

## AIR QUALITY PERMIT

Issued To: JTL Group, Inc.  
3131 Highway 2 East  
Kalispell, MT 59901-6679

Permit #2996-04  
Administrative Amendment (AA) Request Received:  
3/1/06  
Department Decision on AA: 6/7/06  
Permit Final: 6/23/06  
AFS #777-2996

An air quality permit, with conditions, is hereby granted to JTL Group, Inc. (JTL) pursuant to Sections 75-2-204 and 211, 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 drum mix asphalt plant at various locations throughout Montana. Permit #2996-04 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 (PM<sub>10</sub>) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* A complete list of the permitted equipment is contained in Section I.A of the permit analysis.

#### B. Current Permit Action

On March 1, 2006, the Department received a request from JTL for an administrative amendment to Permit #2996-03 to allow for wintertime (October 1–March 31) and summertime operations (April 1 – September 30) in or within 10 km of PM<sub>10</sub> nonattainment areas. JTL also notified the Department that the process rate for the asphalt plant and the size of the generator were incorrect. The current permit action adds Addendum 5 and updates permit information to reflect current facility operations.

### Section II: Limitations and Conditions

#### A. Emission Limitations

1. Asphalt plant particulate matter emissions shall be limited to 0.04 gr/dscf (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, Subpart I).
2. JTL shall not cause or authorize to be discharged into the atmosphere, from the asphalt plant, stack emissions that exhibit an opacity of 20% opacity or greater averaged over 6 consecutive minutes (ARM 17.8.304 and ARM 17.8.752).
3. JTL 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 the loading, transfer, and storage systems associated with emission control systems, any visible emissions that exhibit opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.308 and ARM 17.8.752).
4. 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 and ARM 17.8.752).

5. JTL shall treat all unpaved portions of the haul roads, access roads, and 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 17.8.752).
6. The asphalt plant production shall be limited to 1,720,000 tons during any rolling 12-month time period (ARM 17.8.749 and ARM 17.8.1204).
7. JTL shall not operate more than one diesel generator at any given time and the maximum rated design capacity shall not exceed 750 kW and shall not exceed 4,380 hours during any rolling 12-month time period (ARM 17.8.749).
8. A baghouse for air pollution control, with a device to measure the pressure drop (magnehelic gauge, manometer, etc.), 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 17.8.749).
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 17.8.749).

B. Emission Testing Requirements

1. Within 60 days after achieving maximum production rate, but no later than 180 days after initial start up, an Environmental Protection Agency (EPA) Methods 1-5 source test shall be performed on the asphalt plant to demonstrate compliance with Section II.A.1 and an EPA Method 9 opacity test shall be performed in conjunction with all particulate tests to demonstrate compliance with the conditions specified in Sections II.A.2 and II.A.3 (ARM 17.8.105 and ARM 17.8.749).
2. An EPA Methods 1-5 and 9 source test must be performed on the asphalt plant every 4 years after the initial source test, or according to another testing/monitoring schedule as may be approved by the Department, to demonstrate compliance with the conditions specified in Sections II.A.1, II.A.2, and II.A.3 (ARM 17.8.105 and ARM 17.8.749).
3. Pressure drop on the control device and temperature must be recorded daily and kept on site according to Section II.C.2 (ARM 17.8.749).
4. Pressure drop on the control device and temperatures must be recorded during the test and reported as part of the test results (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 test, it is suggested the test be performed at the highest production rate practical (ARM 17.8.749).
7. JTL may retest at any time in order to operate at a higher production rate (ARM 17.8.749).
8. The Department may require further testing (ARM 17.8.105).

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 (ARM 17.8.765).
2. JTL 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 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 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 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 the units 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 emission 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 production of the asphalt plant. By the 25<sup>th</sup> day of each month, JTL shall total the monthly throughput of the asphalt plant during the previous 12 months to verify compliance with the limitation in Section II.A.6. A written report of the compliance verification shall be submitted to the Department annually, along with the annual emissions inventory (ARM 17.8.749).
6. JTL shall document, by month, the hours of operation of the diesel generator. By the 25<sup>th</sup> day of each month, JTL shall calculate the hours of operation for the diesel generator for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.7. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
7. JTL shall annually certify, as required by ARM 17.8.1204(3)(b), that its actual emissions are less than those that would require the source to obtain an air quality

Title V operating permit. The annual certification shall comply with the certification requirements of ARM 17.8.1207. The annual certification shall be submitted along with the annual emission inventory information (ARM 17.8.1204).

Section III: 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 or surveys, collecting samples, obtaining data, auditing any monitoring equipment (CEMS, CERMS) 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 for 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. Permit Fee – 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.
- H. Construction Commencement – Construction must be 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).
- 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 in any location in Montana, except within those areas that have a Department-approved permitting program.

I. Introduction

A. Permitted Equipment

JTL Group, Inc. (JTL) operates a portable Asphalt Plant (maximum capacity 400 tons per hour (TPH)) with a baghouse, a 750 kilowatt (kW) diesel generator, and associated equipment.

B. Process Description

A typical operation for the drum mix asphalt plant begins by loading gravel into the feed bin. The gravel is then conveyed to the asphalt plant drum. The gravel is mixed with hot oil in the asphalt plant to create asphalt. Hot asphalt then exits the plant and is transported to the current project site.

C. Permit History

On March 2, 1998, A-1 Paving submitted a complete permit application to operate a portable 1998 CMI Drum Mix Asphalt Plant (maximum capacity 500 TPH) with a baghouse; a 1990 Cummins 600 kW diesel generator; and associated equipment. In addition, A-1 Paving also requested an addendum to operate in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>) nonattainment areas through September 30, 1998. The application was assigned **Permit #2996-00** and **Addendum 1** was established. The facility was originally located in the NE¼, of the SW¼ of Section 23, Township 30 North, Range 21 West in Flathead County, Montana.

On November 10, 1999, A-1 Paving was issued a permit modification to allow for summer operation (April 1, 2000, through September 30, 2000) in or within 10 km of the following PM<sub>10</sub> nonattainment areas: Libby, Kalispell, Columbia Falls, Butte, Whitefish, and Thompson Falls. **Permit #2996-01** replaced Permit #2996-00 and **Addendum 2** replaced Addendum 1.

On August 10, 2001, A-1 Paving was issued Permit #2996-02. This permit allowed the facility to operate in or within 10 km of certain PM<sub>10</sub> nonattainment areas during the summer months (April 1, 2001 through September 30, 2001). The permit was also updated to reflect the current format used in writing permits. **Permit #2996-02** replaced Permit #2996-01 and **Addendum 3** replaced Addendum 1.

On January 16, 2004, JTL submitted a request for an administrative amendment to Permit #2996-03 to change the name from A-1 Paving to JTL. Subsequently, on February 11, 2004, JTL Group, Inc. requested that Addendum 3 (which expired on September 30, 2001) be renewed for summertime operations in or within 10 km of certain PM<sub>10</sub> nonattainment areas. In addition, the current permit language and rule references used by the Department of Environmental Quality (Department) were added to the permit. **Permit #2996-03** replaced Permit #2996-02 and **Addendum 4** replaced Addendum 3.

D. Current Permit Action

On March 1, 2006, the Department received a request from JTL for an administrative amendment to Permit #2996-03 to allow for wintertime (October 1–March 31) and summertime operations (April 1 – September 30) in or within 10 km of the Kalispell PM<sub>10</sub> nonattainment area. JTL also notified the Department that the process rate for the asphalt

plant and the size of the generator were incorrect and the current permit action will update the information to reflect current facility operations. The production rate limitation for the asphalt plant is not based on the 400 TPH maximum design capacity and was not changed from what was provided in Permit #2996-03. However, the asphalt plant production rate limitations in Addendum 5 have been based on the 400 TPH maximum design capacity. Permit #2996-04 replaces Permit #2996-03 and **Addendum 5** replaces Addendum 4.

E. Additional Information

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

II. Applicable Rules and Regulations

The following are partial explanations 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 is a list of applicable definitions used in this in this subchapter, 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 cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant which 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 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 less than 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 that reasonable precautions be taken to control emissions of airborne particulate matter. (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 rule.
4. ARM 17.8.310 Particulate Matter, Industrial Process. This rule requires that no person shall cause or allow to be discharged into the atmosphere particulate matter in excess of the amount set forth in this rule.
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 rule.
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). The owner or operator of any stationary source or modification, as defined and applied in 40 CFR Part 60, NSPS, shall comply with the standards and provisions of 40 CFR Part 60. This plant consists of a portable 1998 CMI Drum Mix Asphalt Plant (maximum production rate 500 TPH) and associated equipment; therefore NSPS (40 CFR Part 60, Subpart A General Provisions, and Subpart I Hot Mix Asphalt Facilities) applies to the facility.

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 JTL 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 permit action is considered an administrative action and does not require submission of a permit application fee by JTL.
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 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 facility to obtain an air quality permit or permit alteration to 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 a PTE greater than 15 tons per year of total particulate matter (PM), PM<sub>10</sub>, oxides of nitrogen (NO<sub>x</sub>), volatile organic compounds (VOC), and carbon monoxide (CO); 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, modification, or use of a source. JTL was not required to submit a permit application for the current permit action because the current permit action is an administrative amendment, with no increase in potential emissions. (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 was not required to submit a public notice for the current permit action because the current permit action is an administrative amendment, with no increase in potential emissions.
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 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. 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 JTL, 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 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 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 sub-chapter 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 criteria 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.
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 #2996-04 for the JTL facility, 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 for any one HAP and less than 25 tons/year of all HAPs.
  - c. This source is not located in a serious PM<sub>10</sub> nonattainment area.
  - d. This facility is not subject to any current NESHAP standards.
  - e. The facility is currently subject to NSPS standards (40 CFR 60, Subpart A General Provisions, and Subpart I, Standards of Performance of Hot Mix Asphalt Facilities).
  - 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.
- h. The Department may exempt a source from the requirement to obtain an air quality operating permit by establishing federally enforceable limitations that limit the source's potential to emit:
  - i. In applying for an exemption under this section, the owner or operator of the source shall certify to the Department that the source's potential to emit... does not require the source to obtain an air quality-operating permit.
  - ii. Any source that obtains a federally enforceable limit on potential to emit shall annually certify that its actual emissions are less than those that would require the source to obtain an air quality-operating permit.

JTL is not subject to Title V Operating Permit requirements because federally enforceable limitations have been established which limit the source's PTE below the major source threshold. However, if minor sources subject to NSPS are required to obtain a Title V Operating Permit, JTL will be required to obtain an Operating Permit. The Department has determined that the annual reporting requirements contained in the permit are sufficient to satisfy the notification 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 any new or altered source. JTL shall install on the new or altered source the maximum air pollution control capability which is technologically practicable and economically feasible, except that BACT shall be utilized. The current permit action is an administrative action and does not involve the addition of any new or altered equipment to the existing plant; therefore, a BACT analysis is not required.

#### IV. Emission Inventory

Source	Tons/Year					
	PM	PM <sub>10</sub>	NO <sub>x</sub>	VOC	CO	SO <sub>x</sub>
Asphalt Plant w/Baghouse (up to 400 TPH)	17.35	8.68	26.28	44.68	49.06	2.89
Elevators, Screens, Bins, and Mixer	32.85	26.28	0	0	0	0
Cold Aggregate Handling	43.80	35.04	0	0	0	0
Haul Roads	2.74	1.23	0	0	0	0
Diesel Generator (up to 750 kW)	1.54	1.54	52.86	1.55	12.11	4.45
Total	98.28	72.77	79.14	46.23	61.17	7.34

- A complete emission inventory for Permit #2996-04 is on file with the Department.

#### V. Existing 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 exceedances 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, the 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 identified these sources to be the major contributors to PM<sub>10</sub> emissions.

Permit #2996-04 and Addendum 5 are for a portable drum mix asphalt plant that proposes to originally locate at sites in or within 10 km of certain PM<sub>10</sub> nonattainment areas. The more stringent operating conditions contained in the addendum will minimize any potential impact on the nonattainment areas and will protect the national ambient air quality standards. Also, this facility is a portable source that would operate on an intermittent and temporary basis and any effects on air quality will be minor and short-lived.

#### VI. Air Quality Impacts

Permit #2996-04 will cover the operations of this portable crushing/screening plant while operating at any location within Montana, excluding those counties that have a Department approved permitting program, those areas that are tribal lands, or those areas in or within 10 km of certain PM<sub>10</sub> nonattainment areas. The initial site location was identified as the NE ¼, of the SW ¼ of Section 23, Township 30 North, Range 21 West in Flathead County, Montana. Addendum 5 to Permit #2996-04 will cover the operations of this portable asphalt plant, while operating in or within 10 km of certain PM<sub>10</sub> nonattainment areas during the winter months (October 1–March 31) and summer months (April 1 – September 30). Thus, the limitations and conditions established in Addendum 5 would further reduce emissions in these areas and would be protective of the ambient air quality standards. In addition, this source is portable and any air quality impacts will be minimal.

#### 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: 5/23/06

Addendum 5  
JTL Group, Inc.  
Permit #2996-03

An addendum to air quality Permit #2996-03 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 Administrative Rules of Montana (ARM) 17.8.765, as amended, for the following:

I. Permitted Equipment:

JTL owns and operates a facility consisting of a portable asphalt plant (maximum capacity 500 TPH) with a baghouse, a 750 kW diesel generator, and associated equipment.

II. Seasonal and Site Restrictions

Addendum 4 applies to the JTL facility while operating at any location in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (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 location(s) in or within 10 km of certain PM<sub>10</sub> nonattainment areas where JTL may operate is:
- NW ¼ of the NW ¼ of Section 22, Township 29 North, Range 21 West.
  - 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 kilometers of the Butte, Columbia Falls, Kalispell, Libby, Thompson Falls, and Whitefish PM<sub>10</sub> nonattainment areas.
- C. JTL shall comply with the limitations and conditions contained in Addendum 4 to Permit #2996-04 while operating in or within 10 km of any of the previously identified PM<sub>10</sub> nonattainment areas. Addendum 5 shall be valid until revoked or modified. The Department reserves the authority to modify Addendum 5 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 gr/dscf (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, Subpart I).
2. All visible emissions from the asphalt plant stack shall be limited to 10% opacity (ARM 17.8.749).
3. JTL 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 the loading, transfer, and storage systems associated with emission control systems, any visible emissions that exhibit an opacity of 10% (ARM 17.8.749).
4. JTL 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 opacity limitation in Section III.A.3 (ARM 17.8.749).

5. Asphalt plant production shall be limited to the average production rate during the last source test demonstrating compliance (ARM 17.8.749).
6. Asphalt plant production shall be limited to 920 tons per any rolling 24-hour period (ARM 17.8.749).
7. JTL shall not operate more than one diesel generator at any given time and the maximum rated design capacity shall not exceed 750 kW and shall not exceed 2.3 hours during any rolling 24-hour time period (ARM 17.8.749).

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

1. Asphalt plant particulate matter emissions shall be limited to 0.04 gr/dscf (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, Subpart I).
2. All visible emissions from the asphalt plant stack shall be limited to 10% opacity (ARM 17.8.749).
3. JTL 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 the loading, transfer, and storage systems associated with emission control systems, any visible emissions that exhibit an opacity of 10% (ARM 17.8.749).
4. JTL 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 opacity limitation in Section III.A.3 (ARM 17.8.749).
5. Asphalt plant production shall be limited to the average production rate during the last source test demonstrating compliance (ARM 17.8.749).
6. Asphalt plant production shall be limited to 6,400 tons per any rolling 24-hour period (ARM 17.8.749).
7. JTL shall not operate more than one diesel generator at any given time and the maximum rated design capacity shall not exceed 750 kW and shall not exceed 16 hours during any rolling 24-hour time period (ARM 17.8.749).

**C. 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 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 emissions inventory. The information must include (ARM 17.8.749):
  - a. Tons of asphalt produced
  - b. Hours of operation

- c. Type and amount of fuel used for the plant
  - 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. Average vehicle weight
    - iv. Number of tires on vehicle
    - v. Annual on-site vehicle miles traveled
    - vi. Average on-site vehicle speed
    - vii. 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 and
    - ii. Application schedule for chemical dust suppressant, if applicable.
6. JTL shall document, by day, the production of the asphalt plant. JTL shall total the amount of material produced by the asphalt plant during the previous 24 hours to verify compliance with the limitation in Section III.A.6. A written report of the compliance verification shall be submitted to the Department annually and may be submitted along with the annual emission inventory (ARM 17.8.749).
7. JTL shall document, by day, the hours of operation of the diesel generator. JTL shall total the hours of operation of the diesel generator during the previous 24 hours to verify compliance with the limitation in Section III.A.7. A written report of the compliance verification shall be submitted to the Department annually and may be submitted along with the annual emission inventory (ARM 17.8.749).

Addendum 5 Analysis  
JTL Group, Inc.  
Permit #2996-04

I. Permitted Equipment

JTL Group, Inc. (JTL) operates a portable asphalt plant (maximum production rate 500 TPH) with a baghouse, a 750 kilowatt (kW) diesel generator, and associated equipment.

II. Permit History

On March 2, 1998, A-1 Paving submitted a complete permit application to operate a portable 1998 CMI Drum Mix Asphalt Plant (maximum capacity 500 TPH) with a baghouse; a 1990 Cummins 600 kW diesel generator; and associated equipment. In addition, A-1 Paving also requested an addendum to operate in or within 10 kilometers (km) of certain (PM<sub>10</sub>) nonattainment areas through September 30, 1998. The application was assigned **Permit #2996-00** and **Addendum 1** was established. The facility was originally located in the NE<sup>1</sup>/<sub>4</sub>, of the SW<sup>1</sup>/<sub>4</sub>, of Section 23, Township 30 North, Range 21 West in Flathead County, Montana.

On November 10, 1999, A-1 Paving was issued a permit modification to allow for summer operation (April 1, 2000, – September 30, 2000) in or within 10 km of the following PM<sub>10</sub> nonattainment; Libby, Kalispell, Columbia Falls, Butte, Whitefish, and Thompson Falls. **Permit #2996-01** replaced Permit #2996-00 and **Addendum 2** replaced Addendum 1.

On August 10, 2001, A-1 Paving was issued Permit #2996-02. This permit allowed the facility to operate in or within 10 km of certain PM<sub>10</sub> nonattainment areas during the summer months (April 1, 2001 through September 30, 2001). The permit was also updated to reflect the current format used in writing permits. **Permit #2996-02** replaced Permit #2996-01 and **Addendum 3** replaced Addendum 2.

On January 16, 2004, JTL submitted a request for an administrative amendment to Permit #2996-03 to change the name from A-1 Paving to JTL. Subsequently, on February 11, 2004, JTL requested that Addendum 3 (which expired on September 30, 2001) be renewed for summertime operations in or within 10 km of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>) nonattainment areas. In addition, the current permit language and rule references used by the Department of Environmental Quality (Department) were added to the permit. **Permit #2996-03** replaced Permit #2996-02 and **Addendum 4** replaced Addendum 3.

III. Current Permit Action

On March 1, 2006, JTL submitted a request from JTL for an administrative amendment to Permit #2996-03 to allow for wintertime (October 1–March 31) and summertime operations (April 1 – September 30) in or within 10 km of PM<sub>10</sub> nonattainment areas. **Permit #2996-04** replaces Permit #2996-03 and **Addendum 5** replaces Addendum 4.

IV. Applicable Rules and Regulations

The following are partial explanations 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 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. 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; and
  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 they transfer to 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, implementing the conditions and controls of this addendum will keep JTL from having a significant impact on certain PM<sub>10</sub> nonattainment areas.

V. Emission Inventory

Source	Lb/Day					
	PM	PM <sub>10</sub>	NO <sub>x</sub>	VOC	CO	SO <sub>x</sub>
Asphalt Plant (up to 400 tph)	18.15	9.08	27.60	46.92	51.52	3.04
Elevators, Screens, Bins, and Mixer	34.50	27.60	0	0	0	0
Cold Aggregate Handling	46.00	36.80	0	0	0	0
Haul Roads	15.00	6.75	0	0	0	0
Diesel Generator (up to 750 kW)	1.62	1.62	55.52	1.63	12.72	4.68
<b>Total</b>	<b>115.27</b>	<b>81.84</b>	<b>83.12</b>	<b>48.55</b>	<b>64.24</b>	<b>7.71</b>

Note: Emission Inventory for winter season.

Source	Lb/Day					
	PM	PM <sub>10</sub>	NO <sub>x</sub>	VOC	CO	SO <sub>x</sub>
Asphalt Plant (up to 400 tph)	126.76	63.38	192.00	326.40	358.40	21.12
Elevators, Screens, Bins, and Mixer	240.00	192.00	0	0	0	0
Cold Aggregate Handling	320.00	256.00	0	0	0	0
Haul Roads	15.00	6.75	0	0	0	0
Diesel Generator (750 KW)	11.26	11.26	386.21	11.34	88.51	32.55
<b>Total</b>	<b>713.03</b>	<b>529.40</b>	<b>578.21</b>	<b>337.74</b>	<b>446.91</b>	<b>53.67</b>

Note: Emission Inventory for summer season

- **A complete emission inventory for Addendum 5 to Permit #2996-04 is on file with the Department.**

VI. Existing 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 exceedances 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, the 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 identified these sources to be the major contributors to PM<sub>10</sub> emissions.

Permit #2996-04 and Addendum 5 are for a portable drum mix asphalt plant that proposes to originally locate at sites in or within 10 km of certain PM<sub>10</sub> nonattainment areas. The more stringent operating conditions contained in the addendum will minimize any potential impact on the nonattainment areas and will protect the national ambient air quality standards. Also, this facility is a portable source that would operate on an intermittent and temporary basis and any effects on air quality will be minor and short-lived.

VII. Air Quality Impacts

Permit #2996-04 will cover the operations of this portable crushing/screening plant while operating at any location within Montana, excluding those counties that have a Department approved permitting program, those areas that are tribal lands, or those areas in or within 10 km of certain PM<sub>10</sub> nonattainment areas. The initial site location was identified as the NE ¼, of the SW ¼ of Section 23,

Township 30 North, Range 21 West in Flathead County, Montana. Addendum 5 to Permit #2996-04 will cover the operations of this portable asphalt plant, while operating in or within 10 km of certain PM<sub>10</sub> nonattainment areas during the winter months (October 1–March 31) and summer months (April 1 – September 30). Thus, the limitations and conditions established in Addendum 5 would further reduce emissions in these areas and would be protective of the ambient air quality standards. In addition, this source is portable and any air quality impacts will be minimal.

#### VIII. 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.

#### IX. Environmental Assessment

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

Analysis Prepared By: Trista Glazier  
Date: 5/24/06