

AIR QUALITY PERMIT

Issued To: Robin's Contracting, Inc.
151 Upper Lynch Creek Road
Plains, MT. 59859

Permit #3246-00
Application Complete: 03/3/03
Preliminary Determination Issued: 04/02/03
Department Decision Issued: 04/18/03
Permit Final: 05/06/03
AFS # 777-3246

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

Section I: Permitted Facilities

- A. Location: RCI requests to operate a portable hot mix asphalt plant and initially locate the facility in the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{2}$ of Section 15, Township 20 North, Range 26 West, in Sanders County, Montana. Permit #3246-00 applies while operating at any location within Montana, except within those areas having a Department of Environmental Quality (Department) approved permitting program. *A Missoula County air quality permit will be required for locations within Missoula County.* An addendum to this air quality permit will be required if RCI operates in or within 10 kilometers (km) of certain PM₁₀ nonattainment areas.
- B. Permitted Equipment: RCI operates a portable 1959 Barber Green batch mix asphalt plant with attached wet scrubber, cyclone, and associated equipment. A list of permitted equipment is included in Section I.A of the Permit Analysis.

Section II: Limitations and Conditions

- A. Emission Limitations
 1. Asphalt plant particulate matter emissions shall be limited to 0.10 gr/dscf (ARM 17.8.752).
 2. RCI shall not cause or authorize to be discharged into the atmosphere, from the asphalt plant, stack emissions that exhibit 20% opacity or greater averaged over 6 consecutive minutes (ARM 17.8.304 and ARM 17.8.752).
 3. RCI 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. RCI 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. RCI 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. A device to measure the pressure drop (magnehelic gauge, manometer, etc.) on the control devices (wet scrubber and dry cyclone) 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 according to Section II.C.2 (ARM 17.8.752).
7. Once a stack test is performed, the asphalt plant production rate shall be limited to the average production rate during the last source test demonstrating compliance (ARM 17.8.749).
8. Total asphalt plant production shall not exceed 588,000 tons of asphalt during any rolling 12-month time period (ARM 17.8.749).
9. The asphalt plant shall not exceed 2,450 hours of operation during any rolling 12-month time period (ARM 17.8.749).
10. The 350 kW and 100 kW diesel generators shall not individually exceed 2,450 hours of operation during any rolling 12-month time period (ARM 17.8.749).
11. If the permitted equipment is used in conjunction with any other equipment owned or operated by RCI, 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).
12. RCI shall install, operate, and maintain a wet scrubber and cyclone on the asphalt plant drum as specified in Permit Application #3246-00 (ARM 17.8.752).
13. RCI shall only use natural gas to fire the drum dryer and asphalt heater (ARM 17.8.749).

B. Testing Requirements

1. Within 60 days after achieving maximum production rate, but no later than 180 days after initial start-up, an EPA Methods 1-5 and 9 source test shall be performed on the asphalt plant to demonstrate compliance with the limitations in Section II.A.1, Section II.A.2, and Section 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 Section II.A.1, Section II.A.2, and Section 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.A.6 (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. RCI may retest at any time in order to test 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 the 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. RCI 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 RCI 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. RCI 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 units, as required by the Department. This information may be used for calculating fees, based on actual emissions from the facility, and/or to verify compliance with permit limitations (ARM 17.8.505).

4. RCI shall document, by month, the total plant production of asphalt. By the 25th day of each month, RCI shall total the production of asphalt during the previous 12-months to verify compliance with the limitation in Section II.A.8. A written report of the compliance verification shall be submitted along with the annual emission inventory (ARM 17.8.749).
5. RCI shall document, by month, the hours of operation of the asphalt plant. By the 25th day of each month, RCI shall total the hours of operation of the asphalt plant during the previous 12-months to verify compliance with the limitation in Section II.A.9. A written report of the compliance verification shall be submitted along with the annual emission inventory (ARM 17.8.749).
6. RCI shall document, by month, the hours of operation of each of the two diesel generators. By the 25th day of each month, RCI shall total the hours of operation of each generator during the previous 12-months to verify compliance with the limitation in Section II.A.10. A written report of the compliance verification shall be submitted along with the annual emission inventory (ARM 17.8.749).
7. RCI 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).

8. RCI shall annually certify that its actual emissions are less than those that would require the source to obtain an air quality operating permit as required by ARM 17.8.1204(3)(b). The annual certification shall comply with the certification requirements of ARM 17.8.1207. The annual certification shall be submitted with the annual emissions inventory information (ARM 17.8.1204).

- A. Inspection – RCI 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 RCI fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations - Nothing in this permit shall be construed as relieving RCI of the responsibility for complying with any applicable federal or Montana statute, rule or standard, except as specifically provided in ARM 17.8.740, *et seq.* (ARM 17.8.756).
- D. Enforcement - Violations of limitations, conditions and requirements contained herein may constitute grounds for permit revocation, penalties, or other enforcement, as specified in Section 75-2-401, *et seq.*, MCA.
- E. Appeals - Any person or persons jointly or severally adversely affected by the Department's decision may request, within 15 days after the Department renders its decision, upon affidavit setting forth the grounds therefore, a hearing before the Board of Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The filing of a request for a hearing postpones the effective date of the Department's decision until the conclusion of the hearing and issuance of a final decision by the Board. The Department's decision on the application is not final unless 15 days have elapsed and there is no request for a hearing under this section.
- 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 Fees - Pursuant to Section 75-2-220, MCA, as amended by the 1991 Legislature, failure to pay the annual operation fee by RCI 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. RCI shall comply with the conditions contained in this permit while operating at any location in Montana, except within those areas having a Department approved permitting program.

Permit Analysis
Robin's Contracting, Inc.
Permit #3246-00

I. Introduction

A. Permitted Equipment

Robin's Contracting, Inc. (RCI) operates a portable 1959 Barber Green hot mix asphalt plant (240 tons per hour (TPH)), a diesel generator (up to 350 Kilowatts (kW)), a diesel generator (up to 100 kW), and associated equipment. Particulate emissions from the hot mix asphalt plant are controlled by a dry cyclone and wet scrubber. Particulate emissions from the mineral silo are controlled by a pulse jet bag vent.

B. Process Description

A typical operation for the hot mix asphalt plant begins by loading the aggregate into the 3-bin feeder. The aggregate is then conveyed to the asphalt plant drum dryer for drying. The aggregate is then conveyed to a batch tower, where it is passed through a series of screens and sorted into hoppers. The material is then dropped onto a weigh hopper and released into a pugmill, where aggregate is mixed with a controlled amount of hot oil and hydrated lime to create asphalt cement. Hot asphalt is then loaded into trucks for transport to project sites.

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

(MCA).

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

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

RCI must comply with the applicable ambient air quality standards.

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

1. ARM 17.8.304 Visible Air Contaminants. This rule requires that no person may cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes.
2. ARM 17.8.308 Particulate Matter, Airborne. (1) This rule requires an opacity limitation of 20% for all fugitive emission sources and that reasonable precautions be taken to control emissions of airborne particulate matter. (2) Under this rule, RCI 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, allow, or permit 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 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. Commencing July 1, 1971, no person shall burn any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions.
 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. The owner and operator of any stationary source or modification, as defined and applied in 40 CFR Part 60, shall comply with the standards and provisions of 40 CFR Part 60. This plant consists of a portable 1959 Barber Green Hot Mix Asphalt Plant (maximum production rate 240 TPH) and associated equipment. Therefore, New Source Performance Standards (40 CFR Part 60, Subpart A, General Provisions, and Subpart I, Hot Mix Asphalt Facilities) do not apply 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. RCI 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. RCI 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 that pro-rate the required fee amount.

- E. RCI 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 if they construct, alter, or use any asphalt plant, crusher, or screen that has the potential to emit greater than 15 tons per year of any pollutant. RCI has the potential to emit more than 15 tons per year of total particulate matter (PM), particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀), 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 are not subject to the Montana Air Quality Permit Program.
 5. ARM 17.8.748 New or Modified Emitting Units--Permit Application Requirements. This rule requires that a permit application be submitted prior to installation, alteration or use of a source. RCI 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. RCI submitted affidavits of publication of public notice for the February 27, 2003, issues of the Mineral Independent and Clark Fork Valley Press, newspapers of general circulation in the Towns of Superior and Plains in Mineral and Sanders Counties, 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 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 RCI 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 the permittee, or for violations of any requirement of the Clean Air Act of Montana, rules adopted under the Clean Air Act of Montana, the FCAA, rules adopted under the FCAA, or any applicable requirement contained in the Montana State Implementation Plan (SIP).
 13. ARM 17.8.764 Administrative Amendment 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.
 14. ARM 17.8.765 Transfer of Permit. This rule states that an air quality permit may be transferred from one person to another if written notice of Intent to Transfer, including the names of the transferor and the transferee, is sent to the Department.
- F. ARM 17.8, Subchapter 8 - Prevention of Significant Deterioration of Air Quality, including, but not limited to:
1. ARM 17.8.801 Definitions. This rule is a list of applicable definitions used in this subchapter.
 2. ARM 17.8.818 Review of Major Stationary Sources and Major

Modification--Source Applicability and Exemptions. The requirements contained in ARM 17.8.819 through ARM 17.8.827 shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the FCAA that it would emit, except as this subchapter would otherwise allow.

This facility is not a major stationary source since it is not a listed source and the facility's potential to emit is less than 250 tons per year of any air pollutant (excluding fugitive emissions).

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

1. ARM 17.8.1201 Definitions. (23) Major Source under Section 7412 of the FCAA is defined as any stationary source having:
 - a. Potential to Emit (PTE) > 100 tons/year of any pollutant;
 - b. PTE > 10 tons/year of any one Hazardous Air Pollutant (HAP), PTE > 25 tons/year of a combination of all HAPs, or lesser quantity as the Department may establish by rule, or
 - c. PTE > 70 tons/year of PM₁₀ in a serious PM₁₀ nonattainment area.
2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. 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 #3246-00 for RCI the following conclusions were made:
 - a. The facility's PTE is less than 100 tons/year for any pollutant.
 - b. The facility's PTE is less than 10 tons/year 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 NESHAP standards.
 - e. This facility is not subject to any current NSPS standards.
 - f. This source is not a Title IV affected source nor a solid waste combustion unit.
 - g. This source is not an EPA designated Title V source.

RCI is not subject to Title V Operating Permit requirements because federally enforceable limitations have been established, which limit the source's potential to emit below the major source threshold.
 - 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.

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

3. ARM 17.8.1207 Certification of Truth Accuracy and Completeness. The compliance certification submittal required by ARM 17.8.1204(3) should contain certification by a responsible official of truth, accuracy, and completeness by a responsible official. 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. Emission Inventory

Source	Tons/Year					
	PM	PM ₁₀	NO _x	VOC	CO	SO _x
1959 Barber Green Asphalt Plant w/ Dry Cyclone & Wet Scrubber	23.24	18.59	76.44	9.41	38.22	1.00
Elevator, Screens, Bins, and Mixer	11.03	8.82				
Cold Aggregate Handling	14.70	11.76				
Asphalt Heater			0.14	0.00		0.00
Diesel Generator (up to 350 KW)	1.26	1.26	17.82	1.42	3.84	1.18
Diesel Generator (up to 100 KW)	0.36	0.36	5.09	0.41	1.10	0.34
Haul Roads	2.74	1.23				
Total	53.33	42.02	99.49	11.24	43.16	2.52

- A complete emissions inventory for Permit #3246-00 is on file with the Department.

IV. BACT Determination

A BACT determination is required for any new or altered source. RCI shall install on the new or altered source the maximum air pollution control capability that is technically practicable and economically feasible, except that BACT shall be utilized. A BACT analysis was conducted for Particulate matter, PM₁₀, NO_x, VOC, CO, and SO_x.

A dry cyclone and wet scrubber will be used to control emissions from the 1959 Barber Green hot mix asphalt plant. A pulse jet bag vent will be used to control emissions from

the mineral silo. In addition, all visible emissions from the Barber Green hot mix asphalt plant, with attached dry cyclone and wet scrubber, are limited to 20% opacity. All asphalt plant particulate matter emissions are limited to 0.10 gr/dscf. RCI must take reasonable precautions to limit fugitive emissions of particulate matter from haul roads, access roads, parking areas, and the general plant property. The Department determined that maintaining compliance with the emission limitations in Sections II.A.1, II.A.2, and II.A.3 of the permit and the reasonable precaution limitations constitutes BACT for the asphalt plant.

A BACT analysis was also conducted for NO_x, VOC, CO, and SO_x emissions. The Department determined that add-on control for NO_x, VOC, CO, and SO_x were not economically feasible because the emissions of NO_x, VOC, CO, and SO_x will be relatively low. Furthermore, limitations were placed in Permit #3246-00 that reduce the emissions of NO_x, VOC, CO, and SO_x.

The control options selected have control costs comparable to other recently permitted similar sources and are capable of achieving the appropriate emissions standards.

V. Existing Air Quality

Permit #3246-00 is issued for the operation of a portable hot mix asphalt plant to be initially located in the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{2}$ of Section 15, Township 20 North, Range 26 West, in Sanders County, Montana. This facility would be allowed to operate at this proposed site, and any other areas designated as attainment or unclassified for all National Ambient Air Quality Standards (NAAQS).

VI. Ambient Air Quality Impact Analysis

Permit #3246-00 will cover the operation while operating at any location within Montana, excluding those counties that have a Department approved permitting program or those locations in or within 10 km of certain PM₁₀ nonattainment areas. In the view of the Department, the amount of controlled emissions generated by this facility will not exceed any set ambient standard. 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 as required, by the Montana Environmental Policy Act, 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: Robin's Contracting, Inc.
151 Upper Lynch Creek Road
Plains, MT. 59859

Permit Number: #3246-00

Preliminary Determination Issued: April 2, 2003

Department Decision Issued: April 18, 2003

Permit Final: May 6, 2003

1. *Legal Description of Site:* RCI submitted an application to operate a portable hot mix asphalt plant (at the Thompkin's pit) in the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{2}$ of Section 15, Township 20 North, Range 26 West, in Sanders County, Montana. Permit #3246-00 would apply while operating at any location in Montana, except within those areas having a Department approved permitting program. *A Missoula County air quality permit would be required for locations within Missoula County, Montana.* An addendum to this air quality permit would be required if RCI intends to locate in or within 10 kilometers (km) of certain PM₁₀ nonattainment areas.
2. *Description of Project:* The permit application proposes the construction and operation of a portable hot mix asphalt plant and associated equipment. For a typical operational setup, the hot mix asphalt plant begins by loading the aggregate into the 3-bin feeder. The aggregate is then conveyed to the asphalt plant drum dryer for drying. The aggregate is then conveyed to a batch tower, where it is passed through a series of screens and sorted into hoppers. The material is then dropped onto a weigh hopper and released into a pugmill, where aggregate is mixed with a controlled amount of hot oil and hydrated lime to create asphalt cement. Hot asphalt is then loaded into trucks for transport to project sites.
3. *Objectives of Project:* RCI, in an effort to produce business and revenue for the company, submitted a complete permit application for the portable hot mix asphalt plant. The issuance of Permit #3246-00 would allow RCI to operate the portable hot mix asphalt plant at various locations throughout Montana, including the proposed initial site location.
4. *Additional Project Site Information:* In many cases, this portable hot mix asphalt plant may move to a general site location or open cut pit, which has been previously permitted through IEMB. If this were the case, a more extensive EA would have been conducted for the site and would be found in the Mined Land Reclamation Permit for that specific site.
5. *Alternatives Considered:* In addition to the proposed action, the Department 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 RCI demonstrated compliance with all applicable rules and regulations as required for permit issuance. Therefore, the "no-action" alternative was eliminated from further consideration.

6. *A Listing of Mitigation, Stipulations, and Other Controls:* A listing of the enforceable permit conditions and a permit analysis, including a BACT analysis, would be contained in Permit #3246-00.
7. *Regulatory Effects on Private Property Rights:* The Department considered alternatives to the conditions imposed in this permit as part of the permit development. The Department determined the permit conditions would be reasonably necessary to ensure compliance with applicable requirements and demonstrate compliance with those requirements and would not unduly restrict private property rights.
8. *The following table summarizes the potential physical and biological effects of the proposed project on the human environment. The “no action alternative” was discussed previously.*

		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 same area as the asphalt plant operations. The asphalt plant operations would be considered a minor source of emissions, by industrial standards, with intermittent and seasonal operations. Therefore, only minor effects on terrestrial life would be expected as a result of equipment operations or from pollutant deposition.

Impacts on aquatic life could result from storm water runoff and pollutant deposition, but such impacts would be minor as the facility would be a minor source of emissions (with seasonal and intermittent operations) and with minor amounts of water used for pollution control. Since good dispersion of air pollutants would occur in the proposed areas of operation and only a minor amount of air emissions would be generated, only minor deposition would occur. At the initial site location, the nearest surface water is a 30' x 30' pond (approximately 50' away), the nearest stream (a tributary to Lynch Creek) is approximately ¼ mile away, and an onsite well would be used to provide water for dust suppression. The water used would be recycled for RCI production operations and to keep the 30'x30' pond full. Therefore, because the small amount of air emissions generated would correspond to an equally small amount of pollutant deposition on local water resources, and because the nearest stream is ¼ mile away, and because water would be captured in a lined pond (within the operational site) and recycled, any impacts to the terrestrial and aquatic life and habitat would be minor.

B. Water Quality, Quantity, and Distribution

Water would be used for dust suppression on the surrounding roadways and areas of operation and for pollution control for equipment operations. However, water use would only cause a minor disturbance to the area since only relatively small amounts of water would be needed. Any impacts from this proposed project would be minor as a result of using water for dust suppression and equipment operations because only small amounts of water would be required, the project would be temporary and intermittent in nature, and water would be captured and reused within the pit.

Further, equipment operations would result in the emissions of air pollutants, which would disperse to surrounding water resources. However, as previously stated, emissions from the facility would be relatively minor, intermittent, and short-lived. Additionally, water use within the pit would be controlled and water would be recycled for use in pollution control. Therefore, any impacts from pollutant deposition or from equipment operations on surface or groundwater resources would be minor.

C. Geology and Soil Quality, Stability, and Moisture

The soils in the proposed site locations would be impacted by the asphalt plant operations due to the construction and use of the asphalt plant. Minimal disturbance to soil would occur as a result of construction and use of the facility because the facility would be operating in an existing open-cut pit and pollutant deposition upon the surrounding soils would be minimal. Also, considering the facility's relatively small size (by industrial standards), portable and temporary nature, the site's historical usage, future reclamation plan, and good pollution dispersion for the area of operations, any effects (upon geology and soil quality, stability, and moisture) from operating this facility would be minor.

D. Vegetation Cover, Quantity, and Quality

Because the facility would operate in an existing open-cut pit, would operate in an area where good pollutant dispersion would occur, and would be a minor source of emissions and temporary in nature, impacts from the emissions of the asphalt plant would be minor.

As described in Section 8.F of this EA, the impacts from the air emissions of this

facility would be minor. As a result, the corresponding deposition of the air pollutants on the surrounding vegetation would also be minor. Also, equipment construction and operations would result in only minor soil and water disturbance (as described in Sections 8.B and 8.C). So, corresponding vegetative impacts would also be minimal.

E. Aesthetics

The asphalt plant operations would be visible and would create additional noise in the area. Permit #3246-00 would include conditions to control emissions, including visible emissions, from the plant. Since the asphalt plant operations would have a minor amount of emissions, would be portable, would have seasonal and intermittent operations, and would locate within an existing pit, any visual and noise impacts would be minor.

F. Air Quality

The air quality impacts from the asphalt plant operations would be minor because Permit #3246-00 would include conditions limiting the opacity from the plant, as well as requiring water spray bars and other means to control air pollution. Additionally, the facility is considered a minor source of air pollution by industrial standards and would be located in an area where good air pollutant dispersion would occur. Therefore, the air impacts would be minor.

The operations would be limited, by Permit #3246-00, to total emissions of 250 tons/year or less of any regulated pollutant from non-fugitive sources at the plant, in addition to any additional equipment operated at the site. Furthermore, the facility emissions would be subject to BACT. For example, the plant would be required to use water to reduce emissions from equipment operations, storage piles, and haul roads. Also, the operation would have temporary and intermittent use, thereby further reducing potential air quality impacts from the facility. Therefore, air quality impacts would be minor.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The Department, in an effort to assess any potential impacts to any unique endangered, fragile, or limited environmental resources in the initial proposed area of operation, contacted the Montana Natural Heritage Program (MNHP). Search results concluded there are no such environmental resources found within the defined area. The defined area, in this case, is defined by the township and range of the proposed site, with an additional one-mile buffer. Therefore, no impacts upon the unique endangered, fragile, or limited environmental resources would be expected as a result of the proposed asphalt plant operations.

However, according to the 1994 Bald Eagle Management Plan, the home range of the Bald Eagle has a radius of 2-½ miles. Therefore, the Department attempted to address bird rookeries within this range. There is a Bald Eagle Bird rookery located approximately 1-½ miles away from the proposed project site. Therefore, minor effects upon eagles could occur as a result of the proposed project. However, any effects would be minor and short-lived as the facility is a portable/temporary source with seasonal and intermittent operations. Additionally, while the home range of the eagle is defined a radius of 2-½ miles, the nest site is a ¼ mile radius and the primary use area is a ½ mile

radius. Therefore, the Bald Eagle would not likely be in the same area as the facility the majority of the time that the facility is operating at the site and would, therefore, not be affected by the facility operations.

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

Due to the size of the facility, the asphalt plant operations would only require small quantities of water, air, and energy for proper operation. Small quantities of water would be used for dust suppression and would control emissions being generated at the site. Energy requirements would also be small because the facility is small by industrial standards and would be powered by two small industrial diesel generators, with seasonal and intermittent operations. In addition, impacts to air resources would be minor because the source is small by industrial standards with intermittent and seasonal operations, and because air pollutants generated by the facility would be widely dispersed. Furthermore, the particulate emissions would be controlled. Therefore, any impacts to water, air, and energy resources would be minor.

I. Historical and Archaeological Sites

The Department contacted the Montana Historical Society - State Historical Preservation Office (SHPO) in an effort to identify any historical and/or archaeological sites that may be present in the proposed area of construction/operation. Search results concluded that there are no previously recorded historical or archaeological resources of concern within the area proposed for initial operations. According to correspondence from the Montana State Historic Preservation Office, given the previous industrial disturbance in the area, there would be a low likelihood of adverse disturbance to any known archaeological or historic site. Therefore, no impacts upon historical or archaeological sites would be expected as a result of the proposed asphalt plant operations.

J. Cumulative and Secondary Impacts

The asphalt plant operations would cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment because the facility would have seasonal and intermittent use and because the facility is considered a minor source of air pollutants by industrial standards. Also, minor (but cumulative) effects upon the physical and biological aspects of the human environment would result from the simultaneous operations of this asphalt plant with a crushing /screening operation (Permit #3249-00) at the initially proposed operating site. The facility would generate emissions of particulate matter (PM), particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀), oxides of nitrogen (NO_x), volatile organic compounds (VOC), carbon monoxide (CO), and oxides of sulfur (SO_x). Noise would also be generated from the site. Emissions and noise would cause minimal disturbance because the site is an existing pit, previously designated and used for such operations. Additionally, this facility, in combination with the other emissions from the site would not be permitted to exceed 250 tons per year of non-fugitive emissions.

9. *The following table summarizes the potential economic and social effects of the proposed project on the human environment. The “no action alternative” was discussed previously.*

		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 ECONOMIC AND SOCIAL EFFECTS:

The Department has prepared the following comments.

A. Social Structures and Mores

The asphalt plant operation would cause no disruption to the social structures and mores in the area because the source is a minor source of emissions and temporary in nature. Additionally, the equipment would be located in previously developed open-cut pit that has been designated and used for such operations and located in an area removed from the general population. Also, the facility would be a minor source of air pollution and would be required to operate under the conditions in Permit #3246-00. Thus, no native or traditional communities would be affected by the proposed project operations and no impacts upon social structures or mores would result. The predominant use of the surrounding area would not change as a result of this project.

B. Cultural Uniqueness and Diversity

The cultural uniqueness and diversity of the area would not be impacted by the proposed asphalt plant operations because the site and surrounding area have been previously designated and used for such purposes and are separated from the general population. Additionally, the facility would be considered a portable/temporary source with seasonal and intermittent operations. The predominant use of the surrounding area would not change as a result of this project.

C. Local and State Tax Base and Tax Revenue

The asphalt plant operations would have little, if any, impact on the local and state tax base and tax revenue because the facility would be a temporary source and small by

industrial standards. The facility operations would require the use of only 10 existing employees. Thus, only minor impacts to the local and state tax base and revenue could be expected from the employees and facility production. Furthermore, the impacts to local tax base and revenue is expected to be minor because the source would be portable and the money generated for taxes would be widespread.

D. Agricultural or Industrial Production

The asphalt plant operations would have only a minor impact on local industrial production since the facility is small by industrial standards and would locate in a previously disturbed industrial area. Only minor impacts to agricultural land would occur because the facility would initially operate in an existing open-cut pit. Though the surrounding area is currently being used for agricultural production, only minor and temporary effects upon agricultural production (from pollutant deposition) would occur, because the facility is a temporary source with minor amounts of emissions. Also, the facility operations are small and temporary in nature and would be conducted in such a manner as to minimize impacts to vegetation, as described in Section 8.D. Additionally, pollution control would be utilized on equipment operations and production limits would be established, to protect the surrounding environment at the initial operating site or any other area of operation. Therefore, any effects upon agricultural or industrial production would be minor.

E. Human Health

Permit #3246-00 would incorporate conditions to ensure that the asphalt plant would be operated in compliance with all applicable air quality rules and standards. These rules and standards are designed to be protective of human health. As described in Section 8.F., the air emissions from this facility would be minimized by the use of water spray and other emission limits established in Permit #3246-00. Therefore, only minor impacts would be expected upon human health from the proposed asphalt plant. This facility would be capable of maintaining compliance with the National Ambient Air Quality Standards (NAAQS) and the Montana Ambient Air Quality Standards (MAAQ).

F. Access to and Quality of Recreational and Wilderness Activities

The asphalt plant would be operated at an existing permitted open-cut pit, located approximately 1-½ miles northwest of the town of Plains and approximately ¾ of a mile Northeast of the Burlington Northern Railroad and Highway 200. The facility would generally have a minor impact upon the access to and quality of recreational and wilderness activities. For the initially proposed site, operations would not affect access to recreational and wilderness activities in the area because the site is private property that is already used for such operations. Thus, no changes to recreational and wilderness activities, or access to those activities, are expected from the operation of the asphalt plant. Additionally, noise impacts from the facility would be minimal because the facility would operate within the confines of an existing open cut pit. Also, the facility would be a temporary source, with minor amounts of emissions. Thus, any changes in the quality of recreational and wilderness activities from noise, created by operating the equipment at the site, would be minor and intermittent.

G. Quantity and Distribution of Employment

The asphalt plant is a small and temporary source, which would have only minor effects on the quantity and distribution of employment in the area because RCI would use only four existing employees and six new (seasonal) employees for the project. Thus, because only ten employees would be needed for such operations, any effect on the quantity and distribution of employment in the area would be minor and short-lived.

H. Distribution of Population

The asphalt operation is a minor source (relatively small) by industrial standards and only six new (but, seasonal) employees would be expected for the operation of the facility. Also, no individuals are expected to permanently relocate to the area as a result of operating the asphalt plant. Therefore, the asphalt plant operations would not impact the normal population distribution in the initial area of operation or any future operating site.

I. Demands of Government Services

Minor increases would be seen in traffic on existing roadways in the area while the asphalt plant 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 asphalt plant operations would represent only a minor increase in the industrial activity in the given area because of the size of the operations (relatively small by industrial standards) and the portable and temporary nature of the facility. No additional industrial or commercial activity would be expected as a result of the proposed operations.

K. Locally Adopted Environmental Plans and Goals

RCI would be allowed, by permit, to operate in areas designated by EPA as attainment or unclassified, including the initial site location (at the SE $\frac{1}{4}$ of the SW $\frac{1}{2}$ of Section 15, Township 20 North, Range 26 West, in Sanders County, Montana). Permit #3246-00 would contain limits, which would be protective of air quality and the ambient air quality standards while the facility is operating in these designated areas areas, as a locally adopted environmental plan or goal. Additionally, because the facility is a relatively small (by industrial standards) and portable source that will operate at multiple sites, on an intermittent and temporary basis, the Department believes that any impacts to existing air quality in these areas of operation would be minor and short-lived.

L. Cumulative and Secondary Impacts

The asphalt plant would cause minor cumulative and secondary impacts to the social and economic aspects of the human environment in the immediate area because the source is a portable, temporary source. Minor increases in traffic would have minor effects on

local traffic in the immediate area, thus, having a direct effect on the social environment. Because the source is relatively small (by industrial standards) and temporary, only minor economic impacts to the local economy could be expected from the operation of the facility. Thus, minor and temporary cumulative effects would result to the local economy.

Recommendation: An EIS is not required.

If an EIS is not required, explain why the EA is an appropriate level of analysis: All potential effects resulting from construction and operation of the proposed facility are minor; therefore, an EIS is not required.

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

Individuals or groups contributing to this EA: Department of Environmental Quality (Air and Waste Management Bureau and Industrial and Energy Minerals Bureau), Montana Natural Heritage Program, and State Historic Preservation Office (Montana Historical Society).

EA prepared by: Ron Lowney

Date: March 25, 2003