



State of Mississippi



FEDERALLY ENFORCEABLE AIR POLLUTION CONTROL PERMIT

Permit to Operate Air Emissions Equipment at a Synthetic Minor Source

THIS CERTIFIES

Ergon Asphalt and Emulsions Inc, Yellow Creek
35 County Road Yellow Creek Port
Iuka, MS
Tishomingo County

has been granted permission to operate air emissions equipment in accordance with emission limitations, monitoring requirements and conditions set forth herein. This permit is issued in accordance with the Federal Clean Air Act and the provisions of the Mississippi Air and Water Pollution Control Law (Section 49-17-1 et. set., Mississippi Code of 1972), the regulations and standards adopted and promulgated thereunder, and the State Implementation Plan for operating permits for synthetic minor sources.

Mississippi Environmental Quality Permit Board

Mississippi Department of Environmental Quality

Issued/Modified: DEC 17 2012

Expires: NOV 30 2017

Permit No. 2640-00033

Agency Interest # 8026

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Permit to Operate Air Emissions Equipment at a Synthetic Minor Source

Ergon Asphalt and Emulsions Inc, Yellow Creek

Subject Item Inventory

Permit Number:2640-00033

Activity ID No.: PER20120001

Subject Item Inventory:

ID	Designation	Description
AI8026		
EQPT1	AA-001	7.5 MMBTU/hr Hopkins Hot Oil Heater, H-1
EQPT3	AA-002	7.5 MMBTU/hr Vapower Hot Oil Heater, H-2
EQPT4	AA-003	3,360,000 Gallon Petroleum Product Storage Tank, T-1
EQPT5	AA-004	3,360,000 Gallon Petroleum Product Storage Tank, T-2
EQPT6	AA-005	210,000 Gallon Petroleum Product Storage Tank, T-3
EQPT7	AA-006	10,000 Gallon Petroleum Product Storage Tank, T-4
EQPT8	AA-007	8,800 Gallon Petroleum Product Storage Tank, T-5
EQPT9	AA-008	8,000 Gallon Petroleum Product Storage Tank, T-6
EQPT10	AA-009	8,800 Gallon Anti-Strip (fatty amine) product Storage Tank, T-7
EQPT11	AA-010	420,000 Gallon Petroleum Product Storage Tank, T-8
EQPT12	AA-011	840,000 Gallon Petroleum Product Storage Tank, T-9
EQPT13	AA-012	210,000 Gallon Petroleum Product Storage Tank, T-10
EQPT14	AA-013	13,500 Gallon Latex Storage Tank, T-11
EQPT15	AA-014	3,000 Gallon Heat Transfer Liquid Storage Tank, T-12
EQPT17	AA-015	3,000 Gallon Poly Phosphoric Acid Storage Tank, T-13
EQPT16	AA-016	Truck Loading Operation, LR-1
EQPT18	AA-017	Barge Loading, BL-1

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Ergon Asphalt and Emulsions Inc, Yellow Creek

Subject Item Inventory

Permit Number:2640-00033

Activity ID No.: PER20120001

ID	Designation	Description
AREA1	AA-018	Fugitive Emissions

Subject Item Groups:

ID	Description	Components
GRPT1	Two 7.5 MMBTU/hr heaters	EQPT1 7.5 MMBTU/hr Hopkins Hot Oil Heater, H-1
		EQPT3 7.5 MMBTU/hr Vapower Hot Oil Heater, H-2
GRPT2	Product and fuel storage tanks	EQPT4 3,360,000 Gallon Petroleum Product Storage Tank, T-1
		EQPT5 3,360,000 Gallon Petroleum Product Storage Tank, T-2
		EQPT6 210,000 Gallon Petroleum Product Storage Tank, T-3
		EQPT7 10,000 Gallon Petroleum Product Storage Tank, T-4
		EQPT8 8,800 Gallon Petroleum Product Storage Tank, T-5
		EQPT9 8,000 Gallon Petroleum Product Storage Tank, T-6
		EQPT10 8,800 Gallon Anti-Strip (fatty amine) product Storage Tank, T-7
		EQPT11 420,000 Gallon Petroleum Product Storage Tank, T-8
		EQPT12 840,000 Gallon Petroleum Product Storage Tank, T-9
		EQPT13 210,000 Gallon Petroleum Product Storage Tank, T-10
		EQPT14 13,500 Gallon Latex Storage Tank, T-11
		EQPT15 3,000 Gallon Heat Transfer Liquid Storage Tank, T-12
		EQPT17 3,000 Gallon Poly Phosphoric Acid Storage Tank, T-13
GRPT3	Truck Loading, Barge Loading, and Fugitive Emissions	EQPT16 Truck Loading Operation, LR-1
		EQPT18 Barge Loading, BL-1
		AREA1 Fugitive Emissions

KEY

ACT = Activity

AREA = Area

AI = Agency Interest

CAFO = Concentrated Animal Feeding Operation

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KEY

CONT = Control Device

IA = Insignificant Activity

RPNT = Release Point

EQPT = Equipment

MAFO = Animal Feeding Operation

TRMT = Treatment

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AI0000008026:

Submittal/Action Requirements:

Condition No.	Condition
S-1	General Condition: Except as otherwise specified herein, the permittee shall report all deviations from permit requirements, including those attributable to upsets, the probable cause of such deviations, and any corrective actions or preventive measures taken. Said report shall be made within five (5) working days of the time the deviation began. [APC-S-2 II.B(10)]
S-2	Except as otherwise specified herein, the permittee shall Submit a certified annual synthetic minor monitoring report: Due annually, by the 31st of January for preceding calendar year. This report shall address any required monitoring specified in the permit. [APC-S-2 II.B(11)]

Narrative Requirements:

Condition No.	Condition
T-1	General Condition: Any activities not identified in the application are not authorized by this permit. [Miss. Code Ann. 49-17-29 1.b]
T-2	General Condition: The permittee shall at all times maintain in good working order and operate as efficiently as possible all air pollution control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. [APC-S-2 V.A]
T-3	General Condition: Solids removed in the course of control of air emissions shall be disposed of in a manner such as to prevent the solids from becoming windborne and to prevent the materials from entering state waters without the proper environmental permits. [Miss. Code Ann. 49-17-29 1.a(i and ii)]
T-4	General Condition: Any diversion from or bypass of collection and control facilities is prohibited except as provided for in Regulation APC-S-1, "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants", Section 10. [APC-S-1 Section 10]
T-5	General Condition: Should the Executive Director of the Mississippi Department of Environmental Quality declare an Air Pollution Emergency Episode, the permittee will be required to operate in accordance with the permittee's previously approved Emissions Reduction Schedule. [APC-S-2 X]

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Narrative Requirements:

Condition No.	Condition
T-6	<p>General Condition: The permittee shall allow the Mississippi Department of Environmental Quality Office of Pollution Control and the Mississippi Environmental Quality Permit Board and/or their authorized representatives, upon the presentation of credentials:</p> <p>(a) To enter upon the permittee's premises where an air emission source is located or in which any records are required to be kept under the terms and conditions of this permit, and</p> <p>(b) At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any air emission. [Miss. Code Ann. 49-17-21]</p>
T-7	<p>General Condition: After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to:</p> <p>(a) Violation of any terms or conditions of this permit</p> <p>(b) Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or</p> <p>(c) A change in any condition that required either a temporary or permanent reduction or elimination of authorized air emissions. [APC-S-2 II.C]</p>
T-8	<p>General Condition: This permit and/or any part thereof may be modified, revoked, reopened, and reissued, or terminated for cause. Sufficient cause for this permit to be reopened shall exist when an air emissions stationary source becomes subject to Title V. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of the permit. [APC-S-2 II.B(15)b]</p>
T-9	<p>General Condition: Except for data determined to be confidential under the Mississippi Air & Water Pollution Control Law, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Mississippi Department of Environmental Quality Office of Pollution Control. [Miss. Code Ann. 49-17-39]</p>
T-10	<p>General Condition: The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations. [APC-S-2 II.B(15)c]</p>
T-11	<p>General Condition: Nothing herein contained shall be construed as releasing the permittee from any liability for damage to persons or property by reason of the installation, maintenance, or operation of the air cleaning facility, or from compliance with the applicable statutes of the State, or with local laws, regulations, or ordinances. [APC-S-2 II.B(7)]</p>

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AI0000008026 (continued):

Narrative Requirements:

Condition No.	Condition
T-12	General Condition: This permit may only be transferred upon approval of the Mississippi Environmental Quality Permit Board. [APC-S-2 XVI.B]
T-13	General Condition: This permit is for air pollution control purposes only. [APC-S-2 I.D(1)]
T-14	General Condition: This permit is a Federally-approved permit to operate a synthetic minor source as described in Regulation APC-S-2, Section IV.D. [APC-S-2 IV.D]
T-15	General Condition: The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstances, is challenged or held invalid, the validity of the remaining permit provisions and/or portions thereof or their application to other persons or sets of circumstances, shall not be affected thereby. [APC-S-2 I.D(7)]
T-16	General Condition: The permittee shall furnish to MDEQ within a reasonable time any information MDEQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to MDEQ copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee shall furnish such records to MDEQ along with a claim of confidentiality. [APC-S-2 II.B(15)d]

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AI0000008026 (continued):

Narrative Requirements:

Condition No.	Condition
T-17	<p>General Condition: This permit does not authorize a modification as defined in APC-S-2, "Permit Regulations for the Construction and/or Operation of Air Emissions Equipment". Modification is defined as "Any physical change in or change in the method of operation of a facility which increases actual emissions or potential uncontrolled emissions of any air pollutant subject to regulation under the Federal Act emitted into the atmosphere by that facility or which results in the emission of any air pollutant subject to regulation under the Federal Act into the atmosphere not previously emitted. A physical change or change in the method of operation shall not include:</p> <ul style="list-style-type: none">(a) routine maintenance, repair, and replacement;(b) use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Federal Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;(c) use of an alternative fuel by reason of an order or rule under Section 125 of the Federal Act;(d) use of an alternative fuel or raw material by a stationary source which: (i) the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.166; or (ii) the source is approved to use under any permit issued under 40 CFR 52.51 or under regulations approved pursuant to 40 CFR 51.166;(e) an increase in the hours of operation or in the production rate unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR 52.51, or under regulations approved pursuant to Subpart I or 40 CFR 51.166; or(f) any change in ownership of the stationary source" [APC-S-2 I.D(2)]
T-18	<p>General Condition: 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 this permit unless halting or reducing activity would create an imminent and substantial endangerment threatening the public health and safety of the lives and property of the people of this state. [APC-S-2 II.B(15)a]</p>
T-19	<p>General Condition: The permittee shall retain all required records, monitoring data, supported information and reports for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings or other data for continuous monitoring instrumentation, and copies of all reports required by this permit. Copies of such records shall be submitted to MDEQ as required by Applicable Rules and Regulations or this permit upon request. [APC-S-2 IX]</p>
T-20	<p>General Condition: The knowing submittal of a permit application with false information may serve as the basis for the Permit Board to void the permit issued pursuant thereto or subject the applicant to penalties for constructing or operating without a valid permit. [APC-S-2 II.B(5)]</p>

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AI0000008026 (continued):

Narrative Requirements:

Condition No.	Condition
T-21	<p>General Condition: Emergencies</p> <p>(a) Except as otherwise specified herein, 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 the 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 preventative maintenance, careless or improper operation, or operator error.</p> <p>(b) An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions specified in (c) following are met.</p> <p>(c) The affirmative defense of emergency shall be demonstrated through properly signed contemporaneous operating logs, or other relevant evidence as follows: (i) an emergency occurred and that the permittee can identify the cause(s) of the emergency; (ii) the permitted facility was at the time being properly operated; (iii) 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 the permit; and (iv) the permittee submitted notice of the emergency to MDEQ within two (2) working days of the time when emission limitations were exceeded due to the emergency which contained a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.</p> <p>(d) In any enforcement proceeding, the permittee seeking to establish the occurrence of any emergency has the burden of proof.</p> <p>(e) This provision is in addition to any emergency or upset provision contained in any applicable requirement specified elsewhere herein [APC-S-2 II.B(10)]</p>
T-22	<p>General Condition: Upsets</p> <p>(a) The occurrence of an upset constitutes an affirmative defense to an enforcement action brought for noncompliance with emission standards or other requirements of Applicable Rules and Regulations or any applicable permit if the permittee demonstrates through properly signed contemporaneous operating logs, or other relevant evidence that include information as follows: (i) an upset occurred and that the permittee can identify the cause(s) of the upset; (ii) the source was at the time being properly operated; (iii) during the upset the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements of Applicable Rules and Regulations or any applicable permit; (iv) the permittee submitted notice of the upset to the DEQ within five (5) working days of the time the upset began which contained a description of the upset, any steps taken to mitigate emissions, and corrective actions taken.</p> <p>(b) In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.</p> <p>(c) This provision is in addition to any upset provision contained in any applicable requirement. [APC-S-1 Section 10]</p>

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AI0000008026 (continued):

Narrative Requirements:

Condition No.	Condition
T-23	<p>General Condition: Startups and Shutdowns</p> <p>(a) Startups and shutdowns are part of normal source operation. Emissions limitations applicable to normal operation apply during startups and shutdowns except as follows: (i) when sudden, unavoidable breakdowns occur during a startup or shutdown, the event may be classified as an upset subject to the requirements above; (ii) when a startup or shutdown is infrequent, the duration of excess emissions is brief in each event, and the design of the source is such that the period of excess emissions cannot be avoided without causing damage to equipment or persons; or (iii) when the emissions standards applicable during a startup or shutdown are defined by other requirements of Applicable Rules and Regulations or any applicable permit.</p> <p>(b) In any enforcement proceeding, the permittee seeking to establish the applicability of any exception during a startup or shutdown has the burden of proof.</p> <p>(c) In the event this startup and shutdown provision conflicts with another applicable requirement, the more stringent requirement shall apply. [APC-S-1 Section 10]</p>
T-24	<p>General Condition: Maintenance</p> <p>(a) Maintenance should be performed during planned shutdown or repair of process equipment such that excess emissions are avoided. Unavoidable maintenance that results in brief periods of excess emissions and that is necessary to prevent or minimize emergency conditions or equipment malfunctions constitutes an affirmative defense to an enforcement action brought for noncompliance with emission standards, or other regulatory requirements if the permittee can demonstrate the following: (i) the permittee can identify the need for the maintenance; (ii) the source was at the time being properly operated; (iii) during the maintenance the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements of Applicable Rules and Regulations or any applicable permit; (iv) the permittee submitted notice of the maintenance to MDEQ within five (5) working days of the time the maintenance began or such other times as allowed by MDEQ, which contained a description of the maintenance, any steps taken to mitigate emissions, and corrective actions taken.</p> <p>(b) In any enforcement proceeding, the permittee seeking to establish the applicability of this section has the burden of proof.</p> <p>(c) In the event this maintenance provision conflicts with another applicable requirement, the more stringent requirement shall apply. [APC-S-1 Section 10]</p>
T-25	<p>General Condition: For renewal of this permit the applicant shall make application not less than one-hundred eighty (180) days prior to the expiration date of the permit substantiated with current emissions data, test results or reports or other data as deemed necessary by the Mississippi Environmental Quality Permit Board. [APC-S-2 VIII]</p>

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Facility Requirements

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EQPT0000000014 (AA-013) 13,500 Gallon Latex Storage Tank, T-11:

Limitation Requirements:

Condition No.	Parameter	Condition
L-1	VOC	VOC: The permittee shall limit volatile organic compound (VOC) emissions to no more than 1.778 lbs/hr and 0.25 tons/year, as determined by EPA Reference Method 25, 40 CFR 60, Appendix A. [APC-S-2 II.B(10)]
L-2		The permittee shall limit total throughput to the fixed roof latex storage tank, AA-013, to 80,000 gallons per year on a 365 day rolling average. [APC-S-2 II.B(10)]

Record-Keeping Requirements:

Condition No.	Condition
R-1	The permittee shall monitor and record on a daily basis the quantity of material put into this tank. Such records shall be maintained at the facility and made readily available to Mississippi Department of Environmental Quality personnel. [APC-S-2 II.B(11)]

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GRPT0000000001 (Process Heaters) Two 7.5 MMBTU/hr heaters:

Limitation Requirements:

Condition No.	Parameter	Condition
L-1	Opacity	Opacity: The maximum opacity from any point source or emissions shall not exceed 40% at any time. The opacity shall be determined by EPA Reference Method 9, 40 CFR 60, Appendix A. [APC-S-1 3.1]
L-2	Sulfur Dioxide	Sulfur Dioxide: For each process heater, the sulfur dioxide emissions shall not exceed 3.81 lbs/hr and 16.70 tons/year, as determined by EPA Reference Method 6, 40 CFR 60, Appendix A. [APC-S-2 II.B(10)]
L-3	Fuel Combusted	Fuel Combusted: The permittee shall use no fuel other than pipeline quality natural gas or No. 2 fuel oil with a maximum sulfur content of 0.5% by weight. [APC-S-2 II.B(10)]

Record-Keeping Requirements:

Fuel Combusted:

Condition No.	Condition
R-1	Fuel Combusted: The permittee shall maintain quarterly fuel oil analysis verifying the sulfur content. [APC-S-2 II.B(10)]
R-2	Fuel Combusted: The permittee shall maintain daily records of the type and quantity of fuel combusted in the process heaters. [APC-S-2 II.B(10)]

Condition No.	Condition
R-3	The permittee shall maintain all records on file at the facility for five (5) years and shall make them available upon request by the Mississippi Department of Environmental Quality personnel. [APC-S-2 II.B(11)]

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GRPT0000000003 (Loading Operations) Truck Loading, Barge Loading, and Fugitive Emissions:

Narrative Requirements:

Condition	Condition
T-1	The permittee is authorized to operate air emission equipment for Truck Loading, Barge Loading, and Fugitive emissions and the equipment shall be operated as efficiently as possible to provide maximum reduction of air contaminants. [APC-S-2 II.B(10)]

GENERAL INFORMATION

Ergon Asphalt and Emulsions Inc, Yellow Creek
35 County Road Yellow Creek Port
Iuka, MS
Tishomingo County

Alternate/Historic Identifiers

ID	Alternate/Historic Name	User Group	Start Date	End Date
8026	Ergon Asphalt & Emulsions, Inc., Yellow Creek	Official Site Name	5/21/2012	
2814100033	Ergon Asphalt & Emulsions, Inc. Yellow Creek	Air-AIRS AFS	10/12/2000	
264000033	Ergon Terminaling Inc, Yellow Creek	Air-Synthetic Minor Operating	12/19/1995	1/1/2001
MSR000631	Ergon Terminaling Inc, Yellow Creek	GP-Baseline	11/24/1992	7/13/1997
MS0034193	Ergon Terminaling Inc, Yellow Creek	Water - NPDES	3/12/1996	3/11/2001
MS0034193	Ergon Terminaling Inc, Yellow Creek	Water - NPDES	10/8/2001	9/30/2006
264000033	Ergon/Yellow Creek Terminal	Air-Synthetic Minor Operating	8/7/2002	7/31/2007
MS0034193	Ergon Terminaling Inc, Yellow Creek	Water - NPDES	1/30/2007	12/31/2011
264000033	Ergon Terminaling Inc, Yellow Creek	Air-Synthetic Minor Operating	8/29/2007	7/31/2012
8026	Ergon Terminaling Inc, Yellow Creek	Historic Site Name	11/24/1992	5/21/2012
264000033	Ergon Asphalt and Emulsions Inc, Yellow Creek	Air-Synthetic Minor Operating	12/17/2012	11/30/2017

Basin: Tennessee River Basin

Location Description:PG- Plant Entrance (General). Data collected by Randy Jones on 11/01/2005.