



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: www.deq.mt.gov

July 17, 2008

Ms. Kathy Remp
Remp Sand and Gravel, Inc.
238 Remp Extension Road
Libby, MT 59923-7712

Dear Ms. Remp:

Air Quality Permit #3029-03 is deemed final as of July 17, 2008, by the Department of Environmental Quality (Department). This permit is for a portable crushing and screening plant. All conditions of the Department's Decision remain the same. Enclosed is a copy of your permit with the final date indicated.

For the Department,

Vickie Walsh
Air Permitting Program Supervisor
Air Resources Management Bureau
(406) 444-3490

Christine A. Weaver
Air Quality Specialist
Air Resources Management Bureau
(406) 444-5287

VW:cw
Enclosures

Montana Department of Environmental Quality
Permitting and Compliance Division

Air Quality Permit #3029-03

Remp Sand and Gravel, Inc.
238 Remp Extension Road
Libby, MT 59923

July 17, 2008



AIR QUALITY PERMIT

Issued To: Remp Sand and Gravel, Inc.
238 Remp Extension Road
Libby, MT 59923

Permit #3029-03
Application Complete: 4/23/08
Preliminary Determination Issued: 5/29/08
Department's Decision Issued: 7/1/08
Permit Final: 7/17/08
AFS #777-3029

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

SECTION I: Permitted Facilities

A. Plant Location

Remp operates a crushing and screening plant initially located in the West ½ of the East ¼ of Section 34, Township 31 North, Range 31 West in Lincoln County, Montana. However, Permit #3029-03 applies while operating at any location within Montana, except within those areas having a Department of Environmental Quality (Department)-approved permitting program, or areas considered to be tribal lands. *A Missoula County air quality permit will be required for locations within Missoula County.*

Addendum 4 and Permit #3029-03 apply to the Remp facility while operating at specific locations in or within 10 kilometers (km) of certain particulate matter less than 10 microns (PM₁₀) nonattainment areas during the winter months, as approved by the Department, and at any location in or within 10 km of any PM₁₀ nonattainment areas during the summer months. A list of permitted equipment is included in Section I.A of the Permit Analysis.

B. Current Permit Action

On April 21, 2008, Remp submitted a request for modification of Permit #3029-02 to include new equipment, including a 1995 El Jay Cone Crusher, a Pioneer Jaw Crusher, a 1995 Fab-Tec 3-Deck Screen, a Suntract 3-Deck Screen, a Caterpillar generator powered by a 519 horsepower (hp) diesel engine, a 35-hp engine, and associated equipment. Synthetic minor operational limits were placed on the diesel-fired equipment to maintain emissions below the major source threshold. In addition, the permit was also updated to make the permit de minimis-friendly, and to reflect the current permit language and rule references used by the Department.

SECTION II: Limitations and Conditions

A. Emission Limitations

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

3. All visible emissions from any non-NSPS affected equipment shall not exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304 and ARM 17.8.752).
4. Water and spray bars shall be available and used, as necessary, to maintain compliance with the opacity limitations in Sections II.A.1, II.A.2, and II.A.3 (ARM 17.8.752).
5. Remp 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).
6. Remp 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.5 (ARM 17.8.749).
7. Remp shall not operate more than five crushers at any given time and the combined maximum-rated design capacity shall not exceed 280 tons per hour (TPH) (ARM 17.8.749).
8. Crushing production is limited to 2.5 million (MM) tons during any rolling 12-month time period (ARM 17.8.749).
9. Remp shall not operate more than four screens at any given time and the combined maximum-rated design capacity shall not exceed 340 TPH (ARM 17.8.749).
10. Screening production is limited to 3.0 MM tons during any rolling 12-month time period (ARM 17.8.749).
11. Remp shall not operate more than one diesel-fired generator engine at any given time and the maximum-rated design capacity shall not exceed 519 hp (ARM 17.8.749).
12. Operation of the diesel-fired generator engine shall not exceed 7,000 hours during any rolling 12-month time period (ARM 17.8.749 and ARM 17.8.1204).
13. Remp shall not operate more than three diesel-fired engines at any given time and the maximum-rated design capacity shall not exceed a total of 2.1 million British thermal units per hour (MMBtu/hr) (ARM 17.8.749).
14. Operation of each of the three diesel motors shall not exceed 5,000 hours during any rolling 12-month time period (ARM 17.8.749 and ARM 17.8.1204).
15. If the permitted equipment is used in conjunction with any other equipment owned or operated by Remp, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons during any rolling 12-month time period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.749).
16. Remp shall comply with all applicable standards and limitations, and the reporting, recordkeeping, testing, and notification requirements contained in 40 CFR 60, Subpart OOO, *Standards of Performance for Nonmetallic Mineral Processing Plants* (ARM 17.8.340 and 40 CFR 60, Subpart OOO).

17. Remp shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 60, Subpart III, *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines* and 40 CFR 63, Subpart ZZZZ, *National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*, for any applicable diesel engine (ARM 17.8.340; 40 CFR 60, Subpart III; ARM 17.8.342; and 40 CFR 63, Subpart ZZZZ).

B. Testing Requirements

1. Within 60 days after achieving maximum production, but no later than 180 days after initial start-up, an Environmental Protection Agency (EPA) Method 9 opacity test and/or other methods and procedures as specified in 40 CFR 60.675 must be performed on all NSPS-affected equipment to demonstrate compliance with the emission limitations contained in Section II.A.1 and II.A.2 (ARM 17.8.340 and 40 CFR 60, Subpart A and Subpart OOO).
2. All compliance source tests shall be conducted in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
3. The Department may require testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. If this crushing/screening plant is moved to another location, an Intent to Transfer form must be sent to the Department and a Public Notice Form for Change of Location must be published in a newspaper of general circulation in the area to which the transfer is to be made, at least 15 days prior to the move. 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 17.8.749 and ARM 17.8.765).
2. Remp shall supply the Department with annual production information for all emission points, as required by the Department in the annual emission inventory request. The request will include, but is not limited to, all sources of emissions identified in the most recent emission inventory report and sources identified in Section I.A of the permit analysis.

Production information shall be gathered on a calendar-year basis and submitted to the Department by the date required in the emission inventory request. Information shall be in units as required by the Department (ARM 17.8.505).

3. Remp shall notify the Department of any construction or improvement project conducted, pursuant to ARM 17.8.745, that would include ***the addition of a new emissions unit***, 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. The notice must be submitted to the Department, in writing, 10 days prior to startup 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(l)(d) (ARM 17.8.745).

4. Remp shall maintain on-site records showing daily hours of operation and daily production rates for the last 12 months. All records compiled in accordance with this permit, shall be maintained by Remp as a permanent business record for at least 5 years following the date of the measurement, shall be submitted to the Department upon request, and shall be available at the plant site for inspection by the Department (ARM 17.8.749).
5. Remp shall document, by month, the crushing production from the facility. By the 25th day of each month, Remp shall calculate the crushing production from the facility for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.8. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
6. Remp shall document, by month, the screening production from the facility. By the 25th day of each month, Remp shall calculate the screening production from the facility for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.10. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
7. Remp shall document, by month, the hours of operation of each diesel engine. By the 25th day of each month, Remp shall calculate the hours of operation for each diesel engine for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitations in Sections II.A.12 & II.A.14. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
8. Remp shall annually certify that its emissions are less than those that would require the facility 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. The annual certification shall be submitted along with the annual emissions inventory information (ARM 17.8.749 and ARM 17.8.1204).

D. Addendum

Remp shall comply with all conditions in Addendum 4 to Permit #3029-03 as appropriate (ARM 17.8.749).

SECTION III: General Conditions

- A. Inspection – Remp 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 Remp fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving Remp 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 Remp 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 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. Remp 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 or areas considered tribal lands.

PERMIT ANALYSIS
Remp Sand and Gravel, Inc.
Permit #3029-03

I. Introduction/Process Description

A. Permitted Equipment

Remp Sand and Gravel, Inc. (Remp) owns and operates a portable crushing/screening plant consisting of up to five crushers (280 tons per hour (TPH)), four screens (340 TPH), a diesel-fired generator with an engine up to 519 horsepower (hp), up to three diesel engines (total up to 2.1 million British thermal units per hour (MMBtu/hr)), and associated equipment.

B. Source Description

Remp proposes to use this crushing/screening plant, consisting of the previously mentioned equipment, to crush and sort sand and gravel materials for sale and use in construction operations. For a typical operational set up, the raw material is fed into the feeder by a front-end loader or similar piece of equipment. From the feeder, the material is sent through the primary screen then through the primary jaw crusher. The material is then transferred to the secondary plant where it is initially sent through the secondary screen then through the jaw and rolls and ultimately conveyed to a stockpile for use.

C. Permit History

On December 10, 1998, Remp submitted a complete permit application to operate a portable gravel crushing plant consisting of a 1974 Cedar Rapids jaw crusher (50 TPH), a 1973 Cedar Rapids roll crusher (50 TPH), a 1973 Cedar Rapids jaw crusher (50 TPH), a 1974 Cedar Rapids (4' x 10') screen (80 TPH), a 1973 Cedar Rapids (5' x 14') screen (80 TPH), and associated equipment. A complete equipment list was included with the permit analysis. The facility initially operated in the West ½ of the East ¼ of Section 34, Township 31 North, Range 31 West, in Lincoln County, Montana.

The proposed site was located within 10 kilometers (km) of the Libby particulate matter less than 10 microns (PM₁₀) nonattainment area (NAA). In addition, the permitted facility was scheduled to operate during the winter months (October 1, 1998 - March 31, 1999). Therefore, the Department of Environmental Quality (Department) conducted modeling for the proposed location and determined that, with limitations, Remp would not adversely affect the Libby PM₁₀ NAA. **Permit #3029-00** and **Addendum 1** were issued final on January 13, 1999.

On October 13, 2000, Remp submitted a request for modification of Permit #3029-00 to renew their addendum to operate in or within 10 km of the Libby PM₁₀ nonattainment area during the winter months (October 1, 2000 - March 31, 2001) and in or within 10 km of the Libby, Kalispell, Columbia Falls, Whitefish, Thompson Falls, and Butte PM₁₀ nonattainment areas during the summer months (April 1, 2001 - September 30, 2001). The proposed site was located within the West ½ of the East ¼ of Section 34, Township 31 North, Range 31 West in Lincoln County, Montana. Modeling was conducted to demonstrate compliance with the National Ambient Air Quality Standards (NAAQS) and the Montana Ambient Air Quality Standards (MAAQS) for PM₁₀. **Permit #3029-01** and **Addendum 2** were issued final on November 29, 2000 and were also updated with the most current emission factors. Permit #3029-01 replaced Permit #3029-00 and Addendum 2 replaced Addendum 1.

On May 24, 2002, Remp submitted a request for modification of Permit #3029-01 to renew their addendum to operate in or within 10 km of the Libby NAA during the winter months (October 1 - March 31), and in or within 10 km of the Libby, Kalispell, Columbia Falls, Whitefish, Thompson Falls, and Butte NAAs during the summer months (April 1 - September 30). The proposed site was located within the West ½ of the East ¼ of Section 34, Township 31 North, Range 31 West in Lincoln County, Montana. Modeling was conducted to demonstrate compliance with the NAAQS and the MAAQS for PM₁₀. **Permit #3029-02** replaced Permit #3029-01 and **Addendum 3** replaced Addendum 2.

D. Current Permit Action

On April 21, 2008, Remp submitted a request for modification of Permit #3029-02 to include new equipment, including a 1995 El Jay Cone Crusher, a Pioneer Jaw Crusher, a 1995 Fab-Tec 3-Deck Screen, a Suntract 3-Deck Screen, a Caterpillar generator powered by a 519 horsepower (hp) diesel engine, a 35-hp engine, and associated equipment. Synthetic minor operational limits were placed on the diesel-fired equipment to maintain emissions below the major source threshold. In addition, the permit was also updated to make the permit de minimis-friendly, and to reflect the current permit language and rule references used by the Department. **Permit #3029-03** replaces Permit #3029-02 and **Addendum 4** replaces Addendum 3.

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 is a list of applicable definitions used 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).

Remp 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. 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. 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. 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 PM₁₀

Remp 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 to an outdoor atmosphere from any source installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes.
2. ARM 17.8.308 Particulate Matter, Airborne. (1) This rule requires an opacity limitation of 20% for all fugitive emission sources and that reasonable precautions be taken to control emissions of airborne particulate matter. (2) Under this rule, Remp 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 17.8.340 Standard of Performance for New Stationary Sources. This rule incorporates, by reference, 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS). Remp is not currently considered an NSPS-affected facility as described:
- a. 40 CFR 60, Subpart A – General Provisions apply to all equipment or facilities subject to an NSPS Subpart as listed below:
 - b. 40 CFR 60, Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants. In order for a crushing plant to be subject to this subpart, the facility must meet the definition of an affected facility and, the affected equipment must have been constructed, reconstructed, or modified after August 31, 1983. Based on the information submitted by Remp, the equipment identified for the proposed project is not currently subject to NSPS requirements. The Cedar Rapids equipment is not subject since it has not been constructed, reconstructed, or modified after August 31, 1983. The equipment added in Permit #3029-03 is not subject because the cumulative capacity of the crushers is below 150 TPH. However, since the permit is written in a de minimis-friendly manner, Remp could be subject to this requirement in the future.
 - c. 40 CFR 60, Subpart IIII, Standards of Performance for Stationary Compression Ignition (CI) Internal Combustion Engines (ICE), indicates that NSPS requirements apply to owners or operators of stationary CI ICE that commence construction after July 11, 2005, where the stationary CI ICE is manufactured after April 1, 2005, and is not a fire pump engine. This NSPS will apply if the engine remains or will remain at the permitted location for more than 12 months, or a shorter period of time for an engine located at a seasonal source. A seasonal source remains at a single location on a permanent basis (at least 2 years) and operates 3 months or more each year.

The proposed 519-hp diesel generator engine is a CI ICE manufactured before April 1, 2005. Therefore, NSPS requirements do not apply to this particular engine. However, since this permit is written in a de minimis-friendly manner, NSPS requirements may apply to future engines.

7. ARM 17.8.342 Emission Standards for Hazardous Air Pollutants for Source Categories. The source, as defined and applied in 40 CFR Part 63, shall comply with the requirements of 40 CFR Part 63, as listed below:
- a. 40 CFR 63, Subpart A – General Provisions apply to all equipment or facilities subject to a Maximum Achievable Control Technology (MACT) Subpart as listed below:
 - b. 40 CFR 63, Subpart ZZZZ - National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE). As an area source, any diesel RICE engine operated by Remp that is new or reconstructed after June 12, 2006, will be subject to this MACT standard if the engine remains or will remain at the permitted location for more than 12 months, or a shorter period of time for an engine located at a seasonal source. A seasonal source remains at a single location on a permanent basis (at least 2 years) and operates 3 months or more each year.

The proposed 519-hp diesel generator engine is a CI ICE manufactured before June 12, 2006. Therefore, MACT requirements do not apply to this particular engine. However, since this permit is written in a de minimis-friendly manner, MACT requirements may apply to future engines.

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. Remp shall submit an air quality permit application fee concurrent with the submittal of an air quality permit application. A permit application is incomplete until the proper application fee is paid to the Department. Remp submitted the appropriate permit application fee for the current permit action.
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 which 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 that has the potential to emit (PTE) greater than 15 tons per year of any pollutant. Remp has a PTE greater than 15 tons per year of Particulate Matter (PM), oxides of nitrogen (NO_x), 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, alteration, or use of a source. Remp submitted the required permit application for the current permit action. (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. Remp submitted an affidavit of publication of public notice for the April 2, 2008 issue of the *Western News*, a newspaper of general circulation in the Town of Libby in Lincoln County, as proof of compliance with the public notice requirements.

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 III 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 Remp 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 17.8.760 Additional Review of Permit Applications. This rule describes the Department's responsibilities for processing permit applications and making permit decisions on those applications that require an environmental impact statement.
12. 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.
13. ARM 17.8.763 Revocation of Permit. An air quality permit may be revoked upon written request of the permittee, or for violations of any requirement of the Clean Air Act of Montana, rules adopted under the Clean Air Act of Montana, the FCAA, rules adopted under the FCAA, or any applicable requirement contained in the Montana State Implementation Plan (SIP).
14. 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.

15. 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 Federal Clean Air Act (FCAA) that it would emit, except as this sub-chapter would otherwise allow.

This facility is not a major stationary source because it is not listed and does not have the potential to emit more 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. Sources with the PTE > 70 tons/year of PM₁₀ in a serious PM₁₀ nonattainment area.
2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. 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 #3029-03 for Remp, the following conclusions were made:
 - a. The facility's PTE is less than 100 tons/year for any pollutant after restrictions on operating hours.
 - 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 PM₁₀ nonattainment area.
 - d. This facility is not subject to any current National Emission Standards for Hazardous Air Pollutants (NESHAP) standards.

- e. This facility is not subject to a current NSPS standard.
- 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.

Based on these facts, including that they have accepted an operational limitation that maintains their PTE below 100 TPY, the Department has determined that Remp is a synthetic minor source of emissions as defined under Title V. However, if minor sources subject to NSPS are required to obtain a Title V Operating Permit, Remp may 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.
3. ARM 17.8.1207, Certification of Truth, Accuracy, and Completeness. The compliance certification submittal 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. Remp shall install on the new or altered source the maximum air pollution control capability which is technically practicable and economically feasible, except that BACT shall be utilized.

Remp shall not cause to be discharged into the atmosphere from any non-NSPS affected equipment any visible emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes. Remp must take reasonable precautions to limit the fugitive emissions of airborne particulate matter from haul roads, access roads, parking areas, and the general area of operation. Remp is required to use water spray bars and water and/or chemical dust suppressant, as necessary, to maintain compliance with the opacity and reasonable precaution limitations. The Department determined that using water spray bars and water and/or chemical dust suppressant to maintain compliance with the opacity requirements and reasonable precaution limitations constitutes BACT for the crushing/screening operations.

Due to the amount of PM, PM₁₀, NO_x, CO, VOC, and SO_x emissions produced by the diesel engines, add-on controls would be cost prohibitive as the sources are small (minor industrial sources of emissions) and would only have seasonal and intermittent operations. Thus, the Department determined that no additional control constitutes BACT for these engines. The control options selected have controls and control costs similar to other recently permitted similar sources and these controls are capable of achieving the established emissions limits.

IV. Emission Inventory

Source	Tons/Year					
	PM	PM ₁₀	NO _x	VOC	CO	SO _x
1974 Cedar Rapids jaw crusher (50 TPH)	0.26	0.13				
1973 Cedar Rapids roll crusher (50 TPH)	0.26	0.13				
1973 Cedar Rapids jaw crusher (50 TPH)	0.26	0.13				
1995 El-Jay cone crusher (70 TPH)	0.35	0.18				
Pioneer jaw crusher (60 TPH)	0.31	0.13				
1974 Cedar Rapids screen (80 TPH)	0.79	0.26				
1973 Cedar Rapids screen (80 TPH)	0.79	0.26				
Suntract screen (80 TPH)	0.79	0.26				
1995 Fab-Tec screen (100 TPH)	0.96	0.31				
Truck Unloading	0.01	0.01				
Material Transfer	0.88	0.26				
Pile Forming	2.98	1.40				
Bulk Loading	0.02	0.02				
Caterpillar Generator (519 hp diesel engine)	3.96	3.96	56.04	4.59	12.08	3.68
Diesel Engines (35 hp, 7.8 gph, 5.5 gph)	1.63	1.63	23.15	1.90	5.00	1.53
Haul Roads	12.68	3.60				
Total	26.93	12.67	79.19	6.49	17.08	5.21

- A complete emission inventory for Permit #3029-03 is on file with the Department. The diesel engines have annual operating restrictions (7,000 hrs/year for the generator engine and 5,000 hrs/year for the smaller diesel engines) to limit the potential to emit below major source thresholds.

V. Existing Air Quality

On July 1, 1987, the Environmental Protection Agency (EPA) promulgated new NAAQS for 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 have been designated by EPA as nonattainment for PM₁₀. As a result of this designation, the EPA required the Department and the City-County Health Departments to submit PM₁₀ 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 #3029-03 sets conditions and limitations that allow for this portable crusher plant to be located in or within 10 km of certain PM₁₀ nonattainment areas during the summer months (April 1 through September 30). This portable crusher plant will also be allowed to operate in the West ½ of the East ¼ of Section 34, Township 31 North, Range 31 West, in Lincoln County, Montana, during the winter months (October 1 through March 31).

The Department determined that the amount of controlled emissions generated by this facility will not exceed any set ambient air quality standard. In addition, this source is portable and will operate on an intermittent and temporary basis at any given location, so any air quality impacts will be minimal.

VI. Air Quality Impacts

Based on the information provided and the conditions established in Permit #3029-03, the amount of controlled emissions generated by this facility will not exceed any set ambient air quality standards. Thus, the limitations and conditions established in Addendum 4 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. The conditions in Permit #3029-03 will be protective of air quality while operating at locations not located in or within 10 km of certain PM₁₀ nonattainment areas.

VII. Ambient Air Impact Analysis

The Department determined, based on ambient air modeling, that the impact from this permitting action will be minor. The Department believes it will not cause or contribute to a violation of any ambient air quality standard.

VIII. Taking or Damaging Implication Analysis

As required by 2-10-105, MCA, the Department conducted the following private property taking and damaging assessment.

YES	NO	
X		1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
	X	2. Does the action result in either a permanent or indefinite physical occupation of private property?
	X	3. Does the action deny a fundamental attribute of ownership? (ex.: right to exclude others, disposal of property)
	X	4. Does the action deprive the owner of all economically viable uses of the property?
	X	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If no, go to (6)].
		5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?
		5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?
	X	6. Does the action have a severe impact on the value of the property? (consider economic impact, investment-backed expectations, character of government action)
	X	7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally?
		7a. Is the impact of government action direct, peculiar, and significant?
		7b. Has government action resulted in the property becoming practically inaccessible, waterlogged or flooded?
		7c. Has government action lowered property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?
	X	Takings or damaging implications? (Taking or damaging implications exist if YES is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if NO is checked in response to questions 5a or 5b; the shaded areas)

Based on this analysis, the Department determined there are no taking or damaging implications associated with this permit action.

IX. Environmental Assessment

An environmental assessment, required by the Montana Environmental Policy Act, was completed for this project. A copy is attached.

Addendum 4
Remp Sand and Gravel, Inc.
Permit #3029-03

An addendum to air quality Permit #3029-03 is hereby granted to Remp Sand and Gravel, Inc. (Remp), pursuant to Section 75-2-204 and 211 of Montana Code Annotated (MCA), as amended, and Administrative Rules of Montana (ARM) 17.8.765, as amended, for the following:

I. Permitted Equipment

Remp Sand and Gravel, Inc. (Remp) owns and operates a portable crushing/screening plant consisting of up to five crushers (280 tons per hour (TPH)), four screens (340 TPH), a diesel-fired generator with an engine up to 519 horsepower (hp), up to three diesel engines (total up to 2.1 million British thermal units per hour (MMBtu/hr)), and associated equipment.

II. Seasonal and Site Restrictions

Addendum 4 applies to the Remp 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 (PM₁₀) nonattainment areas (NAA). Seasonal and site restrictions apply to the facility as follows:

- A. During the winter season (October 1-March 31) - The only location in or within 10 km of a PM₁₀ NAAs where Remp may operate is the West ½ of the East ¼ of Section 34, Township 31 North, Range 31 West in Lincoln County, Montana, or at any site that may be approved by the Department of Environmental Quality (Department), in writing.
- B. During the summer season (April 1-September 30) – Remp may operate at any location in or within 10 km of the Libby, Thompson Falls, Kalispell, Whitefish, Columbia Falls, and Butte PM₁₀ NAAs.
- C. Remp shall comply with the limitations and conditions contained in Addendum 4 to Permit #3029-03 while operating in or within 10 km of any of the previously listed PM₁₀ NAAs. 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 Limitations

- 1. All visible emissions from the crusher plant may not exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749).
- 2. Remp shall not cause or authorize to be discharged into the atmosphere from any other equipment, such as screens or transfer points, any visible emissions that exhibit opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749).
- 3. Water and spray bars shall be available on site at all times and operated as necessary to maintain compliance with the opacity limitations in Sections III.A.1 and III.A.2 (ARM 17.8.749).

4. Remp 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 (ARM 17.8.749).
5. Remp 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 10% opacity limitation (ARM 17.8.749).
6. Remp shall operate up to five crushers and the combined maximum-rated design capacity shall not exceed 280 tons per hour (ARM 17.8.749).
7. Crusher production shall not exceed 6720 tons per day (ARM 17.8.752).
8. Remp shall operate up to four screens and the combined maximum-rated design capacity shall not exceed 340 tons per hour (ARM 17.8.749).
9. Screen production shall not exceed 8160 tons per day (ARM 17.8.752).
10. Remp shall operate no more than one diesel-fired generator, with an engine rating of no more than 519 hp, and three diesel-fired engines, with total engine ratings of no more than 2.1 million British thermal units per hour (MMBtu/hr) (ARM 17.8.749).
11. Operation of the 519-hp diesel-fired generator engine shall not exceed 20 hours per day (ARM 17.8.749).

B. Operational Reporting Requirements

1. If this crushing/screening plant is moved to another nonattainment location, an Intent to Transfer form must be sent to the Department and a Public Notice Form for Change of Location must be published in a newspaper of general circulation in the area to which the transfer is to be made, at least 15 days prior to the move. 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 17.8.749 and ARM 17.8.765).
2. Production information for the sites covered by this addendum must be maintained for 5 years and submitted to the Department with the annual emission inventory upon request. The information must include (ARM 17.8.749):
 - a. Tons of gravel crushed at each site
 - b. Tons of bulk gravel loaded at each site
 - c. Tons of material screened at each site
 - d. Daily hours of operation at each site
 - e. Gallons of diesel used for generators at each site
 - f. Fugitive dust information consisting of the total miles driven on unpaved roads for all plant vehicles.

- g. 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.
- 3. Remp shall document, by day, the combined total crushing production and the total screening production to verify compliance with the limitations in Section(s) III.A.7 and 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 may be submitted along with the annual emission inventory (ARM 17.8.749).
- 4. Remp shall document, by day, the total hours of operation of the diesel engine/generator. Remp shall sum the total hours of operation during the previous 24 hours to verify compliance with the limitation in Section(s) III.A.11. A written report of compliance verification and the emissions inventory shall be submitted to the Department annually. The report for the previous calendar year may be submitted along with the annual emission inventory (ARM 17.8.749).

Addendum 4 Analysis
Remp Sand and Gravel, Inc.
Permit #3029-03

I. Permitted Equipment

Remp Sand and Gravel, Inc. (Remp) owns and operates a portable crushing/screening plant consisting of up to five crushers (280 tons per hour (TPH)), four screens (340 TPH), a diesel-fired generator with an engine up to 519 horsepower (hp), up to three diesel engines (total up to 2.1 million British thermal units per hour (MMBtu/hr)), and associated equipment.

II. Permit History

On December 10, 1998, Remp submitted a complete permit application to operate a portable gravel crushing plant consisting of a 1974 Cedar Rapids jaw crusher (50 TPH), a 1973 Cedar Rapids roll crusher (50 TPH), a 1973 Cedar Rapids jaw crusher (50 TPH), a 1974 Cedar Rapids (4' x 10') screen (80 TPH), a 1973 Cedar Rapids (5' x 14') screen (80 TPH), and associated equipment. A complete equipment list was included with the permit analysis. The facility initially operated in the West ½ of the East ¼ of Section 34, Township 31 North, Range 31 West, in Lincoln County, Montana.

The proposed site was located within 10 kilometers (km) of the Libby particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment areas (NAA). In addition, the permitted operation was scheduled to take place during the winter months (October 1 - March 31). Therefore, the Department of Environmental Quality (Department) conducted modeling for the proposed location and determined that, with limitations, Remp would not adversely affect the Libby PM₁₀ NAA. Permit #3029-00 covered operations outside of NAA and areas that were not covered by a Department approved permitting program. Addendum 1 covered operations in or within 10 km of certain NAA's. **Permit #3029-00** was issued and **Addendum 1** was established.

On October 13, 2000, Remp submitted a request for modification of Permit #3029-00 to renew their addendum to operate in or within 10 km of the Libby PM₁₀ nonattainment area during the winter months (October 1 - March 31) and in or within 10 km of the Libby, Kalispell, Columbia Falls, Whitefish, Thompson Falls, and Butte PM₁₀ nonattainment areas during the summer months (April 1 – September 30). The proposed operation site is located within the West ½ of the East ¼ of Section 34, Township 31 North, Range 31 West in Lincoln County, Montana. Modeling was conducted to demonstrate compliance with the National Ambient Air Quality Standards (NAAQS) for PM₁₀. Permit #3029-01 was also updated with the most current emission factors. **Permit #3029-01** replaced Permit #3029-00 and **Addendum 2** replaced Addendum 1.

On May 24, 2002, Remp submitted a request to modify Permit #3029-01 to renew their addendum to operate in or within 10 km of the Libby PM₁₀ nonattainment area during the winter months (October 1 - March 31), and in or within 10 km of the Libby, Kalispell, Columbia Falls, Whitefish, Thompson Falls, and Butte PM₁₀ nonattainment areas during the summer months (April 1 - September 30). The proposed operation site was located within the West ½ of the East ¼ of Section 34, Township 31 North, Range 31 West in Lincoln County, Montana. Modeling was conducted to demonstrate compliance with the National Ambient Air Quality Standards (NAAQS) for PM₁₀. **Permit #3029-02** replaced Permit #3029-01 and **Addendum 3** replaced Addendum 2.

III. Current Permit Action

On April 21, 2008, Remp submitted a request for modification of Permit #3029-02 to include new equipment, including a 1995 El Jay Cone Crusher, a Pioneer Jaw Crusher, a 1995 Fab-Tec 3-Deck

Screen, a Suntract 3-Deck Screen, a Caterpillar generator powered by a 519 horsepower (hp) diesel engine, and associated equipment. Synthetic minor operational limits were placed on the diesel-fired equipment to maintain emissions below the major source threshold. In addition, the permit was also updated to make the permit de minimis-friendly and to reflect the current permit language and rule references used by the Department. **Permit #3029-03** replaces Permit #3029-02 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:

1. 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.
2. 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.
3. ARM 17.8.765 Transfer of Permit. An air quality permit may be transferred from one person to another if:
 - a. Written notice of Intent to Transfer location and public notice is sent to the Department.
 - b. The source will operate in the new location for a period of less than 1 year.
 - c. The source will not have any significant impact on any nonattainment area or any Class I area.

Remp will have to submit proof of compliance with the transfer and public notice requirements when they transfer to the location covered by this addendum and will only be allowed to stay in the new location for a period of less than 1 year. Also, the conditions and controls of this addendum will keep Remp from having a significant impact on any PM₁₀ NAA covered by this permit.

V. Emission Inventory

Source	lbs/day					
	PM	PM ₁₀	NO _x	VOC	CO	SO _x
1974 Cedar Rapids jaw crusher (50 TPH)	1.4	0.7				
1973 Cedar Rapids roll crusher (50 TPH)	1.4	0.7				
1973 Cedar Rapids jaw crusher (50 TPH)	1.4	0.7				
1995 El-Jay cone crusher (70 TPH)	2.0	0.9				
Pioneer jaw crusher (60 TPH)	1.7	0.8				
1974 Cedar Rapids screen (50 TPH)	4.2	1.4				
1973 Cedar Rapids screen (50 TPH)	4.2	1.4				
Suntract screen (80 TPH)	4.2	1.4				
Fab-Tech screen (100 TPH)	5.3	0.3				
Truck Unloading	0.1	0.1				
Material Transfer	4.7	1.6				
Pile Forming	16.2	7.7				
Bulk Loading	0.1	0.1				
Caterpillar Generator (519 hp diesel engine)	22.5	22.5	320.2	26.1	69.0	21.1
Diesel Engines (35 hp, 7.8 gph, 5.5 gph)	1.9	1.9	222.3	18.1	47.9	14.6
Haul Roads	69.5	19.8				
Total	140.8	62.0	542.5	44.2	116.9	35.7

- A complete emission inventory for Permit #3029-03 is on file with the Department. Since the potential daily emissions of PM₁₀ is below 82 lb/day, no modeling or daily limitations were required for PM₁₀. In order to keep the facility's daily NO_x PTE below the modeling threshold of 547 lb/day, the 519-hp diesel generator engine was restricted to 20 hrs/day operation.

VI. Existing Air Quality

On July 1, 1987, the Environmental Protection Agency (EPA) promulgated new NAAQS for 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 have been designated by EPA as nonattainment for PM₁₀. As a result of this designation, the 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 sets conditions and limitations that allow for this portable crusher plant to be located in or within 10 km of certain PM₁₀ NAAs during the summer months (April 1 through September 30). This portable crusher plant will also be allowed to operate in West ½ of the East ¼ of Section 34, Township 31 North, Range 31 West, in Lincoln County, Montana, during the winter months (October 1 through March 31).

VII. Taking or Damaging Implication Analysis

As required by 2-10-101 through 105, Montana Code Annotated (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, required by the Montana Environmental Policy Act (MEPA), was completed for this project. A copy is attached.

DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
Air and Waste Management Bureau
P.O. Box 200901, Helena, Montana 59620
(406) 444-3490

FINAL ENVIRONMENTAL ASSESSMENT (EA)

Issued For: Remp Sand and Gravel, Inc.
338 Remp Extension
Libby, MT 59923

Air Quality Permit Number: #3029-03

Preliminary Determination Issued: 05/29/08

Department Decision Issued: 07/01/08

Permit Final: 07/17/08

1. *Legal Description of Site:* The plant would initially locate at the West ½ of the East ¼ of Section 34, Township 31 North, Range 31 West, in Lincoln County, Montana. Permit #3029-03 would apply while operating in any location in Montana, except within those areas having a Department-approved permitting program and areas considered to be tribal lands. *A Missoula County air quality permit would be required for all locations within Missoula County, Montana.* Addendum 4 to this air quality permit applies for locations in or within 10 km of certain PM₁₀ nonattainment areas.
2. *Description of Project:* This permit and Addendum would allow the operation of a portable crushing/screening facility in or within 10 km of the following PM₁₀ NAAs: 1) During the summer months (April 1 through September 30): Libby, Kalispell, Whitefish, Columbia Falls, Thompson Falls, and Butte and 2) During the winter months (October 1 through March 31) at the West ½ of the East ¼ of Section 34, Township 31 North, Range 31 West, in Lincoln County, Montana or at any site that may be approved by the Department, in writing.
3. *Objectives of Project:* This crushing/screening operation would be used in conjunction with current sand and gravel operations performed by Remp. The proposal would allow Remp to generate business and revenue for the company.
4. *Alternatives Considered:* In addition to the proposed action, the Department also considered the "no-action" alternative. The "no-action" alternative would deny issuance of the air quality preconstruction permit to the proposed facility. However, the Department does not consider the "no-action" alternative to be appropriate because Remp demonstrated compliance with all applicable rules and regulations as required for permit issuance. Therefore, the "no-action" alternative was eliminated from further consideration.
5. *A Listing of Mitigations, Stipulations and Other Controls:* A list of enforceable conditions would be contained in Permit #3029-03. More stringent operational limitations, applicable to operating in or within 10 km of certain PM₁₀ NAA's would be contained in Addendum 4.
6. *Regulatory Effects on Private Property:* The Department considered alternatives to the conditions imposed in this permit as part of the permit development. The Department determined that the permit conditions would be reasonably necessary to ensure compliance with applicable requirements and demonstrate compliance with those requirements and do not unduly restrict private property rights.

7. The following table summarizes the potential physical and biological effects of the proposed project on the human environment. The "no-action" alternative has been discussed previously.

Potential Physical and Biological Environment							
		Major	Moderate	Minor	None	Unknown	Comments Included
A	Terrestrial and Aquatic Life and Habitats			X			yes
B	Water Quality, Quantity, and Distribution			X			yes
C	Geology and Soil Quality, Stability, and Moisture			X			yes
D	Vegetation Cover, Quantity, and Quality			X			yes
E	Aesthetics			X			yes
F	Air Quality			X			yes
G	Unique Endangered, Fragile, or Limited Environmental Resource			X			yes
H	Demands on Environmental Resource of Water, Air, and Energy			X			yes
I	Historical and Archaeological Sites				X		yes
J	Cumulative and Secondary Impacts			X			yes

SUMMARY OF COMMENTS ON POTENTIAL PHYSICAL AND BIOLOGICAL EFFECTS:

The following comments have been prepared by the Department.

A. Terrestrial and Aquatic Life and Habitats

Terrestrials would use the areas in which the crushing/screening operations occur. However, the crushing/screening operations would be small and temporary, so only minor effects to terrestrial life would be expected. Also, because this source would operate in an existing permitted gravel pit, on a temporary basis, only minimal effects upon terrestrial life would occur.

Impacts upon aquatic life in the area would also result, but would be minor, as the facility is a small and temporary source that would be located greater than 100 meters from the nearest stream (the Kootenai River). Dispersion of the pollutants would, therefore, be sufficient as to protect the aquatic life from pollutant deposition. Also, the area in question is an existing gravel pit permitted through the Industrial and Energy Minerals Bureau. Thus, only minor impacts upon terrestrial and aquatic life are expected.

B. Water Quality, Quantity, and Distribution

Although there would be an increase in air emissions in the area where the crushing/screening operations operate, there would be little, if any impacts on the water quality, quantity, and distribution because of the relatively small size and temporary nature of the operation. While deposition of pollutants would occur, the Department determined that any impacts from deposition of pollutants would be minor. As described in Section 7.F of this EA, due to the conditions placed in Permit #3029-03 and Addendum 4, the maximum impacts from the air emissions of this facility would be relatively minor.

Water would be required for air pollution control, but would only cause a minor disturbance to the area. No surface water or ground water quality problems are expected as a result of using water for pollution control because only small amounts of water would need to be used. Furthermore, any accidental spills or leaks from equipment would be required to be handled according to the appropriate environmental regulations in an effort to minimize any potential adverse impact on the immediate and surrounding area. Thus, the crushing/screening plant would have only minor impacts to water quality, quantity, and distribution.

C. Geology and Soil Quality, Stability and Moisture

There would be minor impacts to the geology and soil quality, stability, and moisture near the crushing/screening area due to increased vehicle traffic, the use of water to control dust, and deposition of pollutants from the crushing/screening operation. As explained in Section 7.F of this EA, the relatively small size and temporary nature of the operation, previous industrial disturbance at the site, and conditions placed in Permit #3029-03 and Addendum 4, would minimize the emissions from the facility. As a result, deposition and water used to control pollution emissions would result in only minor disturbance to the soil.

D. Vegetation Cover, Quantity and Quality

There would be minor impacts on the vegetative cover, quantity, and quality, because small amounts of vegetation would likely be disturbed from the crushing/screening operation. In addition, pollutant deposition would occur on the surrounding vegetation. However, as explained in Section 7.F of this EA, the Department determined that, due to the relatively small size and temporary nature of the operation, the previous industrial disturbance at the site location, and conditions placed in Permit #3029-03 and Addendum 4, any impacts from deposition of pollutants would be minor. Also, because the water usage would be minimal (as described in Section 7.B) and the associated soil disturbance would be minimal (as described in Section 7.C) corresponding vegetative impacts would also be minimal.

E. Aesthetics

The crushing/screening operations would be visible and would create additional noise in the area of operation. Permit #3029-03 would include conditions to control emissions, including visible emissions, from the plant. Since the crushing/screening operations are small and temporary, any aesthetic impacts would be minimal.

F. Air Quality

The air quality emissions impacts from the crushing/screening operations would be minor because Permit #3029-03 would include conditions limiting the opacity from the plant, requiring water spray bars and other means to control air pollution, and limiting the annual hours of operation for the diesel-fired engines. In addition, Addendum 4 to Permit #3029-03 would include more stringent limitations for any operations taking place in or within 10 km of certain PM₁₀ NAAs in Montana.

The operations would be limited by Permit #3029-03 to total emissions of 250 tons/year or less from non-fugitive sources at the plant, in addition to any other equipment at the site. However, since the facilities potential emissions are restricted to well below 100 tons/year for any pollutant generated, the facility is recognized as a synthetic minor source of air pollution.

The plant would be required to use water spray to further reduce emissions from equipment operations, storage piles, and haul roads. Plant emission and emissions from the operational site would be limited to 10% opacity while operating in or within 10 km of the previously identified PM₁₀ NAAs.

G. Unique Endangered, Fragile or Limited Environmental Resources

The Department previously contacted the Montana Natural Heritage Program (MNHP) in an effort to identify any species of special concern that may be found in the proposed area. Area, in this case, will be defined by the township and range of the proposed site, with an additional 1-mile buffer. Search results concluded there are (5) such environmental resources in the area. The species of special concern include the Bald Eagle, Geyer's Biscuitroot, Interior Redband Trout, Lynx, and Bull Trout. Since modifications in Permit #3029-03 allows the use of additional processing equipment, but does not change the site location or extent, the previous review was determined to be adequate by the Department.

The site is greater than 100 meters from the nearest stream, a typical buffering zone for the fish identified. Therefore, it is not expected that Bull Trout and Interior Red Band Trout would be affected by the proposed operations. Any effects to the Geyer's Biscuitroot, would be minor and temporary, as a result of the operating the crushing/screening plant. The facility would be operating in an existing permitted gravel pit, approximately 1 mile away from the nearest occurrence of any subpopulation. The source would also have seasonal, intermittent, and temporary use at the site and would be a small facility.

The area of operation lies within the boundaries of a large contiguous area that has been identified as potential Lynx habitat. The area is an existing permitted gravel pit that is already utilized for such operations and is approximately 3/4 of a mile from Highway 2 and the town of Libby. Because the area surrounding the site is used for industrial purposes and is surrounded by frequently used roadways, it is not anticipated that the site would be frequented by the Lynx, and would have an effect upon the Lynx. Therefore, any effects would be minor.

The crushing/screening operations are approximately 2 miles away from the eagle nesting site. While this distance is within 2.5 miles of the nest, an area identified as a home range radius for the species (1994 Bald Eagle Management Plan), it would not be within a 0.25 mile nesting site buffer zone or within a 0.5 mile primary use zone. Because the site has been previously used for such operations and the site is near the town of Libby and Highway 2, any effects would be minimal and short-lived.

H. Demands on Environmental Resource of Water, Air and Energy

The crushing/screening operations would only require small quantities of water, air, and energy for proper operating, due to the size of the facility. Small amounts of water would be used for dust control from the equipment, the stockpiles, and the associated haul roads. Further, as described in Section 7.F. of this EA, pollutant emissions generated from the facility would have minimal impacts on air quality in the immediate and surrounding area. Energy demands to operate the facility would be minor because the operation would consist of a relatively small equipment and because the operations would be intermittent. Generally, the operations are seasonal, which results in smaller demands on the environmental resources. Any impacts, therefore, would be minor.

I. Historical and Archaeological Sites

The Montana Historical Society (MHS) was previously contacted in an effort to identify any historical or archaeological site that may be affected by the proposed crushing/screening operation. Search results did indicate that several previously recorded historic sites are located within Section 34, Township 31 North, Range 31West, in Lincoln County, Montana. However, the proposed project is to crush and screen rock material within a previously

disturbed industrial site. According to past correspondence from the Montana State Historic Preservation Office, there is low likelihood of adverse disturbance to any known archaeological or historic site given the previous industrial disturbance in the area. Therefore, it is unlikely that the operation proposed in this permit modification will have an adverse effect on any known historic or archaeological site.

J. Cumulative and Secondary Impacts

The crushing/screening operations would cause minor effects to the physical and biological environment. There is potential for other operations to locate at this site. However, any operations would have to apply for and receive the appropriate permits from the Department prior to operation. These permits would address the environmental impacts associated with the operations at the proposed site. The crushing/screening operations would be limited by Permit #3029-03 to total emissions of 250 tons/year or less from non-fugitive crushing/screening operations and any other additional equipment used at any given site. In addition, Addendum 4, to Permit #3029-03, would outline specific conditions and restrictions applicable to operation in or within 10 km of certain PM₁₀ NAAs.

8. *The following table summarizes the potential social and economic effects of the proposed project on the human environment. The "no-action" alternative has been discussed previously.*

Potential Social and Economic Effects							
		Major	Moderate	Minor	None	Unknown	Comments Included
A	Social Structures and Mores				X		yes
B	Cultural Uniqueness and Diversity				X		yes
C	Local and State Tax Base and Tax Revenue			X			yes
D	Agricultural or Industrial Production			X			yes
E	Human Health			X			yes
F	Access to and Quality of Recreational and Wilderness Activities			X			yes
G	Quantity and Distribution of Employment				X		yes
H	Distribution of Population				X		yes
I	Demands for Government Services			X			yes
J	Industrial and Commercial Activity			X			yes
K	Locally Adopted Environmental Plans and Goals				X		yes
L	Cumulative and Secondary Impacts			X			yes

SUMMARY OF COMMENTS ON POTENTIAL SOCIAL AND ECONOMIC EFFECTS: The following comments have been prepared by the Department:

A. Social Structures and Mores

The crushing/screening operation is small and temporary, and would cause no disruption to native or traditional lifestyles or communities to the area of operation because the facility would not be generating any materials that are foreign to the existing environment (crushed rock), would be operating on an intermittent and seasonal basis, and would be operating in an area already designated and used for such purposes.

B. Cultural Uniqueness and Diversity

The crushing/screening operations would not have an impact on the cultural uniqueness and diversity of the proposed area of operation because the area has been previously designated and used for such operations. Furthermore, the facility would be a small and temporary source.

C. Local and State Tax Base and Tax Revenue

The proposed crushing/screening operations would have little, if any, affect on local and state tax base and tax revenue. The facility would be a relatively small and temporary source and therefore, would not remain at any individual site for an extended period of time. No full time, permanent employees would be added as a result of issuing Permit #3029-03, although two temporary employees may be added if full operation is reached. Also, any revenue created by the crushing/screening operation in a particular area would last for only a relatively short time period.

D. Agricultural or Industrial Production

The crushing/screening operations would initially take place at Section 34, Township 31 North, Range 31 West, in Lincoln County; a previously disturbed industrial area. Therefore, the permitted operation would not affect or displace any agricultural land. Additionally, because deposition of pollutants would be minimal (as explained in Section 7.F of this EA) and because the facility is located in an industrial area, any impacts upon industrial production would be minimal. Further, the crushing/screening operations are small by industrial standards and, thus, would have only a minor impact on industrial activity in the area.

E. Human Health

Permit #3029-03 and Addendum 4 would incorporate conditions to ensure that the crushing/screening operations would be operated in compliance with all applicable air quality rules and standards. These standards are designed to be protective of human health. As described in Section 7.F, the air emissions from this facility would be minimized by water spray and opacity limitations on the facility and surrounding operational area. Therefore, any associated impacts to human health would be minor.

F. Access to and Quality of Recreational and Wilderness Activities

The crushing/screening operations would not affect any access to recreational and wilderness activities. However, minor effects on the quality of recreational activities would be created by the noise from the site. Any impacts would be temporary, due to the portable nature of the crushing/screening operations and because of the presence of Highway 2 and other industrial activities within the area.

G. Quantity and Distribution of Employment

Given the relatively small size and temporary nature of the operation, the activities from the crushing/screening operations would not affect the quantity and distribution of employment in the area. No full time, permanent employees would be expected to be added as a result of issuing Permit #3029-03 and Addendum 4.

H. Distribution of Population

Given the relatively small size and temporary nature of the operation, the activities from the crushing/screening operations would not affect the normal population distribution in the area. Additionally, no additional employees are expected to be hired as a result of issuing Permit #3029-03 and Addendum #4. Therefore, the distribution of population in the area would not be affected.

I. Demands of Government Services

Minor increases would be seen in traffic on existing roads in the area while the crushing/screening operations are in progress. In addition, government services would be required for acquiring the appropriate permits from government agencies. Demands for government services would be minor.

J. Industrial and Commercial Activity

The crushing/screening operations would represent only a minor increase in the industrial activity in any given area. No additional industrial or commercial activity would result from the crushing/screening operations.

K. Locally Adopted Environmental Plans and Goals

The areas proposed as potential operating sites include designated as PM₁₀ NAA. Therefore, the Department has modeled the facility, based on "worst case" PM₁₀ emissions from the facility. The Department used the modeling results to evaluate potential effects on air quality and establish the appropriate emissions limitations and conditions to protect the ambient air quality in this NAA. The limitations would protect the proposed site and environment surrounding the site.

L. Cumulative and Secondary Impacts

The crushing/screening operations would cause a minor effect on the social and economic aspect of the human environment. The economic aspect would be affected, temporarily, by sand and gravel sales and fuel sales for generator operations. The social aspect would be affected by the production of sand and gravel materials that would be used to service the local residence, which would typically include improving transportation routes.

Recommendation: No Environmental Impact Statement (EIS) is required.

If an EIS is not required, explain why the EA is an appropriate level of analysis: Because this plant is a relatively small source and air pollution controls will be used, no significant impacts are expected. Permit #3029-03 and Addendum 4 include conditions and limitations that, if properly applied, would safeguard the environment surrounding the proposed crushing/screening operation.

Other groups or agencies contacted or which may have overlapping jurisdiction: Department of Environmental Quality – Permitting and Compliance Division (Air Resources Management Bureau and Industrial and Energy Minerals Bureau), Montana Natural Heritage Program, State Historic Preservation Office (Montana Historical Society).

Individuals or groups contributing to this EA: Department of Environmental Quality – Permitting and Compliance Division (Air Resources Management Bureau) and previous information from the Montana Natural Heritage Program and State Historic Preservation Office (Montana Historical Society).

EA prepared by: Christine Weaver

Date: May 2, 2008