

# DRAFT PERMIT

## Environmental Management System Permit

**Issued to:** Aeroflex Colorado Springs  
4350 Centennial Boulevard, Colorado Springs, CO 80907  
El Paso County, Colorado

**Permit Number:** 05 EMS 0002  
**Permit Type:** Environmental Management System Permit  
**Effective Date:** September 1, 2005  
**Expiration Date:** July 1, 2008

Facility for manufacture of electronic assemblies for aircraft located at 4350 Centennial Blvd., Colorado Springs, El Paso County, Colorado.

This permit is granted subject to all rules and regulations of the Colorado Environmental Management System Permit Program Act C.R.S. (25-6.6-101 et seq.), Colorado Air Quality Control Commission and the Colorado Air Pollution Prevention and Control Act C.R.S. (25-7-101 et seq.), 40 CFR 433, to those general terms and conditions included in this document and the following specific terms and conditions.

This permit is not transferable and the permittee shall apply for permit re-issuance at least ninety days prior to the expiration of this permit. Aeroflex need not submit the entire permit application for re-issuance of this permit, but is only required to provide information where Aeroflex is requesting modifications to the permit.

### I. Environmental Policy

See Aeroflex Policy: 080032 EHS Management Policy.

### II. Identifying Environmental Aspects and Impacts

- A. The facility shall establish and maintain procedures to identify the environmental aspects of those processes, products or activities over which an entity has control and that can interact with the environment in a positive or negative way. The facility shall ensure that aspects related to the significant impacts are considered in setting its environmental objectives. See Aeroflex's 080032 EHS Management Policy for aspects and impacts procedure.
- B. Aeroflex shall conduct annual reviews of the facility's aspects and impacts assessment for feasible continual improvement projects and maintain information about these reviews on site for department review.

#### C. EMS Permit Modifications

Any revisions made using the provisions of sections 5.2 and 5.3 shall become new applicable requirements for purposes of this EMS permit and shall survive re-issuance. This permit incorporates the applicable requirements from construction permit 91EP492, as modified and combined into a facility wide emission limit and incorporated directly into this EMS permit, through the EMS permit process.

- 1. Minor modifications as defined by Regulation No. 3 (##CCR##) can occur to the facility without public comment or notice so long as the modifications are prepared on forms supplied by the department, do not violate any applicable requirements, are approved by the department, and would not otherwise be considered a major modification.
- 2. Major Modifications as defined by Regulation No. 3 (CCR) require the public comment period in section 6 of the EMS Permit Program Regulations (5 CCR 1004-1) to occur prior to the department issuing the modification. Major modifications must be prepared on forms supplied by the

## DRAFT PERMIT

department. A revised permit must be issued prior to a modification occurring at the facility.

### D. Facility Modifications

1. Modifications can occur to the facility that impact air quality without a permit modification so long as the total emissions for the facility do not exceed the above limits. If a modification occurs without a permit modification, the facility shall notify CDPHE at least ten days before commencing the modification.
2. The facility shall conduct a review to determine whether any modification to the facility or change in regulation requires the facility to comply with any additional regulatory requirements. If an additional requirement is required, the facility shall demonstrate to CDPHE compliance with this requirement within thirty days of completion of the modification. If control equipment is required to maintain emissions below the emission limits, the facility shall provide CDPHE with detailed information about the necessary control equipment within thirty days of commencing the construction.
3. The Facility can conduct the facility modifications without a permit modification as per Regulation No. 3, Part B, Section C and Part C, X.1.10.i & XI for minor modifications.

E. The following is Aeroflex's equipment list relevant to emission of air pollutants:

MAKE	MODEL	SERIAL NUMBER
Wilfab Coating Hood	Not Available	Not Available
Nordson Coating System	Select-a-Coat SC1R2	BK92A05681
Electrovert Wave Solder Machine	8-1701-001-05-2	11874496
Binks Paint Booth	PBF-5-T-LH	29-937
Security Steelcraft Cleaning Hood	Custom Made - none	Custom Made - none
Detrex Washer	LE-20A Standard	73040
Coating Specialty precision spinner	Not Available	136134-17
Miscellaneous VOC and solvent use	Facility wide	None

### III. Legal and Other Requirements

- A. Aeroflex's policy for legal requirements is 080032 EHS Management Policy and 081000 Environmental Programs.
- B. The facility shall comply with all applicable federal, state and local environmental regulatory requirements, unless modified by this permit, and shall comply with this permit. The objectives and targets included in Section IV of this permit are enforceable as permit terms and conditions.
- C. This EMS Permit incorporates the applicable requirements contained in the underlying conventional environmental permits and does not affect those applicable requirements, except as modified during review of the application or as modified subsequent to permit issuance using the modification procedures found in sections 5.2 and 5.3 of the EMS Permit Program Regulation. The procedures in section 5.2 meet the applicable substantive requirements of Colorado AQCC Regulation No. 3, Part B.

## **DRAFT PERMIT**

- D. If this source becomes a major source as defined in Regulation No. 3, Part A, section I.B.23., an application for an Operating Permit shall be filed no later than twelve months after the source becomes subject to the operating permit requirements.
- E. 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.
- F. Duty to Comply: The facility must comply with the permit terms and conditions of this permit. Any permit noncompliance of the EMS Permit Program Regulation and is grounds for possible enforcement action.
- G. Permit Revision, and Revocation: The permit shall be in effect until June 30, 2008. Terms and conditions of this permit may be modified by the department to meet local, state or federal requirements or if there is other good cause. This permit may be suspended or revoked if the permittee:
  - 1. Violates any condition of this permit;
  - 2. Violates any of the provisions of applicable federal, state, or local regulations; or
  - 3. Fails to pay fees or charges timely.
- H. Non-Transferability: This permit may not be sold, traded, assigned, sublet, or otherwise transferred. Any new owner must comply with EMS Permit Program Regulation section 2.6 to transfer ownership.

### **IV. Objectives and Targets**

The facility shall establish and maintain documented environmental objectives and targets and consider legal and other requirements, significant environmental aspects, technological options, and financial, operational, and business requirements, and views of interested parties when establishing and reviewing objectives. Aeroflex's objectives and targets procedure is found in 080032 EHS Management Policy. The following objectives and targets in sections IV.A through IV.D are enforceable conditions.

#### **A. Air Quality Requirements**

- 1. This source is subject to the odor requirements of Regulation No. 2. (State only enforceable)
- 2. Visible emissions shall not exceed twenty percent (20%) opacity during normal operation of the source. During periods of startup, process modification, or adjustment of control equipment visible emissions shall not exceed 30% opacity for more than six minutes in any sixty consecutive minutes. Opacity shall be measured by EPA Method 9. (Reference: Regulation 1, Section II.A.1.& 4.)
- 3. The permit number shall be marked on the subject equipment for ease of identification. (Reference: Reg. 3, Part B, IV.E.) (State only enforceable.)
- 4. Emissions of air pollutants shall not exceed the following limitations (as calculated in the Division's preliminary analysis): (Reference: Regulation 3, Part B, III.A.4)

Volatile Organic Compounds: 16.51 tons per year

Consumption (purchased and applied in the spray booths) of surface coatings, solvents and coating materials shall be limited by the emission limits specified in this condition, and all other activities,

## DRAFT PERMIT

operating rates and numbers of equipment as stated in the application. Entire volatile organic compounds contained in the surface coatings and coating materials shall be considered as emitted. Records of actual consumptions of surface coatings, coating materials, emissions of criteria and non-criteria reportable / hazardous air pollutants shall be maintained at the site by the permittee, and made available to the Division for inspection upon request. These records shall be supported by the most recent Material Safety Data Sheets (MSDS), and such MSDS shall be kept on site and made available to the Division upon request.

The production or raw material processing limits and emission limits contained in this permit are based on the production/processing rates requested in the permit application. These limits may be revised upon request of the permittee providing there is no exceedance of any specific emission control regulation or any ambient air quality standard. A revised air pollution emission notice (APEN) and application form must be submitted with a request for a permit revision.

The emission limits for volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) are based on mass balance as requested by the applicant. The VOC and HAP content of the chemicals and associated materials are assumed emitted to the atmosphere.

5. No person shall dispose of volatile organic compounds by evaporation or spillage unless Reasonably Available Control Technology is utilized. (Reg. 7.V.A.)
6. The following emissions of non-criteria reportable air pollutants are estimated based upon facility emission records for data year 2001. This information is listed to inform the operator of the Division's analysis of the specific compounds. This information is listed on the Division's emission inventory system.

<u>C.A.S. #</u>	<u>SUBSTANCE</u>	<u>EMISSIONS [LB/YR]</u>
7647-01-0	Hydrochloric acid.....	50
7697-37-2	Nitric acid .....	50
7664-39-3	Hydrofluoric acid	50

7. *Emissions of lead (Pb) shall not be such that emissions result in an ambient lead concentration exceeding ## micrograms per standard cubic meter averaged over a one-month period (Regulation No. 8, Part C, Section I.B.). In the absence of credible evidence to the contrary, compliance with the ambient lead standard shall be presumed as long as the solder pots are maintained at a temperature of 500°F +/- 25°F and the soldering irons at 700°F +/- 10°F. Temperatures of all solder pots and soldering irons shall be monitored in accordance with NASA-STD-8739.3, BATC BTS02.67, WI PLAB.9.1.001, and GL PLAB.9.5.001.*

### **B. Water Quality Requirements**

### **C. Hazardous Waste Requirements**

### **D. Cross Media Requirements**

1. In complying with any of the above objectives and targets, the facility can present to the department an analysis to:
  - a. Demonstrate cross media impacts of certain control options or measures; or
  - b. Demonstrate and request an increase in air emission limits to achieve greater reductions in environmental benefits elsewhere; or
  - c. Demonstrate and request alternative monitoring requirements based upon and aspects and impacts analysis; or

## DRAFT PERMIT

- d. Demonstrate that greater environmental benefits will be garnered if the required capital expenditure is made elsewhere.

### E. Continual Improvement Projects

See current version of Aeroflex's Targets and Objectives Matrix.

### V. Monitoring

The following Aeroflex procedure meets the permit requirements for monitoring: 081000 Environmental Programs

### VI. Environmental Record Keeping and Reporting

The following Aeroflex procedure meets the permit requirements for recordkeeping and reporting: 080032 EHS Management Policy

#### A. Air Pollution

1. A revised Air Pollutant Emission Notice (APEN) shall be filed: (Reference: Reg.3, Part A,II.C)
  - a. Annually whenever a significant increase in emissions occurs as follows:

**For any criteria pollutant:** For sources emitting **less than 100 tons per year**, a change in actual emissions of five tons per year or more, above the level reported on the last APEN; or

**For any non-criteria reportable pollutant:** If the emissions increase by 50% or five (5) tons per year, whichever is less, above the level reported on the last APEN submitted to the Division.
  - b. Whenever there is a change in the owner or operator of any facility, process, or activity; or
  - c. Whenever new control equipment is installed, or whenever a different type of control equipment replaces an existing type of control equipment; or
  - d. Whenever a permit limitation must be modified; or
  - e. No later than 30 days before the existing APEN expires.
2. In accordance with C.R.S. 25-7-114.1, the Air Pollutant Emission Notice (APEN) associated with this permit modification is valid for a term of five years. The five year term for the APEN received with this permit application expires on **July 30, 2007**. A revised APEN shall be submitted no later than 30 days before the five year term expires.
3. Copies of Air Pollutant Emission Notices (APENs) shall be maintained on-site and updated APENs filed as appropriate pursuant to Regulation No. 3. The facility shall maintain a list of estimated emissions of non-criteria reportable air pollutants on-site and available for Division review.
4. The permittee shall notify the Division of any upset condition which causes a violation of any emission limit or limits stated in this permit as soon as possible, but no later than two (2) hours after the start of the next working day, followed by written notice to the Division explaining the cause of the occurrence and that proper action has been or is being taken to correct the conditions causing said violation and to prevent such excess emission in the future. (Common Provisions Regulation Part II, Subpart E, Upset Conditions and Breakdowns.)

## **DRAFT PERMIT**

5. The facility shall maintain a list of equipment and activities covered by air emission regulations on-site for department review.

### **B. Water Quality**

#### **VII. Emergency Response**

The following Aeroflex policy meets the requirement for emergency response: 080032 EHS Management Policy and Contingency Plan

#### **VIII. Environmental Management Program(s)**

Aeroflex has environmental management program processes established, which is captured by 080032 EHS Management Policy.

CDPHE has determined that the processes demonstrate Aeroflex has adequately established and is maintaining a program for achieving objectives and targets that includes designation of responsibility for achieving objectives and targets at each relevant function and level; means and time frame; a mechanism to amend the program where relevant for a new development, new or modified activities, products, or services.

#### **IX. Structure and Responsibility**

The facility must appropriately define roles, responsibilities and authorities, and document and communicate that information in order to facilitate effective environmental management. Aeroflex's procedure for structure and responsibility is found in 080032 EHS Management Policy.

#### **X. Training, Awareness and Competence**

The Facility shall ensure all personnel, receive appropriate training. Aeroflex's training, awareness and competence procedure is found in 080032 EHS Management Policy.

##### **A. Air Quality Training**

The Facility shall ensure that the person(s) conducting any Method 9 opacity observations, if required, are properly certified.

##### **B. Water Quality Training**

1. The permittee shall train employees on proper storage and disposal techniques for chemicals used or stored on site.
2. All employees working in the process or laboratory areas shall be trained in emergency response for cleanup and/or facility notification procedures for spills.

#### **XI. Operational Controls**

Aeroflex's operational controls are found in 080032 EHS Management Policy.

#### **XII. External Self-Audits**

##### **A. External Self-Audits**

1. Aeroflex's self-audit procedure is found in 080032 EHS Management Policy.

## **DRAFT PERMIT**

2. The facility is required to maintain an Environmental Management System (EMS) and conduct external EMS conformance and compliance audits at least every two years at the Facility.
3. Audit Frequency. The Facility shall conduct an external EMS compliance and conformance audit as provided in this part, within 2 years of EMS Permit issuance and every 24 months thereafter.
4. Aeroflex did not request a reduction in inspection frequency from CDPHE, therefore the audits are not enforceable as a term of this permit.
5. Content of External EMS Audit
  - a. Review of the EMS. The external EMS auditor must determine whether the Facility properly implemented its EMS. The external EMS auditor must identify instances where the Facility did not conform with the EMS.
  - b. The audit must provide identification of and response to the EMS deficiencies for any nonconformance.

### **XIII. Communications**

Aeroflex's Community Involvement and Communications Plan is attached to this permit.

- A. Outreach to stakeholders is an important part of this permit. The facility has identified additional local stakeholders who have received notice of the availability of this permit and variance for public comment, and will receive any future formal notices. In addition, the project web site shall include information required by EMS Permit Program Regulation (5 CCR 1004-1) and it will enhance stakeholder access by publicly reporting facility performance, notification of facility changes, and other pertinent facility information as agreed to by CDPHE and Aeroflex.
- B. The Facility has developed and is implementing a community involvement and communications plan, which includes a process to ensure adequate public notice and promote public involvement with the issuance of this permit. The Facility conducted an inventory of existing community communications efforts and provided those to CDPHE prior to issuance of this permit.
- C. As a means to improve public accessibility to compliance information and results of the external compliance audit, CDPHE will post the following information on CDPHE's Internet site within thirty days of CDPHE's receipt, unless a different amount of time is provided for below. The posted information shall include:
  1. Results of air emission and water effluent calculations, as required by the permit. The facility shall report air emissions data in a method and format as agreed upon with CDPHE. Aeroflex may post environmental data on CDPHE's website. Reports may be electronically formatted, submitted, and certified.
  2. External compliance audit executive summaries, beginning with the summary from first compliance audit.
  3. Any notable improvements to the Facility's EMS and resulting environmental performance.
  4. Any notifications by the facility of deviations or noncompliance with a term or condition of this permit.
  5. A summary of CDPHE's inspections and monitoring and the monitoring of the Facility's response to any identified deviations, noncompliance, deficiencies or potential problems with the terms and conditions of this permit, CDPHE shall summarize each issue and its resolution on the Internet as

## **DRAFT PERMIT**

soon as possible, but normally within ninety days of being informed of the situation, unless a longer investigation is required.

6. Notification of facility operation changes that required a modification to this permit.

### **XIV. EMS Documentation and Document Control**

Aeroflex's EMS documentation and document control procedure is found in 080032 EHS Management Policy.

1. Establish and maintain information, in paper or electronic form, to describe core elements of the management system and their interaction and to provide direction to related documentation. The Facility shall maintain the proper documentation to demonstrate to an auditor that an EMS exists and is implemented at the Facility, as required by the EMS Permit Regulation.
2. Required records, permits, notifications, etc., must be kept on site and available for CDPHE.

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Matthew S. Burgett  
Permit Engineer  
Stationary Sources Program  
Air Pollution Control Division

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Director  
Sustainability Division



## DRAFT PERMIT

### GENERAL TERMS AND CONDITIONS: (IMPORTANT! READ ITEM 5)

1. This permit is issued in reliance upon the accuracy and completeness of information supplied by the applicant and is conditioned upon conduct of the activity, or construction, installation and operation of the source, in accordance with this information and with representations made by the applicant or applicant's agents. It is valid only for the equipment and operations or activity specifically identified on the permit.
2. Unless specifically stated otherwise, the general and specific conditions contained in this permit have been determined by the APCD to be necessary to assure compliance with the provisions of Section 25-7-114.5(7)(a), C.R.S.
3. This permit may be revoked at any time prior to final approval by the Air Pollution Control Division (APCD) on grounds set forth in the Colorado Air Quality Control Act and regulations of the Air Quality Control Commission (AQCC), including failure to meet any express term or condition of the permit. If the Division denies a permit, conditions imposed upon a permit are contested by the applicant, or the Division revokes a permit, the applicant or owner or operator of a source may request a hearing before the AQCC for review of the Division's action.
4. This permit and any required attachments must be retained and made available for inspection upon request at the location set forth herein. With respect to a portable source, which is moved to a new location, a copy of the Relocation Notice (required by law to be submitted to the APCD whenever a portable source is relocated) should be attached to this permit. The permit may be reissued to a new owner by the APCD as provided in AQCC Regulation No. 3, Part B, Section III.B. upon a request for transfer of ownership and the submittal of a revised APEN and the required fee.
5. **YOU MUST notify the APCD at least thirty days (fifteen days for portable sources) prior to commencement of the permitted operation or activity.** Failure to do so is a violation of Section 25-7-114.5(12)(a), C.R.S. and AQCC Regulation No. 3, Part B, Section IV.H.1., and can result in the revocation of the permit. *You must demonstrate compliance with the permit conditions within 180 days after commencement of operation as stated in condition 5.*
6. Section 25-7-114.7(2)(a), C.R.S. requires that all sources required to file an Air Pollution Emission Notice (APEN) must **pay an annual fee** to cover the costs of inspections and administration. If a source or activity is to be discontinued, the owner must notify the Division in writing requesting a cancellation of the permit. Upon notification, annual fee billing will terminate.
7. Violation of the terms of a permit or of the provisions of the Colorado Air Pollution Prevention and Control Act or the regulations of the AQCC may result in administrative, civil or criminal enforcement actions under Sections 25-7-115 (enforcement), -121 (injunctions), -122 (civil penalties), -122.1 (criminal penalties), C.R.S.