



## MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

14306 Park Avenue Victorville, CA 92392-2310  
760.245.1661 -- 800.635.4617 -- FAX 760.245.2022

### AUTHORITY TO CONSTRUCT

B015249

If construction is not completed by the expiration date of this permit, it may be renewed for one additional year upon payment of applicable fees. Any additional extension will require the written approval of the Air Pollution Control Officer. This Authority to Construct may serve as a temporary Permit to Operate provided the APCO is given prior notice of intent to operate and the Permit to Operate is not specifically denied.

**EXPIRES LAST DAY OF: JUNE 2026**

#### **OWNER OF OPERATOR (Co. #2500)**

5E Boron Americas, LLC  
9329 Mariposa Rd. Suite # 210  
Hesperia, CA 92344

#### **EQUIPMENT LOCATION (Fac. #3893)**

5E Boron Americas, LLC  
27555 Hector Road  
Newberry Springs, CA 92365

#### **Description:**

MATERIAL HANDLING AND PACKAGING SYSTEM, BORIC ACID consisting of: boric acid transfer and conveyance includes one boric acid steam dryer

#### **CONDITIONS:**

1. This equipment shall be installed, operated and maintained in strict accordance with those recommendations of the manufacturer/supplier and/or sound engineering principles which produce the minimum emissions of contaminants. Unless otherwise noted, this equipment shall also be operated in accordance with all data and specifications submitted with the application for this permit. [District Rules 204 and 1303]

2. Visible emissions from this equipment shall not exceed an opacity equal to or greater than twenty percent (20%) for a period aggregating more than three (3) minutes in any one (1) hour, excluding uncombined water vapor [District Rule 401]. This equipment shall not discharge air contaminants or materials constituting a nuisance to any considerable number of persons or to the public [District Rule 402]. Roadways, work areas and stockpiles shall be kept sufficiently moist to control fugitive dust, and no visible emissions shall extend beyond the property line of the emission source [District Rule 403]. Equipment to properly wet the material being processed shall be maintained in operable condition on-site and used as necessary to ensure compliance with this condition. [District Rules 401, 402, 403, and 1302(C)(2)(a)]

3. The owner/operator will periodically monitor opacity from fugitive emission points according to the following methodology:

Fee Schedule: 1 (b)      Rating: 50 bhp      SIC: 1479      SCC: 30111301      Location/UTM(Km): 552E/3846N

This permit does not authorize the emission of air contaminants in excess of those allowed by law, including Division 26 of the Health and Safety Code of the State of California and the Rules and Regulations of the District. This permit cannot be construed as permission to violate existing laws, ordinances, statutes or regulations of this or other governmental agencies. This permit must be renewed by the expiration date above. If billing for renewal fee required by Rule 301(c) is not received by expiration date above, please contact the District.

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By: **COPY**  
**Brad Poiriez**  
Air Pollution Control Officer

- a. The owner or operator must conduct a monthly 6-minute visible emissions test on each transfer and drop point in accordance with USEPA Method 22. The test must be conducted while the affected source is in operation.
  - b. If no visible emissions are observed in six consecutive monthly tests for any transfer or drop point, the owner or operator may decrease the frequency of testing from monthly to semi-annually for that transfer or drop point. If visible emissions are observed during any semi-annual test, the owner or operator must resume testing of that transfer or drop point on a monthly basis and maintain that schedule until no visible emissions are observed in six consecutive monthly tests.
  - c. If no visible emissions are observed during two consecutive semi-annual test for any transfer or drop point, the owner or operator may decrease the frequency of testing from semi-annually to annually for that transfer or drop point. If visible emissions are observed during any annual test, the owner or operator must resume testing of that transfer or drop point on a monthly basis and maintain that schedule until no visible emissions are observed in six consecutive monthly tests.
- [District Rules 401, 402, 403, and 1302(C)(2)(a)]

In the event that opacity is observed during the USEPA Method 22, the owner/operator must do one of the following:

- a. Conduct a USEPA Method 9 to determine compliance with the opacity limit this condition. If the opacity limit of this condition is not violated, the owner/operator must ensure that all equipment and controls are operating correctly, but operations are not required to be shut down. If the opacity limit of condition #2 is violated the owner/operator must adhere to option 'b.' below.
- b. Shut down the affected equipment and take corrective action to preclude any further emissions. Upon restarting the affected equipment, the owner/operator must conduct a USEPA Method 22 and/or Method 9 to demonstrate that the corrective action taken was sufficient. Equipment breakdowns resulting in violation and/or shutdown shall be reported to the District in accordance with District Rule 430.

[District Rules 403 and 430]

4. This equipment shall not be operated unless the baghouse described in District Permit C015250 is fully functional and operating.

[District Rules 1302, 1303 and 1320]

5. The maximum annual (rolling consecutive twelve-month period) throughput processed by this permitted equipment shall not exceed 657 tons.

[District Rules 1302, 1303, and 1320]

6. The owner/operator shall maintain a current, on-site (at a central location if necessary) operations log for this equipment for five (5) years, which shall be provided to District, State or Federal personnel upon request. This log shall include, as a minimum, the following information:

- a. Monthly amount of product processed, in tons;
- b. Rolling consecutive twelve-month amount of product processed, in tons;
- c. Results of periodic opacity readings as required in Condition #3; and
- d. Results of all tests, inspections, repairs, and maintenance actions.

[District Rule 1302]

7. This equipment may not be operated within 500 meters (1640 feet) of any receptor. Such operation will require the submittal of an application for a revised permit to operate and may require a Health Risk Assessment.

[District Rule 1320]

8. The owner/operator must contact the MDAQMD PRIOR to adding any new equipment or modifying any existing equipment which requires submission of a MDAQMD permit application and may require a Health Risk Assessment.

[District Rule 1320]

9. Pilot plant equipment permitted under B015240, B015241, B015242, B015243, B015244, B015248, B015245 and B015249 shall not be operated concurrent with equipment under permits B013333, B013334, B013335, B013336, B013337, B013338, B013344, B013345, B013346, B013347, B014763, B013320, B013321, B013323, B013325, B013326, B013327, B013328, B013329, B013330, B013331 and T013324 but may be operated with B013319 and B013318

10. Emissions from the entire facility shall not exceed the following limits:

- a. Oxides of Nitrogen (NOx): 24 tons per consecutive twelve month period, measured as NO<sub>2</sub>;
- b. Oxides of Sulfur (SO<sub>x</sub>): 24 tons per consecutive twelve month period;
- c. Volatile Organic Compounds (VOC): 24 tons per consecutive twelve month period;
- d. Carbon Monoxide (CO): 95 tons per consecutive twelve month period;

- e. Hydrogen Sulfide (H<sub>2</sub>S): 9.5 tons per consecutive twelve month period;
- f. Lead (Pb): 0.5 tons per consecutive twelve month period;
- g. Particulate Matter 10 microns and less (PM<sub>10</sub>): 14.5 tons per consecutive twelve month period;
- h. Any single Hazardous Air Pollutant (HAP): 9.5 tons per consecutive twelve month period; and
- i. All HAPs combined: 24 tons per consecutive twelve month period.

Compliance shall be demonstrated to the District through the submission of a District approved Comprehensive Emission Inventory Report (CEI) or other equivalent and District approved method.

[District Rules 1302 and 1320]

11.A facility wide Comprehensive Emission Inventory (CEI) for all emitted criteria and toxic air pollutants must be submitted to the District, in a format approved by the District, upon District request.

[District Rule 107(b), H&S Code 39607 & 44341-44342, and 40 CFR 51, Subpart A]