

**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION**

MEMORANDUM

May 22, 2024

TO: Phillip Fielder, Chief Engineer

THROUGH: Rick Groshong, Compliance and Enforcement Group Manager

THROUGH: Eric L. Milligan, P.E., Manager, Engineering Section

THROUGH: Ryan Buntyn, P.E., New Source Permits Section

FROM: David Schutz, P.E., New Source Permits Section

SUBJECT: Evaluation of Permit Application No. **2022-0436-TV**
Jupiter Sulphur, LLC.
Nitrogen / Sulfur Fertilizer Production Facility (SIC 2873 / NAICS 325311)
FAC ID 845
Ponca City, Kay County, Oklahoma
200 Jupiter Parkway
Sec. 3 – T25N – R 2E
From US-60, ½ Mile East of Rail Parkway Tracks, ¼ Mile South
Latitude 36.67715°N, Longitude 97.07832°W

SECTION I. INTRODUCTION

Jupiter Sulphur, LLC has submitted an application for an initial Part 70 operating permit for a nitrogen and sulfur fertilizer production facility near Ponca City. The facility is collocated with the Phillips 66 petroleum refinery, which is a major source for PSD and a major source of HAPs.

On August 10, 2016, an Applicability Determination was issued to the facility. Although the Jupiter facility is currently permitted as a “synthetic minor” facility, separate from the adjacent Phillips 66 (formerly Conoco) petroleum refinery, 40 CFR Part 63 defines the refinery and sulfur chemical plant as a single “affected source.” The facility is subject to requirements for major sources of HAPs under Part 63. In addition, per the EPA guidance memo, “Potential to Emit for MACT Standards – Guidance on Timing Issues” (May 16, 1996, John Seitz), any facility which is major for HAPs is also subject to Title V permitting.

SECTION II. PROCESS DESCRIPTION

Jupiter receives a stream of “acid gases” (primarily H₂S) from the adjacent Phillips 66 petroleum refinery. The process operations are for (1) production of ammonium thiosulfate (ATS, (NH₄)₂S₂O₃) solution, (2) the production of elemental sulfur, (3) production of ammonium bisulfite (ABS, NH₄HSO₃), (4) production of ammonium polysulfide, and (5) production of ammonium sulfide ((NH₄)₂S). There are auxiliary operations for “sulfur degassing,” where sulfur is reduced

to 10 ppm or less H₂S; weak sulfuric acid (H₂SO₄) production, dilution of 50% sodium hydroxide (NaOH) to 25% strength; and a “deodorizer skid,” where entrained organics are adsorbed from the ATS product.

The facility operates two Claus units for sulfur recovery. The Claus units utilize conventional technology. The incoming H₂S stream is split between the Claus Unit and the ATS plant. A portion of the H₂S received is burned to SO₂. That SO₂ is reacted on a catalyst bed (divanadium pentoxide) with the remainder of the H₂S to form sulfur. The hot gas stream from the Claus burners passes through a waste heat recovery boiler, producing steam and condensing sulfur. A secondary cooling step is used to recover sulfur, while non-condensed gases proceed to a catalyst bed for further reaction of H₂S and SO₂ in the stream to elemental sulfur. The non-condensed gases are sent to the ATS afterburner, along with additional incoming acid gas, to oxidize all remaining H₂S to SO₂. Following the afterburner, the stream is sent to a quench tower to remove excess water prior to the stream entering the ATS absorbers. Each Claus unit has a dedicated ATS unit. The quench water absorbs some of the SO₂ and SO₃ as sulfurous and sulfuric acids; that liquid stream is sent to a storage tank. Emissions from the two Claus/ATS units discharge through individual stacks.

The ATS process contains an afterburner where two-thirds of the H₂S feed is burned to SO₂. The afterburner exhaust is cooled in a waste heat boiler and processed through two ammonium sulfite/ammonium bisulfite scrubbers. The effluent from the scrubbers is passed through a high-efficiency gas filter system and released to the atmosphere. The mist eliminators reduce entrained liquids and provide a wetted surface for absorption of PM, SO₂ and NH₃.

The ammonium sulfite/bisulfite solution produced in the scrubbers is reacted with the remaining one third of the H₂S not used as feed to the ATS afterburner, to form the ammonium thiosulfate product solution. Unreacted H₂S is returned to the ATS afterburner to be processed with the main gas stream.

Ammonium polysulfide (APS) is produced by reacting ammonium sulfide, ammonia, and molten sulfur in a batch process. The process vents can either be routed to the Claus SRU tail gas incinerators or the flare header to the Phillips 66 petroleum refinery.

The facility also contains storage tanks for ammonia, ATS, ABS, ammonium sulfide (ASD), APS, and molten sulfur. All ammonia is stored in pressurized storage vessels. Only the ammonia vapor contained in the transfer hose is released to the atmosphere.

There are four waste heat boilers at the facility: B200, B2200, B1102, and B2102. The boilers receive hot gases containing H₂S and/or SO₂ from the SRUs and incinerators. The hot gases are further reacted downstream of the boilers.

SECTION III. PERMIT HISTORY

Permits	Date Issued	Description
91-034-O (M-5)	3/8/2007	Modified operating permit: increase CO allowable emissions

Permits	Date Issued	Description
91-034-O (M-4)	1/8/2007	Modified operating permit: add 100 LT/D SRU
91-034-C (M-4)	9/16/2004	Modified construction permit: add 100 LT/D SRU
91-034-O (M-1)	5/31/2002	Modified operating permit: increase SRU throughput
91-034-C (M-3)	2/6/2001	Modified construction permit: increase SRU throughput
91-034-O	12/14/1993	Operating permit: add 100 LT/D SRU
91-034-C	6/18/1991	Construction permit: add 100 LT/D SRU
83-077-O	4/17/1985	Initial facility operating permit
83-077-C	12/20/1983	Initial facility construction permit

SECTION IV. EQUIPMENT

EUG-1: Stack Emissions

EU	Point	Description	Const. Date
SRU #1	MAIN STACK	Claus Unit #1	8/2006
SRU #2		Claus Unit#2	2/2006
ATS		ATS Unit	8/2006
ABS		ABS Unit	8/2006

EUG-2: Fugitives

EU	Point	Description	Const. Date
FUG-ATS	FUG-ATS	ATS Unit	8/2006
FUG-ABS	FUG-ABS	ABS Unit	8/2006
FUG-APS	FUG-APS	APS Unit	11/2014
FUG-TANK	FUG-TANK	Storage Tanks	8/2022

SECTION V. EMISSIONS

Emissions from the various emission units were calculated using values from the following factors and sources. H₂S emissions from the processes are expected to be negligible given the multi-stage sulfur recovery process and the process tail gas afterburners. VOC emissions are also expected to be negligible. The process will subject combustion gases to catalysts in an oxygen deficient atmosphere and a thermal oxidizer.

Emission Units	Pollutant	Emissions Factors
Sulfur Chemical Reactors	SO ₂	132 ppmv SO ₂ in 16,500 SCFM
	NO _x	22.08 lb/hr (stack test results plus 20% safety factor)
	PM	3.67 lb/hr (highest individual stack test run result on an identical unit in Montana, extrapolated to 220 LT/D processing rate, with 20% safety factor added)
	CO	2.44 lb/hr (stack test results plus 20% safety factor)

Emission Units	Pollutant	Emissions Factors
Process Fugitives	SO ₂ H ₂ S	EPA document "Protocol for Equipment Leak Estimates" multiplied by expected concentrations of each pollutant in each stream.

CALCULATED EMISSIONS

Discharge Point	Processes	SO ₂		NO _x		PM		CO	
		lb/hr	TPY	lb/hr	TPY	lb/hr	TPY	lb/hr	TPY
Main Stack(s)	Claus Unit ABS Unit ATS Unit	21.76	95.30	22.08	96.71	3.67	16.07	2.44	10.70
Process Fugitives	ABS Unit ATS Unit Storage Tanks	0.25	1.10	--	--	--	--	--	--
TOTALS		22.01	96.40	22.08	96.71	3.67	16.07	2.44	10.70

Calculated H₂S fugitives were 14.76 TPY.

HAP emissions are expected to be negligible. None of the sulfur products are HAPs. The only source of HAPs is the gas combustion in the initial H₂S → SO₂ reaction and later Claus reaction burner; the latter heater would provide secondary combustion of the former.

SECTION VI. INSIGNIFICANT ACTIVITIES

The insignificant activities identified and justified in the application are duplicated below. Appropriate recordkeeping of activities indicated below with a "*" is specified in the Specific Conditions. Any activity to which a state or federal applicable requirement applies is not insignificant even if it is included on this list. Semi-annual monitoring and deviation reports (SAR) do not need to include copies of records for Insignificant Activities.

1. *Space heaters, boilers, process heaters, and emergency flares less than or equal to 5 MMBTUH heat input (commercial natural gas).
2. Hand wiping and spraying of solvents from containers with less than 1 liter capacity used for spot cleaning and/or degreasing in ozone attainment areas.
3. * Activities that have the potential to emit no more than 5 TPY (actual) of any criteria pollutant.

SECTION VII. OKLAHOMA AIR POLLUTION CONTROL RULES

OAC 252:100-1 (General Provisions)

[Applicable]

Subchapter 1 includes definitions but there are no regulatory requirements.

OAC 252:100-2 (Incorporation by Reference) [Applicable]
This subchapter incorporates by reference applicable provisions of Title 40 of the Code of Federal Regulations. These requirements are addressed in the “Federal Regulations” section.

OAC 252:100-3 (Air Quality Standards and Increments) [Applicable]
Primary Standards are in Appendix E and Secondary Standards are in Appendix F of the Air Pollution Control Rules. At this time, all of Oklahoma is in attainment of these standards.

OAC 252:100-5 (Registration, Emissions Inventory, and Annual Operating Fees) [Applicable]
Subchapter 5 requires sources of air contaminants to register with Air Quality, file emission inventories annually, and pay annual operating fees based upon total annual emissions of regulated pollutants.

OAC 252:100-8 (Permits for Part 70 Sources) [Applicable]
Part 5 includes the general administrative requirements for Part 70 permits. Any planned changes in the operation of the facility which result in emissions not authorized in the permit and which exceed the “Insignificant Activities” or “Trivial Activities” thresholds require prior notification to AQD and may require a permit modification. Insignificant activities mean individual emission units that either are on the list in Appendix I (OAC 252:100) or whose actual calendar year emissions do not exceed the following limits:

- 5 TPY of any one criteria pollutant
- 2 TPY of any one hazardous air pollutant (HAP) or 5 TPY of multiple HAPs or 20% of any threshold less than 10 TPY for single HAP that the EPA may establish by rule

Emission limits have been established for the facility based on the permit application and applicable requirements.

OAC 252:100-9 (Excess Emissions Reporting Requirements) [Applicable]
Except as provided in OAC 252:100-9-7(a)(1), the owner or operator of a source of excess emissions shall notify the Director as soon as possible but no later than 4:30 p.m. the following working day of the first occurrence of excess emissions in each excess emission event. No later than thirty (30) calendar days after the start of any excess emission event, the owner or operator of an air contaminant source from which excess emissions have occurred shall submit a report for each excess emission event describing the extent of the event and the actions taken by the owner or operator of the facility in response to this event. Request for mitigation, as described in OAC 252:100-9-8, shall be included in the excess emission event report. Additional reporting may be required in the case of ongoing emission events and in the case of excess emissions reporting required by 40 CFR Parts 60, 61, or 63.

OAC 252:100-13 (Open Burning) [Applicable]
Open burning of refuse and other combustible material is prohibited except as authorized in the specific examples and under the conditions listed in this subchapter.

OAC 252:100-19 (Particulate Matter) [Applicable]
Subchapter 19 limits PM emissions from various processes. Limitations for direct-fired process equipment are specified based on process weight rate. The overall process rate will be 220 LT/D, or 10 TPH. PM emissions are limited by Subchapter 19 to 19.17 lb/hr based on this process rate. PM emissions are estimated at 3.67 lb/hr, which is in compliance with Subchapter 19.

OAC 252:100-25 (Visible Emissions and Particulates) [Applicable]
No discharge of greater than 20% opacity is allowed except for short-term occurrences which consist of not more than one six-minute period in any consecutive 60 minutes, not to exceed three such periods in any consecutive 24 hours. In no case shall the average of any six-minute period exceed 60% opacity. When burning natural gas there is very little possibility of exceeding these standards.

OAC 252:100-29 (Fugitive Dust) [Applicable]
No person shall cause or permit the discharge of any visible fugitive dust emissions beyond the property line on which the emissions originate in such a manner as to damage or to interfere with the use of adjacent properties, or cause air quality standards to be exceeded, or interfere with the maintenance of air quality standards. Under normal operating conditions, this facility will not cause a problem in this area, therefore it is not necessary to require specific precautions to be taken.

OAC 252:100-31 (Sulfur Compounds) [Applicable]
Part 2 limits the ambient air concentration of hydrogen sulfide (H₂S) emissions from any new or existing source to 0.2 ppmv (24-hour average), which is equivalent to 283 µg/m³ (based on EPA standard conditions). Jupiter submitted modeling to demonstrate compliance with the H₂S ambient air concentration limit of this part. EPA's American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) (version 18081) was used. The AERMOD model, a steady-state plume dispersion model used for assessment of pollutant concentrations from a variety of sources, has become the primary model used for conducting refined modeling analyses. The modeled maximum 24-hour ground level concentration was modeled to be 276 µg/m³. The adjacent Phillips 66 refinery also submitted modeling to demonstrate compliance with the H₂S ambient air concentration limit of this part. The modeled maximum 24-hour ground level concentration was modeled to be 45.48 µg/m³. Therefore, the H₂S emissions from the refinery and Jupiter Sulphur plant do not result in a modeled violation of the H₂S the limit contained in OAC 252:100-31-7(b).

Part 5 limits sulfur dioxide emissions from new equipment (constructed after July 1, 1972), including petroleum refinery sulfur recovery units. The facility is operated as a sulfur recovery unit for the adjacent petroleum refinery; therefore is subject to sulfur recovery limitations. Part 5 specifies a minimum sulfur recovery efficiency as given by the following equation:

$$Z = 92.34\% * X^{0.00774}$$

Based on a sulfur throughput of 200 LT/D, the required sulfur recovery efficiency is 96.21%. The facility was designed to process 220 long tons per day of sulfur, or approximately 20,200 pounds per hour sulfur. SO₂ emissions are estimated at a maximum of 21.76 lb/hr, or 10.41 lb/hr of sulfur. Sulfur recovery is therefore 99.95%, which is in compliance with Part 5.

OAC 252:100-33 (Nitrogen Oxides) [Not Applicable]
Subchapter 33 affects new gas-fired fuel-burning equipment with a rated heat input of 50 MMBTUH or more and new nitric acid plants. The burners in the Claus Unit are rated at 25.66 MMBTUH and 21 MMBTUH. These heat inputs are each less than the 50 MMBTUH threshold.

OAC 252:100-37 (Volatile Organic Compounds) [Applicable]
Part 3 requires storage tanks constructed after December 28, 1974, with a capacity of 400 gallons or more and storing a VOC with a vapor pressure greater than 1.5 psia to be equipped with a permanent submerged fill pipe or with an organic vapor recovery system. All storage tanks will contain inorganic liquids (ammonia, dilute aqueous sulfuric acid, and aqueous ATS and ABS).
Part 5 limits the VOC content of coatings used in coating lines or operations. Any painting operation will involve maintenance coatings of buildings and equipment and emit less than 100 pounds per day of VOCs and so is exempt.
Part 7 requires fuel-burning and refuse-burning equipment to be cleaned, operated, and maintained to minimize emissions of VOC. Based on manufacturer's data and good engineering practice, the equipment must not be overloaded and temperature and available air must be sufficient to provide essentially complete combustion. The equipment at this location is subject to this requirement.

OAC 252:100-42 (Toxic Air Contaminants (TAC)) [Applicable]
This subchapter regulates toxic air contaminants (TAC) that are emitted into the ambient air in areas of concern (AOC). Any work practice, material substitution, or control equipment required by the Department prior to June 11, 2004, to control a TAC, shall be retained, unless a modification is approved by the Director. Since no AOC has been designated there are no specific requirements for this facility at this time.

OAC 252:100-43 (Testing, Monitoring, and Recordkeeping) [Applicable]
This subchapter provides general requirements for testing, monitoring and recordkeeping and applies to any testing, monitoring or recordkeeping activity conducted at any stationary source. To determine compliance with emissions limitations or standards, the Air Quality Director may require the owner or operator of any source in the state of Oklahoma to install, maintain and operate monitoring equipment or to conduct tests, including stack tests, of the air contaminant source. All required testing must be conducted by methods approved by the Air Quality Director and under the direction of qualified personnel. A notice-of-intent to test and a testing protocol shall be submitted to Air Quality at least 30 days prior to any EPA Reference Method stack tests. Emissions and other data required to demonstrate compliance with any federal or state emission limit or standard, or any requirement set forth in a valid permit shall be recorded, maintained, and submitted as required by this subchapter, an applicable rule, or permit requirement. Data from any required testing or monitoring not conducted in accordance with the provisions of this subchapter shall be considered invalid. Nothing shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. No additional monitoring, over and above that required by NSPS Subpart J, will be required.

The following Oklahoma Air Pollution Control Rules are not applicable to this facility:

OAC 252:100-11	Alternative Emissions Reduction	not requested
OAC 252:100-17	Incinerators	not type of emission unit
OAC 252:100-23	Cotton Gins	not type of emission unit
OAC 252:100-24	Grain Elevators	not in source category
OAC 252:100-39	Nonattainment Areas	not in area category
OAC 252:100-47	Landfills	not in source category

SECTION VIII. FEDERAL REGULATIONS

PSD, 40 CFR Part 52 [Not Applicable at This Time]
 The facility is collocated with the Ponca City Refinery, a major stationary source for NO_x, CO, SO₂, PM₁₀, VOC, and GHG. Any future increases must be evaluated in the context of PSD significance levels: 40 TPY NO_x, 100 TPY CO, 40 TPY SO₂, 15 TPY PM₁₀, 10 TPY PM_{2.5}, 40 TPY VOC, 10 TPY TRS, 0.6 TPY lead, or 75,000 TPY GHG.

NSPS, 40 CFR Part 60 [Subpart J Applicable]
Subpart Dc (Small Industrial-Commercial-Institutional Steam Generating Units) affects steam generating units. Applicability is based on a heat input of at least 10 MMBTUH, but only fuels combusted directly for the purpose of generating steam are counted toward the applicability threshold. No fuel is combusted for the sole purpose of generating steam.

Subpart J (Petroleum Refineries) for this facility only affects Claus sulfur recovery plants with a sulfur processing design capacity of more than 20 LT/D sulfur and fuel gas combustion devices; the subpart affects Claus units which process acid gases generated within a petroleum refinery regardless of whether the unit is located on the property of a petroleum refinery. Subpart J specifies an SO₂ emission limitation of 250 ppmvd corrected to 0% O₂ (12-hour average) and requires continuous monitoring of emissions. The Claus units are subject to this standard. This facility does not combust any gases generated at the refinery in any fuel-burning equipment.

Subpart Kb (Volatile Organic Liquids Storage Vessels) affects volatile organic materials storage tanks with a capacity above 19,813 gallons which commenced construction, reconstruction, or modification after July 23, 1984. The ammonia, sulfuric acid, ATS and ABS tanks do not contain organic liquids.

Subpart VV and VVa (Equipment Leaks of VOC in the Synthetic Organic Chemical Manufacturing Industry) is not applicable. Subparts VV and VVa affect synthetic organic chemical manufacturing operations. ABS, ATS, APS, and sulfur are inorganic chemicals and are not on the list of products subject to Subpart VV or VVa.

Subpart GGG and GGGa (Equipment Leaks of VOC in Petroleum Refineries) is not applicable since this facility is not in a petroleum refinery and the equipment is not in VOC service. An affected facility in a petroleum refinery is defined in Subpart GGG, as the group of all equipment within a process unit assembled to produce intermediate or final products from petroleum, unfinished petroleum derivatives, or intermediates. The facility is producing elemental sulfur and ammonium based products using sulfur removed by a refinery from petroleum products. Additionally, "equipment" is defined as components in VOC service (10% by weight). None of the streams processed are expected to contain VOCs in excess of six percent by weight.

NESHAP, 40 CFR Part 61

[Not Applicable]

There are no emissions of any of the regulated pollutants: arsenic, asbestos, beryllium, benzene, coke oven emissions, mercury, radionuclides or vinyl chloride.

NESHAP, 40 CFR Part 63

[Subpart UUU Applicable]

Subpart UUU (Petroleum Refineries: Catalytic Cracking, Catalytic Reforming, and Sulfur Recovery Units). Each SRU is limited to 250 ppm_{dv} SO₂ corrected to 0% oxygen (12-hour average). Each new or existing sulfur recovery unit (Claus or other type, regardless of size) during startup or shutdown events, which uses a thermal incinerator/oxidizer, must maintain the daily hourly average combustion zone temperature at or above 1,200 °F and the hourly average O₂ concentration in the exhaust gas stream at or above 2% by volume (dry basis). The facility is required to prepare an operation, maintenance, and monitoring plan according to the requirements in § 63.1574(f) and operate at all times according to the procedures in the plan.

Subpart DDDDD (Industrial, Commercial and Institutional Boilers and Process Heaters at major sources of HAPs). Affected sources under Subpart DDDDD are stated in §63.7490, “What is the affected source of this subpart?” to include:

- (1) The affected source of this subpart is the collection at a major source of all existing industrial, commercial, and institutional boilers and process heaters within a subcategory as defined in §63.7575.

Subpart DDDDD provides definitions for the affected units, “boilers” and “process heaters:”

Boiler means an enclosed device using controlled flame combustion and having the primary purpose of recovering thermal energy in the form of steam or hot water. Controlled flame combustion refers to a steady-state, or near steady-state, process wherein fuel and/or oxidizer feed rates are controlled. A device combusting solid waste, as defined in §241.3 of this chapter, is not a boiler unless the device is exempt from the definition of a solid waste incineration unit as provided in section 129(g)(1) of the Clean Air Act. Waste heat boilers are excluded from this definition.

Process heater means an enclosed device using controlled flame, and the unit's primary purpose is to transfer heat indirectly to a process material (liquid, gas, or solid) or to a heat transfer material (e.g., glycol or a mixture of glycol and water) for use in a process unit, instead of generating steam. Process heaters are devices in which the combustion gases do not come into direct contact with process materials. A device combusting solid waste, as defined in §241.3 of this chapter, is not a process heater unless the device is exempt from the definition of a solid waste incineration unit as provided in section 129(g)(1) of the Clean Air Act. Process heaters do not include units used for comfort heat or space heat, food preparation for on-site consumption, or autoclaves. Waste heat process heaters are excluded from this definition.

The direct-fired process heaters do not meet either definition of units affected by Subpart DDDDD.

Compliance Assurance Monitoring, 40 CFR Part 64 [Not Applicable]
CAM applies to any pollutant specific emission unit at a major source, that is required to obtain a Title V permit, if it meets all the following criteria:

- It is subject to an emission limit or standard for an applicable regulated air pollutant.
- It uses a control device to achieve compliance with the applicable emission limit or standard.
- It has potential emissions, prior to the control device, of the applicable regulated air pollutant greater than major source thresholds.

Under 60 CFR Part 64.2(b), CAM does not apply to "Emission limitations or standards for which a part 70 or 71 permit specifies a continuous compliance determination method." This permit incorporates the monitoring requirements of NSPS Subpart J.

Chemical Accident Prevention Provisions, 40 CFR Part 68 [Applicable]
Ammonia, a toxic chemical subject to this regulation, is present at the facility in quantities greater than the applicable threshold quantity. A Risk Management Plan has previously been submitted to EPA. More information on this federal program is available on the web page: www.epa.gov/rmp.

Stratospheric Ozone Protection, 40 CFR Part 82 [Subparts A and F are Applicable]
These standards require phase out of Class I & II substances, reductions of emissions of Class I & II substances to the lowest achievable level in all use sectors, and banning use of nonessential products containing ozone-depleting substances (Subparts A & C); control servicing of motor vehicle air conditioners (Subpart B); require Federal agencies to adopt procurement regulations which meet phase out requirements and which maximize the substitution of safe alternatives to Class I and Class II substances (Subpart D); require warning labels on products made with or containing Class I or II substances (Subpart E); maximize the use of recycling and recovery upon disposal (Subpart F); require producers to identify substitutes for ozone-depleting compounds under the Significant New Alternatives Program (Subpart G); and reduce the emissions of halons (Subpart H).

Subpart A identifies ozone-depleting substances and divides them into two classes. Class I controlled substances are divided into seven groups; the chemicals typically used by the manufacturing industry include carbon tetrachloride (Class I, Group IV) and methyl chloroform (Class I, Group V). A complete phase-out of production of Class I substances is required by January 1, 2000 (January 1, 2002, for methyl chloroform). Class II chemicals, which are hydrochlorofluorocarbons (HCFCs), are generally seen as interim substitutes for Class I CFCs. Class II substances consist of 33 HCFCs. A complete phase-out of Class II substances, scheduled in phases starting by 2002, is required by January 1, 2030.

Subpart F requires that any persons servicing, maintaining, or repairing appliances except for motor vehicle air conditioners; persons disposing of appliances, including motor vehicle air conditioners; refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment comply with the standards for recycling and emissions reduction.

Conditions are included in the standard conditions of the permit to address the requirements specified at §82.156 for persons opening appliances for maintenance, service, repair, or disposal; §82.158 for equipment used during the maintenance, service, repair, or disposal of appliances;

§82.161 for certification by an approved technician certification program of persons performing maintenance, service, repair, or disposal of appliances; §82.166 for recordkeeping; § 82.158 for leak repair requirements; and §82.166 for refrigerant purchase records for appliances normally containing 50 or more pounds of refrigerant.

SECTION IX. COMPLIANCE

The Specific Conditions of this permit contain various testing, monitoring, recordkeeping, and reporting requirements in order to document on-going compliance with emission limits. The specific method used to document compliance was based on the type of emission unit, the type of process equipment, the specific pollutants emitted, and the amount of permitted emissions taking into account other regulatory requirements that an emission unit may be subject to.

In addition to the permitting requirements, the following periodic inspections were conducted recently.

Inspection Type	Date	Summary/Results
Full Inspection	3/8/24	No Violations
Full Inspection	5/18/22	Three violations noted. Closed
Full Inspection	10/3/2019	Failure to submit Quarterly Excess Emission Report and Cylinder Gas Audit

SECTION X. TIER CLASSIFICATION AND PUBLIC REVIEW

This application has been determined to be **Tier II** based on the request for an initial major source operating permit. The permit application fee of \$7,500 has been received.

The “Notice of Filing Tier II Application” was published in the *Ponca City News* on July 26, 2022. The notice stated that the application was available for review at the Ponca City Library and at the DEQ main offices in Oklahoma City. The facility is located within 50 miles of the Oklahoma border with the state of Kansas; that state will be notified of the draft permit.

The “Notice of Draft Tier II Permit” will be published in the *Ponca City News*. The notice will state that the draft permit will be available for public review in a library close to where the facility is located and also on the Air Quality section of the DEQ web page at <http://www.deq.ok.gov>.

Tribal Nations will be notified of the draft permit.

The proposed permit will be forwarded to EPA Region VI for a 45-day review period.

If the Administrator does not object in writing during the 45-day EPA review period, any person that meets the requirements of OAC 252:100-8-8(j) may petition the Administrator within 60 days after the expiration of the Administrator's 45-day review period to make such objection. Any such petition shall be based only on objections to the permit that the petitioner raised with reasonable specificity during the public comment period provided for in 27A O.S. § 2-14-302.A.2., unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or

unless the grounds for such objection arose after such period. If the Administrator objects to the permit as a result of a petition filed under OAC 252:100-8-8(j), the DEQ shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to an EPA objection. If the DEQ has issued a permit prior to receipt of an EPA objection under OAC 252:100-8-8(j), the DEQ will modify, terminate, or revoke such permit, and shall do so consistent with the procedures in 40 CFR §§ 70.7(g)(4) or (5)(i) and (ii) except in unusual circumstances. If the DEQ revokes the permit, it may thereafter issue only a revised permit that satisfies EPA's objection. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application.

SECTION XI. SUMMARY

The facility was constructed and is operating as described in the permit application. Ambient air quality standards are not threatened at this site. Issuance of the permit is recommended, contingent on public and EPA review.

**PERMIT TO OPERATE
AIR POLLUTION CONTROL FACILITY
SPECIFIC CONDITIONS**

**Jupiter Sulphur LLC
Nitrogen / Sulfur Fertilizer Production Facility**

**Permit Number 2022-0436-TV
Facility ID: 845**

The permittee is authorized to operate in conformity with the specifications submitted to Air Quality on July 7, 2022, and all supplemental information. The Evaluation Memorandum dated May 22, 2024, explains the derivation of applicable permit requirements and estimates of emissions; however, it does not contain operating limitations or permit requirements. Continuing operations under this permit constitutes acceptance of, and consent to, the conditions contained herein:

1. Points of emissions: [OAC 252:100-8-6(a)(1)]

Discharge Point	Processes	SO ₂		NO _x		PM		CO	
		lb/hr	TPY	lb/hr	TPY	lb/hr	TPY	lb/hr	TPY
Main Stack(s)	Claus Units?								
	ABS Unit	21.76	95.30	22.08	96.71	3.67	16.07	2.44	10.70
Process Fugitives	ATS Unit								
	Storage Tanks	0.25	1.10	--	--	--	--	--	--

2. SO₂ emissions from each Claus Unit shall not exceed 162 ppmv, dry-basis, corrected to 0% oxygen based on a 12-hour average. [40 CFR § 60.104 and OAC 252:100-8-6]

3. The permittee shall be authorized to operate this facility continuously (24 hours per day, every day of the year).

4. The Claus sulfur recovery units are subject to federal New Source Performance Standards, 40 CFR Part 60 Subpart J - Standards of Performance for Petroleum Refineries, and shall comply with all applicable standards. Pursuant to 40 CFR Part 60 Subpart J, § 60.105(a)(5), the permittee shall maintain a continuous emission monitoring system for sulfur dioxide and oxygen to ensure compliance with the limitations of Subpart J. The monitors shall be quality-assured in accordance with 40 CFR Part 60, Appendix F.

- A. The Claus sulfur recovery units are subject to New Source Performance Standards (NSPS), Subpart J and shall comply with all applicable provisions including but not limited to: [40 CFR Part 60, Subpart J]

1. § 60.104 Standards for sulfur oxides (SO₂) – (a)(2)(i);
2. § 60.105 Monitoring of emissions and operations – (a)(5)(i & ii) & (e)(4)(i);
3. § 60.106 Test methods and procedures – (a) & (f)(1 & 3).
4. § 60.107 Reporting and recordkeeping requirements.

- B. The Claus sulfur recovery units are subject to National Emission Standards for Hazardous Air Pollutants (NESHAP), Subpart UUU and shall comply with all applicable provisions including but are not limited to the following. [40 CFR Part 63, Subpart UUU]

1. § 63.1568 What are my requirements for HAP emissions from sulfur recovery units? – (a)(1)(i), (2), (3) & (4), (b)(1), (2), (3), (5), (6), & (7), & (c)(1) & (2);
 2. § 63.1569 What are my requirements for HAP emissions from bypass lines? – (a)(1 & 3), (b)(1-4), & (c)(1 & 2);
 3. § 63.1570 What are my general requirements for complying with this subpart?
 4. § 63.1571 How and when do I conduct a performance test or other initial compliance demonstration?
 5. § 63.1572 What are my monitoring installation, operation, and maintenance requirements?
 6. § 63.1574 What notifications must I submit and when?
 7. § 63.1575 What reports must I submit and when?
 8. § 63.1576 What records must I keep, in what form, and for how long?
 9. § 63.1577 What parts of the General Provisions apply to me?
- C. The Claus sulfur recovery units are subject to OAC 252:100-31-26 and shall comply with all applicable provisions. [OAC 252:100-31-26]
1. Hydrogen sulfide (H₂S) in the waste gas from any new petroleum or natural gas process equipment shall be reduced by 95% by removal or by being oxidized to SO₂ prior to being emitted. [OAC 252:100-31-26(1)(A)]
 2. Sulfur recovery plants operating in conjunction with any refinery process shall have the sulfur recovery efficiencies required below. [OAC 252:100-31-26(2)(B)]
 - a. When the sulfur content of the acid gas stream from the refinery process is greater than 5.0 LT/D but less than or equal to 150.0 LT/D, the required recovery efficiency of the sulfur recovery unit shall be calculated using the following formula, where Z is the minimum emission recovery efficiency required and X is the sulfur feed rate expressed in LT/D of sulfur rounded to one decimal place: $Z = 92.34 (X^{0.00774})$ [OAC 252:100-31-26(2)(D)]
 3. All new thermal devices used to control H₂S emissions from petroleum or natural gas processing facilities regulated under OAC 252:100-31-26(1) shall have installed, maintained, and operated an alarm system that will signal a malfunction. [OAC 252:100-31-26(1)(B)]
5. The following records shall be maintained on-site. All such records shall be made available to regulatory personnel upon request. These records shall be maintained for a period of at least five years after the time they are made.
- A. Records as required by NSPS Subpart J.
 - B. Daily records of sulfur processing rate shall be kept.
 - C. Records as required by NESHAP Subpart UUU.
6. This permit supersedes all previous Air Quality permits, which are now canceled.
7. The Permit Shield (Standard Conditions, Section VI) is extended to the following requirements that have been determined to be inapplicable to this facility. [OAC 252:100-8-6(d)(2)]

OAC 252:100-7	Minor Sources	not in source category
OAC 252:100-11	Alternative Emissions Reduction	not requested
OAC 252:100-17	Incinerators	not type of emission unit

OAC 252:100-23	Cotton Gins	not type of emission unit
OAC 252:100-24	Grain Elevators	not in source category
OAC 252:100-33	Nitrogen Oxides	below de minimis
OAC 252:100-37	Carbon Monoxide	no affected equipment
OAC 252:100-47	Municipal Solid Waste Landfills	not in source category
40 CFR Part 61 Subpart J	Equipment Leaks of Benzene	no affected equipment

8. After the issuance of the initial Part 70 operating permit, the permittee shall submit to Air Quality Division of DEQ, a report of any required monitoring for the period between the issuance date of this permit and June 30th, 2024, with the report due by July 31, 2024. After June 30th, 2024, the permittee shall submit to Air Quality Division of DEQ, a report of any required monitoring for the periods of January 1 through June 30 and July 1 through December 31 with reports due no later than July 31 and January 31, respectively. All instances of deviations from permit requirements since the previous report shall be clearly identified in the report.

[OAC 252:100-8-6 (a)(3)(C)(i) & (ii)]

9. After the issuance of the initial Part 70 operating permit, the permittee shall submit to Air Quality Division of DEQ, with a copy to the US EPA, Region 6, a certification of compliance with the terms and conditions of this permit for the period between the issuance date of this permit through December 31, 2024, to be submitted no later than January 31, 2025. No later than January 31 of each calendar year after December 31, 2024, the permittee shall submit to Air Quality Division of DEQ, with a copy to the US EPA, Region 6, a certification of compliance with the terms and conditions of this permit for January 1 through December 31 of the previous year.

[OAC 252:100-8-6 (c)(5)(A) & (D)]

10. This facility is considered an existing Prevention of Significant Deterioration (PSD) facility. As such, the facility is subject to the provisions of OAC 252:100-8-36.2(c) for any project as defined therein.

[OAC 252:100-8-36.2(c)]



PART 70 PERMIT

AIR QUALITY DIVISION
STATE OF OKLAHOMA
DEPARTMENT OF ENVIRONMENTAL QUALITY
707 NORTH ROBINSON, SUITE 4100
P.O. BOX 1677
OKLAHOMA CITY, OKLAHOMA 73101-1677

Permit No. 2022-0436-TV

Jupiter Sulphur LLC,

having complied with the requirements of the law, is hereby granted permission to operate a nitrogen and sulfur chemical fertilizer plant located in Section 3, T25N, R2E, Kay County, Oklahoma, subject to the Standard Conditions dated June 21, 2016, and Specific Conditions, both of which are attached.

This permit shall expire five (5) years from the issuance date below, except as authorized under Section VIII of the Standard Conditions.

DRAFT

Division Director, Air Quality Division

Date

Jupiter Sulphur LLC
Attn: Ms. Dawn Kominski
2910 44th Street, Suite 100
Phoenix, AZ 85018

SUBJECT: Permit Application No. **2022-0436-TV**
Jupiter Sulphur, LLC.
Nitrogen / Sulfur Fertilizer Production Facility (SIC 2873 / NAICS 325311)
FAC ID 845
Ponca City, Kay County, Oklahoma
Sec. 3 – T25N – R 2E

Dear Ms. Kominski:

Enclosed is the permit authorizing operation of the referenced facility. Please note that this permit is issued subject to standard and specific conditions, that are attached. These conditions must be carefully followed since they define the limits of the permit and will be confirmed by periodic inspections.

Also note that you are required to annually submit an emissions inventory for this facility. An emissions inventory must be completed through DEQ's electronic reporting system by April 1st of every year. Any questions concerning the submittal process should be referred to the Emissions Inventory Staff at (405) 702-4100.

Thank you for your cooperation. If you have any questions, please refer to the permit number above and contact the permit writer at (405) 702-4198.

Sincerely,

DRAFT

Phillip Fielder, P.E.
Chief Engineer
Air Quality Division

Enclosures

**MAJOR SOURCE AIR QUALITY PERMIT
STANDARD CONDITIONS
(June 21, 2016)**

SECTION I. DUTY TO COMPLY

A. This is a permit to operate / construct this specific facility in accordance with the federal Clean Air Act (42 U.S.C. 7401, et al.) and under the authority of the Oklahoma Clean Air Act and the rules promulgated there under. [Oklahoma Clean Air Act, 27A O.S. § 2-5-112]

B. The issuing Authority for the permit is the Air Quality Division (AQD) of the Oklahoma Department of Environmental Quality (DEQ). The permit does not relieve the holder of the obligation to comply with other applicable federal, state, or local statutes, regulations, rules, or ordinances. [Oklahoma Clean Air Act, 27A O.S. § 2-5-112]

C. The permittee shall comply with all conditions of this permit. Any permit noncompliance shall constitute a violation of the Oklahoma Clean Air Act and shall be grounds for enforcement action, permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application. All terms and conditions are enforceable by the DEQ, by the Environmental Protection Agency (EPA), and by citizens under section 304 of the Federal Clean Air Act (excluding state-only requirements). This permit is valid for operations only at the specific location listed.

[40 C.F.R. §70.6(b), OAC 252:100-8-1.3 and OAC 252:100-8-6(a)(7)(A) and (b)(1)]

D. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in assessing penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continuing operations. [OAC 252:100-8-6(a)(7)(B)]

SECTION II. REPORTING OF DEVIATIONS FROM PERMIT TERMS

A. Any exceedance resulting from an emergency and/or posing an imminent and substantial danger to public health, safety, or the environment shall be reported in accordance with Section XIV (Emergencies). [OAC 252:100-8-6(a)(3)(C)(iii)(I) & (II)]

B. Deviations that result in emissions exceeding those allowed in this permit shall be reported consistent with the requirements of OAC 252:100-9, Excess Emission Reporting Requirements. [OAC 252:100-8-6(a)(3)(C)(iv)]

C. Every written report submitted under this section shall be certified as required by Section III (Monitoring, Testing, Recordkeeping & Reporting), Paragraph F. [OAC 252:100-8-6(a)(3)(C)(iv)]

SECTION III. MONITORING, TESTING, RECORDKEEPING & REPORTING

A. The permittee shall keep records as specified in this permit. These records, including monitoring data and necessary support information, shall be retained on-site or at a nearby field office for a period of at least five years from the date of the monitoring sample, measurement, report, or application, and shall be made available for inspection by regulatory personnel upon request. Support information includes all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. Where appropriate, the permit may specify that records may be maintained in computerized form.

[OAC 252:100-8-6 (a)(3)(B)(ii), OAC 252:100-8-6(c)(1), and OAC 252:100-8-6(c)(2)(B)]

B. Records of required monitoring shall include:

- (1) the date, place and time of sampling or measurement;
- (2) the date or dates analyses were performed;
- (3) the company or entity which performed the analyses;
- (4) the analytical techniques or methods used;
- (5) the results of such analyses; and
- (6) the operating conditions existing at the time of sampling or measurement.

[OAC 252:100-8-6(a)(3)(B)(i)]

C. No later than 30 days after each six (6) month period, after the date of the issuance of the original Part 70 operating permit or alternative date as specifically identified in a subsequent Part 70 operating permit, the permittee shall submit to AQD a report of the results of any required monitoring. All instances of deviations from permit requirements since the previous report shall be clearly identified in the report. Submission of these periodic reports will satisfy any reporting requirement of Paragraph E below that is duplicative of the periodic reports, if so noted on the submitted report.

[OAC 252:100-8-6(a)(3)(C)(i) and (ii)]

D. If any testing shows emissions in excess of limitations specified in this permit, the owner or operator shall comply with the provisions of Section II (Reporting Of Deviations From Permit Terms) of these standard conditions.

[OAC 252:100-8-6(a)(3)(C)(iii)]

E. In addition to any monitoring, recordkeeping or reporting requirement specified in this permit, monitoring and reporting may be required under the provisions of OAC 252:100-43, Testing, Monitoring, and Recordkeeping, or as required by any provision of the Federal Clean Air Act or Oklahoma Clean Air Act.

[OAC 252:100-43]

F. Any Annual Certification of Compliance, Semi Annual Monitoring and Deviation Report, Excess Emission Report, and Annual Emission Inventory submitted in accordance with this permit shall be certified by a responsible official. This certification shall be signed by a responsible official, and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

[OAC 252:100-8-5(f), OAC 252:100-8-6(a)(3)(C)(iv), OAC 252:100-8-6(c)(1), OAC 252:100-9-7(e), and OAC 252:100-5-2.1(f)]

G. Any owner or operator subject to the provisions of New Source Performance Standards ("NSPS") under 40 CFR Part 60 or National Emission Standards for Hazardous Air Pollutants ("NESHAPs") under 40 CFR Parts 61 and 63 shall maintain a file of all measurements and other

information required by the applicable general provisions and subpart(s). These records shall be maintained in a permanent file suitable for inspection, shall be retained for a period of at least five years as required by Paragraph A of this Section, and shall include records of the occurrence and duration of any start-up, shutdown, or malfunction in the operation of an affected facility, any malfunction of the air pollution control equipment; and any periods during which a continuous monitoring system or monitoring device is inoperative.

[40 C.F.R. §§60.7 and 63.10, 40 CFR Parts 61, Subpart A, and OAC 252:100, Appendix Q]

H. The permittee of a facility that is operating subject to a schedule of compliance shall submit to the DEQ a progress report at least semi-annually. The progress reports shall contain dates for achieving the activities, milestones or compliance required in the schedule of compliance and the dates when such activities, milestones or compliance was achieved. The progress reports shall also contain an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted. [OAC 252:100-8-6(c)(4)]

I. All testing must be conducted under the direction of qualified personnel by methods approved by the Division Director. All tests shall be made and the results calculated in accordance with standard test procedures. The use of alternative test procedures must be approved by EPA. When a portable analyzer is used to measure emissions it shall be setup, calibrated, and operated in accordance with the manufacturer's instructions and in accordance with a protocol meeting the requirements of the "AQD Portable Analyzer Guidance" document or an equivalent method approved by Air Quality.

[OAC 252:100-8-6(a)(3)(A)(iv), and OAC 252:100-43]

J. The reporting of total particulate matter emissions as required in Part 7 of OAC 252:100-8 (Permits for Part 70 Sources), OAC 252:100-19 (Control of Emission of Particulate Matter), and OAC 252:100-5 (Emission Inventory), shall be conducted in accordance with applicable testing or calculation procedures, modified to include back-half condensables, for the concentration of particulate matter less than 10 microns in diameter (PM₁₀). NSPS may allow reporting of only particulate matter emissions caught in the filter (obtained using Reference Method 5).

K. The permittee shall submit to the AQD a copy of all reports submitted to the EPA as required by 40 C.F.R. Part 60, 61, and 63, for all equipment constructed or operated under this permit subject to such standards. [OAC 252:100-8-6(c)(1) and OAC 252:100, Appendix Q]

SECTION IV. COMPLIANCE CERTIFICATIONS

A. No later than 30 days after each anniversary date of the issuance of the original Part 70 operating permit or alternative date as specifically identified in a subsequent Part 70 operating permit, the permittee shall submit to the AQD, with a copy to the US EPA, Region 6, a certification of compliance with the terms and conditions of this permit and of any other applicable requirements which have become effective since the issuance of this permit.

[OAC 252:100-8-6(c)(5)(A), and (D)]

B. The compliance certification shall describe the operating permit term or condition that is the basis of the certification; the current compliance status; whether compliance was continuous or intermittent; the methods used for determining compliance, currently and over the reporting

period. The compliance certification shall also include such other facts as the permitting authority may require to determine the compliance status of the source.

[OAC 252:100-8-6(c)(5)(C)(i)-(v)]

C. The compliance certification shall contain a certification by a responsible official as to the results of the required monitoring. This certification shall be signed by a responsible official, and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

[OAC 252:100-8-5(f) and OAC 252:100-8-6(c)(1)]

D. Any facility reporting noncompliance shall submit a schedule of compliance for emissions units or stationary sources that are not in compliance with all applicable requirements. This schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the emissions unit or stationary source is in noncompliance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the emissions unit or stationary source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based, except that a compliance plan shall not be required for any noncompliance condition which is corrected within 24 hours of discovery.

[OAC 252:100-8-5(e)(8)(B) and OAC 252:100-8-6(c)(3)]

SECTION V. REQUIREMENTS THAT BECOME APPLICABLE DURING THE PERMIT TERM

The permittee shall comply with any additional requirements that become effective during the permit term and that are applicable to the facility. Compliance with all new requirements shall be certified in the next annual certification.

[OAC 252:100-8-6(c)(6)]

SECTION VI. PERMIT SHIELD

A. Compliance with the terms and conditions of this permit (including terms and conditions established for alternate operating scenarios, emissions trading, and emissions averaging, but excluding terms and conditions for which the permit shield is expressly prohibited under OAC 252:100-8) shall be deemed compliance with the applicable requirements identified and included in this permit.

[OAC 252:100-8-6(d)(1)]

B. Those requirements that are applicable are listed in the Standard Conditions and the Specific Conditions of this permit. Those requirements that the applicant requested be determined as not applicable are summarized in the Specific Conditions of this permit.

[OAC 252:100-8-6(d)(2)]

SECTION VII. ANNUAL EMISSIONS INVENTORY & FEE PAYMENT

The permittee shall file with the AQD an annual emission inventory and shall pay annual fees based on emissions inventories. The methods used to calculate emissions for inventory purposes shall be based on the best available information accepted by AQD.

[OAC 252:100-5-2.1, OAC 252:100-5-2.2, and OAC 252:100-8-6(a)(8)]

SECTION VIII. TERM OF PERMIT

A. Unless specified otherwise, the term of an operating permit shall be five years from the date of issuance. [OAC 252:100-8-6(a)(2)(A)]

B. A source's right to operate shall terminate upon the expiration of its permit unless a timely and complete renewal application has been submitted at least 180 days before the date of expiration. [OAC 252:100-8-7.1(d)(1)]

C. A duly issued construction permit or authorization to construct or modify will terminate and become null and void (unless extended as provided in OAC 252:100-8-1.4(b)) if the construction is not commenced within 18 months after the date the permit or authorization was issued, or if work is suspended for more than 18 months after it is commenced. [OAC 252:100-8-1.4(a)]

D. The recipient of a construction permit shall apply for a permit to operate (or modified operating permit) within 180 days following the first day of operation. [OAC 252:100-8-4(b)(5)]

SECTION IX. 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. [OAC 252:100-8-6 (a)(6)]

SECTION X. PROPERTY RIGHTS

A. This permit does not convey any property rights of any sort, or any exclusive privilege. [OAC 252:100-8-6(a)(7)(D)]

B. This permit shall not be considered in any manner affecting the title of the premises upon which the equipment is located and does not release the permittee from any liability for damage to persons or property caused by or resulting from the maintenance or operation of the equipment for which the permit is issued. [OAC 252:100-8-6(c)(6)]

SECTION XI. DUTY TO PROVIDE INFORMATION

A. The permittee shall furnish to the DEQ, upon receipt of a written request and within sixty (60) days of the request unless the DEQ specifies another time period, any information that the DEQ may request to determine whether cause exists for modifying, reopening, revoking, reissuing, terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the DEQ copies of records required to be kept by the permit. [OAC 252:100-8-6(a)(7)(E)]

B. The permittee may make a claim of confidentiality for any information or records submitted pursuant to 27A O.S. § 2-5-105(18). Confidential information shall be clearly labeled as such and shall be separable from the main body of the document such as in an attachment. [OAC 252:100-8-6(a)(7)(E)]

C. Notification to the AQD of the sale or transfer of ownership of this facility is required and shall be made in writing within thirty (30) days after such sale or transfer.

[Oklahoma Clean Air Act, 27A O.S. § 2-5-112(G)]

SECTION XII. REOPENING, MODIFICATION & REVOCATION

A. The permit may be modified, revoked, reopened and reissued, or terminated for cause. Except as provided for minor permit modifications, the filing of a request by the permittee for a permit modification, revocation and reissuance, termination, notification of planned changes, or anticipated noncompliance does not stay any permit condition.

[OAC 252:100-8-6(a)(7)(C) and OAC 252:100-8-7.2(b)]

B. The DEQ will reopen and revise or revoke this permit prior to the expiration date in the following circumstances:

[OAC 252:100-8-7.3 and OAC 252:100-8-7.4(a)(2)]

- (1) Additional requirements under the Clean Air Act become applicable to a major source category three or more years prior to the expiration date of this permit. No such reopening is required if the effective date of the requirement is later than the expiration date of this permit.
- (2) The DEQ or the EPA determines that this permit contains a material mistake or that the permit must be revised or revoked to assure compliance with the applicable requirements.
- (3) The DEQ or the EPA determines that inaccurate information was used in establishing the emission standards, limitations, or other conditions of this permit. The DEQ may revoke and not reissue this permit if it determines that the permittee has submitted false or misleading information to the DEQ.
- (4) DEQ determines that the permit should be amended under the discretionary reopening provisions of OAC 252:100-8-7.3(b).

C. The permit may be reopened for cause by EPA, pursuant to the provisions of OAC 100-8-7.3(d).

[OAC 100-8-7.3(d)]

D. The permittee shall notify AQD before making changes other than those described in Section XVIII (Operational Flexibility), those qualifying for administrative permit amendments, or those defined as an Insignificant Activity (Section XVI) or Trivial Activity (Section XVII). The notification should include any changes which may alter the status of a “grandfathered source,” as defined under AQD rules. Such changes may require a permit modification.

[OAC 252:100-8-7.2(b) and OAC 252:100-5-1.1]

E. Activities that will result in air emissions that exceed the trivial/insignificant levels and that are not specifically approved by this permit are prohibited.

[OAC 252:100-8-6(c)(6)]

SECTION XIII. INSPECTION & ENTRY

A. Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized regulatory officials to perform the following (subject to the permittee's right to seek confidential treatment pursuant to 27A O.S. Supp. 1998, § 2-5-105(17) for confidential information submitted to or obtained by the DEQ under this section):

- (1) enter upon the permittee's premises during reasonable/normal working hours where a source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- (2) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- (3) inspect, at reasonable times and using reasonable safety practices, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- (4) as authorized by the Oklahoma Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit.

[OAC 252:100-8-6(c)(2)]

SECTION XIV. EMERGENCIES

A. Any exceedance resulting from an emergency shall be reported to AQD promptly but no later than 4:30 p.m. on the next working day after the permittee first becomes aware of the exceedance. This notice shall contain a description of the emergency, the probable cause of the exceedance, any steps taken to mitigate emissions, and corrective actions taken.

[OAC 252:100-8-6 (a)(3)(C)(iii)(I) and (IV)]

B. Any exceedance that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to AQD as soon as is practicable; but under no circumstance shall notification be more than 24 hours after the exceedance.

[OAC 252:100-8-6(a)(3)(C)(iii)(II)]

C. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under this permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

[OAC 252:100-8-2]

D. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that:

[OAC 252:100-8-6 (e)(2)]

- (1) an emergency occurred and the permittee can identify the cause or causes of the emergency;
- (2) the permitted facility was at the time being properly operated;
- (3) during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit.

E. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

[OAC 252:100-8-6(e)(3)]

F. Every written report or document submitted under this section shall be certified as required by Section III (Monitoring, Testing, Recordkeeping & Reporting), Paragraph F.

[OAC 252:100-8-6(a)(3)(C)(iv)]

SECTION XV. RISK MANAGEMENT PLAN

The permittee, if subject to the provision of Section 112(r) of the Clean Air Act, shall develop and register with the appropriate agency a risk management plan by June 20, 1999, or the applicable effective date. [OAC 252:100-8-6(a)(4)]

SECTION XVI. INSIGNIFICANT ACTIVITIES

Except as otherwise prohibited or limited by this permit, the permittee is hereby authorized to operate individual emissions units that are either on the list in Appendix I to OAC Title 252, Chapter 100, or whose actual calendar year emissions do not exceed any of the limits below. Any activity to which a State or Federal applicable requirement applies is not insignificant even if it meets the criteria below or is included on the insignificant activities list.

- (1) 5 tons per year of any one criteria pollutant.
- (2) 2 tons per year for any one hazardous air pollutant (HAP) or 5 tons per year for an aggregate of two or more HAP's, or 20 percent of any threshold less than 10 tons per year for single HAP that the EPA may establish by rule.

[OAC 252:100-8-2 and OAC 252:100, Appendix I]

SECTION XVII. TRIVIAL ACTIVITIES

Except as otherwise prohibited or limited by this permit, the permittee is hereby authorized to operate any individual or combination of air emissions units that are considered inconsequential and are on the list in Appendix J. Any activity to which a State or Federal applicable requirement applies is not trivial even if included on the trivial activities list.

[OAC 252:100-8-2 and OAC 252:100, Appendix J]

SECTION XVIII. OPERATIONAL FLEXIBILITY

A. A facility may implement any operating scenario allowed for in its Part 70 permit without the need for any permit revision or any notification to the DEQ (unless specified otherwise in the permit). When an operating scenario is changed, the permittee shall record in a log at the facility the scenario under which it is operating. [OAC 252:100-8-6(a)(10) and (f)(1)]

B. The permittee may make changes within the facility that:

- (1) result in no net emissions increases,
- (2) are not modifications under any provision of Title I of the federal Clean Air Act, and
- (3) do not cause any hourly or annual permitted emission rate of any existing emissions unit to be exceeded;

provided that the facility provides the EPA and the DEQ with written notification as required below in advance of the proposed changes, which shall be a minimum of seven (7) days, or twenty four (24) hours for emergencies as defined in OAC 252:100-8-6 (e). The permittee, the DEQ, and the EPA shall attach each such notice to their copy of the permit. For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or

condition that is no longer applicable as a result of the change. The permit shield provided by this permit does not apply to any change made pursuant to this paragraph. [OAC 252:100-8-6(f)(2)]

SECTION XIX. OTHER APPLICABLE & STATE-ONLY REQUIREMENTS

A. The following applicable requirements and state-only requirements apply to the facility unless elsewhere covered by a more restrictive requirement:

- (1) Open burning of refuse and other combustible material is prohibited except as authorized in the specific examples and under the conditions listed in the Open Burning Subchapter. [OAC 252:100-13]
- (2) No particulate emissions from any fuel-burning equipment with a rated heat input of 10 MMBTUH or less shall exceed 0.6 lb/MMBTU. [OAC 252:100-19]
- (3) For all emissions units not subject to an opacity limit promulgated under 40 C.F.R., Part 60, NSPS, no discharge of greater than 20% opacity is allowed except for: [OAC 252:100-25]
 - (a) Short-term occurrences which consist of not more than one six-minute period in any consecutive 60 minutes, not to exceed three such periods in any consecutive 24 hours. In no case shall the average of any six-minute period exceed 60% opacity;
 - (b) Smoke resulting from fires covered by the exceptions outlined in OAC 252:100-13-7;
 - (c) An emission, where the presence of uncombined water is the only reason for failure to meet the requirements of OAC 252:100-25-3(a); or
 - (d) Smoke generated due to a malfunction in a facility, when the source of the fuel producing the smoke is not under the direct and immediate control of the facility and the immediate constriction of the fuel flow at the facility would produce a hazard to life and/or property.
- (4) No visible fugitive dust emissions shall be discharged beyond the property line on which the emissions originate in such a manner as to damage or to interfere with the use of adjacent properties, or cause air quality standards to be exceeded, or interfere with the maintenance of air quality standards. [OAC 252:100-29]
- (5) No sulfur oxide emissions from new gas-fired fuel-burning equipment shall exceed 0.2 lb/MMBTU. No existing source shall exceed the listed ambient air standards for sulfur dioxide. [OAC 252:100-31]
- (6) Volatile Organic Compound (VOC) storage tanks built after December 28, 1974, and with a capacity of 400 gallons or more storing a liquid with a vapor pressure of 1.5 psia or greater under actual conditions shall be equipped with a permanent submerged fill pipe or with a vapor-recovery system. [OAC 252:100-37-15(b)]
- (7) All fuel-burning equipment shall at all times be properly operated and maintained in a manner that will minimize emissions of VOCs. [OAC 252:100-37-36]

SECTION XX. STRATOSPHERIC OZONE PROTECTION

A. The permittee shall comply with the following standards for production and consumption of ozone-depleting substances: [40 CFR 82, Subpart A]

- (1) Persons producing, importing, or placing an order for production or importation of certain class I and class II substances, HCFC-22, or HCFC-141b shall be subject to the requirements of §82.4;
- (2) Producers, importers, exporters, purchasers, and persons who transform or destroy certain class I and class II substances, HCFC-22, or HCFC-141b are subject to the recordkeeping requirements at §82.13; and
- (3) Class I substances (listed at Appendix A to Subpart A) include certain CFCs, Halons, HBFCs, carbon tetrachloride, trichloroethane (methyl chloroform), and bromomethane (Methyl Bromide). Class II substances (listed at Appendix B to Subpart A) include HCFCs.

B. If the permittee performs a service on motor (fleet) vehicles when this service involves an ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all applicable requirements. Note: The term “motor vehicle” as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term “MVAC” as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or the system used on passenger buses using HCFC-22 refrigerant. [40 CFR 82, Subpart B]

C. The permittee shall comply with the following standards for recycling and emissions reduction except as provided for MVACs in Subpart B: [40 CFR 82, Subpart F]

- (1) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to § 82.156;
- (2) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to § 82.158;
- (3) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to § 82.161;
- (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with record-keeping requirements pursuant to § 82.166;
- (5) Persons owning commercial or industrial process refrigeration equipment must comply with leak repair requirements pursuant to § 82.158; and
- (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to § 82.166.

SECTION XXI. TITLE V APPROVAL LANGUAGE

A. DEQ wishes to reduce the time and work associated with permit review and, wherever it is not inconsistent with Federal requirements, to provide for incorporation of requirements established through construction permitting into the Source’s Title V permit without causing redundant review. Requirements from construction permits may be incorporated into the Title V permit through the administrative amendment process set forth in OAC 252:100-8-7.2(a) only if the following procedures are followed:

- (1) The construction permit goes out for a 30-day public notice and comment using the procedures set forth in 40 C.F.R. § 70.7(h)(1). This public notice shall include notice to the public that this permit is subject to EPA review, EPA objection, and petition to EPA, as provided by 40 C.F.R. § 70.8; that the requirements of the construction permit will be incorporated into the Title V permit through the administrative amendment process; that the public will not receive another opportunity to provide comments when the requirements are incorporated into the Title V permit; and that EPA review, EPA objection, and petitions to EPA will not be available to the public when requirements from the construction permit are incorporated into the Title V permit.
- (2) A copy of the construction permit application is sent to EPA, as provided by 40 CFR § 70.8(a)(1).
- (3) A copy of the draft construction permit is sent to any affected State, as provided by 40 C.F.R. § 70.8(b).
- (4) A copy of the proposed construction permit is sent to EPA for a 45-day review period as provided by 40 C.F.R. § 70.8(a) and (c).
- (5) The DEQ complies with 40 C.F.R. § 70.8(c) upon the written receipt within the 45-day comment period of any EPA objection to the construction permit. The DEQ shall not issue the permit until EPA's objections are resolved to the satisfaction of EPA.
- (6) The DEQ complies with 40 C.F.R. § 70.8(d).
- (7) A copy of the final construction permit is sent to EPA as provided by 40 CFR § 70.8(a).
- (8) The DEQ shall not issue the proposed construction permit until any affected State and EPA have had an opportunity to review the proposed permit, as provided by these permit conditions.
- (9) Any requirements of the construction permit may be reopened for cause after incorporation into the Title V permit by the administrative amendment process, by DEQ as provided in OAC 252:100-8-7.3(a), (b), and (c), and by EPA as provided in 40 C.F.R. § 70.7(f) and (g).
- (10) The DEQ shall not issue the administrative permit amendment if performance tests fail to demonstrate that the source is operating in substantial compliance with all permit requirements.

B. To the extent that these conditions are not followed, the Title V permit must go through the Title V review process.

SECTION XXII. CREDIBLE EVIDENCE

For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any provision of the Oklahoma implementation plan, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. [OAC 252:100-43-6]

Department of Environmental Quality (DEQ)
Air Quality Division (AQD)
Acronym List
9-10-21

ACFM	Actual Cubic Feet per Minute	GHG	Greenhouse Gases
AD	Applicability Determination	GR	Grain(s) (gr)
AFRC	Air-to-Fuel Ratio Controller		
API	American Petroleum Institute	H₂CO	Formaldehyde
ASTM	American Society for Testing and Materials	H₂S	Hydrogen Sulfide
		HAP	Hazardous Air Pollutants
		HC	Hydrocarbon
BACT	Best Available Control Technology	HCFC	Hydrochlorofluorocarbon
BAE	Baseline Actual Emissions	HFR	Horizontal Fixed Roof
BBL	Barrel(s)	HON	Hazardous Organic NESHAP
BHP	Brake Horsepower (bhp)	HP	Horsepower (hp)
BTU	British thermal unit (Btu)	HR	Hour (hr)
C&E	Compliance and Enforcement	I&M	Inspection and Maintenance
CAA	Clean Air Act	IBR	Incorporation by Reference
CAM	Compliance Assurance Monitoring	ICE	Internal Combustion Engine
CAS	Chemical Abstract Service		
CAAA	Clean Air Act Amendments	LAER	Lowest Achievable Emission Rate
CC	Catalytic Converter	LB	Pound(s) [Mass] (lb, lbs, lbm)
CCR	Continuous Catalyst Regeneration	LB/HR	Pound(s) per Hour (lb/hr)
CD	Consent Decree	LDAR	Leak Detection and Repair
CEM	Continuous Emission Monitor	LNG	Liquefied Natural Gas
CFC	Chlorofluorocarbon	LT	Long Ton(s) (metric)
CFR	Code of Federal Regulations		
CI	Compression Ignition	M	Thousand (Roman Numeral)
CNG	Compressed Natural Gas	MAAC	Maximum Acceptable Ambient Concentration
CO	Carbon Monoxide or Consent Order	MACT	Maximum Achievable Control Technology
COA	Capable of Accommodating	MM	Prefix used for Million (Thousand-Thousand)
COM	Continuous Opacity Monitor	MMBTU	Million British Thermal Units (MMBtu)
		MMBTUH	Million British Thermal Units per Hour (MMBtu/hr)
D	Day	MMSCF	Million Standard Cubic Feet (MMscf)
DEF	Diesel Exhaust Fluid	MMSCFD	Million Standard Cubic Feet per Day
DG	Demand Growth	MSDS	Material Safety Data Sheet
DSCF	Dry Standard (At Standard Conditions) Cubic Foot (Feet)	MWC	Municipal Waste Combustor
		MWe	Megawatt Electrical
EGU	Electric Generating Unit		
EI	Emissions Inventory	NA	Nonattainment
EPA	Environmental Protection Agency	NAAQS	National Ambient Air Quality Standards
ESP	Electrostatic Precipitator	NAICS	North American Industry Classification System
EUG	Emissions Unit Group	NESHAP	National Emission Standards for Hazardous Air Pollutants
EUSGU	Electric Utility Steam Generating Unit		
		NH₃	Ammonia
FCE	Full Compliance Evaluation	NMHC	Non-methane Hydrocarbon
FCCU	Fluid Catalytic Cracking Unit	NGL	Natural Gas Liquids
FIP	Federal Implementation Plan	NO₂	Nitrogen Dioxide
FR	Federal Register	NO_x	Nitrogen Oxides
		NOI	Notice of Intent
GACT	Generally Achievable Control Technology	NSCR	Non-Selective Catalytic Reduction
GAL	Gallon (gal)		
GDF	Gasoline Dispensing Facility		
GEP	Good Engineering Practice		

NSPS	New Source Performance Standards	ROAT	Regional Office at Tulsa
NSR	New Source Review	RVP	Reid Vapor Pressure
O₃	Ozone		
O&G	Oil and Gas	SCC	Source Classification Code
O&M	Operation and Maintenance	SCF	Standard Cubic Foot
O&NG	Oil and Natural Gas	SCFD	Standard Cubic Feet per Day
OAC	Oklahoma Administrative Code	SCFM	Standard Cubic Feet per Minute
OC	Oxidation Catalyst	SCR	Selective Catalytic Reduction
		SER	Significant Emission Rate
PAH	Polycyclic Aromatic Hydrocarbons	SI	Spark Ignition
PAE	Projected Actual Emissions	SIC	Standard Industrial Classification
PAL	Plant-wide Applicability Limit	SIP	State Implementation Plan
Pb	Lead	SNCR	Selective Non-Catalytic Reduction
PBR	Permit by Rule	SO₂	Sulfur Dioxide
PCB	Polychlorinated Biphenyls	SO_x	Sulfur Oxides
PCE	Partial Compliance Evaluation	SOP	Standard Operating Procedure
PEA	Portable Emissions Analyzer	SRU	Sulfur Recovery Unit
PFAS	Per- and Polyfluoroalkyl Substance		
PM	Particulate Matter	T	Tons
PM_{2.5}	Particulate Matter with an Aerodynamic Diameter <= 2.5 Micrometers	TAC	Toxic Air Contaminant
PM₁₀	Particulate Matter with an Aerodynamic Diameter <= 10 Micrometers	TEG	Triethylene Glycol
POM	Particulate Organic Matter or Polycyclic Organic Matter	THC	Total Hydrocarbons
ppb	Parts per Billion	TPY	Tons per Year
ppm	Parts per Million	TRS	Total Reduced Sulfur
ppmv	Parts per Million Volume	TSP	Total Suspended Particulates
ppmvd	Parts per Million Dry Volume	TV	Title V of the Federal Clean Air Act
PSD	Prevention of Significant Deterioration	µg/m³	Micrograms per Cubic Meter
psi	Pounds per Square Inch	US EPA	U. S. Environmental Protection Agency
psia	Pounds per Square Inch Absolute	VFR	Vertical Fixed Roof
psig	Pounds per Square Inch Gage	VMT	Vehicle Miles Traveled
		VOC	Volatile Organic Compound
RACT	Reasonably Available Control Technology	VOL	Volatile Organic Liquid
RATA	Relative Accuracy Test Audit	VRT	Vapor Recovery Tower
RAP	Regulated Air Pollutant or Reclaimed Asphalt Pavement	VRU	Vapor Recovery Unit
RFG	Refinery Fuel Gas	YR	Year
RICE	Reciprocating Internal Combustion Engine	2SLB	2-Stroke Lean Burn
RO	Responsible Official	4SLB	4-Stroke Lean Burn
		4SRB	4-Stroke Rich Burn

Jupiter Sulphur LLC
Attn: Ms. Dawn Kominski
2910 44th Street, Suite 100
Phoenix, AZ 85018

Permit Number: 2022-0436-TV
Permit Writer: David Schutz
Date: May 22, 2024

SUBJECT: Permit Application No. **2022-0436-TV**
Jupiter Sulphur, LLC.
Nitrogen / Sulfur Fertilizer Production Facility (SIC 2873 / NAICS 325311)
FAC ID 845
Ponca City, Kay County, Oklahoma

Dear Ms. Kominski:

Air Quality Division has completed the initial review of your permit application referenced above. This application has been determined to be a **Tier II**. In accordance with 27A O.S. § 2-14-302 and OAC 252:002-31 the enclosed draft permit is now ready for public review. The requirements for public review include the following steps which you must accomplish:

1. Publish at least one legal notice (one day) in at least one newspaper of general circulation within the county where the facility is located (Instructions enclosed);
2. Submit sample notice and provide date of publication to **AQD 5 days prior to notice publishing**;
3. Provide for public review, for a period of 30 days following the date of the newspaper announcement, a copy of the application and draft permit at a convenient location (preferentially at a public location) within the county of the facility;
4. Send AQD a signed affidavit of publication for the notice(s) from Item #1 above within 20 days of publication of the draft permit. Any additional comments or requested changes you have for the draft permit or the application should be submitted within 30 days of publication.

Thank you for your cooperation. If you have any questions, please refer to the permit number above and contact me or the permit writer at (405) 702-4100.

Sincerely,



Phillip Fielder, P.E.
Chief Engineer
AIR QUALITY DIVISION

enclosures

SAMPLE NOTICE (*Italicized print is to be filled in by the applicant.*):

DEQ NOTICE OF TIER ...II or III... DRAFT PERMIT

A Tier ...II or III... application for an air quality ...type of permit or permit action being sought (e.g., significant modification to a Title V permit or Title V/Title V renewal permit)... has been filed with the Oklahoma Department of Environmental Quality (DEQ) by applicant, ...name and address.

The applicant requests approval to ...brief description of purpose of application... at the ...site/facility name ... [proposed to be] located at ...physical address (if any), driving directions, and legal description including county....

In response to the application, DEQ has prepared a draft operating permit [modification] (Permit Number: ...xxxx-xxxx-x...), which may be reviewed at ...locations (one must be in the county where the site/facility is located)... or at the Air Quality Division's main office (see address below). The draft permit is also available for review under Permits for Public Review on the DEQ Web Page: <http://www.deq.ok.gov/>

This draft permit would authorize the facility to emit the following regulated pollutants: (list each pollutant and amounts in tons per year (TPY)) [For facility modifications only, either add: , which represents (identify the emissions change involved in the modification), or add: . The modification will not result in a change in emissions]

The public comment period ends 30 days after the date of publication of this notice. Any person may submit written comments concerning the draft permit to the Air Quality Division contact listed below or as directed through the corresponding online notice. [Modifications only, add: Only those issues relevant to the proposed modification(s) are open for comment.] A public meeting on the draft permit [modification] may also be requested in writing at the same address. Note that all public meetings are to be arranged and conducted by DEQ staff.

In addition to the public comment opportunity offered under this notice, this draft permit is subject to U.S. Environmental Protection Agency (EPA) review, EPA objection, and petition to EPA, as provided by 40 CFR § 70.8.

If the Administrator (EPA) does not object to the proposed permit, the public has 60 days following the Administrator's 45-day review period to petition the Administrator to make such an objection as provided in 40 CFR 70.8(d) and in OAC 252:100-8-8(j).

Information on all permit actions including draft permits, proposed permits, final issued permits and applicable review timelines are available in the Air Quality section of the DEQ Web page: <http://www.deq.ok.gov/>.

For additional information, contact ...names, addresses and telephone numbers of contact persons for the applicant, or contact DEQ at: Chief Engineer, Air Quality Division, 707 N. Robinson, Suite 4100, P.O. Box 1677, Oklahoma City, OK, 73101-1677. Phone No. (405) 702-4100.

May 22, 2024

KDHE, BAR
Forbes Field, Building 283
Topeka, KS 66620

SUBJECT: Permit Application No. **2022-0436-TV**
Jupiter Sulphur, LLC.
Nitrogen / Sulfur Fertilizer Production Facility (SIC 2873 / NAICS 325311)
FAC ID 845
Ponca City, Kay County, Oklahoma
Permit Writer: David Schutz

Dear Sir / Madame:

The subject facility has requested an initial Title V operating permit for a Part 70 source. Air Quality Division has completed the initial review of the application and prepared a draft permit for public review. Since this facility is within 50 miles of the Oklahoma - **Kansas** border, a copy of the draft permit will be provided to you upon request.

Thank you for your cooperation. If you have any questions, please refer to the permit number above and contact me or the permit writer at (405) 702-4100.

Sincerely,



Phillip Fielder, P.E.
Chief Engineer
AIR QUALITY DIVISION