

AIR QUALITY PERMIT

Issued To: Hollow Contracting, Inc.
404 Greenwood Ave.
Butte, Montana 59701

Permit #2873-05
Administrative Amendment (AA) Request
Received: 11/29/05
Department's Decision on AA Issued: 10/16/06
Permit Final: 11/01/06
AFS #777-2873

An air quality permit, with conditions, is hereby granted to Hollow Contracting, Inc. (Hollow), pursuant to Section 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. Facility Location

Hollow operates a portable continuous flow drum mix asphalt plant in Section 25 (Tract 1), Township 3 North, Range 8 West, in Silver Bow County, Montana. Permit 2873-05 applies while operating at any location in Montana, except within those areas having a Department of Environmental Quality (Department) approved permitting program, those areas considered tribal lands, or those areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment areas (NAA). *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* Addendum 4 applies to the Hollow facility while operating at various locations in or within PM₁₀ 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). A list of permitted equipment is included in Section I.A of the permit analysis.

B. Current Permit Action

On October 25, 2005, Hollow requested an administrative amendment to replace the baghouse with a wet scrubber and on November 29, 2005, requested an addendum to allow operation near the Butte PM₁₀ nonattainment area. In addition, Permit #2873-05 was updated to reflect the current permit language and rule references used by the Department. Permit #2873-05 replaces Permit #2873-04, and Addendum 4 replaces Addendum 3.

Section II: Limitations and Conditions

A. Operational Limitations

1. Asphalt plant particulate matter emissions shall be limited to 0.04 gr/dscf (ARM 17.8.340 and 40 CFR 60, Subpart I).
2. The asphalt plant production shall be limited to 1,290,000 tons during any rolling 12-month time period (ARM 17.8.749 and ARM 17.8.1204).

3. Hollow shall not operate more than two diesel generators at any given time and the maximum rated design capacity and number of hours during any rolling 12-month time period shall be limited to the following (ARM 17.8.749):
 - a. one 50 kilowatt (kW) diesel generator; 4300 hours
 - b. one diesel generator up to 600 kW; 4300 hours
4. Hollow shall not cause or authorize to be discharged into the atmosphere from the asphalt plant stack any visible emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.340 and 40 CFR 60, Subpart I).
5. Hollow shall not cause or authorize to be discharged into the atmosphere from systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing hot mix asphalt; and loading, transfer, and storage systems associated with emission control systems, any visible emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.340 and 40 CFR 60, Subpart I).
6. Hollow 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).
7. Hollow 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.6 (ARM 17.8.752).
8. A device to measure the pressure drop (magnehelic gauge, manometer, etc.) on the control device (wet scrubber) must be installed and maintained. Pressure drop must be measured in inches of water. Temperature indicators at the control device inlet and outlet must be installed and maintained (ARM 17.8.752).
9. Once a stack test is performed, the asphalt production rate shall be limited to the average production rate during the last source test demonstrating compliance (ARM 17.8.752).
10. Hollow shall use No. 2 diesel fuel to fire the drum dryer (ARM 17.8.752).
11. If the permitted equipment is used in conjunction with any other equipment owned or operated by Hollow, 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 rolling time period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.752).
12. Hollow shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR Part 60, Subpart I (ARM 17.8.340 and 40 CFR 60, Subpart I).

B. Emission Testing

1. Within 60 days after achieving maximum production, but not later than 180 days after initial start-up, an Environmental Protection Agency (EPA) source tests

using Methods 1-5 source test shall be performed on the asphalt plant to demonstrate compliance with Section II.A.1. In addition, an EPA Method 9 opacity test must be performed in conjunction with all particulate tests to demonstrate compliance with the conditions specified in Section II.A.5 (ARM 17.8.106 and ARM 17.8.749).

2. An EPA Methods 1-5 and 9 source test must be performed on the asphalt plant on an every four-year basis, or according to another testing/monitoring schedule as may be approved by the Department, in order to demonstrate compliance with the conditions in Sections II.A.1 and II.A.5 (ARM 17.8.106 and ARM 17.8.749).
3. Pressure drop on the control devices and temperatures must be recorded during the compliance source test and reported as part of the test results (ARM 17.8.749).
4. Hollow may retest at any time in order to test at a higher production rate (ARM 17.8.749).
5. All compliance source tests must be conducted in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
6. Since asphalt production will be limited to the average production rate during the compliance source test, it is suggested the test be performed at the highest production rate practical (ARM 17.8.749).
7. The Department may require further testing (ARM 17.8.106).

C. Operational Reporting Requirements

1. If this asphalt plant 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 upon request (ARM 17.8.765).
2. Hollow shall supply the Department with annual production information for all emission points, as required by the Department, in the 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. 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).

3. Hollow 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 emission unit. This 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).

4. Hollow shall maintain on-site records showing daily hours of operation, daily production rates, and daily pressure drop and temperature readings for the last 12 months. The records compiled in accordance with this permit shall be maintained by Hollow as a permanent business record for at least five years following the date of the measurement, must be available at the plant for inspection by the Department, and must be submitted to the Department upon request (ARM 17.8.749).
5. Hollow shall document, by month, the asphalt production from the facility. By the 25th day of each month, Hollow shall calculate the asphalt 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.2. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
6. Hollow shall document, by month, the hours of operation of each of the diesel generators; the 50 kW generator and the generator up to 600 kW. By the 25th day of each month, Hollow shall calculate the hours of operation of each of the generators for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.3 and A.4. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
7. Hollow shall annually certify that its actual emissions are less than those that would require the source to obtain an air quality operating permit as required by ARM 17.8.1204(3)(b). The annual certification shall comply with the certification requirements of ARM 17.8.1207, and shall be submitted with the annual emission inventory information (ARM 17.8.749 and ARM 17.8.1204).

Section III: General Conditions

- A. Inspection - Hollow shall allow the Department's representatives access to the source at all reasonable times for the purpose of making inspections or 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 Hollow fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations - Nothing in this permit shall be construed as relieving Hollow 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 Hollow 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. Hollow shall comply with the conditions contained in this permit while operating at any location in the Montana, except within those areas having a Department- approved permitting program.

PERMIT ANALYSIS
Hollow Contracting, Inc.
Permit Number 2873-05

I. Introduction/Process Description

A. Permitted Equipment

Hollow Contracting, Inc. (Hollow) owns and operates a portable 1983 Cedar Rapids continuous flow drum mix asphalt plant controlled by a 1983 Cedar Rapids Venturi scrubber, a 1983 Cedar Rapids screen conveyor, a 1983 CMI portable slat conveyor, a diesel generator up to 600 kilowatt (kW), a 50 kW diesel generator, and associated equipment.

B. Process Description

Hollow will use the portable asphalt plant, screen conveyor, slat conveyor, and associated equipment to produce asphalt for use in construction, repair, and maintenance of roads and highways. The asphalt production process begins with virgin aggregate and sand material loaded into a feeder, which is continuously conveyed from the feeder to the drum dryer. In the drum dryer, the aggregate is heated and mixed with a specific amount of hot asphalt product to produce a specific grade of asphalt. After the mixing has occurred in the drum dryer, it is conveyed to an unheated storage silo and loaded into trucks for delivery to the site. Particulate emissions from the drum dryer are controlled with a wet scrubber.

C. Permit History

On April 24, 1995, Montana Materials L.L.C. submitted a complete permit application to operate a portable 1983 Cedar Rapids continuous flow drum mix asphalt plant, portable 1983 Cedar Rapids screen conveyor, portable 1983 CMI slat conveyor, and associated equipment. On June 24, 1995, Montana Materials, L.L.C. was issued a final air quality Permit #2873-00 to operate the continuous flow hot mix asphalt plant.

On May 21, 1998, Montana Materials, L.L.C. submitted a request for modification of Permit #2873-00 to reflect a name change to Hollow Contracting, Inc (Hollow). In addition to the name change, the permit modification included a rule reference update. On June 18, 1998, the modification was issued, and Permit #2873-01 replaced Permit #2873-00.

On April 8, 1999, Hollow requested a modification to allow for summer operation (April 1, 1999, through September 30, 1999) within the Butte area in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment area (NAA) at Section 25 (Tract 1), Township 3 North, Range 8 West, in Silver Bow County, Montana. In addition, the permit action allowed the facility to operate in or within 10 kilometers of the following PM₁₀ NAA's during the summer months: Libby, Kalispell, Columbia Falls, Whitefish, and Thompson Falls. On April 24, 1999, the modification was issued, and Permit #2873-02 replaced Permit #2873-01 and **Addendum 1** was attached to the permit.

On May 31, 2000, Hollow requested a modification to allow for summer operation (April 1, 2000 through September 30, 2000) within the Butte PM₁₀ NAA. Hollow planned to initially locate at Section 25 (Tract 1), Township 3 North, and Range 8 West, in Silver

Bow County, Montana. In addition to the Butte NAA, the current permit action allowed the facility to operate in or within 10 kilometers of the following PM₁₀ NAA's during the summer months: Libby, Kalispell, Columbia Falls, Whitefish, and Thompson Falls. On July 16, 2000, the permit modification was issued to Hollow. Permit #2873-03 replaced Permit #2873-02, and **Addendum 2** replaced Addendum 1.

On March 26, 2002, Hollow submitted a complete air quality permit application to the Montana Department of Environmental Quality (Department) to replace the portable 350 kW diesel generator with a 600 kW Cat portable diesel generator and 50 kW Ingersol Rand portable diesel generator. This new equipment provides power to the asphalt plant, conveyors, and associated equipment. In addition, the 1983 Cedar Rapids Venturi scrubber was replaced with a 1990 Cedar Rapids baghouse. The addendum was also updated to reflect the change in equipment at the facility. Permit #2873-04 replaced Permit #2873-03, and **Addendum 3** replaced Addendum 2.

D. Current Permit Action

On October 25, 2005, Hollow requested an administrative amendment to replace the baghouse with a wet scrubber and on November 29, 2005, requested an addendum to allow operation near the Butte PM₁₀ nonattainment area. In addition, Permit #2873-05 was updated to reflect the current permit language and rule references used by the Department. **Permit #2873-05** replaces Permit #2873-04, and **Addendum 4** replaces Addendum 3.

In 2002 the wet scrubber had been replaced with a baghouse. Since that time, the baghouse has failed and is no longer operational. Hollow requested to reinstall the original wet scrubber. In addition the permit was updated to reflect current permit language. The generators maintained their hourly restrictions equivalent to Permit #2873-04, limiting operation to 4,300 hours during any 12-month rolling period for each generator. However, the asphalt production limitation of 4,300 hours during any 12-month rolling period was modified to its equivalent production limit of 1,290,000 tons during any 12-month rolling period. The recordkeeping language associated with these limitations was also updated, accordingly.

E. Additional Information

Additional information, such as applicable rules and regulations, Best Available Control Technology (BACT)/Reasonably Available Control Technology (RACT) determinations, air quality impacts, and environmental assessments, is included in the analysis associated with each change to the permit.

II. 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.

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).

Hollow 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 cause or permit the installation or use of any device or any means that, without resulting in reduction in the 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 as to create a public nuisance.

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 PM₁₀

Hollow must comply 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 less than 20% for all fugitive emission sources and that reasonable precautions be taken to control emissions of airborne particulate matter (PM). (2) Under this rule, Hollow 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 CFR 60, Standards of Performance for New Stationary Sources (NSPS). Based on the information submitted by Hollow, the portable asphalt plant and associated equipment is an NSPS (40 CFR Part 60, Subpart A General Provisions, and Subpart I Standards of Performance of Hot Mix Asphalt Facilities) affected source.

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. This rule requires that Hollow 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. The current permitting action is considered an administrative action; therefore, an application fee was not required.
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. This air quality operation fee is based on the actual or estimated actual 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 Permits--When Required. This rule requires a person to obtain an air quality permit or permit alteration to construct, alter, or use any asphalt plant, crusher or screen, or use any air contaminant sources that have the Potential to Emit (PTE) greater than 15 tons per year of any pollutant. Hollow has a PTE greater than 15 tons per year of PM, PM₁₀, nitrogen oxide (NO_x), volatile organic carbon (VOC), carbon monoxide (CO), and sulfur oxides (SO_x); therefore, an air quality 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 do not require a permit under the Montana Air Quality Permit Program.
 5. ARM 17.8.748 New or Modified Emitting Units--Permit Application Requirements. (1) This rule requires that a permit application be submitted prior to installation, alteration, or use of a source. Hollow was not required to submit a permit application for the current permit action because the change is considered administrative. (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. Hollow was not required to submit a permit application or public notice for the current permit action because the current permit 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 that is technically practicable and economically feasible, except that BACT shall be utilized. The required BACT analysis is included in Section IV of this permit analysis.
 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 Hollow 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. An air quality permit shall be valid until revoked 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 Hollow, 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 to 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 that do not result in an increase of emissions as a result 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. (1) 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 one 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 Modifications-- 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 the facility's PTE is less than 250 tons per year (excluding fugitive emissions) of any

air pollutant.

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

1. ARM 17.8.1201 Definitions. (23) 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 PM₁₀ in a serious PM₁₀ nonattainment area.

2. 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 #2873-05 for Hollow, the following conclusions were made:

- a. The facility's PTE is less than 100 tons/year for any criteria pollutant.
- b. The facility's PTE is less than 10 tons/year of any one HAP and less than 25 tons/year of all HAPs.
- c. This source is not located in a serious PM₁₀ nonattainment area.
- d. This source is subject to current NSPS (40 CFR Part 60, Subpart I) standards.
- e. This facility is not subject to any current NESHAP standards.
- f. This source is not a Title IV affected source or a solid waste combustion unit.
- g. This source is not an EPA designated Title V source.

Hollow has accepted a federally enforceable limit to maintain potential emission below the Title V operating permit threshold. However, if minor sources subject to NSPS are required to obtain a Title V Operating Permit, Hollow will be required to obtain a Title V Operating Permit.

- h. ARM 17.8.1204(3). The Department may exempt a source from the requirement to obtain an air quality-operating permit by establishing federally enforceable limitations, which limit that source's PTE.
 - i. In applying for an exemption under this section, the owner or operator of the facility shall certify to the Department that the source's PTE does not require the source to obtain an air quality-operating permit.
 - ii. Any source that obtains a federally enforceable limit on PTE shall annually certify that its actual emissions are less than those

that would require the source to obtain an air quality-operating permit.

The Department determined that the annual reporting requirements contained in the permit are sufficient to satisfy this requirement.

3. ARM 17.8.1207, Certification of Truth, Accuracy, and Completeness. The compliance certification submittal required by ARM 17.8.1204(3) shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this subchapter shall state that, “based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.”

III. BACT Determination

A BACT determination is required for each new or altered source. Hollow shall install on the new or altered source the maximum air pollution control capability that is technically practicable and economically feasible, except that BACT shall be utilized. A BACT determination was not required for the current permit action because the permit change is considered an administrative amendment.

IV. Emission Inventory

Source	Tons/Year					
	PM	PM ₁₀	NO _x	VOC	CO	SO _x
1983 Cedar Rapids Asphalt Plant w/Wet Scrubber Elevator, Screens, Bins, and Mixer	19.65	15.72	35.48	20.64	83.85	37.41
Cold Aggregate Handling	24.19	19.35	0.0	0.0	0.0	0.0
Diesel Generator (up to 600 kW)	32.25	25.80	0.0	0.0	0.0	0.0
Diesel Generator (up to 50 kW)	1.21	1.21	53.63	4.27	11.56	3.55
Haul Roads	0.32	0.32	4.47	0.36	0.96	0.30
Total	2.74	1.23	0.0	0.0	0.0	0.0
	80.35	63.63	93.57	22.22	94.33	40.98

- A complete emission inventory for Permit #2873-05 is on file with the Department.

V. Air Quality Impacts

Permit #2873-05 will cover the operations of this portable drum mix asphalt plant while operating in those areas within Montana classified as being in attainment with federal ambient air quality standards, and those areas still undefined (not yet classified). Additionally, Addendum 4 will cover the asphalt plant operations during the summer months (April 1 - September 30) in or within 10 km of certain PM₁₀ nonattainment areas. The current approved wintertime location is Section 25 (Tract 1), Township 3 North, and Range 8 West, in Silver Bow County, Montana. Any other wintertime location must be approved in writing from the Department. Based on the information provided, the amount of controlled emissions generated by this facility will not exceed any set ambient air quality standard for operations in these areas. This facility is a portable source that will operate on an intermittent and temporary basis at a given location, so any impacts to air quality will be minor and short-lived.

VI. Ambient Air Quality Impacts

This permit is for a portable drum mix asphalt plant to be located at various locations around Montana. This permit contains operational conditions and limitations that will protect air quality for any given site and the surrounding area. Also, this facility is a portable source that will operate on an intermittent and temporary basis, so any effects to air quality will be minor and short-lived. Further, the amount of controlled particulate emissions generated by this project will not cause concentrations of PM₁₀ in the ambient air that exceed the set standard. In addition, this

source is portable and any air quality impacts will be minor.

VII. Taking or Damaging Implication Analysis

As required by 2-10-101 through 2-10-105, MCA, the Department conducted a private property taking and damaging assessment and determined there are no taking or damaging implications.

VIII. Environmental Assessment

An environmental assessment was not required for this permit action because the permit action is an administrative amendment.

Prepared by: Trista Glazier

Date: 6/19/06

Addendum 4
Hollow Contracting, Inc.
Permit #2873-05

An addendum to air quality Permit #2873-05 is issued to Hollow Contracting, Inc. (Hollow) pursuant to Section 75-2-204 and 75-2-211 of the Montana Code Annotated (MCA), as amended, and Administrative Rules of Montana (ARM) 17.8.765, as amended, for the following:

I. Permitted Equipment

On November 29, 2005, Hollow requested Addendum 4 to Permit #2873-05 to operate a portable 1983 Cedar Rapids continuous flow drum mix asphalt plant, 1983 Cedar Rapids screen conveyor, 1983 CMI portable slat conveyor, 600 kilowatt (kW) diesel generator, 50 kW diesel generator, and associated equipment. Particulate emissions from the drum dryer are controlled by a 1983 Cedar Rapids Venturi scrubber. This facility may operate in, or any location in or within 10 kilometers (km) of the following particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) Nonattainment Areas (NAAs): Butte, Columbia Falls, Kalispell, Libby, Thompson Falls, and Whitefish.

II. Seasonal and Site Restrictions

Addendum 4 to Permit #2873-05 applies to the Hollow facility while operating at any location in or within 10 km of certain PM₁₀ NAAs. Additionally, seasonal and site restrictions apply to the facility as follows:

- A. During the winter season (October 1-March 31) - The only location(s) in or within 10 km of certain PM₁₀ nonattainment areas where Hollow may operate is:
- Section 25 (Tract 1), Township 3 North, and Range 8 West, in Silver Bow County, Montana
 - 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) - Hollow may operate at any location in or within 10 kilometers of certain PM₁₀ nonattainment areas, including, but not limited to: Butte, Columbia Falls, Kalispell, Libby, Thompson Falls, and Whitefish.
- C. Hollow shall comply with the limitations and conditions contained in Addendum #4 to Permit #2873-05 while operating in or within 10 km of any of the previously listed PM₁₀ nonattainment areas. Addendum #4 shall be valid until revoked or modified. The Department reserves the authority to modify Addendum #4 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 Limitation and Conditions – **Winter Season (October 1 – March 31)**
1. Asphalt plant particulate matter emissions shall be limited to 0.04 grains per dry standard cubic feet (gr/dscf) (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, Subpart I).
 2. Hollow shall not cause or authorize to be discharged into the atmosphere from the facility any visible emissions which exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749).

3. Hollow shall not cause or authorize to be discharged into the atmosphere from the facility any fugitive emissions, including, but not limited to, truck loading or unloading and material transfer operations, which exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749).
4. Hollow 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).
5. Water and water spray bars shall be available on site at all times and operated, as necessary, to maintain compliance with the opacity limitation in Section III.A.2 (ARM 17.8.749).
6. Hollow 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).
7. Hollow shall treat all unpaved portions of the access roads, parking lots, and general plant area with water and/or chemical dust suppressant, as necessary, to maintain compliance with the reasonable precautions and visible fugitive emission limitations (ARM 17.8.749).
8. Asphalt plant production shall be limited to the average production rate during the last source test demonstrating compliance.
9. Asphalt plant production shall be limited to 771 tons during any 24-hour rolling time period (ARM 17.8.749).
10. Hollow shall not operate more than two diesel generators at any given time and the maximum rated design capacity and number of hours during any rolling 24-hour time period shall be limited to the following (ARM 17.8.749):
 - a. one 50 kW diesel generator; 2.57 hours
 - b. one diesel generator up to 600 kW; 2.57 hours

B. Operational Limitation and Conditions – Summer Season (April 1 – September 30)

1. Asphalt plant particulate matter emissions shall be limited to 0.04 grains per dry standard cubic feet (gr/dscf) (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, Subpart I).
2. Hollow shall not cause or authorize to be discharged into the atmosphere from the facility any visible emissions which exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749).
3. Hollow shall not cause or authorize to be discharged into the atmosphere from the facility any fugitive emissions, including, but not limited to, truck loading or unloading and material transfer operations, which exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749).

4. Hollow 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).
5. Water and water spray bars shall be available on site at all times and operated, as necessary, to maintain compliance with the opacity limitation in Section III.B.2 (ARM 17.8.749).
6. Hollow 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).
7. Hollow shall treat all unpaved portions of the access roads, parking lots, and general plant area with water and/or chemical dust suppressant, as necessary, to maintain compliance with the reasonable precautions and visible fugitive emission limitations (ARM 17.8.749).
8. Asphalt plant production shall be limited to the average production rate during the last source test demonstrating compliance.
9. Asphalt plant production shall be limited to 5,550 tons during any 24-hour rolling time period (ARM 17.8.749).
10. Hollow shall not operate more than two diesel generators at any given time and the maximum rated design capacity and number of hours during any rolling 24-hour time period shall be limited to the following (ARM 17.8.749):
 - a. one 50 kW diesel generator; 18.5 hours
 - b. one diesel generator up to 600 kW; 18.5 hours

C. Operational Reporting Requirements

1. Hollow shall provide the Department with written notification of job completion within 10 working days of job completion (ARM 17.8.749).
2. Hollow shall provide written notice of relocation of the permitted equipment at least 15 days prior to the physical transfer of 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 the following (ARM 17.8.749):
 - a. Tons of asphalt produced at each site
 - b. Hours of operation at each site
 - c. Type and amount of fuel used for the asphalt plant (hot mix dryer)
 - d. Gallons of diesel fuel used for generators at each site

- e. 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

- f. Fugitive dust control for haul roads and the general plant area:
 - i. Hours of operation of water trucks
 - ii. Application schedule for chemical dust suppressant, if applicable

- 4. Hollow shall document, by day, the total asphalt plant production during the winter season. Hollow shall sum the total crushing production during the previous 24 hours to verify compliance with the limitations in Section III.A.9. 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. Hollow shall document, by day, the total hour of operations of each of the diesel generators, the 50kW generator and one diesel generator up to 600 kW, during the winter season. Hollow shall sum the total hours of operation of each generator during the previous 24 hours to verify compliance with the limitations in Section III.A.10. 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. Hollow shall document, by day, the total asphalt plant production during the summer season. Hollow shall sum the total asphalt plant production during the previous 24 hours to verify compliance with the limitations in Section III.B.9. 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).

- 7. Hollow shall document, by day, the total hour of operations of each of the diesel generators; the 50 kW generator and one diesel generator up to 600 kW, during the summer season. Hollow shall sum the total hours of operation of each generator during the previous 24 hours to verify compliance with the limitations in Section III.B.10. 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 4 Analysis
Hollow Contracting, Inc.
Permit #2873-05

I. Permitted Equipment

Hollow Contracting Inc. (Hollow) operates a portable 1983 Cedar Rapids continuous flow drum mix asphalt plant, 1983 Cedar Rapids screen conveyor, 1983 CMI portable slat conveyor, 600-kilowatt (kW) diesel generator, 50-kW diesel generator, and associated equipment. Particulate emissions from the drum dryer are controlled by a 1983 Cedar Rapids Venturi scrubber.

II. Permit History

On April 24, 1995, Montana Materials L.L.C. submitted a complete permit application to operate a portable 1983 Cedar Rapids continuous flow drum mix asphalt plant, portable 1983 Cedar Rapids screen conveyor, portable 1983 CMI slat conveyor, and associated equipment. On June 24, 1995, Montana Materials, L.L.C. was issued a final air quality Permit **#2873-00** to operate the continuous flow hot mix asphalt plant.

On May 21, 1998, Montana Materials, L.L.C. submitted a request for modification of Permit #2873-00 to reflect a name change to Hollow. In addition to the name change, the permit modification included a rule reference update. On June 18, 1998, the modification was issued, and Permit **#2873-01** replaced Permit #2873-00.

On April 8, 1999, Hollow requested a modification to allow for summer operation (April 1, 1999, through September 30, 1999) within the Butte area in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) Nonattainment Area (NAA) at Section 25 (Tract 1), Township 3 North, Range 8 West, in Silver Bow County, Montana. In addition, the permit action allowed the facility to operate in or within 10 kilometers of the following PM₁₀ NAA's during the summer months: Libby, Kalispell, Columbia Falls, Whitefish, and Thompson Falls. On April 24, 1999, the modification was issued, and Permit **#2873-02** replaced Permit #2873-01 and **Addendum 1** was attached to the permit.

On May 31, 2000, Hollow requested a modification to allow for summer operation (April 1, 2000, through September 30, 2000) within the Butte PM₁₀ NAA. Hollow planned to initially locate at Section 25 (Tract 1), Township 3 North, and Range 8 West, in Silver Bow County, Montana. In addition to the Butte NAA, the current permit action allowed the facility to operate in or within 10 kilometers of the following PM₁₀ NAA's during the summer months: Libby, Kalispell, Columbia Falls, Whitefish, and Thompson Falls. On July 16, 2000, the permit modification was issued to Hollow. Permit **#2873-03** replaced Permit #2873-02, and **Addendum 2** replaced Addendum 1.

On March 26, 2002, Hollow submitted a complete air quality permit application to the Department of Environmental Quality (Department) to replace the 350 kW diesel generator with a 600 kW Cat portable diesel generator and a 50 kW Ingersol Rand portable diesel generator. These diesel generators would provide power for the asphalt plant, conveyors, and associated equipment. In addition, the 1983 Cedar Rapids Venturi scrubber was with a 1990 Cedar Rapids baghouse. The addendum was also updated to reflect the change in equipment at the facility. Permit **#2873-04** will replace Permit #2873-03, and **Addendum 3** will replace Addendum 2.

III. Current Permit Action

On October 25, 2005, Hollow requested an administrative amendment to replace the baghouse with a wet scrubber and on November 29, 2005, requested an addendum to allow operation at Section 25 (Tract 1), Township 3 North, and Range 8 West, in Silver Bow County, Montana and any other site that may be approved, in writing, the Department. In addition, Permit #2873-05 was updated to reflect the current permit language and rule references used by the Department. **Permit #2873-05** replaces Permit #2873-04, and **Addendum 4** replaces Addendum 3.

IV. 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 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.
- B. 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 that do not result in an increase of emissions as a result 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.
- C. ARM 17.8.765 Transfer of Permit. (1) 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 one 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.

Hollow shall submit proof of compliance with the transfer and public notice requirements when Hollow 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 one year. Also, the conditions and controls of this Addendum will prevent Hollow from having a significant impact on the PM₁₀ nonattainment areas covered by this permit.

V. **Emission Inventory**

Source	Lb/day					
	PM	PM ₁₀	NO _x	VOC	CO	SO _x
1983 Cedar Rapids Asphalt Plant w/Wet Scrubber Elevator, Screens, Bins, and Mixer	23.49	18.79	42.41	24.57	100.23	44.72
Cold Aggregate Handling	28.91	23.13	0.0	0.0	0.0	0.0
Diesel Generator (up to 600 KW)	38.55	30.84	0.0	0.0	0.0	0.0
Diesel Generator (up to 50 KW)	1.45	1.45	49.63	1.46	11.37	4.18
Haul Roads	0.38	0.38	5.34	0.43	1.15	0.09
Total	15.00	6.75	0.0	0.0	0.0	0.0
	107.78	81.34	97.38	26.46	112.75	48.99

Note: Emission Inventory for winter season.

Source	Lb/day					
	PM	PM ₁₀	NO _x	VOC	CO	SO _x
1983 Cedar Rapids Asphalt Plant w/Wet Scrubber Elevator, Screens, Bins, and Mixer	169.09	135.28	305.25	177.60	721.50	321.90
Cold Aggregate Handling	208.13	166.50	0.0	0.0	0.0	0.0
Diesel Generator (up to 600 KW)	277.50	222.00	0.0	0.0	0.0	0.0
Diesel Generator (up to 50 KW)	10.42	10.42	461.44	10.49	81.87	30.11
Haul Roads	2.73	2.73	38.45	3.06	8.29	0.64
Total	15.00	6.75	0.0	0.0	0.0	0.0
	682.87	543.68	805.14	191.15	811.66	352.65

Note: Emission Inventory for summer season.

* A complete emission inventory for Addendum 4 to Permit #2873-05 is on file with the Department.

VI. **Existing Air Quality**

On July 1, 1987, the Environmental Protection Agency (EPA) promulgated new National Ambient Air Quality Standards (NAAQS) PM₁₀. Due to exceedances of the national standards for PM₁₀, 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 PM₁₀. As a result of this designation, EPA required the Department and the City-County Health Departments to submit PM₁₀ State Implementation Plans (SIPs). 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 PM₁₀ emissions.

Addendum 4 to Permit #2873-05 sets conditions and limitations that allow for this asphalt plant to be located in or within 10 km of certain PM₁₀ nonattainment areas during the summer months (April through September) and the winter months (October through March). Summertime operations may include areas in or within 10 km of certain PM₁₀ nonattainment areas, including, but not limited to Butte, Columbia Falls, Kalispell, Libby, Thompson Falls, and Whitefish. The current approved wintertime location is Section 25 (Tract 1), Township 3 North, and Range 8 West, in Silver Bow County, Montana. Any other wintertime location must be approved in writing from the Department.

VII. **Taking or Damaging Implication Analysis**

As required by 2-10-101 through 105, MCA, the Department conducted a private property taking

and damaging assessment and determined there are no taking or damaging implications.

VIII. Environmental Assessment

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

Prepared by: Trista Glazier

Date: 6/19/06