



**STATE OF TENNESSEE  
AIR POLLUTION CONTROL BOARD  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
NASHVILLE, TENNESSEE**

**PERMIT TO CONSTRUCT / MODIFY AIR CONTAMINANT SOURCE(S)**

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**Permit Number:** 980655

**Facility (Permittee):** EM Resources LLC dba EM Resources - Gorman Woodyard Fly Ash Transloading

**Facility ID:** 43-0127

**Facility Address:** 4997 Trace Creek Road, McEwen  
Humphreys County

**Facility Classification:** True Minor

**Federal Requirements:** None

**Facility Description:** Transloading Flyash from Tanker Trucks to Railcars

Permit 980655, consisting of 18 pages is hereby issued September 28, 2022, pursuant to the Tennessee Air Quality Act and by the Technical Secretary, Tennessee Air Pollution Control Board, Department of Environment and Conservation. This permit expires on September 27, 2024. The holder of this permit shall comply with the conditions contained in this permit as well as all applicable provisions of the Tennessee Air Pollution Control Regulations (TAPCR).

Michelle W. Owenby  
Technical Secretary  
Tennessee Air Pollution Control Board

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No Authority is Granted by this Permit to Operate, Construct, or Maintain any Installation in Violation of any Law, Statute, Code, Ordinance, Rule, or Regulation of the State of Tennessee or any of its Political Subdivisions.

## **Section I – Sources Included in this Construction Permit**

FACILITY DESCRIPTION			
Source Number	Source Description	Status	Control Device/Equipment
01	Portable Flyash Transloader #1	New	Baghouse
02	Portable Flyash Transloader #2	New	Baghouse

## **Section II – Permit Record**

Permit Type	Description of Permit Action	Issue Date
Construction	Permit Issuance	September 28, 2022

## **Section III - General Permit Conditions**

### **G1. Responsible Person**

The application that was utilized in the preparation of this construction permit was received August 8, 2022, and is signed by Mark Cummings, Sr. Environmental Manager, the Responsible Person for the permittee. Additional information was received dated August 9, 10, and 18, 2022. The Responsible Person may be the owner, president, vice-president, general partner, plant manager, environmental/health/safety coordinator, or other person that is able to represent and bind the facility in environmental permitting affairs. If this Responsible Person terminates their employment or is assigned different duties and is no longer the person to represent and bind the permittee in environmental permitting affairs, the new Responsible Person for the permittee shall notify the Technical Secretary of the change in writing. The Notification shall include the name and title of the new Responsible Person assigned by the permittee to represent and bind the permittee in environmental permitting affairs, and the date the new Responsible Person was assigned these duties.

Should a change in the Responsible Person occur, the new Responsible Person must submit the Notification provided in Appendix 1 of this permit no later than 30 days after the change. A separate notification shall be submitted for each subsequent change in Responsible Person.

TAPCR 1200-03-09-.03(8)

### **G2. Application and Agreement Letters**

This source shall operate in accordance with the terms of this permit, the information submitted in the approved permit application referenced in **Condition G1**, and any documented agreements made with the Technical Secretary.

TAPCR 1200-03-09-.01(1)(d)

### G3. Submittals

Unless otherwise specified within this permit, the permittee shall submit, preferably via email and in Adobe Portable Document format (PDF), all applicable plans, checklists, certifications, notifications, test protocols, reports, and applications to the attention of the following Division Programs at the email addresses indicated in the table below:

Permitting Program	Compliance Validation Program	Field Services Program
<ul style="list-style-type: none"> <li>• Notifications</li> <li>• Startup certifications</li> <li>• Applications</li> <li>• NSPS reports</li> <li>• MACT/GACT/NESHAP reports</li> <li>• Emission statements</li> <li>• Construction permit extension requests</li> </ul>	<ul style="list-style-type: none"> <li>• Test protocols</li> <li>• Emission test reports</li> <li>• Visible emission evaluation reports</li> </ul>	<ul style="list-style-type: none"> <li>• Semiannual reports</li> <li>• Annual compliance certifications/status reports</li> </ul>
Division of Air Pollution Control William R. Snodgrass TN Tower, 15 <sup>th</sup> Floor 312 Rosa L. Parks Avenue Nashville, TN 37243 <a href="mailto:Air.Pollution.Control@tn.gov">Air.Pollution.Control@tn.gov</a>		Nashville Environmental Field Office Division of Air Pollution Control 711 R.S. Gass Blvd. Nashville, TN 37216 <a href="mailto:apc.nashefo@tn.gov">apc.nashefo@tn.gov</a>

The permittee shall submit the information identified above as requested in this permit. In lieu of submitting this information to the email addresses above, the permittee may submit the information to the attention of the respective Division Programs at the mailing addresses listed above.

TAPCR 1200-03-09-.03(8)

### G4. Notification of Changes

The permittee shall notify the Technical Secretary for any of the following changes to a permitted air contaminant source which would not be a modification requiring a new construction permit:

- change in air pollution control equipment that does not result in an increase or otherwise meet the definition of a modification
- change in stack height or diameter
- change in exit velocity of more than 25 percent or exit temperature of more than 15 percent based on absolute temperature.

The permittee must submit the Notification provided in Appendix 2 of this permit 30 days before the change is commenced.

TAPCR 1200-03-09-.02(7)

### G5. Permit Transference

- This permit is not transferable from one air contaminant source to another air contaminant source or from one location to another location. The permittee must submit a construction permit application for a new source to the Permitting Program not less than 90 days prior to the estimated starting date of these events. If the new source will be subject to major New Source Review, the application must be submitted not less than 120 days in advance of the estimated starting date of these events.

TAPCR 1200-03-09-.03(6)(b) and 1200-03-09-.01(1)(b)

- B. In the event an ownership change occurs at this facility, the new owner must submit the notification provided in Appendix 3 of this permit. The written notification must be submitted by the new owner to the Permitting Program no later than 30 days after the ownership change occurs. If the change in ownership results in a change in Responsible Person for the facility, notification of the change in Responsible Person must also be submitted, as specified in **Condition G1**.

TAPCR 1200-03-09-.03(6)(a) and (b)

#### **G6. Operating Permit Application Submittal**

The permittee shall apply for an operating permit within 30 days of initial startup of this new emission source.

TAPCR 1200-03-09-.02(1) and 1200-03-09-.02(3)

#### **G7. Temporary Operating Permit**

- A. This construction permit shall serve as a temporary operating permit from the date of issuance, until the Technical Secretary issues an operating permit, provided the permittee submits an operating permit application within the timeframe specified in **Condition G6**.

TAPCR 1200-03-09-.02(1), 1200-03-09-.02(2) and 1200-03-09-.02(3)(b)1

- B. If construction of the air contaminant source(s) cannot be completed and/or an operating permit application cannot be filed with the Technical Secretary by the expiration date of this permit, the permittee must submit a permit extension request 30 days prior to permit expiration.

TAPCR 1200-03-09-.02(1) and 1200-03-09-.02(3)

#### **G8. Startup Certification for New or Modified Source(s)**

The startup certification provided in Appendix 4 shall be submitted to the Permitting Program once an air contaminant source has started up. Startup of the air contaminant source shall be the date the new or modified air contaminant source began operation for the production of product for sale, use as raw materials, or steam or heat production under the terms of this permit. A separate startup certification must be submitted for each air contaminant source included in this permit.

TAPCR 1200-03-09-.03(8)

**Compliance Method:** The startup certification provided in Appendix 4 shall be submitted no later than 30 days after each air contaminant source has begun startup.

#### **G9. Fees**

The air contaminant source(s) identified in this permit shall comply with the requirements for payment of applicable annual emission fees to the Tennessee Division of Air Pollution Control based on the Administrative Fees Schedule I provided in Appendix 5 of this permit. The fee must be paid to the Division in full by the first day of the month that the fee is due (determined from Appendix 5). (Note: not all facilities are required to pay annual emission fees)

TAPCR 1200-03-26-.02

## G10. General Recordkeeping Requirements

- A. All recordkeeping requirements for all data required to be recorded shall follow the following schedules:

For Daily Recordkeeping	For Weekly Recordkeeping	For Monthly Recordkeeping
No later than seven days from the end of the day for which the data is required.	No later than seven days from the end of the week for which the data is required.	No later than 30 days from the end of the month for which the data is required.

- B. The information contained in logs, records, and submittals required by this permit shall be kept at the facility's address, unless otherwise noted, and provided to the Technical Secretary or a Division representative upon request. Computer-generated logs are acceptable. Compliance is assured by retaining the logs, records, and submittals specified in this permit for a period of not less than five years at the facility's address.

TAPCR 1200-03-10-.02(2)(a)

## G11. Routine Maintenance Requirements

The permittee shall maintain and repair the emission source, associated air pollution control device(s), and compliance assurance monitoring equipment as required to maintain and assure compliance with the specified emission limits.

TAPCR 1200-03-09-.03(8)

**Compliance Method:** Records of all repair and maintenance activities required above shall be recorded in a suitable permanent form and kept available for inspection by the Division. These records must be retained for a period of not less than five years. The date each maintenance and repair activity began shall be entered in the log no later than seven days following the start of the repair or maintenance activity, and the completion date shall be entered in the log no later than seven days after activity completion.

## G12. Visible and Fugitive Emissions

- A. Unless otherwise specified, visible emissions from this facility shall not exhibit greater than 20% opacity, except for one six-minute period in any one-hour period, and for no more than four six-minute periods in any 24-hour period. A stack is defined as any chimney, flue, conduit, exhaust, vent, or opening of any kind whatsoever, capable of, or used for, the emission of air contaminants.

TAPCR 1200-03-05-.01(1) and 1200-03-05-.03(6)

**Compliance Method:** When required to demonstrate compliance, visible emissions shall be determined by EPA Method 9, as published in the current 40 CFR 60, Appendix A (six-minute average).

- B. The permittee shall not cause, suffer, allow, or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Reasonable precautions shall include, but are not limited to, the following:
- (a) Use, where possible, of water or chemicals for control of dust in demolition of existing buildings or structures, construction operations, grading of roads, or the clearing of land;
  - (b) Application of asphalt, water, or suitable chemicals on dirt roads, material stockpiles, and other surfaces which can create airborne dusts;

- (c) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations.

The permittee shall not cause, suffer, allow, or permit fugitive dust to be emitted in such manner to exceed five minutes per hour or 20 minutes per day as to produce a visible emission beyond the property line of the property on which the emission originates, excluding malfunction of equipment as provided in TAPCR 1200-03-20. A malfunction is defined as, any sudden and unavoidable failure of process equipment or for a process to operate in an abnormal and unusual manner. Failures that are caused by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

TAPCR 1200-03-08-.01(1) and 1200-03-08-.01(2)

**Compliance Method:** When required to demonstrate compliance, fugitive emissions shall be determined by Tennessee Visible Emissions Evaluation Method 4 as adopted by the Tennessee Air Pollution Control Board on April 16, 1986.

- C. Fugitive emissions from roads and parking areas shall not exhibit greater than 10% opacity.

TAPCR 1200-03-08-.03

**Compliance Method:** When required to demonstrate compliance, fugitive emissions from roads and parking areas shall be determined by utilizing Tennessee Visible Emissions Evaluation (TVEE) Method 1, as adopted by the Tennessee Air Pollution Control Board on April 29, 1982, as amended on September 15, 1982 and August 24, 1984.

**G13. Facility-wide Limitations**

*Not Applicable*

**G14. NSPS/NESHAP/MACT/GACT Standards**

*Not Applicable*

**G15. VOC and NO<sub>x</sub> Emission Statement**

*Not Applicable*

**G16. Permit Supersedes Statement**

This permit supersedes all previously issued permits for this/these source(s).

TAPCR 1200-03-09-.03(8)

**G17. Source Testing Requirements**

*Not Applicable*

## **Section IV - Source Specific Permit Conditions**

<b>Source Number</b>	<b>Source Description</b>
01 and 02	Two Portable Flyash Transloaders, Sources 01 and 02, with one baghouse for each Transloader Unit

### **S1-1. Input Limitation(s) or Statement(s) of Design**

The maximum material input rates for these sources shall not exceed the values below. Should the permittee need to modify the source in a manner that increases the maximum material input rate, a construction permit shall be applied for and received in accordance with TAPCR 1200-03-09-.01 prior to making the change.

Flyash Transloader unit 43-0127	Maximum material input rate, tons per hour	Averaging time
01	50	Monthly basis
02	50	Monthly basis

TAPCR 1200-03-09-.01(1)(d) and the application dated August 8, 2022, with additional information dated August 9, 10, and 18, 2022.

**Compliance Method:** The permittee shall maintain a daily log of the actual amount of fly ash transferred from tanker trucks to railcars and the hours of operation using the example log provided in Appendix 8, or in an alternative format which provides the same information. The log shall be retained in accordance with **Condition G10**

### **S1-2. Production Limitation(s)**

Not applicable

### **S1-3. Operating Hour Limitation(s)**

Not Applicable

### **S1-4. Emission Limitation(s)**

Particulate matter (PM) emitted from these sources shall not exceed the limits specified below, on a three-hour average basis.

Source – Flyash Transloader Unit	Emission limit
01	0.25 grains per dry standard cubic foot (gr/dscf) of exhaust gas (4.29 lb/hr)
02	0.25 grains per dry standard cubic foot (gr/dscf) of exhaust gas (4.29 lb/hr)

TAPCR 1200-03-07-.04(2) and the application dated August 8, 2022, with additional information dated August 9, 10, and 18, 2022

**Compliance Method:** The permittee shall install, operate, and maintain baghouses to control particulate matter emissions. The sources controlled by the baghouses shall not operate unless each control devices is installed and operating. The permittee shall monitor the baghouse control devices for this source as follows:

The permittee shall perform and record weekly visual inspections of the exterior of the baghouses and the baghouse ductwork, including the baghouse exhaust. The permittee shall initiate, as well as record, corrective action within 24 hours and complete, as well as record, corrective action as expediently as practical if the permittee finds that an abrasion hole and/or emissions problem and/or plugging problem has developed during an inspection of the baghouse(s). Identification of an abrasion hole and/or emissions problem and/or plugging problem and corrective action(s) shall be noted in the weekly inspection records. Inspection records shall also include the initials of the person performing the inspection(s) and corrective action(s), along with the date, time, and any relevant comments. Days that the source is not in operation shall be noted. These records shall be retained in accordance with **Condition G10**. See the example log at Appendix 8, or an alternative format which provides the same information may be used.

**S1-5. Source-Specific Visible Emissions Limitation(s)**

*Not applicable*

(end of conditions)

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The permit application gives the location of this source as 36.106174 °N Latitude and -87.707683 °W Longitude.



## Appendix 1: Notification of Change in Responsible Person

**Facility (Permittee):** \_\_\_\_\_ EM Resources LLC

**Facility ID:** \_\_\_\_\_ 43-0127

**Former Responsible Person:** \_\_\_\_\_  
Name Title

**New Responsible Person:** \_\_\_\_\_  
Name Title  
\_\_\_\_\_  
Email

**Date New Responsible Person was assigned this duty:** \_\_\_\_\_

As the Responsible Person of the above-mentioned facility (permittee), I certify that the information contained in this Notification is accurate and true to the best of my knowledge. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury.

Signature		Date
Signer's name (print)	Title	Phone (with area code)

## Appendix 2: Notification of Changes

Facility (Permittee): EM Resources LLC

Facility ID: 43-0127

Source Number:

	Control Equipment	Stack Height (Feet)	Stack Diameter (Feet)	Exit Velocity (Feet/Second)	Exit Temperature (°F)
Current					
Proposed					
Current					
Proposed					
Current					
Proposed					

Comments:

As the Responsible Person of the above mentioned facility (permittee), I certify that the information contained in this Notification is accurate and true to the best of my knowledge. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury.

Signature		Date
Signer's name (print)	Title	Phone (with area code)

### Appendix 3: Notification of Ownership Change

Facility (Permittee): EM Resources LLC (Previous Owner)

Facility ID: 43-0127

Facility (Permittee): \_\_\_\_\_ (New Owner)

Email Address: \_\_\_\_\_

Secretary of State Control Number: \_\_\_\_\_ [as registered with the TN Secretary of State]

Date of Ownership Change: \_\_\_\_\_

Comments:

As the responsible person for the new owner or operator of the above mentioned facility (permittee):

- I agree to not make any changes to the stationary source(s) that meet the definition of modification as defined in Division 1200-03 or Division 0400-30<sup>1</sup>, and
- I agree to comply with the conditions contained in **the permits listed below**, Division 1200-03 and Division 0400-30 of the Tennessee Air Pollution Control Regulations, the Tennessee Air Quality Act, and any documented agreements made by the previous owner to the Technical Secretary.

List all active permits issued to the facility for which the owner wishes to assume ownership:

As the Responsible Person of the above mentioned facility (permittee), I certify that the information contained in this Notification is accurate and true to the best of my knowledge. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury.

Signature		Date
Signer's name (print)	Title	Phone (with area code)

<sup>1</sup> Appropriate application forms must be submitted prior to modification of the stationary source(s).

## Appendix 4: Startup Certification

**Facility (Permittee):** EM Resources LLC

**Facility ID:** 43-0127

**Startup Certification for Source Number:** \_\_\_\_\_

The permittee shall certify the startup date for each new or modified air contaminant source regulated by construction permit 980655 by submitting this document

**Date of startup:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Month Day Year

As the Responsible Person of the above mentioned facility (permittee), I certify that the information contained in this Startup Certification is accurate and true to the best of my knowledge. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury.

Signature		Date
Signer's name (print)	Title	Phone (with area code)

## Appendix 5: Fees

All minor and conditional major source annual emission fees are due and payable to the Division in full according to SCHEDULE I below<sup>2</sup> unless otherwise specified in TAPCR 1200-03-26-.02(6)(c). The county that a source is located in determines when the minor source annual emission fee is due. Fees are due the first day of the month listed. If a source is located on contiguous property in more than one county, the county appearing earliest in the calendar year shall be used to determine the due date of the annual emission fee.

### SCHEDULE I Month the Annual Emissions Fee is Due (Accounting Period) Counties in the Monthly Grouping

January	Anderson, Bedford, Benton, Bledsoe, Blount, Bradley and Campbell
February	Cannon, Carroll, Carter, Cheatham, Chester, Claiborne, Clay and Cocke
March	Coffee, Crockett, Cumberland, Davidson, Decatur, DeKalb, Dickson, Dyer and Fayette
April	Fentress, Franklin, Gibson, Giles, Grainger, Greene and Grundy
May	Hamblen, Hamilton, Hancock, Hardeman, Hardin, Hawkins, Haywood and Henderson
June	Henry, Hickman, Houston, Humphreys, Jackson, Jefferson, Johnson, Knox, Lake, Lauderdale, Lawrence and Lewis
July	Lincoln, Loudon, McMinn, McNairy, Macon and Madison
August	Marion, Marshall, Maury, Meigs, Monroe, Montgomery, Moore and Morgan
September	Obion, Overton, Perry, Pickett, Polk, Putnam and Rhea
October	Roane, Robertson, Rutherford, Scott, Sequatchie, Sevier, and Shelby
November	Smith, Stewart, Sullivan, Sumner, Tipton, Trousdale, Unicoi and Union
December	Van Buren, Warren, Washington, Wayne, Weakley, White, Williamson and Wilson

<sup>2</sup> Note that some sources with allowable emissions below specific thresholds are not subject to the requirement to pay annual emission fees. Contact the Emission Inventory Program at [apc.inventory@tn.gov](mailto:apc.inventory@tn.gov) if you have any questions.

## **Appendix 6: Emission Statement for VOC and NO<sub>x</sub>**

*Not Applicable*

## Appendix 7: Agreement Letters

*Not Applicable*

## Appendix 8: Example Logs



## Material Transfer Recordkeeping (Monthly Average)

Flyash Transferred, Tons per hour on a Monthly Average Basis

Log for Source # \_\_\_\_\_

Month: \_\_\_\_\_ YEAR \_\_\_\_\_

Date	Flyash Transferred (tons)	Hours of Operation	Date	Flyash Transferred (tons)	Hours of Operation
1			17		
2			18		
3			19		
4			20		
5			21		
6			22		
7			23		
8			24		
9			25		
10			26		
11			27		
12			28		
13			29		
14			30		
15			31		
16			Total		
			*Tons/hr on a Monthly Average Production Rate		

\*Flyash Transferred Tons per hour on a monthly average basis = Sum of the material processed for a month divided by the sum of the operating hours for the same month.

### Example for Inspection Record

[illegible]