

## AIR QUALITY PERMIT

Issued To: JTL Group, Inc.  
P.O. Box 9  
21730 Frontage Road  
Belgrade, MT 59714

Permit #2659-04  
Administrative Amendment (AA)  
Request Received: 11/27/06  
Department Decision on AA: 2/1/07  
Permit Final: 02/17/07  
AFS #777-2659

An air quality permit, with conditions, is hereby granted to JTL Group, Inc. (JTL) pursuant to Sections 75-2-204 and 211 of the Montana Code Annotated (MCA), as amended, and Administrative Rules of Montana (ARM) 17.8.740, *et seq.*, as amended, for the following:

### Section I: Permitted Facilities

#### A. Plant Location

JTL operates a portable crushing and screening facility at various locations throughout Montana. Permit #2659-04 applies while operating at any location within the state of Montana, except within those areas having a Department of Environmental Quality (Department) approved permitting program, areas considered tribal lands, or areas in or within 10 kilometers (km) of a certain particulate matter with an aerodynamic diameter less than 10 microns (PM<sub>10</sub>) non-attainment area. A complete list of the permitted equipment can be found in Section I.A of the Permit Analysis.

Addendum #1 applies to the JTL facility while operating at any location in or within 10 km of certain PM<sub>10</sub> nonattainment areas during the summer months (April 1 – September 30) and at sites approved by the Department during the winter months (October 1 – March 31).

#### B. Current Permit Action:

The current permit action is an administrative amendment to remove a crusher (180 tons/hour (TPH)) from the existing permitted equipment. In addition, JTL requested to operate in PM<sub>10</sub> nonattainment areas for both winter and summer time, therefore, Addendum #1 was added to Permit #2659-04. Permit #2659-04 was also updated to reflect current permit language and rule references used by the Department.

### Section II: Limitations and Conditions

#### A. Emission Limitations

1. All visible emissions from any Standards of Performance for New Stationary Source (NSPS)-affected crushers may not exhibit an opacity of 15% or greater averaged over 6 consecutive minutes (ARM 17.8.340 and 40 CFR 60, Subpart OOO).
2. All visible emissions from any other NSPS-affected equipment, such as screens or conveyor transfers, shall not exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.340 and 40 CFR 60, Subpart OOO).

3. All visible emissions from any non-NSPS affected equipment shall not exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304).
4. Water and spray bars shall be available on site and used, as necessary, to maintain compliance with the opacity limitations in Sections II.A.1, II.A.2, and II.A.3 (ARM 17.8.752).
5. JTL shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter (ARM 17.8.308).
6. JTL shall treat all unpaved portions of the haul roads, access roads, parking lots, or the general plant area with water and/or chemical dust suppressant, as necessary, to maintain compliance with the reasonable precautions limitation in Section II.A.4 (ARM 17.8.749).
7. JTL shall not operate more than one crusher at any given time and the maximum rated design capacity of the crusher shall not exceed 300 TPH (ARM 17.8.749).
8. Crushing production from the facility is limited to 2,628,000 tons during any rolling 12-month time period (ARM 17.8.749).
9. JTL shall not operate more than two screens at any given time and the maximum combined rated design capacity of the two screens shall not exceed 380 TPH (ARM 17.8.749).
10. Screening production from the facility is limited to 3,328,800 tons during any rolling 12-month time period (ARM 17.8.749).
11. JTL shall operate one diesel generator and the maximum rated design capacity shall be 400 kilowatt (kW) or less (ARM 17.8.749).
12. If the permitted equipment is used in conjunction with any other equipment owned or operated by JTL, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons during any rolling 12-month time period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.749).
13. JTL shall comply with all applicable standards, limitations, and the reporting, record keeping, testing, and notification requirements contained in 40 CFR 60, Subpart OOO (ARM 17.8.340 and 40 CFR 60, Subpart OOO).

B. Testing Requirements

1. Within 60 days after achieving the maximum production rate, but not later than 180 days after initial start up, an Environmental Protection Agency (EPA) Method 9 opacity test and/or other methods and procedures as specified in 40 CFR 60.675 must be performed on the NSPS-affected equipment to demonstrate compliance with the emission limitations contained in Sections II.A.1 and II.A.2 (ARM 17.8.340, 40 CFR 60, General Provisions and Subpart OOO).
2. All compliance source tests shall be conducted in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).

3. The Department may require further testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. If this crushing and screening facility is moved to another location, an Intent to Transfer form must be sent to the Department. In addition, a Public Notice Form for Change of Location must be published in a newspaper of general circulation in the area where the transfer is to be made, at least 15 days prior to the move. The Intent to Transfer Form and the proof of publication (affidavit) of the Public Notice Form for Change of Location must be submitted to the Department prior to the move. These forms are available from the Department (ARM 17.8.765).
2. JTL shall maintain on-site records showing daily hours of operation and daily production rates for the last 12 months. The records compiled in accordance with this permit shall be maintained by JTL as a permanent business record for at least 5 years following the date of the measurement, shall be submitted to the Department upon request, and shall be available at the plant site for inspection by the Department (ARM 17.8.749).
3. JTL shall supply the Department with annual production information for all emission points, as required by the Department in the annual emission inventory request. The request will include, but is not limited to, all sources of emissions identified in the most recent emission inventory report and sources identified in Section I.A of the permit analysis.

Production information shall be gathered on a calendar-year basis and submitted to the Department by the date required in the emission inventory request. Information shall be in units as required by the Department. This information may be used for calculating operating fees, based on actual emissions from the facility, and/or to verify compliance with permit limitations (ARM 17.8.505).

4. JTL shall notify the Department of any construction or improvement project conducted pursuant to ARM 17.8.745 that would include a change in control equipment, stack height, stack diameter, stack flow, stack gas temperature, source location, or fuel specifications, or would result in an increase in source capacity above its permitted operation or the addition of a new emissions unit. The notice must be submitted to the Department, in writing, 10 days prior to start up or use of the proposed de minimis change, or as soon as reasonably practicable in the event of an unanticipated circumstance causing the de minimis change, and must include the information requested in ARM 17.8.745(1)(d) (ARM 17.8.745).
5. JTL shall document, by month, the crushing production from the facility. By the 25<sup>th</sup> day of each month, JTL shall calculate the crushing production from the facility for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.8. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
6. JTL shall document, by month, the screening production from the facility. By the 25<sup>th</sup> day of each month, JTL shall calculate the screening production from the facility for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.10. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).

Section III: General Requirement

JTL shall comply with all conditions and limitations in Addendum #1 of Permit #2659-04 (ARM 17.8.749).

#### Section IV: General Conditions

- A. Inspection - JTL shall allow the Department's representatives access to the source at all reasonable times for the purpose of making inspections, surveys, collecting samples, obtaining data, auditing any monitoring equipment or observing any monitoring or testing, and otherwise conducting all necessary functions related to this permit.
- B. Waiver - The permit and all the terms, conditions, and matters stated herein shall be deemed accepted if JTL fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations - Nothing in this permit shall be construed as relieving JTL of the responsibility for complying with any applicable federal or Montana statute, rule or standard, except as specifically provided in ARM 17.8.740, *et seq.* (ARM 17.8.756).
- D. Enforcement - Violations of limitations, conditions and requirements contained herein may constitute grounds for permit revocation, penalties or other enforcement as specified in Section 75-2-401, *et seq.*, MCA.
- E. Appeals - Any person or persons jointly or severally adversely affected by the Department's decision may request, within 15 days after the Department renders its decision, upon affidavit setting forth the grounds therefore, a hearing before the Board of Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The filing of a request for a hearing does not stay the Department's decision, unless the Board issues a stay upon receipt of a petition and a finding that a stay is appropriate under Section 75-2-211(11)(b), MCA. The issuance of a stay on a permit by the Board postpones the effective date of the Department's decision until conclusion of the hearing and issuance of a final decision by the Board. If a stay is not issued by the Board, the Department's decision on the application is final 16 days after the Department's decision is made.
- F. Permit Inspection - As required by ARM 17.8.755, Inspection of Permit, a copy of the air quality permit shall be made available for inspection by Department personnel at the location of the permitted source.
- G. Construction Commencement - Construction must begin within 3 years of permit issuance and proceed with due diligence until the project is complete or the permit shall be revoked (ARM 17.8.762).
- H. Permit Fees - Pursuant to Section 75-2-220, MCA, as amended by the 1991 Legislature, failure to pay the annual operation fee by JTL may be grounds for revocation of this permit, as required by that section and rules adopted thereunder by the Board.
- I. The Department may modify the conditions of this permit based on local conditions of any future site. These factors may include, but are not limited to, local terrain, meteorological conditions, proximity to residences, etc.
- J. JTL shall comply with the conditions contained in this permit while operating at any

location in Montana, except within those areas that have a Department-approved permitting program.

I. Introduction/Process Description

A. Permitted Equipment

JTL Group, Inc. (JTL) owns and operates a portable crushing and screening facility consisting of the following equipment:

- Crusher (up to 300 tons/hour (TPH))
- Two screens (combined capacity up to 380 TPH)
- Diesel generator (up to 400 kilowatts (kW))
- Other associated equipment

B. Source Description

JTL proposes to use this crushing and screening plant and associated equipment to crush and sort sand and gravel that will be used in various construction operations. For a typical operation, raw materials are screened and/or crushed. Material is separated by size and stockpiled for sale or use.

C. Permit History

On August 31, 1990, Figgins Sand and Gravel, Inc. (Figgins) was issued Permit #**2659-00** to operate a portable crushing and screening plant containing a 1952 Pioneer jaw crusher, a 1950 Pioneer roll crusher, and associated equipment. The plant was initially located in the SE $\frac{1}{4}$  of Section 5, Township 7 South, Range 4 East, in Gallatin County, MT.

On June 26, 1999, Figgins was issued Permit #**2659-01**. This permit action added a 1964 El Jay cone crusher to the permit according to the provisions of the Administrative Rules of Montana (ARM) 17.8.705(1)(r). Permit #2659-01 replaced Permit #2659-00.

On April 23, 2002, Figgins was issued Permit #**2659-02** to replace the 1964 El Jay cone crusher listed in Permit #2659-01 with a 1981 El Jay cone crusher (200 TPH). In addition, Figgins requested to replace the 1952 Pioneer jaw crusher listed in Permit #2659-01 with a 1997 Armadillo jaw crusher (300 TPH). The Department of Environmental Quality (Department) removed the 1964 El Jay cone crusher and the 1952 Pioneer jaw crusher from the permit. Further, the Department added the 1981 El Jay cone crusher and the 1997 Armadillo jaw crusher to the permit according to the provisions of ARM 17.8.705(1)(r). Permit #2659-02 replaced Permit #2659-01.

On February 10, 2003, the Department received a request to transfer Permit #2659-02 from Figgins to JTL. In addition, on January 31, 2003, JTL requested to remove the 1981 El Jay cone crusher from Permit #2659-02. Permit #**2659-03** replaced Permit #2659-02.

D. Current Permit Action

On November 27, 2006, JTL requested to remove the 1950 Roll Crusher from this permit. In addition, JTL requested to operate in the PM<sub>10</sub> nonattainment areas for both winter and summer time. Permit #**2659-04** was also updated to reflect current permit

language and rule references used by the Department. Permit #2659-04 and Addendum #1 replaces Permit #2659-03.

## II. Applicable Rules and Regulations

The following are partial quotations of some applicable rules and regulations, which apply to the facility. The complete rules are stated in the Administrative Rules of Montana (ARM) and are available upon request from the Department. Upon request, the Department will provide references for locations of complete copies of all applicable rules and regulations or copies where appropriate.

### A. ARM 17.8, Subchapter 1 - General Provisions, including, but not limited to:

1. ARM 17.8.101 Definitions. This rule includes a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
2. ARM 17.8.105 Testing Requirements. Any person or persons responsible for the emission of any air contaminant into the outdoor atmosphere shall, upon written request of the Department, provide the facilities and necessary equipment (including instruments and sensing devices) and shall conduct tests, emission or ambient, for such periods of time as may be necessary using methods approved by the Department.
3. ARM 17.8.106 Source Testing Protocol. The requirements of this rule apply to any emission source testing conducted by the Department, any source, or other entity as required by any rule in this chapter, or any permit or order issued pursuant to this chapter, or the provisions of the Clean Air Act of Montana, 75-2-101, *et seq.*, Montana Code Annotated (MCA).

JTL shall comply with all requirements contained in the Montana Source Test Protocol and Procedures Manual, including, but not limited to, using the proper test methods and supplying the required reports. A copy of the Montana Source Test Protocol and Procedures Manual is available from the Department upon request.

4. ARM 17.8.110 Malfunctions. (2) The Department must be notified promptly by telephone whenever a malfunction occurs that can be expected to create emissions in excess of any applicable emission limitation or to continue for a period greater than 4 hours.
5. ARM 17.8.111 Circumvention. (1) No person shall use or cause or permit the use of any device or means which, without resulting in reduction in total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant that would otherwise violate an air pollution control regulation. (2) No equipment that may produce emissions shall be operated or maintained in such a manner that a public nuisance is created.

### B. ARM 17.8, Subchapter 2 - Ambient Air Quality, including, but not limited to:

1. ARM 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide
2. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
3. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
4. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
5. ARM 17.8.223 Ambient Air Quality Standard for PM<sub>10</sub>

JTL must maintain compliance with the applicable ambient air quality standards.

C. ARM 17.8, Subchapter 3 - Emission Standards, including, but not limited to:

1. ARM 17.8.304 Visible Air Contaminants. This rule requires that no person may cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes.
2. ARM 17.8.308 Particulate Matter, Airborne. (1) This rule requires an opacity limitation of 20% for all fugitive emission sources and reasonable precautions be taken to control emissions of airborne Particulate Matter (PM). (2) Under this rule, JTL shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.
3. ARM 17.8.309 Particulate Matter, Fuel Burning Equipment. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter caused by the combustion of fuel in excess of the amount determined by this section.
4. ARM 17.8.310 Particulate Matter, Industrial Process. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter in excess of the amount set forth in this section.
5. ARM 17.8.322 Sulfur Oxide Emissions--Sulfur in Fuel. This rule requires that no person shall burn liquid, solid, or gaseous fuel in excess of the amount set forth in this section.
6. ARM 17.8.324 Hydrocarbon Emissions--Petroleum Products. (3) No person shall load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank truck or trailer is equipped with a vapor loss control device as described in (1) of this rule.
7. ARM 17.8.340 Standard of Performance for New Stationary Sources. This rule incorporates by reference, 40 Code of Federal Regulations (CFR) 60, Standards of Performance for New Stationary Sources (NSPS). The owner or operator of any stationary source or modification, as defined and applied in 40 CFR 60 shall comply with the standards and provisions of 40 CFR 60.

In order for a crushing and screening plant to be subject to NSPS requirements, two specific criteria must be met. First, the plant must meet the definition of an affected facility in 40 CFR 60, Subpart OOO and have a capacity greater than 150 TPH. Second, the equipment in question must have been constructed, reconstructed, or modified after August 31, 1983. JTL will be subject to NSPS for the crushing and screening plant since the facility has a capacity in excess of 150 TPH and was constructed after 1983; therefore, NSPS requirements apply (40 CFR 60, Subpart A, General Provisions, and Subpart OOO, Non-Metallic Mineral Processing Plants).

D. ARM 17.8, Subchapter 5 - Air Quality Permit Application, Operation and Open Burning Fees, including, but not limited to:

1. ARM 17.8.504 Air Quality Permit Application Fees. JTL shall submit an air quality permit application fee concurrent with the submittal of an air quality permit application. A permit application is incomplete until the proper application fee is paid to the Department. An application fee is not required for the current permit action because it is an administrative amendment.
2. ARM 17.8.505 Air Quality Operation Fees. An annual air quality operation fee must, as a condition of continued operation, be submitted to the Department by each source of air contaminants holding an air quality permit, excluding an open burning permit, issued by the Department; the air quality operation fee is based on the actual or estimated amount of air pollutants emitted during the previous calendar year.

An air quality operation fee is separate and distinct from an air quality permit application fee. The annual assessment and collection of the air quality operation fee, described above, shall take place on a calendar-year basis. The Department may insert into any final permit issued after the effective date of these rules, such conditions as may be necessary to require the payment of an air quality operation fee on a calendar-year basis, including provisions that pro-rate the required fee amount.

E. ARM 17.8, Subchapter 7 - Permit, Construction and Operation of Air Contaminant Sources, including, but not limited to:

1. ARM 17.8.740 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
2. ARM 17.8.743 Montana Air Quality Permit—When Required. This rule requires a facility to obtain an air quality permit or permit alteration if they construct, alter or use any asphalt plant, crusher or screen that has the Potential to Emit (PTE) greater than 15 tons per year of any pollutant. JTL has the potential to emit more than 15 tons per year of PM, particulate matter with an aerodynamic diameter less than 10 microns (PM<sub>10</sub>), and nitrogen oxides (NO<sub>x</sub>); therefore a permit is required.
3. ARM 17.8.744 Montana Air Quality Permits – General Exclusions. This rule identifies the activities that are not subject to the Montana air Quality Permit Program.
4. ARM 17.8.745 Montana Air Quality Permits – Exclusion for De Minimis Changes. This rule identifies the de minimis changes at permitted facilities that are not subject to the Montana Air quality Permit Program.
5. ARM 17.8.748 New or Modified Emitting Units -- Permit Application Requirements. This rule requires that an application be submitted prior to the installation, alteration or use of a source. A permit application was not required for the current permit action because the permit change is considered an administrative permit change. (7) This rule requires that the applicant notify the public by means of legal publication in a newspaper of general circulation in the area affected by the application for a permit. JTL is not required to submit an affidavit of publication because the current permitting action is an administrative

- amendment.
6. ARM 17.8.749 Conditions for Issuance or Denial of Permit. This rule requires that the permits issued by the Department must authorize the construction and operation of the facility or emitting unit subject to the conditions in the permit and the requirements of this subchapter. This rule also requires that the permit must contain any conditions necessary to assure compliance with the Federal Clean Air Act (FCAA), the Clean Air Act of Montana, and rules adopted under those acts.
  7. ARM 17.8.752 Emission Control Requirements. This rule requires a source to install the maximum air pollution control capability, which is technically practicable and economically feasible, except that BACT shall be utilized. A BACT analysis is not required because the current permitting action is an administrative amendment.
  8. ARM 17.8.755 Inspection of Permit. This rule requires that air quality permits shall be made available for inspection by the Department at the location of the source.
  9. ARM 17.8.756 Compliance with Other Requirements. This rule states that nothing in the permit shall be construed as relieving JTL of the responsibility for complying with any applicable federal or Montana statute, rule or standard, except as specifically provided in ARM 17.8.740, *et seq.*
  10. ARM 17.8.759 Review of Permit Applications. This rule describes the Department's responsibilities for processing permit applications and making permit decisions on those permit applications that do not require the preparation of an environmental impact statement.
  11. ARM 17.8.762 Duration of Permit. A Montana air quality permit shall be valid until revoked, amended, or modified as provided in this subchapter, except that a permit issued prior to construction of a new or altered source may contain a condition providing that the permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than 1 year after the permit is issued.
  12. ARM 17.8.763 Revocation of Permit. An air quality permit may be revoked upon written request of the permittee, or for violations of any requirement of the Clean Air Act of Montana, rules adopted under the Clean Air Act of Montana, the FCAA, rules adopted under the FCAA, or any applicable requirement contained in the Montana State Implementation Plan (SIP).
  13. ARM 17.8.764 Administrative Amendment of Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack which do not result in an increase in emissions because of those changed conditions. The owner or operator of a facility may not increase the facility's emissions beyond permit limits unless the increase meets the criteria in ARM 17.8.745 for a de minimis change not requiring a permit, or unless the owner or operator applies for and receives another permit in accordance with ARM 17.8.748, ARM 17.8.749, ARM 17.8.752, ARM 17.8.755, and ARM 17.8.756, and with all applicable requirements in ARM Title 17, Chapter 8, Subchapters 8, 9, and 10.

14. ARM 17.8.765 Transfer of Permit. This rule states that an air quality permit may be transferred from one location to another if the Department receives a complete notice of Intent to Transfer location, the facility will operate in the new location for less than 1 year, the facility will comply with the FCAA and the Clean Air Act of Montana, and the facility complies with other applicable rules. (2) This rule states that an air quality permit may be transferred from one person to another if written notice of Intent to Transfer, including the names of the transferor and the transferee, is sent to the Department.

F. ARM 17.8, Subchapter 8 - Prevention of Significant Deterioration of Air Quality, including, but not limited to:

1. ARM 17.8.801 Definitions. This rule is a list of applicable definitions used in this subchapter.
2. ARM 17.8.818 Review of Major Stationary Sources and Major Modification--Source Applicability and Exemptions. The requirements contained in ARM 17.8.819 through ARM 17.8.827 shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the FCAA that it would emit, except as this subchapter would otherwise allow.

This facility is not a major stationary source since it is not a listed source and does not have the PTE more than 250 tons per year of any air pollutant (excluding fugitive emissions).

G. ARM 17.8, Subchapter 12 - Operating Permit Program Applicability, including, but not limited to:

1. ARM 17.8.1201 Definitions. (23) A Major Source under Section 7412 of the FCAA is defined as any stationary source having:
  - a. PTE > 100 tons/year of any pollutant;
  - b. PTE > 10 tons/year of any one Hazardous Air Pollutant (HAP), PTE >25 tons/year of a combination of all HAPs, or lesser quantity as the Department may establish by rule; or
  - c. PTE > 70 tons/year of PM<sub>10</sub> in a serious PM<sub>10</sub> nonattainment area.
3. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204 (1), obtain a Title V Operating Permit. In reviewing and issuing Air Quality Permit #2659-04 for JTL, the following conclusions were made:
  - a. The facility's PTE is less than 100 tons/year for any pollutant;
  - b. The facility's PTE is less than 10 tons/year of any one HAP, and less than 25 tons/year of a combination of all HAPs;
  - c. This source is not located in a serious PM<sub>10</sub> nonattainment area;

- d. This facility is subject to a current NSPS standard (40 CFR 60, Subpart OOO);
- e. This facility is not subject to any current National Emission Standards for Hazardous Air Pollutants (NESHAP) standard;
- f. This source is not a Title IV affected source nor a solid waste combustion unit; and
- g. This source is not an EPA designated Title V source.

Based on these facts, the Department determined that JTL will be a minor source of emissions as defined under Title V. However, if minor sources subject to NSPS are required to obtain a Title V Operating Permit, JTL will be required to obtain a Title V operating permit.

### III. BACT Determination

A BACT determination is required for each new or altered source. JTL shall install on the new or altered source the maximum air pollution control capability, which is technically practicable and economically feasible, except that BACT shall be utilized. However, a BACT analysis is not required for the current permit action because it is an administrative amendment.

### IV. Emission Inventory

Source*	Tons/Year					
	PM	PM <sub>10</sub>	NO <sub>x</sub>	VOC	CO	SO <sub>x</sub>
Crusher (up to 300 TPH)	1.58	0.71				
Two screens (up to 380 TPH)	3.66	1.23				
Truck Unloading	0.21	0.02				
Material Transfer	1.66	0.54				
Pile Forming	8.41	3.94				
Diesel Generator (up to 400 kw)	5.17	5.17	72.83	5.80	9.51	4.82
Haul Roads	12.68	3.60				
<b>Total</b>	<b>33.37</b>	<b>15.22</b>	<b>72.83</b>	<b>5.80</b>	<b>9.51</b>	<b>4.82</b>

\*A complete emission inventory for Permit #2659-04 is on file with the Department.

### V. Existing Air Quality and Impacts

Permit #2659-04 is issued for a portable crushing and screening facility to operate at various locations throughout Montana. Permit #2659-04 contains operation conditions and limitations that would protect air quality for the site and surrounding area. Because the facility is a portable source that operates on an intermittent and temporary basis, any effects to air quality would be minor. In the view of the Department, the amount of controlled emissions generated by this project will not exceed any set ambient standard. In addition, the source is portable and will operate on an intermittent and temporary basis at any given location, so any air quality impacts will be minimal.

### VI. Taking or Damaging Implication Analysis

This permitting action will not result in an increase of emissions from the facility and is considered an administrative action; therefore, Taking or Damaging Implication Analysis is not required.

### VII. Environmental Assessment

This permitting action will not result in an increase of emissions from the facility and is

considered an administrative action; therefore, an environmental assessment is not required.

Permit Analysis Prepared by: Jenny O'Mara

Date: January 17, 2007

Addendum #1  
JTL Group, Inc.  
Permit #2659-04

An addendum to air quality Permit #2659-04 is issued to JTL Group, Inc. (JTL) pursuant to Sections 75-2-204 and 75-2-211 of the Montana Code Annotated (MCA), as amended, and the Administrative Rules of Montana (ARM) 17.8.765, as amended, for the following:

I. Permitted Equipment

JTL operates a portable crushing and screening facility at various locations throughout Montana. This permit allows JTL to operate a crusher (up to 300 tons/hour (TPH)), two screens (with a combined capacity up to 380 TPH), a diesel generator (up to 400 kilowatt (kW)), and associated equipment. A complete list of the permitted equipment is contained in Section I.A of the Permit Analysis.

II. Seasonal and Site Restrictions

Addendum #1 applies to the JTL crushing and screening facility while operating at any location in or within 10 km of certain PM<sub>10</sub> nonattainment areas. Additionally, seasonal and site restrictions apply to the facility as follows:

A. During the winter season (October 1-March 31), the only locations in or within 10 km of certain PM<sub>10</sub> nonattainment areas where JTL may operate:

- NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 22, Township 29 North, Range 21 West (JTL Main Pit)
- NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 26, Township 29 North, Range 22 West (Tutvedt Pit)
- NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 36, Township 30 North, Range 21 West (County Pit)
- SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 2, Township 28 North, Range 21 West (River)
- SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 2, Township 28 North, Range 21 West (River)
- Any other site that may be approved, in writing, by the Department of Environmental Quality (Department)

B. During the summer season (April 1-September 30), JTL may operate at any location in or within 10 km of the Butte, Columbia Falls, Libby, Kalispell, Thompson Falls, and Whitefish PM<sub>10</sub> nonattainment areas.

C. JTL shall comply with the limitations and conditions contained in Addendum #1 to Permit #2659-04. Addendum #1 shall be valid until revoked or modified. The Department reserves the authority to modify Addendum #1 at any time based on local conditions of any future site. These conditions may include, but are not limited to, local terrain, meteorological conditions, proximity to residences or other businesses, etc.

III. Limitations and Conditions

A. Operational Limitations and Conditions – Winter and Summer Season

1. All visible emissions from any crushing and screening plant shall not exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749 and 40 CFR 60, Subpart OOO).

2. All visible emissions from any equipment, such as transfer points, shall not exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749 and 40 CFR 60, Subpart OOO).
3. Water and spray bars shall be available on site at all times and operated as necessary to maintain compliance with the opacity limitations in Sections III.A.1 and III.A.2 (ARM 17.8.749).
4. JTL shall not cause or authorize to be discharged into the atmosphere from haul roads, access roads, parking lots, or the general plant property any visible fugitive emissions that exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749).
5. JTL shall treat all unpaved portions of the haul roads, access roads, parking lots, or the general plant area with water and/or chemical dust suppressant, as necessary, to maintain compliance with the 10% opacity limitation in III.A.4 (ARM 17.8.749).
6. Crushing production from the facility is limited to 7,200 tons during any rolling 24-hour time period (ARM 17.8.749).
7. Screening production is limited to 9,120 tons during any rolling 24-hour time period (ARM 17.8.749).
8. JTL shall operate one diesel generator with a maximum rated design capacity up to 400 kilowatts (kW), and operation shall not exceed 20-hours during any rolling 24-hour time period (ARM 17.8.749).

B. Operational Reporting Requirements

1. JTL shall provide the Department with written notification of job completion within 10 working days of job completion (ARM 17.8.749).
2. JTL shall provide the Department with written notice of relocation of the permitted equipment within 15 working days before the physical transfer of the equipment (ARM 17.8.765).
3. Production information for the sites covered by this addendum must be submitted to the Department with the annual emission inventory request or within 30 days of completion of the project. The information must include (ARM 17.8.749):
  - a. Tons of bulk material loaded at each site
  - b. Daily hours of operation at each site
  - c. Gallons of diesel fuel used for the generators/engines at each site
  - d. Fugitive dust information consisting of a listing of all plant vehicles including the following for each vehicle type:
    - i. Number of vehicles
    - ii. Vehicle type
    - iii. Vehicle weight, loaded
    - iv. Vehicle weight, unloaded
    - v. Number of tires on vehicle
    - vi. Average trip length

- vii. Number of trips per day per vehicle
    - viii. Average vehicle speed
    - ix. Area of activity
    - x. Vehicle fuel usage (gasoline or diesel) annual total
  - e. Fugitive dust control for haul roads and general plant area:
    - i. Hours of operation of water trucks
    - ii. Application schedule for chemical dust suppressant, if applicable
- 4. JTL shall document, by day, the total crushing production. JTL shall sum the total production during the previous 24 hours to verify compliance with the limitations in Section III.A.6. A written report of compliance verification and the emissions inventory shall be submitted to the Department annually. The report for the previous calendar year shall be submitted along with the annual emission inventory (ARM 17.8.749).
- 5. JTL shall document by day, the total screening production. JTL shall sum the total production during the previous 24 hours to verify compliance with the limitations in Section III.A.7. A written report of compliance verification and the emissions inventory shall be submitted to the Department annually. The report for the previous calendar year shall be submitted along with the annual emission inventory (ARM 17.8.749).
- 6. JTL shall document, by day, the hours of operation of the diesel generator. JTL shall sum the total hours during the previous 24 hours to verify compliance with the limitations in Section III.A.8. A written report of compliance verification and the emissions inventory shall be submitted to the Department annually. The report for the previous calendar year shall be submitted along with the annual emission inventory (ARM 17.8.749).

Addendum #1 Analysis  
JTL Group, Inc.  
Permit #2659-04

I. Permitted Equipment

JTL Group, Inc. (JTL) will operate a portable crushing and screening facility at various locations throughout Montana. This permit allows JTL to operate a crusher (up to 300 tons/hour (TPH)), two screens (with a combined capacity up to 380 TPH), a diesel generator (up to 400 kilowatt (kW)), and associated equipment. A complete list of the permitted equipment is contained in Section I.A of the Permit Analysis.

Addendum #1 applies to the JTL crushing and screening facility while operating at any location in or within 10 km of PM<sub>10</sub> nonattainment areas during the summer months (April 1 – September 30) and at sites approved by the Department of Environmental Quality (Department) during the winter months (October 1 – March 31), including the initial site location: SW ¼ of the SW ¼ of Section 2, Township 28 North, Range 21 West.

II. Source Description

JTL proposes to use this crushing and screening plant and associated equipment to crush and sort sand and gravel that will be used in various construction operations. For a typical operation, raw materials are screened and/or crushed. Material is separated by size and stockpiled for sale or use.

III. Applicable Rules and Regulations

The following are partial quotations of some applicable rules and regulations that apply to the facility. The complete rules are stated in the Administrative Rules of Montana (ARM) and are available, upon request, from the Department. Upon request, the Department will provide references for locations of complete copies of all applicable rules and regulations or copies where appropriate.

ARM 17.8, Subchapter 7 - Permit, Construction and Operation of Air Contaminant Sources, including, but not limited to:

- A. ARM 17.8.749 Conditions for Issuance of Permit. This rule requires that the source demonstrate compliance with applicable rules and standards before a permit can be issued. Also, a permit may be issued with such conditions as are necessary to assure compliance with all applicable rules and standards. JTL demonstrated compliance with all applicable rules and standards as required for permit issuance.
- B. ARM 17.8.764 Modification of Permit. An air quality permit may be modified for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack which do not result in an increase in emissions because of the changed conditions. A source may not increase its emissions beyond those found in its permit unless the source applies for and receives another permit.
- C. ARM 17.8.765 Transfer of Permit. An air quality permit may be transferred from one location to another if:
  - 1. Written notice of Intent to Transfer location and proof of public notice are sent to

- the Department
2. The source will operate in the new location for a period of less than 1 year
  3. The source will not have any significant impact on any nonattainment area or any Class I area

JTL must submit proof of compliance with the transfer and public notice requirements when JTL transfers to any of the locations covered by this addendum and will only be allowed to stay in the new location for a period of less than 1 year. Also, the conditions and limitations in Addendum #1 to Permit #2659-04 will prevent JTL from having a significant impact on particulate matter with an aerodynamic diameter less than 10 microns (PM<sub>10</sub>) nonattainment areas.

#### IV. Emission Inventory

Source	Lbs/day					
	PM	PM <sub>10</sub>	NO <sub>x</sub>	VOC	CO	SO <sub>x</sub>
Crushers (up to 300 TPH)	8.64	3.89				
Two screens (up to 380 TPH)	20.06	6.75				
Truck Unloading	1.15	0.12				
Material Transfer	9.07	2.98				
Pile Forming	46.08	21.60				
Diesel Generator (up to 400 kW)*	23.60	23.60	322.57	26.50	52.13	21.99
Haul Roads	69.50	19.75				
<b>Total</b>	<b>178.11</b>	<b>78.68</b>	<b>332.57</b>	<b>26.50</b>	<b>52.13</b>	<b>21.99</b>

\* The diesel generator is limited to 20-hours of operation per 24-hour rolling period.

#### V. Air Quality Impacts

On July 1, 1987, the Environmental Protection Agency (EPA) promulgated new National Ambient Air Quality Standards (NAAQS) for PM<sub>10</sub>. Due to exceedance of the national standards for PM<sub>10</sub>, the cities of Kalispell (and the nearby Evergreen area), Columbia Falls, Butte, Whitefish, Libby, Missoula, and Thompson Falls were designated by EPA as nonattainment for PM<sub>10</sub>. As a result of this designation, EPA required the Department and the City-County Health Departments to submit PM<sub>10</sub> State Implementation Plans (SIP). The SIPs consisted of emission control plans that controlled fugitive dust emissions from roads, parking lots, construction, and demolition, since technical studies determined these sources to be the major contributors to PM<sub>10</sub> emissions.

Addendum #1 to Permit #2659-04 is for a portable crushing and screening facility located at sites in or within 10 km of certain PM<sub>10</sub> nonattainment areas during the winter season (October 1 through March 31). Winter season operations may include only the locations listed in Section II.A of Addendum #1. Addendum #1 of Permit #2659-04 also allows for summertime operations (April 1 – September 30) at any location in or within 10 km of the Butte, Columbia Falls, Libby, Kalispell, Thompson Falls, and Whitefish PM<sub>10</sub> nonattainment areas.

#### VI. Taking or Damaging Implication Analysis

This permitting action will not result in an increase of emissions from the facility and is considered an administrative action; therefore Taking or Damaging Implication Analysis is not required.

#### VII. Environmental Assessment

This permitting action will not result in an increase of emissions from the facility and is considered an administrative action; therefore an environmental assessment is not required.