

AIR QUALITY PERMIT

Issued To: Weaver Gravel, Inc.
1190 Elk Park Road
Columbia Falls, Montana 59912

Permit #3256-01
Administrative Amendment (AA)
Request Received: 10/04/07
Department Decision on AA: 04/23/08
Permit Final: 05/09/08
AFS #777-3256

An air quality permit, with conditions, is hereby granted to Weaver Gravel, Inc. (Weaver), pursuant to Sections 75-2-204 and 211, 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

Weaver operates a portable crushing/screening facility that will operate at various locations throughout Montana. Permit #3256-01 applies while operating at any location in Montana, except within those areas having a Department of Environmental Quality (Department) approved permitting program or those areas considered tribal lands. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.*

Addendum #2 to this air quality permit applies to the Weaver facility while operating in or within 10 kilometers (km) of certain particular matter with the aerodynamic diameter of less than 10 microns (PM₁₀) nonattainment areas during the summer months (April 1 – September 30) and at sites approved by the Department during the winter months (October 1 – March 31).

B. Current Permit Action

Permit #3256-00 contained an addendum which applied to operating the facility in or within 10 km of certain PM₁₀ nonattainment areas during the summer months (April 1 – September 30), but did not allow for winter time operations. On October 4, 2007, Weaver requested a modification to Permit #3256-00 for the addendum to also allow for operation in or within 10 km of certain PM₁₀ nonattainment areas at sites approved by the Department during the winter months (October 1 – March 31). The Department updated the addendum as requested. The Department also updated the language to reflect current de minimis friendly language.

Section II: Limitations and Conditions

A. Operational Limitations and Conditions

1. Weaver shall not cause or authorize to be discharged into the atmosphere from any Standards of Performance for New Stationary Sources (NSPS) affected crusher, any visible emissions that exhibit an opacity of 15% or greater averaged over 6 consecutive minutes (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, Subpart OOO).
2. Weaver shall not cause or authorize to be discharged into the atmosphere from any other NSPS affected equipment, such as screens or conveyor transfers, any visible emissions that exhibit an opacity of 10% or greater averaged over 6

consecutive minutes (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, Subpart OOO).

3. Weaver shall not cause or authorize 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 (ARM 17.8.304 and ARM 17.8.752).
4. Water and water spray bars shall be available on site at all times 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. Weaver shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter (ARM 17.8.308).
6. Weaver 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 17.8.752).
7. Weaver shall not operate more than 2 crushers at any given time and the combined maximum-rated design capacity shall not exceed 300 tons per hour (TPH) (ARM 17.8.749).
8. Total crusher production from the facility shall be limited to 2,628,000 tons during any rolling 12-month time period (ARM 17.8.749).
9. Weaver shall not operate more than 1 screen at any given time and the maximum-rated design capacity shall not exceed 350 TPH (ARM 17.8.749).
10. Total screen production from the facility shall be limited to 3,066,000 tons during any rolling 12-month time period (ARM 17.8.749).
11. Weaver shall not operate more than one diesel engine/generator at any given time and the maximum-rated design capacity shall not exceed 335 horsepower (hp) (ARM 17.8.749).
12. If the permitted equipment is used in conjunction with any other equipment owned or operated by Weaver, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons during any rolling 12-month time period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.749).
13. Weaver shall comply with all applicable standards and limitations, and the reporting, recordkeeping, testing, and notification requirements contained in 40 CFR 60, Subpart OOO (ARM 17.8.340 and 40 CFR 60, Subpart OOO).
14. Weaver shall comply with all applicable standards and limitations, and the reporting, record keeping, and notification requirements contained in 40 CFR 60, Subpart IIII, *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 engines (ARM 17.8.340 and 40 CFR 60, Subpart IIII, ARM 17.8.342 and 40 CFR 63, Subpart ZZZZ).

B. Testing Requirements

1. Within 60 days after achieving the maximum production rate, but no later than 180 days after initial startup, an Environmental Protection Agency (EPA) Method 9 opacity test and/or other methods and procedures, as specified in 40 CFR Part 60.675, must be performed on any NSPS affected equipment to demonstrate compliance with the emissions limitations contained in Sections II.A.1 and II.A.2 (ARM 17.8.340 and 40 CFR 60, General Provisions and Subpart OOO).
2. All compliance source tests shall conform to the requirements of the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
3. The Department may require further testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. If the 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 17.8.765).
2. Weaver 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 Weaver as a permanent business record for at least 5 years following the date of the measurement, shall be available at the plant site for inspection by the Department, and shall be submitted to the Department upon request (ARM 17.8.749).
3. Weaver shall supply the Department with annual production information for all emission points, as required by the Department in the annual emission inventory request. The request will include, but is not limited to, all sources of emissions identified in the most recent emission inventory report and sources identified in Section I.A of the permit analysis.

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

4. Weaver shall notify the Department of any construction or improvement project conducted, pursuant to ARM 17.8.745(1), that would include a change in control equipment, stack height, stack diameter, stack flow, stack gas temperature, source location, or fuel specifications, or would result in an increase in source capacity above its permitted operation or the addition of a new emission unit.

The notice must be submitted to the Department, in writing, 10 days prior to start-up or use of the proposed de minimis change, or as soon as reasonably practicable in the event of an unanticipated circumstance causing the de minimis change, and must include the information requested in ARM 17.8.745(1)(d)(ARM 17.8.745).

5. Weaver shall document, by month, the total material crushed for the facility. By the 25th day of each month, Weaver shall calculate the total material crushed

6. Weaver shall document, by month, the total material screened for the facility. By the 25th day of each month, Weaver shall calculate the total material screened during the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.10. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).

Section III: General Conditions

- A. Inspection – Weaver 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 Weaver fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations - Nothing in this permit shall be construed as relieving Weaver of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.740, *et seq.* (ARM 17.8.756).
- D. Enforcement - Violations of limitations, conditions, and requirements contained herein may constitute grounds for permit revocation, penalties, or other enforcement as specified in Section 75-2-401, *et seq.*, MCA.
- E. Appeals - Any person or persons jointly or severally adversely affected by the Department's decision may request, within 15 days after the Department renders its decision, upon affidavit setting forth the grounds therefore, a hearing before the Board of Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The filing of a request for a hearing does not stay the Department’s decision, unless the Board issues a stay upon receipt of a petition and a finding that a stay is appropriate under Section 75-2-211(11)(b), MCA. The issuance of a stay on a permit by the board postpones the effective date of the Department’s decision until conclusion of the hearing and issuance of a final decision by the Board. If a stay is not issued by the Board, the Department’s decision on the application is final 16 days after the Department’s decision is made.
- F. Permit Inspection - As required by ARM 17.8.755, Inspection of Permit, a copy of the air quality permit shall be made available for inspection by Department personnel at the location of the permitted source.
- G. Construction Commencement - Construction must begin within 3 years of permit issuance and proceed with due diligence until the project is complete or the permit shall be revoked.
- H. Permit Fees - Pursuant to Section 75-2-220, MCA, as amended by the 1991 Legislature, failure to pay by Weaver of an annual operation fee may be grounds for revocation of this permit, as required by that section and rules adopted thereunder by the Board.

- I. The Department may modify the conditions of this permit based on local conditions of any future site. These factors may include, but are not limited to, local terrain, meteorological conditions, proximity to residences, etc.
- J. Weaver 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
Weaver Gravel, Inc.
Permit Number 3256-01

I. Introduction/Process Description

A. Permitted Equipment

Weaver Gravel, Inc. (Weaver) operates a portable crushing/screening facility consisting of up to two crushers (up to 300 tons per hour (TPH)), one screen (up to 350 TPH), one diesel generator (up to 335 horsepower (hp)), and associated equipment. Permit #3256-01 will apply to the source while operating at any location in 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, Montana.*

Addendum #2 to this air quality permit applies to the Weaver facility while operating in or within 10 kilometers (km) of certain particular matter with the aerodynamic diameter of less than 10 microns (PM₁₀) nonattainment areas during the summer months (April 1 – September 30) and at sites approved by the Department during the winter months (October 1 – March 31).

B. Process Description

Weaver operates this crushing/screening plant to crush and sort sand and gravel materials for use in various construction operations. For a typical operational setup, unprocessed materials are loaded into the crushing/screening plant by a hopper and transferred by conveyor and passed through the crushers. Materials are crushed and sent to the screen, where materials are separated and conveyed to stockpile.

C. Permit History

On June 6, 2003, the Department issued **Permit #3256-00** for the operation of a portable crushing/screening facility. **Addendum #1** was included to allow the facility to operate in or within 10 km of certain PM₁₀ nonattainment areas during the summer months (April 1 – September 30).

D. Current Permit Action

Permit #3256-00 contained an addendum which applied to operating the facility in or within 10 km of certain PM₁₀ nonattainment areas during the summer months (April 1 – September 30), but did not allow for winter time operations. On October 4, 2007, Weaver requested a modification to Permit #3256-00 for the addendum to also allow for operation in or within 10 km of certain PM₁₀ nonattainment areas at sites approved by the Department during the winter months (October 1 – March 31). The Department updated the addendum as requested. The Department also updated the language to reflect current de minimis friendly language. **Permit #3256-01** replaces Permit #3256-00, and **Addendum #2** replaces Addendum #1.

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

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

1. ARM 17.8.101 Definitions. This rule is a list of applicable definitions used in this 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).

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

4. ARM 17.8.110 Malfunctions. (2) The Department must be notified promptly by telephone whenever a malfunction occurs that can be expected to create emissions in excess of any applicable emission limitation or to continue for a period greater than 4 hours.
5. ARM 17.8.111 Circumvention. (1) No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant 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
4. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
5. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
6. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
7. ARM 17.8.223 Ambient Air Quality Standard for PM₁₀

Weaver 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, Weaver shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.
3. ARM 17.8.309 Particulate Matter, Fuel Burning Equipment. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter caused by the combustion of fuel in excess of the amount determined by this rule.
4. ARM 17.8.310 Particulate Matter, Industrial Processes. This rule requires that no person shall cause or allow to be discharged into the atmosphere particulate matter in excess of the amount set forth in this rule.
5. ARM 17.8.322 Sulfur Oxide Emissions--Sulfur in Fuel. This rule requires that no person shall burn liquid, solid, or gaseous fuel in excess of the amount set forth in this rule.
6. ARM 17.8.324 Hydrocarbon Emissions--Petroleum Products. (3) No person shall load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank truck or trailer is equipped with a vapor loss control device as described in (1) of this rule.
7. ARM 17.8.340 Standards of Performance for New Stationary Sources. This rule incorporates, by reference, 40 CFR 60, Standards of Performance for New Stationary Sources (NSPS). The owner or operator of any stationary source or modification, as defined and applied in 40 CFR Part 60, NSPS, shall comply with the standards and provisions of 40 CFR Part 60.

40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants, indicates that NSPS requirements apply to portable crushing/screening facilities with capacities greater than 150 tons per hour and that were constructed after August 31, 1983. The Weaver facility has a capacity in excess of 150 tons per hour and was constructed after August 31, 1983; therefore, NSPS requirements apply to the facility.

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. The proposed 335-hp diesel engine/generator is a CI ICE manufactured after April 1, 2005, and is not a fire pump engine; therefore, NSPS requirements apply to the engine.

D. ARM 17.8, Subchapter 5 - Air Quality Permit Application, Operation, and Open Burning

Fees, including, but not limited to:

1. ARM 17.8.504 Air Quality Permit Application Fees. This rule requires that Weaver 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. Weaver was not required to submit a permit application fee for the current permit action because it is considered an administrative 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. 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, modify, or use any asphalt plant, crusher, or screen that has the potential to emit greater than 15 tons per year of any pollutant. Weaver 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, modification, or use of a source. Weaver was not required to submit a permit application for the current permit action because it is considered an administrative 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. Weaver was not required to submit a public notice for the current permit action because it is considered an administrative action.

8. 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.
9. 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.
10. 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.
11. ARM 17.8.756 Compliance with Other Requirements. This rule states that nothing in the permit shall be construed as relieving Weaver 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.*
12. 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.
13. 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.
14. ARM 17.8.763 Revocation of Permit. An air quality permit may be revoked upon written request of Weaver, 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).
15. 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.
16. 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, including a Transfer of Location notice and

an affidavit of publication from a newspaper of general circulation in the area to be affected. (2) This rule states that an air quality permit may be transferred from one person to another if written notice of Intent to Transfer, including the names of the transferor and the transferee, is sent to the Department.

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

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

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

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

1. ARM 17.8.1201 Definitions. (23) Major Source under Section 7412 of the FCAA is defined as any stationary source having:
 - a. 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 a lesser quantity as the Department may establish by rule; or
 - c. PTE > 70 tons/year of PM₁₀ in a serious PM₁₀ nonattainment area.
2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204(1), obtain a Title V Operating Permit. In reviewing and issuing Air Quality Permit #3256-01 for the Weaver facility, the following conclusions were made:
 - a. The facility's permitted PTE is less than 100 tons/year for any pollutant.
 - b. The facility's PTE is less than 10 tons/year of any one HAP and less than 25 tons/year of all HAPs.
 - c. This source is not located in a serious PM₁₀ nonattainment area.
 - d. This facility is not subject to any current National Emissions Standards for Hazardous Air Pollutants (NESHAP) standards.
 - e. This facility is subject to current NSPS standards (40 CFR 60, Subpart A General Provisions, and Subpart OOO, Non-Metallic Mineral Processing Plants, and may be subject to Subpart IIII in the future).

- 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, the Department determined that Weaver will be a minor source of emissions as defined under Title V. However, if minor sources subject to NSPS are required to obtain a Title V Operating Permit, Weaver will be required to obtain a Title V Operating Permit.

III. Emission Inventory

Emitting Unit	Controlled Emissions (ton/yr)					
	PM	PM ₁₀	NO _x	CO	VOC	SO _x
Up to 2 Crushers (up to 300 ton/hr)	1.58	0.71				
Screen (up to 350 ton/hr)	3.37	1.13				
Material Transfer	2.12	0.70				
Pile Forming (4 piles)	19.34	9.07				
Bulk Loading	0.42	0.04				
Haul Roads and Vehicle Traffic	12.68	3.60				
Diesel-Fired Engine/Generator (up to 335 hp)	3.23	3.23	45.52	3.63	9.81	3.01
Total Facility Emissions	42.73	18.48	45.52	3.63	9.81	3.01

A complete emission inventory for Permit #3256-01 is on file with the Department

IV. BACT Determination

A BACT determination is required for any new or modified source. Weaver shall install on the new or modified source the maximum air pollution control capability that is technologically practicable and economically feasible, except that BACT shall be used. Weaver was not required to submit a BACT analysis for the current permit action because it is considered an administrative action.

V. Existing Air Quality

Permit #3256-01 is issued for the operation of a portable crushing/screening plant to be operated at various sites throughout Montana. The facility may operate in or within 10 km of certain PM₁₀ nonattainment areas during the summer months and at sites approved by the Department in the winter months. This facility is a portable source that would operate on an intermittent and temporary basis and any effects to air quality will be minor and short-lived.

VI. Ambient Air Quality Impact Analysis

Permit #3256-01 will cover the operation while operating at any location within Montana, excluding those counties that have a Department approved permitting program and 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 minor and short-lived.

Addendum #2
Weaver Gravel, Inc.
Permit # 3256-01

An addendum to air quality Permit #3256-01 is issued to Weaver Gravel, Inc. (Weaver) pursuant to Sections 75-2-204 and 75-2-211 of the Montana Code Annotated (MCA), as amended, and Administrative Rules of Montana (ARM) 17.8.765, as amended, for the following:

I. Permitted Equipment

Weaver operates up to two crushers (up to 300 tons per hour (TPH) total), one screen (up to 350 TPH), a diesel engine/generator (up to 335 horsepower (hp)), and associated equipment.

Addendum #2 applies to Weaver's portable crushing/screening plant while operating in or within 10 kilometers (km) of the following (particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment areas: Libby, Thompson Falls, Kalispell, Whitefish, Columbia Falls, and Butte.

II. Seasonal and Site Restrictions

Addendum #2 applies to the Weaver facility while operating at any location in or within 10 kilometers of certain PM₁₀ nonattainment areas. Additionally, seasonal and site restrictions apply to the facility as follows:

- A. During the winter season (October 1-March 31) – Weaver may operate at locations in or within 10 km of certain PM₁₀ nonattainment areas that may be approved by the Department.
- B. During the summer season (April 1-September 30) – Weaver may operate at any location in or within 10 kilometers of the Libby, Thompson Falls, Kalispell, Whitefish, Columbia Falls, and Butte PM₁₀ nonattainment areas.
- C. Weaver shall comply with the limitations and conditions contained in Addendum #2 to Permit #3256-01 while operating in or within 10 km of any of the previously listed PM₁₀ nonattainment areas. Addendum #2 shall be valid until revoked or modified. The Department of Environmental Quality (Department) reserves the authority to modify Addendum #2 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. Conditions and Limitations

A. Operational Conditions and Limitations – **Winter Season (October 1 – March 31)**

- 1. All visible emissions from the crushing/screening plant may not exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749).
- 2. All visible emissions from any equipment, such as transfer points, shall not exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749 and 40 CFR 60, Subpart OOO).
- 3. Water and spray bars shall be available on site at all times and operated as necessary to maintain compliance with the opacity limitations in Sections III.A.1

- and III.A.2 (ARM 17.8.749).
4. Weaver 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. Weaver shall treat all unpaved portions of the access roads, parking lots, and general plant area with water and/or chemical dust suppressant as necessary to maintain compliance with the opacity limitation in Section III.A.4 (ARM 17.8.749).
 6. Weaver shall operate up to two crushers and the combined maximum-rated design capacity shall not exceed 300 tons per hour (ARM 17.8.749).
 7. Crushing production shall not exceed 5,100 tons during any rolling 24-hour time period (ARM 17.8.749).
 8. Weaver shall operate no more than one screen and the maximum-rated design capacity shall not exceed 350 tons per hour (ARM 17.8.749).
 9. Screening production shall not exceed 5,950 tons during any rolling 24-hour time period (ARM 17.8.749).
 10. Weaver shall not operate more than one diesel engine/generator at any given time and the maximum-rated design capacity shall not exceed 335 hp (ARM 17.8.749).
 11. Operation of the generators shall not exceed 17 hours during any rolling 24-hour time period (ARM 17.8.749).
 12. If the permitted equipment is used in conjunction with any other equipment owned or operated by Weaver, 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 period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.749).

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

1. All visible emissions from the crushing/screening plant may not exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749).
2. Weaver 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 Section III.B.1 and III.B.2 (ARM 17.8.749).
4. Weaver 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. Weaver shall treat all unpaved portions of the access roads, parking lots, and general plant area with water and/or chemical dust suppressant as necessary to maintain compliance with the opacity limitation in Section III.B.4 (ARM 17.8.749).
6. Weaver shall operate up to three crushers and the combined maximum-rated design capacity shall not exceed 300 tons per hour (ARM 17.8.749).
7. Crushing production shall not exceed 7,200 tons during any rolling 24-hour time period (ARM 17.8.749).
8. Weaver shall operate one screen and the maximum-rated design capacity shall not exceed 350 tons per hour (ARM 17.8.749).
9. Screening production shall not exceed 8,400 tons during any rolling 24-hour time period (ARM 17.8.749).
10. Weaver shall not operate more than one diesel engine/generator at any given time and the maximum-rated design capacity shall not exceed 335 hp (ARM 17.8.749).
11. Operation of the engine/generator shall not exceed 17 hours during any rolling 24-hour time period (ARM 17.8.749).
12. If the permitted equipment is used in conjunction with any other equipment owned or operated by Weaver, 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 period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.749).

C. 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 five years and submitted to the Department with the annual emission inventory upon request. The information must include (ARM 17.8.749):
 - a. Tons of material crushed at each site;
 - b. Tons of material screened by each screen at each site;
 - c. Tons of bulk material loaded at each site (production);

- d. Daily hours of operation at each site;
 - e. Gallons of diesel fuel used for the generators/engines at each site;
 - f. Hours of operation and size of each generator at each site;
 - g. Fugitive dust information consisting of the total miles driven on unpaved roads for all plant vehicles.
3. Weaver shall document, by day, the combined total crushing production and the total screening production. Weaver shall sum the total production during the previous 24 hours to verify compliance with the limitation in Section(s) III.A.7, III.A.9, III.B.7, and III.B.9. A written report of compliance verification and the emissions inventory shall be submitted to the Department annually. The report for the previous calendar year may be submitted along with the annual emission inventory (ARM 17.8.749).
4. Weaver shall document, by day, the total hours of operation of the diesel engine/generator. Weaver shall sum the total hours of operation during the previous 24 hours to verify compliance with the limitation in Section(s) III.B.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 #2 Analysis
Weaver Gravel, Inc.
Permit #3256-01

I. Permitted Equipment

Weaver Gravel, Inc. (Weaver) operates up to two crushers (up to 300 tons per hour (TPH)), one screen (up to 350 TPH), a diesel generator (up to 335 horsepower (hp)), and associated equipment.

II. Process Description

Weaver proposes to use this crushing/screening plant to crush and sort sand and gravel materials for use in various construction operations. For a typical operational setup, unprocessed materials are loaded into the crushing/screening plant by a hopper and transferred by conveyor and passed through the crushers. Materials are crushed and sent to the screen, where materials are separated and conveyed to stockpile.

III. Applicable Rules and Regulations

The following are partial quotations of some applicable rules and regulations that apply to the facility. The complete rules are stated in the Administrative Rules of Montana (ARM) and are available, upon request, from the Department 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.

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

- A. ARM 17.8.749 Conditions for Issuance 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.
- B. ARM 17.8.764 Administrative Amendment to Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack that do not result in an increase of emissions as a result of those changed conditions. A source may not increase its emissions beyond those found in its permit unless the source applies for and receives another permit.
- C. ARM 17.8.765 Transfer of Permit. An air quality permit may be transferred from one person to another if:
 - 1. Written notice of Intent to Transfer location and public notice is sent to the Department;
 - 2. The source will operate in the new location for a period of less than 1 year; and
 - 3. The source will not have any significant impact on any nonattainment area or any Class I area.

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

IV. Emission Inventory

Summer Operation	Controlled Emissions (lb/day)					
	PM	PM ₁₀	NO _x	CO	VOC	SO _x
Emitting Unit						
Up to 2 Crushers (up to 300 ton/hr)	8.64	3.89				
Screen (up to 350 ton/hr)	18.48	6.22				
Material Transfer	11.59	3.81				
Pile Forming	105.98	49.68				
Bulk Loading	2.28	0.23				
Haul Roads and Vehicle Traffic	69.50	19.75				
Diesel-Fired Engine/Generator (up to 335 hp)	17.70	17.70	249.43	19.87	52.13	16.49
Total Facility Emissions	234.18	101.27	249.43	19.87	52.13	16.49

Winter Operations	Controlled Emissions (lb/day)					
	PM	PM ₁₀	NO _x	CO	VOC	SO _x
Emitting Unit						
Up to 2 Crushers (up to 300 ton/hr)	6.12	2.75				
Screen (up to 350 ton/hr)	13.09	4.40				
Material Transfer	8.21	2.70				
Pile Forming	75.07	35.19				
Bulk Loading	1.62	0.16				
Haul Roads and Vehicle Traffic	49.23	13.99				
Diesel-Fired Engine/Generator (up to 335 hp)	12.54	12.54	176.68	14.08	52.13	11.68
Total Facility Emissions	165.88	71.73	176.68	14.08	52.13	11.68

A complete emissions inventory for Addendum #2 of Permit #3256-01 is on file with the Department

V. Existing Air Quality

On July 1, 1987, the Environmental Protection Agency (EPA) promulgated new National Ambient Air Quality Standards (NAAQS) for PM₁₀ (particulate matter with an aerodynamic diameter of 10 microns or less). Due to exceedances of the national standards for PM₁₀, the cities of Kalispell (and the nearby Evergreen area), Columbia Falls, Butte, Whitefish, Libby, Missoula, and Thompson Falls were designated by EPA as nonattainment for PM₁₀. As a result of this designation, the EPA required the Department and the City-County Health Departments to submit PM₁₀ State Implementation Plans (SIP). The SIPs consisted of emission control plans that controlled fugitive dust emissions from roads, parking lots, construction, and demolition, since technical studies identified these sources to be the major contributors to PM₁₀ emissions.

This addendum is for a portable crushing/screening operation to locate at sites in or within 10 km of certain PM₁₀ nonattainment areas during the summer months. The more stringent operating conditions contained in the addendum will minimize any potential impact on the nonattainment areas and protect the national ambient air quality standards.

VI. Air Quality Impacts

Permit #3256-01 will cover the operations of this portable crushing/screening facility while operating at those areas classified as being in attainment with federal ambient air quality standards and those areas still undefined (not yet classified). Based on the information provided and the conditions established in Permit #3256-01, the amount of controlled emissions generated

by this facility will not exceed any set ambient air quality standard for operations in these areas.

Addendum #2 to Permit #3256-01 will cover the operations of this portable crushing/screening facility, while operating in or within 10 km of certain PM₁₀ nonattainment areas during the summer months (April 1 through September 30). Thus, the limitations and conditions established in Addendum #2 would further reduce emissions in these areas and would be protective of the ambient air quality standards. In addition, this source is portable and any air quality impacts will be minimal.

VII. Taking or Damaging Implication Analysis

As required by 2-10-101 through 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 was not required for the current permit action because it is considered an administrative action.

Analysis prepared by: Julie Merkel

Date: April 22, 2008