UNITED STATES ENVIRONMENTAL PROTECTION AGENCY **FEDERAL MINOR NEW SOURCE REVIEW PROGRAM IN INDIAN COUNTRY** **40 CFR 49.151** **Application for New Construction** (Form NEW)	*Erica G. Le Doux* *U.S. EPA Region 6* *Air and Radiation Division Air Permits Section (ARPE)* *Phone: (214) 665-7265*

Please check all that apply to show how you are using this form:

X **Proposed Construction of a New Source**

☐ **Proposed Construction of New Equipment at an Existing Source**

☐ **Proposed Modification of an Existing Source**

☐ **Other – Please Explain**

Use of this information request form is voluntary and not yet approved by the Office of Management and Budget. The following is a check list of the type of information that Region 6 will use to process information on your proposed project. While submittal of this form is not required, it does offer details on the information we will use to complete your requested approval and providing the information requested may help expedite the process. Use of application forms for this program is currently under Office of Management and Budget review and these information request forms will be replaced/updated after that review is completed.

Please submit information to:

Erica G. Le Doux
U.S. EPA Region 6
Air and Radiation Division Air Permits Section (ARPE)
Phone: (214) 665-7265

A. GENERAL SOURCE INFORMATION

1. (a) **Company Name:** ***Muscogee (Creek) Nation*** (b) **Operator Name** ***Muscogee (Creek) Nation***	2. **Facility Name:** ***Looped Square Meat Processing Plant***
3. Type of Operation ***Animal Slaughtering/Processes***	4. Portable Source? ☐ Yes X No 5. Temporary Source? ☐ Yes X No
6. NAICS Code *311611*	7. SIC Code *2011*
8. Physical Address (Or, home base for portable sources) ***3260 US HWY 75 Beggs, OK 74421***	

9. Reservation*	10. County*	11a. Latitude (decimal format) *	11b. Longitude (decimal format) *
Muscogee (Creek) Nation	***Tulsa***	***35.808789***	***-96.013508***
12a. Quarter Quarter Section*	**12b. Section***	**12c. Township***	**12d. Range***
NW ¼ NW ¼	***S2***	***T15N***	***R12E***

*Provide all proposed locations of operation for portable sources

B. PREVIOUS PERMIT ACTIONS (Provide information in this format for each permit that has been issued to this source. Provide as an attachment if additional space is necessary)

Facility Name on the Permit
Permit Number (xx-xxx-xxxxx-xxxx.xx)
Date of the Permit Action

Facility Name on the Permit
Permit Number (xx-xxx-xxxxx-xxxx.xx)
Date of the Permit Action

Facility Name on the Permit
Permit Number (xx-xxx-xxxxx-xxxx.xx)
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Facility Name on the Permit
Permit Number (xx-xxx-xxxxx-xxxx.xx)
Date of the Permit Action

Facility Name on the Permit
Permit Number (xx-xxx-xxxxx-xxxx.xx)
Date of the Permit Action

THIS FACILITY DOES NOT HAVE ANY EXISTING AIR PERMITS.

C. CONTACT INFORMATION

Company Contact **Trenton Kissee**	Title **Director, Natural Resources**
Mailing Address **P.O. Box 580 Okmulgee, OK 74447**	
Email Address tkissee@muscogeenation.com	
Telephone Number **(918) 549-2550**	Facsimile Number **(918) 549-2550**
Operator Contact (Is the company that operates this facility different than the company that owns this facility? Who is the primary contact for the company that operates this facility?) **Grant Norem**	Title **Meat Plant Manager**
P.O. Box 580 Okmulgee, OK 74447	
Email Address gnorem@muscogeenation.com	
Telephone Number **539-244-2367**	Facsimile Number **539-244-2367**
Permitting Contact **James Williams**	Title **Director, Environ. Serv.**
Mailing Address **P.O. Box 580 Okmulgee, OK 74447**	
Email Address jwilliams@muscogeenation.com	
Telephone Number **(918) 549-2580**	Facsimile Number **(918) 549-2587**
Compliance Contact **Brett Sands**	Title **Environmental Specialist I**
Mailing Address **P.O. Box 580 Okmulgee, OK 74447**	
Email Address brettsands@muscogeenation.com	
Telephone Number **(918) 549-2580**	Facsimile Number **(918) 549-7792**

D. ATTACHMENTS

Include all of the following information (see the attached instructions)

*Please do not send Part 71 Operating Permit Application Forms in lieu of the check list below.

☐ **FORM SYNMIN** - New Source Review Synthetic Minor Limit Request Form, if synthetic minor limits are being requested.

☐ Narrative description of the proposed production processes. This description should follow the flow of the process flow diagram to be submitted with this application.

☐ Process flow chart identifying all proposed processing, combustion, handling, storage, and emission control equipment.

☐ A list and descriptions of all proposed emission units and air pollution-generating activities.

☐ Type and quantity of fuels, including sulfur content of fuels, proposed to be used on a daily, annual and maximum hourly basis.

☐ Type and quantity of raw materials used or final product produced proposed to be used on a daily, annual and maximum hourly basis.

☐ Proposed operating schedule, including number of hours per day, number of days per week and number of weeks per year.

☐ A list and description of all proposed emission controls, control efficiencies, emission limits, and monitoring for each emission unit and air pollution generating activity.

☐ **Criteria Pollutant Emissions** - Estimates of Current Actual Emissions, Current Allowable Emissions, Post-Change Uncontrolled Emissions, and Post-Change Allowable Emissions for the following air pollutants: particulate matter, PM_{10}, $PM_{2.5}$, sulfur oxides (SOx), nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compound (VOC), lead (Pb) and lead compounds, fluorides (gaseous and particulate), sulfuric acid mist (H_2SO_4), hydrogen sulfide (H_2S), total reduced sulfur (TRS) and reduced sulfur compounds, including all calculations for the estimates.

These estimates are to be made for each emission unit, emission generating activity, and the project/source in total. Note, there are no insignificant emission units or activities in this permitting program, only exempted units and activities. Please see the regulation for a list of exempted units and activities.

☐ **Air Quality Review**

☒ **ESA (Endangered Species Act)**

☒ **NHPA (National Historic Preservation Act)**

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E. TABLE OF ESTIMATED EMISSIONS

The following tables provide the total emissions in tons/year for all pollutants from the calculations required in Section D of this form, as appropriate for the use specified at the top of the form.

E(i) – Proposed New Source

Pollutant	Potential Emissions (tpy)	Proposed Allowable Emissions (tpy)	
PM			PM - Particulate Matter PM_{10} - Particulate Matter less than 10 microns in size $PM_{2.5}$ - Particulate Matter less than 2.5 microns in size SO_2 - Sulfur Oxides NOx - Nitrogen Oxides CO - Carbon Monoxide VOC - Volatile Organic Compound Pb - Lead and lead compounds Fluorides - Gaseous and particulates H_2SO_4 - Sulfuric Acid Mist H_2S - Hydrogen Sulfide TRS - Total Reduced Sulfur RSC - Reduced Sulfur Compounds
PM_{10}			
$PM_{2.5}$			
SO_2			
NO_x			
CO			
VOC			
Pb			
Fluorides			
H_2SO_4			
H_2S			
TRS			
RSC			

Emissions calculations must include fugitive emissions if the source is one the following listed sources, pursuant to CAA Section 302(j):

(a) Coal cleaning plants (with thermal dryers);
(b) Kraft pulp mills;
(c) Portland cement plants;
(d) Primary zinc smelters;
(e) Iron and steel mills;
(f) Primary aluminum ore reduction plants;
(g) Primary copper smelters;
(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;
(i) Hydrofluoric, sulfuric, or nitric acid plants;
(j) Petroleum refineries;
(k) Lime plants;
(l) Phosphate rock processing plants;
(m) Coke oven batteries;
(n) Sulfur recovery plants;
(o) Carbon black plants (furnace process);
(p) Primary lead smelters;
(q) Fuel conversion plants;
(r) Sintering plants;
(s) Secondary metal production plants;
(t) Chemical process plants
(u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
(v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
(w) Taconite ore processing plants;
(x) Glass fiber processing plants;
(y) Charcoal production plants;
(z) Fossil fuel-fired steam electric plants of more that 250 million British thermal units per hour heat input, and
(aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.

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E(ii) – Proposed New Construction at an Existing Source or Modification of an Existing Source

Pollutant	Current Actual Emissions (tpy)	Current Allowable Emissions (tpy)	Post-Change Potential Emissions (tpy)	Post-Change Allowable Emissions (tpy)
PM				
PM_{10}				
$PM_{2.5}$				
SO_2				
NO_x				
CO				
VOC				
Pb				
Fluorides				
H_2SO_4				
H_2S				
TRS				
RSC				

PM - Particulate Matter
PM_{10} - Particulate Matter less than 10 microns in size
$PM_{2.5}$ - Particulate Matter less than 2.5 microns in size
SO_2 - Sulfur Oxides
NOx - Nitrogen Oxides
CO - Carbon Monoxide
VOC - Volatile Organic Compound
Pb - Lead and lead compounds
Fluorides - Gaseous and particulates
H_2SO_4 - Sulfuric Acid Mist
H_2S - Hydrogen Sulfide
TRS - Total Reduced Sulfur
RSC - Reduced Sulfur Compounds

The public reporting and recordkeeping burden for this collection of information is estimated to average 20 hours per response, unless a modeling analysis is required. If a modeling analysis is required, the public reporting and recordkeeping burden for this collection of information is estimated to average 60 hours per response .Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

Instructions

(Please do not include a copy of these instructions in the application you submit to us.)

Use of This Form

- Proposed new construction or modifications should first be evaluated to determine if the change is major under the major NSR program using the procedures at 40 CFR 52.21 (i.e., baseline actual to projected actual applicability test). If the proposed construction does not qualify as a major under that test, then it may be subject to the requirements of the minor NSR rule at 40 CFR 49.151.

Helpful Definitions from the Federal Minor NSR Rule (40 CFR 49) – This is not a comprehensive list.

- *40 CFR 49.152(d) - Modification* means any physical or operational change at a source that would cause an increase in the allowable emissions of the affected emissions units for any regulated NSR pollutant or that would cause the emission of any regulated NSR pollutant not previously emitted.

  The following exemptions apply:

  (1) A physical or operational change does not include routine maintenance, repair, or replacement.

  (2) An increase in the hours of operation or in the production rate is not considered an operational change unless such increase is prohibited under any federally-enforceable permit condition or other permit condition that is enforceable as a practical matter.

  (3) A change in ownership at a source is not considered a modification.

- *40 CFR 49.152(d) - Allowable emissions* means ''allowable emissions'' as defined in §52.21(b)(16), except that the allowable emissions for any emissions unit are calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.

- *52.21(b)(16) - Allowable emissions* means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

  (i) The applicable standards as set forth in 40 CFR parts 60 and 61;

  (ii) The applicable State Implementation Plan emissions limitation, including those with a future compliance date; or

  (iii) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

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A. General Facility Information

1. Company Name & Operator Name (if the operator of the facility is different than the owner, please provide this information): Provide the complete company and operator names. For corporations, include divisions or subsidiary names, if any.

2. Facility Name: Provide the facility name. Please note that a facility is a site, place, location, etc… that may contain one or more air pollution emitting units.

3. Type of Operation: Indicate the generally accepted name for the operation (i.e., asphalt plant, gas station, dry cleaner, sand & gravel mining, oil and gas wellsite, tank battery, etc.).

4. Portable Source: Will this facility operate in more than one location? Some examples of portable sources include asphalt batch plants and concrete batch plants.

5. Temporary Source: A temporary source, in general, would have emissions that are expected last less than 12 months.

6. NAICS Code: North American Industry Classification System. The NAICS Code for your facility can be found at the following link → North American Industry Classification System (http://www.census.gov/epcd/naics/nsic2ndx.htm#S1).

7. SIC Code: Standard Industrial Classification Code. Although the new North American Industry Classification System (NAICS) has replaced the SIC codes, much of the Clean Air Act permitting processes continue to use these codes. The SIC Code for your facility can be found at the following link → Standard Industrial Classification Code (http://www.osha.gov/pls/imis/sic_manual.html).

8. Physical Address: Provide the actual address of where you are proposing to construct the new facility, not the mailing address. Include the State and the ZIP Code.

9. Reservation: Provide the name of the Indian reservation within which the facility will be constructed.

10. County: Provide the County within which the source will be constructed.

11a & 11b. Latitude & Longitude: These are GPS (global positioning system) coordinates.

12a – 12d. Section-Township-Range: Please provide these coordinates in 1/4 Section/Section/Township/Range. (e.g., SW ¼, NE ¼ S36/T10N/R21E).

B. Current Permit Information

Provide a list of all air quality permits that have been issued for this facility. This should include any Federal Minor New Source Review (MNSR), Prevention of Significant Deterioration (PSD) or Non-Attainment New Source Review (NA NSR) permits, in addition to the most recent Part 71 permit. The permit number must be included with each permit identified.

C. Contact Information

Please provide the information, requested, in full.

1. Company Contact: Provide the full name of the primary contact for the company that owns the facility.

2. Operator Contact: Provide the name of the primary contact for the company that operates the facility if the company operating the facility is different from the company that owns the facility.

3. Permitting Contact: Provide the name of primary contact, for permitting decisions, at the company that owns the facility or the company that operates the facility.

4. Compliance Contact: Provide the name of primary contact, responsible for compliance of the facility, at the company that owns the facility or the company that operates the facility. If this is the same as the Permitting Contact please note this on the form.

D. Attachments

This section lists the information needed to complete the requested approval. This information should be accompanied by the supporting information listed on the form and described below. The information should be presented in enough detail to document how the facility is currently operating and/or how it is proposed to be operated.

☐ **FORM SYNMIN**

If synthetic minor limits are being requested, a synthetic Minor Limit Application should be included with this application.

☐ Narrative description of the proposed production processes.

1. The narrative description should follow the flow of the process flow diagram to be submitted with this application. This needs to be as comprehensive as possible to help in understanding the proposed facility and how it will be operated. For example:

What are the raw materials?
What are the properties of the raw materials?
Does the production process include heating, drying, the application of chemicals, etc?
How will the raw materials be affected by this process?
What are the out puts from each step of the process (i.e., crushed ore, dry gas, water, etc…)?
Etc….

2. The proposed operating schedule presented in terms of hours per day, days per week, and weeks per year.
3. A list of the type and quantity of fuels and/or raw materials used. Each fuel and raw material should be described in enough detail to indicate its basic chemical components.

☐ A process flow chart identifying all proposed processing, combustion, handling, storage, and emission control equipment. This flow chart should illustrate the detailed narrative description requested above.

☐ List and describe all proposed units, emission units and air pollution-generating activities. At a minimum, provide the following:

1. The hourly, daily and annual maximum operating rates for each operating unit, production process, and activity.
2. The hourly, daily and annual maximum firing rates for each fuel and combustion equipment.
3. The capacity for storage units and the hourly, daily and annual maximum throughput of material in the storage units.
4. Material and product handling equipment and the hourly, daily and annual maximum throughput of material and product.
5. Tank designs, tank storage capacities, hourly, daily and annual maximum throughput of material and product.

☐ Type and quantity of fuels, including sulfur content of fuels, proposed to be used on a daily, annual and maximum hourly basis.

☐ Type and quantity of raw materials used or final product produced proposed to be used on a daily, annual and maximum hourly basis.

☐ Proposed operating schedule, including number of hours per day, number of days per week and number of weeks per year.

☐ A list and description of all proposed emission controls, control efficiencies, emission limits, and monitoring for each emission unit and air pollution generating activity.

1. Include manufacturer specifications and guarantees for each control device.

Criteria Pollutant Emissions Estimates

☐ Estimates of Current Actual Emissions, Current Allowable Emissions, Post-Change Uncontrolled Emissions, and Post-Change Allowable Emissions for the following air pollutants: particulate matter, PM_{10}, $PM_{2.5}$, sulfur oxides (SO_2), nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compound (VOC), lead (Pb) and lead compounds, ammonia (NH_3), fluorides (gaseous and particulate), sulfuric acid mist (H_2SO_4), hydrogen sulfide (H_2S), total reduced sulfur (TRS) and reduced sulfur compounds, including all calculations for the estimates.

1. These estimates are to be made for each emission unit, emission generating activity, in addition to total emissions.

2. The information should include all of the supporting calculations, assumptions and references. Emission estimates must address all emission units and pollutants proposed and/or affected by the limitation and be presented in short term (e.g. pounds per hour) as well as annual (tons per year) units.

3. Any emission estimates submitted to the Regional Administrator must be verifiable using currently accepted engineering criteria. The following procedures are generally acceptable for estimating emissions from air pollution sources:

   - Unit-specific emission tests;
   - Mass balance calculations;
   - Published, verifiable emission factors that are applicable to the unit. (i.e. manufacturer specifications)
   - Other engineering calculations; or
   - Other procedures to estimate emissions specifically approved by the Regional Administrator.

4. Guidance for estimating emissions can be found at http://www.epa.gov/ttn/chief/efpac/index.html.

Current Actual Emissions: Current actual emissions for a pollutant is expressed in tpy and generally is calculated by multiplying the actual hourly emissions rate in pounds per hour (lbs/hr) times actual hours operated (which is the number of hours in a year) and dividing by 2,000 (which is the number of pounds in a ton).

1. For an **existing air pollution source (permitted and unpermitted)** that operated prior to the application submittal, the current actual emissions are the actual rate of emissions for

the preceding calendar year and must be calculated using the actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. The emission estimates must be based upon actual test data or, in the absence of such data, upon procedures acceptable to the Regional Administrator.

Current Allowable Emissions: Current allowable emissions for a pollutant is expressed in tpy and generally is calculated by multiplying the allowed hourly emissions rate in pounds per hour (lbs/hr) times allowed hours (which is the number of hours in a year) and dividing by 2,000 (which is the number of pounds in a ton).

1. "Allowed" means the source is restricted by permit conditions that limit its emissions and are enforceable as a practical matter (i.e., allowable emissions). The allowable emissions for any emissions unit are calculated considering any emissions limitations that are enforceable as a practical matter on the unit's PTE.

2. For an **existing permitted air pollution source** that operated prior to the application submittal, the current allowable emissions are the allowable rate of emissions for the preceding calendar year and must be calculated using the permitted operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year.

3. For an **existing air pollution source** that does not have an established allowable emissions level prior to the modification must report the pre-change uncontrolled emissions.

Post-Change Potential Emissions (Potential uncontrolled emissions from proposed project): This is the maximum capacity of a source to emit a pollutant under its physical and operational design. This is expressed in tpy and generally is calculated by multiplying the maximum hourly emissions rate in pounds per hour (lbs/hr) times 8,760 hours (which is the number of hours in a year) and dividing by 2,000 (which is the number of pounds in a ton).

Post-Change Allowable Emissions: A source's allowable emissions for a pollutant is expressed in tpy and generally is calculated by multiplying the allowed hourly emissions rate in pounds per hour (lbs/hr) times allowed hours (which is the number of hours in a year) and dividing by 2,000 (which is the number of pounds in a ton).

1. Unless the source is restricted by permit conditions or other requirements that are enforceable as a practical matter, the post-change allowable emissions would be equivalent to post-change uncontrolled emissions. For the post-change allowable emissions a lower level of allowable emissions may be proposed.

2. For physical or operational changes at minor sources and for minor physical or operational changes at major sources, the total increase in allowable emissions resulting from your proposed change would be the sum of following:

   - For each new emissions unit that is to be added, the emissions increase would be the potential to emit of each unit.
   - For each emissions unit with an allowable emissions limit that is to be changed or replaced, the emissions increase would be the allowable emissions of the emissions unit after the change or replacement minus the allowable emissions prior to the change or replacement. However, this may not be a negative value. If the allowable emissions of an emissions unit would be reduced as a result of the change or replacement, use zero in the calculation.

- For each unpermitted emissions unit (i.e., a unit without any emissions limitations before the change) that is to be changed or replaced, the emissions increase would be the allowable emissions of the unit after the change or replacement minus the potential to emit prior to the change or replacement. However, this may not be a negative value. If the allowable emissions of an emissions unit would be reduced as a result of the change or replacement, use zero in the calculation.

☐ **Air Quality Review**

Provide a narrative description of the current air quality conditions and the expected impact the permitted source would have on that air quality. Factors to include in the qualitative discussion are meteorology, terrain, elevation, distance to ambient air, expected emissions, stack heights, etc…

Your reviewing authority may require you to provide additional information used to determine impacts that may result from your new source or modification. You may be required to conduct and submit an Air Quality Impact Analysis (AQIA) using dispersion modeling in accordance with 40 CFR part 51, Appendix W. If required, and the AQIA demonstrates that construction of your source or modification would cause or contribute to a NAAQS or PSD increment violation, you will also required to further reduce its impact before you could obtain a permit.

☐ **ESA**

The Endangered Species Act requires us, in consultation with the U.S. Fish and Wildlife Service and/or the NOAA Fisheries Service, to ensure that actions we authorize are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species.

To expedite the approval of your proposed construction, we encourage you to identify any listed species that you may be readily aware of that could be affected by your proposal. The following website has been provided to assist you: http://www.fws.gov/endangered/

Simply enter the State and County in which you propose to construct to obtain a general listing.

☐ **NHPA**

The National Historic Preservation Act requires us, in consultation with State and/or Tribal Historic Preservation Officers to ensure that actions we authorize are not likely to affect cultural resources.

To expedite the approval of your proposed construction, we encourage you to identify any cultural resources that you may be readily aware of that could be affected by your proposal. The following website has been provided to assist you:
http://nrhp.focus.nps.gov/natreghome.do?searchtype=natreghome

Simply enter the State and County in which you propose to construct to obtain a general listing.

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