

April 21, 2021

Mr. Wade Ingram  
Liberty Packing Co. - The Morning Star Co.  
12045 S Ingomar Grade Rd  
Los Banos, CA 93635

**Re: Final - Authority to Construct / Certificate of Conformity (Significant Mod)**  
**Facility Number: N-1399**  
**Project Number: N-1203800**

Dear Mr. Ingram:

The Air Pollution Control Officer has issued Authority to Construct (ATC) N-1399-38-0 with a Certificate of Conformity to Liberty Packing Co. - The Morning Star Co. at 12045 S. Ingomar Rd, Los Banos. The proposed project is to install a 19.95 MMBtu/hr natural gas-fired boiler with a selective catalytic reduction system. Enclosed are the ATC and a copy of the notice of final action that has been posted on the District's website ([www.valleyair.org](http://www.valleyair.org)).

Notice of the District's preliminary decision to issue the ATC was posted on March 8, 2021. The District's analysis of the proposal was also sent to CARB on March 8, 2021 and US EPA Region IX on March 4, 2021. No comments were received following the District's preliminary decision on this project.

Also enclosed is an invoice for the engineering evaluation fees pursuant to District Rule 3010. Please remit the amount owed, along with a copy of the attached invoice, within 60 days.

Prior to operating with the modifications authorized by the ATC, you must submit an application to modify the Title V permit as an administrative amendment in accordance with District Rule 2520, Section 11.5. Application forms are found on the District's website at [www.valleyair.org/permits/TVforms](http://www.valleyair.org/permits/TVforms).

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

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**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: (661) 392-5500 FAX: (661) 392-5585

Mr. Wade Ingram  
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Thank you for your cooperation in this matter. If you have any questions, please contact Mr. Nick Peirce, Permit Services Manager, at (209) 557-6400.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Clements".

Brian Clements  
Director of Permit Services

Enclosures

cc: Courtney Graham, CARB (w/enclosure) via email  
cc: Laura Yannayon, EPA (w/enclosure) via EPS

Facility # N-1399  
LIBERTY PACKING CO - THE MORNING STAR CO  
12045 S INGOMAR GRADE RD  
LOS BANOS, CA 93635

## **AUTHORITY TO CONSTRUCT (ATC)**

### **QUICK START GUIDE**

1. **Pay Invoice:** Please pay enclosed invoice before due date.
2. **Modify Your Title V Permit.** Prior to operating the equipment authorized under this ATC, submit an application to modify your Title V permit. See application forms at <http://www.valleyair.org/permits/TVforms>.
3. **Fully Understand ATC:** Make sure you understand ALL conditions in the ATC prior to construction, modification and/or operation.
4. **Follow ATC:** You must construct, modify and/or operate your equipment as specified on the ATC. Any unspecified changes may require a new ATC.
5. **Notify District:** You must notify the District's Compliance Department, at the telephone numbers below, upon start-up and/or operation under the ATC. Please record the date construction or modification commenced and the date the equipment began operation under the ATC. You may NOT operate your equipment until you have notified the District's Compliance Department. A startup inspection may be required prior to receiving your Permit to Operate.
6. **Source Test:** Schedule and perform any required source testing. See [http://www.valleyair.org/busind/comply/source\\_testing.htm](http://www.valleyair.org/busind/comply/source_testing.htm) for source testing resources.
7. **Maintain Records:** Maintain all records required by ATC. Records are reviewed during every inspection (or upon request) and must be retained for at least 5 years. Sample record keeping forms can be found at [http://www.valleyair.org/busind/comply/compliance\\_forms.htm](http://www.valleyair.org/busind/comply/compliance_forms.htm).

By operating in compliance, you are doing your part to improve air quality for all Valley residents.

**For assistance, please contact District Compliance staff at  
any of the telephone numbers listed below.**

**Samir Sheikh**

Executive Director/Air Pollution Control Officer

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**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: (861) 392-5500 FAX: (861) 392-5585

# AUTHORITY TO CONSTRUCT

**PERMIT NO:** N-1399-38-0

**ISSUANCE DATE:** 04/21/2021

**LEGAL OWNER OR OPERATOR:** LIBERTY PACKING CO - THE MORNING STAR CO

**MAILING ADDRESS:** 12045 S INGOMAR GRADE RD  
LOS BANOS, CA 93635

**LOCATION:** 12045 S INGOMAR GRADE RD  
LOS BANOS, CA 93635

**EQUIPMENT DESCRIPTION:**

19.95 MMBTU/HR JOHNSTON BOILER MODEL PFTX500-2X200S (FIRE-TUBE BOILER) WITH ST JOHNSON MODEL NMA500A40V ULTRA LOW-NOX BURNER AND HALDOR TOPSOE DNX929 SELECTIVE CATALYTIC REDUCTION (SCR) SYSTEM

## CONDITIONS

1. This Authority to Construct serves as a written certificate of conformity with the procedural requirements of 40 CFR 70.7 and 70.8 and with the compliance requirements of 40 CFR 70.6(c). [District Rule 2201] Federally Enforceable Through Title V Permit
2. Prior to operating with modifications authorized by this Authority to Construct, the facility shall submit an application to modify the Title V permit with an administrative amendment in accordance with District Rule 2520 Section 5.3.4. [District Rule 2520, 5.3.4] Federally Enforceable Through Title V Permit
3. No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
4. The exhaust stack shall vent vertically upward. The vertical exhaust flow shall not be impeded by a rain cap (flapper ok), roof overhang, or any other obstruction. [District Rule 4102]
5. Particulate matter emissions shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201] Federally Enforceable Through Title V Permit
6. No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101] Federally Enforceable Through Title V Permit
7. The unit shall only be fired on PUC-quality natural gas. [District Rules 2201 and 4320] Federally Enforceable Through Title V Permit

CONDITIONS CONTINUE ON NEXT PAGE

**YOU MUST NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (209) 557-6400 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT.** This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Samir Sheikh, Executive Director / APCO



Brian Clements, Director of Permit Services

N-1399-38-0 : Apr 21 2021 2:22PM -- KAH/LONJ : Joint Inspection NOT Required

8. A non-resettable, totalizing mass or volumetric fuel flow meter to measure the amount of fuel combusted in the unit shall be installed, utilized and maintained. [District Rule 2201 and 40 CFR 60.48c(g)] Federally Enforceable Through Title V Permit
9. During start-up or shutdown, the emissions control system shall be in operation, and emissions shall be minimized insofar as technologically possible. [District Rules 2201, 4305, 4306 and 4320] Federally Enforceable Through Title V Permit
10. The facility-wide NO<sub>x</sub> emissions shall not exceed 33,705 pounds during any one rolling 12 month period. [District Rule 2201] Federally Enforceable Through Title V Permit
11. The total duration of startup events shall not exceed any of the following limits: 2.0 hour/day and 270 hours/year. [District Rules 2201, 4306 and 4320] Federally Enforceable Through Title V Permit
12. The total duration of shutdown events shall not exceed any of the following limits: 1.0 hour/day and 270 hours/year. [District Rules 2201, 4306 and 4320] Federally Enforceable Through Title V Permit
13. During startup or shutdown, NO<sub>x</sub> emissions shall not exceed 30 ppmvd @ 3% O<sub>2</sub> or 0.036 lb/MMBtu. [District Rule 2201] Federally Enforceable Through Title V Permit
14. Except during startup and shutdown, NO<sub>x</sub> emissions shall not exceed 3.5 ppmvd @ 3% O<sub>2</sub> or 0.0042 lb/MMBtu, referenced as NO<sub>2</sub>. [District Rules 2201, 4306 and 4320] Federally Enforceable Through Title V Permit
15. CO emissions shall not exceed 50 ppmvd @ 3% O<sub>2</sub> or 0.037 lb/MMBtu. [District Rules 2201, 4305, 4306 and 4320] Federally Enforceable Through Title V Permit
16. SO<sub>x</sub> emissions shall not exceed 0.00285 lb/MMBtu. [District Rule 2201] Federally Enforceable Through Title V Permit
17. PM<sub>10</sub> emissions shall not exceed 0.003 lb/MMBtu. [District Rule 2201] Federally Enforceable Through Title V Permit
18. VOC emissions shall not exceed 10 ppmvd @ 3 % O<sub>2</sub> or 0.0042 lb/MMBtu, referenced as methane. [District Rule 2201] Federally Enforceable Through Title V Permit
19. NH<sub>3</sub> emissions from the SCR system shall not exceed 10 ppmvd @ 3% O<sub>2</sub>. [District Rule 2201] Federally Enforceable Through Title V Permit
20. Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified at least 30 days prior to any compliance source test, and a source test plan must be submitted for approval at least 15 days prior to testing. [District Rule 1081] Federally Enforceable Through Title V Permit
21. Source testing to measure startup and shutdown NO<sub>x</sub> and CO emissions shall be conducted within 60 days of initial startup. [District Rule 2201] Federally Enforceable Through Title V Permit
22. Source testing to measure steady state NO<sub>x</sub>, CO and NH<sub>3</sub> emissions shall be conducted within 60 days of initial startup. [District Rules 2201, 4305, 4306 and 4320] Federally Enforceable Through Title V Permit
23. Source testing to measure NO<sub>x</sub>, CO and NH<sub>3</sub> emissions during steady state operation shall be conducted at least once every twelve (12) months. After demonstrating compliance on two (2) consecutive annual source tests, the unit shall be tested not less than once every thirty-six (36) months. If the result of the 36-month source test demonstrates that the unit does not meet the applicable emission limits, the source testing frequency shall revert to at least once every twelve (12) months. [District Rules 4305, 4306, and 4320] Federally Enforceable Through Title V Permit
24. NO<sub>x</sub> emissions for source test purposes shall be determined using EPA Method 7E or ARB Method 100 on a ppmv basis, or EPA Method 19 on a heat input basis. [District Rules 4305, 4306, and 4320] Federally Enforceable Through Title V Permit
25. CO emissions for source test purposes shall be determined using EPA Method 10 or ARB Method 100. [District Rules 4305, 4306, and 4320] Federally Enforceable Through Title V Permit
26. Stack gas oxygen (O<sub>2</sub>) shall be determined using EPA Method 3 or 3A or ARB Method 100. [District Rules 4305, 4306, and 4320] Federally Enforceable Through Title V Permit
27. Fuel sulfur content shall be determined using EPA Method 11 or Method 15. [District Rule 4320] Federally Enforceable Through Title V Permit

CONDITIONS CONTINUE ON NEXT PAGE

28. Source testing for ammonia slip shall be conducted utilizing BAAQMD Method ST-1B. [District Rule 2201] Federally Enforceable Through Title V Permit
29. The source test plan shall identify which basis (ppmv or lb/MMBtu) will be used to demonstrate compliance. [District Rules 4305, 4306, and 4320] Federally Enforceable Through Title V Permit
30. All emissions measurements shall be made with the unit operating either at conditions representative of normal operations or conditions specified in the Permit to Operate. No determination of compliance shall be established within two hours after a continuous period in which fuel flow to the unit is shut off for 30 minutes or longer, or within 30 minutes after a re-ignition as defined in Section 3.0 of District Rule 4320. [District Rules 4305, 4306, and 4320] Federally Enforceable Through Title V Permit
31. For emissions source testing, the arithmetic average of three 30-consecutive-minute test runs shall apply. If two of three runs are above an applicable limit the test cannot be used to demonstrate compliance with an applicable limit. [District Rules 4305, 4306, and 4320] Federally Enforceable Through Title V Permit
32. The results of each source test shall be submitted to the District within 60 days thereafter. [District Rule 1081] Federally Enforceable Through Title V Permit
33. The permittee shall monitor and record the stack concentration of NO<sub>x</sub>, CO, NH<sub>3</sub> and O<sub>2</sub> at least once during each month in which source testing is not performed. NO<sub>x</sub>, CO and O<sub>2</sub> monitoring shall be conducted utilizing a portable analyzer that meets District specifications. NH<sub>3</sub> monitoring shall be conducted utilizing Draeger tubes or a District approved equivalent method. Monitoring shall not be required if the unit is not in operation, i.e. the unit need not be started solely to perform monitoring. Monitoring shall be performed within 5 days of restarting the unit unless it has been performed within the last month. [District Rules 4305, 4306 and 4320] Federally Enforceable Through Title V Permit
34. If the NO<sub>x</sub>, CO or NH<sub>3</sub> concentrations, as measured by the portable analyzer or the District approved ammonia monitoring equipment, exceed the permitted levels the permittee shall return the emissions to compliant levels as soon as possible, but no longer than 1 hour of operation after detection. If the portable analyzer or the ammonia monitoring equipment continue to show emission limit violations after 1 hour of operation following detection, the permittee shall notify the District within the following 1 hour and conduct a certified source test within 60 days of the first exceedance. In lieu of conducting a source test, the permittee may stipulate a violation that is subject to enforcement action has occurred. The permittee must then correct the violation, show compliance has been re-established, and resume monitoring procedures. If the deviations are the result of a qualifying breakdown condition pursuant to Rule 1100, the permittee may fully comply with Rule 1100 in lieu of the performing the notification and testing required by this condition. [District Rules 4305, 4306 and 4320] Federally Enforceable Through Title V Permit
35. All NO<sub>x</sub>, CO, O<sub>2</sub> and ammonia emission readings shall be taken with the unit operating at conditions representative of normal operation or under the conditions specified in the Permit to Operate. The NO<sub>x</sub>, CO and O<sub>2</sub> analyzer as well as the NH<sub>3</sub> emission monitoring equipment shall be calibrated, maintained, and operated in accordance with the manufacturer's specifications and recommendations or a protocol approved by the APCO. Analyzer readings taken shall be averaged over a 15 consecutive-minute period by either taking a cumulative 15 consecutive-minute sample reading or by taking at least five readings, evenly spaced out over the 15 consecutive-minute period. [District Rules 4305, 4306 and 4320] Federally Enforceable Through Title V Permit
36. Ammonia emission readings shall be conducted at the time the NO<sub>x</sub>, CO and O<sub>2</sub> readings are taken. The readings shall be converted to ppmvd @ 3% O<sub>2</sub>. [District Rules 4305, 4306 and 4320] Federally Enforceable Through Title V Permit
37. The permittee shall maintain records of: (1) the date and time of NO<sub>x</sub>, CO, NH<sub>3</sub> and O<sub>2</sub> measurements, (2) the O<sub>2</sub> concentration in percent by volume and the measured NO<sub>x</sub>, CO and NH<sub>3</sub> concentrations corrected to 3% O<sub>2</sub>, (3) make and model of the portable analyzer, (4) portable analyzer calibration records, (5) the method of determining the NH<sub>3</sub> emission concentration, and (6) a description of any corrective action taken to maintain the emissions at or below the acceptable levels. [District Rules 4305, 4306 and 4320] Federally Enforceable Through Title V Permit
38. Permittee shall determine sulfur content of combusted gas annually or shall demonstrate that the combusted gas is provided from a PUC or FERC regulated source. [District Rules 1081 and 4320] Federally Enforceable Through Title V Permit
39. The owner or operator shall maintain records of the amount of fuel combusted during each week in this unit. [Rule 2201 and 40 CFR 60.48c(g)] Federally Enforceable Through Title V Permit

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40. The owner or operator shall maintain records of the date, total duration of startup time (hours/day), total duration of shutdown time (hours/day), total duration of startup time per year (hours per year), and total duration of shutdown time per year (hours per year). The annual records shall be updated at least on a weekly basis. [District Rules 2201, 4306 and 4320] Federally Enforceable Through Title V Permit
41. A record of the facility-wide NOx emissions (in pounds) shall be kept. The record shall be on a rolling 12 month period and shall be updated at least weekly. [District Rule 2201] Federally Enforceable Through Title V Permit
42. All records shall be maintained and retained on-site for a period of at least 5 years and shall be made available for District inspection upon request. [District Rules 1070, 2201, 4305, 4306 and 4320, and 40 CFR 60.48c(i)] Federally Enforceable Through Title V Permit