTION ENDS EIGHTEEN (18) MONTHS FROM THE DAY THIS PERMIT IS ISSUED. ONCE A RELEASE FOR PERMANENT OPERATION HAS BEEN ISSUED, THIS OPERATING PERMIT IS PERMANENT UNLESS ALTERED, REVOKED OR SUSPENDED.

In compliance with the provisions of Chapter 144, Wis. Stats., and Chapters NR 400 to NR 499, Wis. Adm. Code,

Name of Source: Seneca Foods Corporation

Street Address: 1055 Elm Street  
Cumberland, WI 54829

Principal Officer or Authorized Representative, & Title:  
Mr. Virgil Sisson, Plant Manager

is authorized to construct and operate a 66.0 MMBTU/hr. natural gas/#6 residual fuel oil boiler and a 10.0 MMBTU/hr. natural gas/#2 distillate fuel oil boiler as described in the plans and specifications dated April 16, 1987 and May 5, 1987, and in conformity with the conditions herein.

This authorization requires compliance by the permit holder with the emission limitations, monitoring requirements and other terms and conditions set forth in Parts I and II hereof.

Dated at Madison, Wisconsin this 12th day of June, 1987.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

By Donald F. Theiler  
Donald F. Theiler, Director  
Bureau of Air Management

PART I  
SPECIFIC PERMIT CONDITIONS

A. Specific Emission Limitations

<u>Pollutant</u>	<u>Applicable Wis. Adm. Code or Wis. Statute</u>	<u>Limitation/Requirement</u>
<u>Stack S10, Boiler B10</u>		
Particulate Matter	s. NR 415.06(2)(a), Wis. Adm. Code	0.15 pounds per million BTU heat input
Sulfur Dioxide	s. NR 417.07(3)(b), Wis. Adm. Code	1.5 pounds per million BTU heat input, when firing #6 residual fuel oil
Nitrogen Oxides	s. NR 428.03, Wis. Adm. Code	9.2 pounds per hour, when firing natural gas
		24.2 pounds per hour when firing #6 residual fuel oil
Carbon Monoxide	s. NR 426.025, Wis. Adm. Code	2.3 pounds per hour, when firing natural gas
		2.2 pounds per hour, when firing #6 residual fuel oil
Lead	s. NR 427.03, Wis. Adm. Code	$1.9 \times 10^{-3}$ pounds per hour, when firing #6 residual fuel oil
Arsenic	s. NR 445.03, Wis. Adm. Code	$8.8 \times 10^{-4}$ pounds per hour, when firing #6 residual fuel oil
Beryllium	s. NR 445.03, Wis. Adm. Code	$3.5 \times 10^{-4}$ pounds per hour, when firing #6 residual fuel oil

Cadmium	s. NR 445.03, Wis. Adm. Code	$1.8 \times 10^{-2}$ pounds per hour, when firing #6 residual fuel oil
Mercury	s. NR 445.03, Wis. Adm. Code	$8.8 \times 10^{-4}$ pounds per hour, when firing #6 residual fuel oil
Chromium	s. NR 445.03, Wis. Adm. Code	$8.4 \times 10^{-3}$ pounds per hour, when firing #6 residual fuel oil
Visible Emissions	s. NR 431.05(1), Wis. Adm. Code	20% opacity, or #1 of the Ringlemann chart
<u>Stack S11, Boiler B11</u>		
Particulate Matter	s. NR 415.06(2)(a), Wis. Adm. Code	0.15 pounds per million BTU heat input
Sulfur Dioxide	s. NR 417.025, Wis. Adm. Code	5.0 pounds per hour, when firing #2 distillate fuel oil
Nitrogen Oxides	s. NR 428.03, Wis. Adm. Code	1.4 pounds per hour, when firing natural gas or #2 distillate fuel oil
Lead	s. NR 427.03, Wis. Adm. Code	$3.0 \times 10^{-4}$ pounds per hour, when firing #2 distillate fuel oil
Mercury	s. NR 445.03, Wis. Adm. Code	$1.0 \times 10^{-5}$ pounds per hour, when firing #2 distillate fuel oil
Chromium	s. NR 445.03, Wis. Adm. Code	$5.0 \times 10^{-5}$ pounds per hour, when firing #2 distillate fuel oil
Visible Emissions	s. NR 431.05(1), Wis. Adm. Code	20% opacity, or #1 of the Ringlemann chart

8. Other Specific Conditions

1. Initial Operation Notification

The permittee shall inform the Wisconsin Department of Natural Resources, Northwest District Air Program, Highway 70 & First Street, P.O. Box 309, Spooner, WI 54801, phone (715) 635-4068, thirty (30) days prior to initial operation of the source covered by this permit. Furthermore, the permittee shall send the District construction progress reports every 30 days until a release for permanent operation is granted.

2. Release for Permanent Operation

This permit does authorize an initial operation period of 90 days for equipment shake-down, testing and Department evaluation of operation to assure conformity with the permit conditions. Permanent operation of the source(s) covered by this permit after the initial operation period is prohibited until a release has been issued by the Department. The three existing boilers (B20, B21 and B22) shall be dismantled prior to issuance of the release for permanent operation.

3. Boiler B10 shall fire #6 residual fuel oil only during the period from June 1 through October 31 annually. Daily usage of #6 residual fuel oil during the period from June 1 through October 31 shall not exceed 4,575 gallons. Methods for measuring such usage shall be subject to approval by the Department.
4. Seneca Foods Corporation shall maintain records of daily #6 residual fuel oil usage and shall make such records available to the Department upon request.
5. Seneca Foods Corporation shall comply with the following periodic fuel sampling and analysis provisions for the purpose of determining compliance with applicable sulfur dioxide emission limitations:
  - a. In the event that Boiler B10 has an annual residual oil burning rate less than 150,000 gallons, Seneca Foods Corporation shall retain copies of the supplier's analyses at the Cumberland facility, for each shipment of residual fuel oil received for burning at the facility. These analyses shall include:

- 1) Total quantity of residual fuel oil received per shipment, expressed in thousands of gallons;
- 2) Average percent sulfur content of residual fuel oil received per shipment;
- 3) Average heat content, expressed in BTU per gallon, of residual fuel oil received per shipment;

In addition, Seneca Foods Corporation shall obtain certification from the supplier of the residual fuel oil that the following methods and procedures are used for sampling and analyzing the fuel oil (alternative methods may be used if approved, in writing, by the Department):

- 4) Liquid fossil fuel sampling shall be performed according to ASTM D4057-81, Standard Practice for Manual Sampling of Petroleum and Petroleum Products, or ASTM D4177-82, Standard Method for Automatic Sampling of Petroleum and Petroleum Products;
  - 5) The sulfur content of a liquid fossil fuel sample shall be determined according to ASTM D129-78, Sulfur in Petroleum Products (General Bomb Method), or ASTM D4294-83, Sulfur in Petroleum Products by Nondispersive X-ray Fluorescence Spectrometer; and
  - 6) The heat content of a liquid fossil fuel sample shall be determined according to ASTM D240-76, Heat of Combustion of Liquid Hydrocarbon Fuels by a Bomb Colorimeter.
- b. In the event that Boiler B10 has an annual residual fuel oil burning rate equal to or greater than 150,000 gallons per year, but less than 1.5 million gallons per year, Seneca Foods Corporation shall submit on a quarterly basis after January 1, 1989 information on residual fuel oil quality which is calculated from the supplier's analyses for each shipment of residual fuel oil received at the Cumberland facility. Each quarterly report is due within 30 days following the end of each calendar quarter. Seneca Foods Corporation shall obtain certification from the supplier that the methods and procedures listed above in 5.a. 4)-6) were followed by the supplier in sampling and analyzing the residual fuel oil (alternative methods may be used if approved, in writing, by the Department). The report shall include the following information for each calendar quarter:
- 1) Total quantity of residual fuel oil burned expressed in thousands of gallons;
  - 2) Weighted average percent of the sulfur content of the residual fuel oil burned;
  - 3) Weighted average heat content expressed in BTU per gallon of residual fuel oil burned; and

- 4) Weighted average sulfur dioxide emission rate in terms of pounds of sulfur dioxide per million BTU heat input from the residual fuel oil burned.
6. #2 distillate fuel oil fired in Boiler B11 shall be restricted to a maximum of 0.5% sulfur (by weight).
7. Boiler B11 shall fire #2 distillate fuel oil no more than 275 days per year.
8. Seneca Foods Corporation shall maintain records of the number of days annually on which #2 distillate fuel oil is fired, and shall make such records available to the Department upon request.
9. Seneca Foods Corporation shall comply with the provisions of s. NR 429.03, Wis. Adm. Code, pertaining to the control of malodorous emission.

PART II  
GENERAL PERMIT CONDITIONS  
FOR DIRECT STATIONARY SOURCES

A. Scope

This permit is valid only for the structure, building, facility, equipment or operations specifically identified herein. All emissions authorized hereby shall be consistent with the terms and conditions of Parts I and II of this permit.

B. Prevention of Air Pollution

No person may cause, allow or permit the emissions of any air contaminant into the ambient air from a source subject to this permit which substantially contribute to the exceeding of an air standard or which cause air pollution.

C. Notification Requirements

Pursuant to sec. 144.394(3), Wis. Stats. and sections NR 445.05 and 439.025(6), Wis. Adm. Code, the Department shall be notified of the following events:

<u>Event</u>	<u>Timing</u>
Hazardous substance air spill	Immediate-call: (608)266-3232
Malfunction or event not reported in advance which causes or may cause any violation of an emission limitation.	Within 8 hours of onset
Noncompliance with any other condition specified in this permit	Written notification within 5 days identifying noncompliance, cause, duration, and steps taken to prevent reoccurrence.

D. Advance Notice of Startup or Shutdown

The permittee shall report to the Department in advance schedules for planned shutdown and startup of air pollution control equipment and the measures to be taken to minimize the down time of the control equipment. Scheduled maintenance or startup of other equipment which causes an emission limit to be exceeded shall also be reported in advance to the Department. Advance reporting pursuant to this permit condition or sec. NR 439.025(8), Wis. Adm. Code, shall not relieve any person from the duty to comply with any applicable emission limitations.

E. Right of Entry

Pursuant to sec. 144.34, Wis. Stats., the permittee shall allow authorized representatives of the Department of Natural Resources to enter upon the permittee's premises; to have access to and copy any records required to be kept under the terms and conditions of this permit; and to make any inspection necessary to ascertain compliance.

F. Malfunction Prevention and Abatement Plans

Pursuant to sec. NR 439.09, Wis. Adm. Code, the owner or operator of any direct or portable source which may emit hazardous substances or emits more than 15 pounds in any day or 3 pounds in any hour of carbon monoxide, particulate matter, hydrocarbons, sulfur oxides, nitrogen dioxide or photochemical oxidants shall prepare a written malfunction prevention and abatement plan to prevent, detect and correct malfunctions or equipment failures which may cause any emission limitation to be violated or which may cause air pollution. Any such plan shall be carried out by the owner or operator. The plan shall be updated as needed and is subject to Department review, approval and amendment.

G. Emission Control Action Programs

Pursuant to sec. NR 493.04, Wis. Adm. Code, if the source(s) covered by this permit emits 0.25 tons per day or more of carbon monoxide, particulate matter, hydrocarbons, sulfur oxides, nitrogen dioxide or photochemical oxidants, the permittee shall prepare an emission control action program consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an air pollution alert, air pollution warning or air pollution emergency. The emission control action program shall be in writing, available on the premises for inspection and subject to review and approval by the Department on request.

H. Permit Alteration, Revocation, Suspension

After notice and opportunity for a hearing, as provided in sec. 144.395, Wis. Stats., this permit may be altered, suspended, or revoked in whole or in part for cause. Circumstances which could result in alteration of the permit include but are not limited to the following:

1. A significant or recurring violation of any term or condition of this permit;
2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
3. A change in any applicable rule.

In addition to the circumstances in 1. and 2., failure to pay any required permit fees may result in revocation or suspension.



I. Civil Liability

Nothing in this permit shall be construed to relieve the permit holder from civil penalties under secs. 144.426, 144.96 or 144.99, Wis. Stats., for violation of the terms or conditions of this permit, or for violation of secs. 144.30 to 144.426, 144.76 and 144.96, Wis. Stats., or of any rule or any special order issued under those sections.

J. Other Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permit holder from any responsibilities, liabilities, or penalties established pursuant to any other applicable Federal, State, or local law or regulation. The issuance of this permit does not convey any property rights in either real or personal property, nor does it authorize any injury to private property or any invasion of personal rights.

K. Records Retention

All records and information resulting from any monitoring activities required by this permit shall be retained by the permittee for a minimum of three years pursuant to sec. NR 439.03, Wis. Adm. Code, unless specified in writing by the Department.

L. Reporting

Reports required by Part I of this permit, if any, shall be signed by an authorized representative of the source.

M. Confidential Information

Except for information determined to be confidential under sec. 144.33, Wis. Stats., any information or reports received by the Department in the permit application process, or subsequently obtained, will be available for public inspection at the offices of the Department of Natural Resources.

N. Notification of Transfer

In the event of a transfer of control of operation or ownership of the source, the permittee, prior to such transfer, shall notify its successor by letter of the need for a permit. A copy of this letter shall be forwarded to the Department.

O. Nonexempt Modifications

"Modification" means any change in the physical size or method of operation of a stationary source which:

- (1) increases the potential amount of emissions of an air contaminant;

(2) results in the emission of an air contaminant not previously emitted;  
or

(3) results in the violation of an ambient air increment.

Any modification of a source subject to this permit, which is in violation of a term or condition of this permit, is prohibited and may not occur unless a modification of the permit is obtained. If the modification is not in violation of a term or condition of this permit and the modification is an exempt modification under sec. 144.391(4), Stats., or sec. NR 406.04, Wis. Adm. Code, or is authorized by a permit, no additional permit is required for the modification. All other modifications require a permit prior to commencing the modification.

P. Reconstruction or Replacement

Unless the replacement is authorized by a permit or is exempt under sec. NR 406.04, Wis. Adm. Code, replacement of the source(s) covered by this permit is prohibited. If the source(s) covered by this permit is a nonattainment major source or is subject to New Source Performance Standards, reconstruction may also be prohibited unless authorized by a permit.

Q. Circumvention

Pursuant to sec. NR 439.08, Wis. Adm. Code, the installation or use of any article, machine, equipment, process, or method, which conceals an emission which would otherwise constitute a violation of an applicable rule is prohibited unless written approval has been obtained from the Department. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance and the unnecessary separation of an operation into parts to avoid coverage by a rule that applies only to operations larger than a specified size.

R. Operating Permit Review

Operating permits shall be reviewed at least once every 5 years and not more than once every 2 years, in accordance with sec. 144.397, Wis. Stats. The Department may use information received in public comments or at the public hearing as the basis to initiate proceedings under sec. 144.395, Wis. Stats., to alter, suspend, or revoke the permit.

S. Forfeitures

In addition to other penalties or remedies, sec. 144.426, Wis. Stats., provides that any person who violates this permit shall forfeit not less than \$10 nor more than \$25,000 for each violation. Each day of continued violation is a separate offense.

T. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

U. Payment of Application Fee

Sources which are required under chapter NR 410, Wis. Adm. Code and sec. 144.399, Wis. Stats. to pay an application fee shall pay the fee within 30 days of the date of the billing statement. The Department may not issue the release for permanent operation of the source until the Department receives full payment of the application fee.

V. Annual Permit Fee

Pursuant to sec. NR 410.05, Wis. Adm. Code, any person who owns or operates an air contaminant source for which an air pollution control permit has been issued shall pay an annual fee for the implementation and enforcement of the permit conditions.

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