

AIR QUALITY PERMIT

Issued To: Schellinger Construction Company, Inc. Permit #3258-01
P.O. Box 39 Administrative Amendment (AA) Request
Columbia Falls, MT 59912-0039 Received: 02/02/04
Department's Decision on AA Issued: 03/01/04
Permit Final: 03/17/04
AFS Number: 777-3258

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

Section I: Permitted Facilities

A. Plant Location

Schellinger operates a portable crushing plant that may operate at various locations throughout Montana. A complete list of the permitted equipment is contained in Section I.A of the permit analysis. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.*

B. Current Permit Action

On February 2, 2004, the Department of Environmental Quality (Department) received a written request from Schellinger to add three additional sites to the list in the addendum of potential winter locations that Schellinger may use. The Department updated the addendum to reflect the request. In addition, the Department added language to the addendum that would allow Schellinger to propose additional winter sites without needing an administrative amendment to operate at the sites.

Section II: Conditions and Limitations

A. Emission Limitations

1. All visible emissions from any Standards of Performance for New Stationary Source (NSPS) affected crusher shall not exhibit an opacity of 15% or greater averaged over 6-consecutive minutes (ARM 17.8.340 and 40 CFR 60, Subpart 000).
2. All visible emissions from any other NSPS affected equipment, such as conveyor transfers, shall not exhibit an opacity of 10% or greater averaged over 6-consecutive minutes (ARM 17.8.340 and 40 CFR, Subpart 000).
3. Schellinger 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).
4. Schellinger 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.3. (ARM 17.8.752).

5. Water spray bars shall be available and used, as necessary, to maintain compliance with the opacity limitations in Sections II.A.1 and II.A.2 (ARM 17.8.752).
6. The generator used with this facility shall not have a designated capacity greater than 520-kW (ARM 17.8.749).
7. Crushing production is limited to 1,752,000 tons during any rolling 12-month time period (ARM 17.8.749).
8. If the permitted equipment is used in conjunction with any other equipment owned or operated by Schellinger, 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).
9. Schellinger 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).

B. Testing Requirements

1. Within 60 days after achieving maximum production, but no later than 180 days after initial start-up, an Environmental Protection Agency (EPA) Method 9 opacity test and/or other methods and procedures as specified in 40 CFR 60.675 must be performed on all NSPS affected equipment to demonstrate compliance with the emission limitations contained in 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 be conducted in accordance with 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 this crushing 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 to which 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. Schellinger 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 not be limited to, all sources of emissions identified in the emission inventory contained in the permit analysis.

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

3. Schellinger 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 Schellinger as a permanent business record for at least 5 years following the date of the measurement, shall be submitted to the Department upon request, and shall be available at the plant site for inspection by the Department (ARM 17.8.749).
4. Schellinger shall document, by month, the crushing production from the facility. By the 25th day of each month, Schellinger shall total the crushing production of the facility during the previous 12 months to verify compliance with the limitation in Section II.A.7. A written report of the compliance verification shall be submitted along with the annual emissions inventory (ARM 17.8.749).
5. Schellinger 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 emissions 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).

Section III: Addendum

Schellinger shall comply with all conditions in Addendum 2 to this permit, as appropriate (ARM 17.8.749).

Section IV: General Conditions

- A. Inspection – Schellinger 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 Schellinger fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving Schellinger of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided for in ARM 17.8.740, *et seq.* (ARM 17.8.756).
- D. Enforcement – Violations of limitations, conditions and requirements contained herein may constitute grounds for permit revocation, penalties or other enforcement as specified in Section 75-2-401, *et seq.*, MCA.
- E. Appeals – Any person or persons jointly or severally adversely affected by the Department's decision may request, within 15 days after the Department renders its decision, upon affidavit setting forth the grounds therefore, a hearing before the Board of

Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The filing of a request for a hearing postpones the effective date of the Department's decision until conclusion of the hearing and issuance of a final decision by the Board. The Department's decision on the application is not final until 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 Fee – Pursuant to Section 75-2-220, MCA, as amended by the 1991 Legislature, failure to pay the annual operation fee by Schellinger 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. Schellinger shall comply with the conditions contained in this permit while operating at any location in Montana, except within those areas that have a Department approved permitting program.

PERMIT ANALYSIS
Schellinger Construction Company, Inc.
Permit #3258-01

I. Introduction/Process Description

A. Permitted Equipment

The Schellinger Construction Company, Inc. (Schellinger) facility consists of a 1990 El Jay cone crusher (maximum capacity 200 tons per hour (TPH)), a 1980 Caterpillar 520-kilowatt (kW) diesel generator, and associated equipment. The equipment is permitted to be operated at various locations throughout Montana.

B. Source Description

Schellinger proposes to use this crushing plant to crush and sort sand and gravel. For a typical operational setup, unprocessed materials are loaded into the cone crusher. From the cone crusher, the materials are conveyed to a stockpile. The crushed and sized materials are stockpiled and used for construction operations.

C. Permit History

On June 4, 2003, Schellinger was issued Permit #**3258-00** for the construction and operation of a portable crushing facility. In addition, the permit contained **Addendum 1**. The permit and the addendum allowed the facility to operate at various locations in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment areas.

D. Current Permit Action

On February 2, 2004, the Department of Environmental Quality (Department) received a written request from Schellinger to add three additional sites to the list in the addendum of potential winter locations that Schellinger may use. The Department updated the addendum to reflect the request. In addition, the Department added language to the addendum that would allow Schellinger to propose additional winter sites without needing an administrative amendment to operate at the sites. Permit #**3258-01** will replace Permit #3258-00 and **Addendum 2** will replace 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 quotations of some applicable rules and regulations that apply to the facility. The complete rules are stated in the Administrative Rules of Montana (ARM) and are available, upon request, from the Department. Upon request, the Department will provide references for locations of complete copies of all applicable rules and regulations or copies where appropriate.

- A. ARM 17.8, Subchapter 1 - General Provisions, including, but not limited to:
1. ARM 17.8.101 Definitions. This rule includes a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
 2. ARM 17.8.105 Testing Requirements. Any person or persons responsible for the emission of any air contaminant into the outdoor atmosphere shall, upon written request of the Department, provide the facilities and necessary equipment (including instruments and sensing devices) and shall conduct tests, emission or ambient, for such periods of time as may be necessary using methods approved by the Department.
 3. ARM 17.8.106 Source Testing Protocol. The requirements of this rule apply to any emission source testing conducted by the Department, any source, or other entity as required by any rule in this chapter, or any permit or order issued pursuant to this chapter, or the provisions of the Clean Air Act of Montana, 75-2-101, *et seq.*, Montana Code Annotated (MCA).

Schellinger shall comply with the 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 of the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant that would otherwise violate an air pollution control regulation. (2) No equipment that may produce emissions shall be operated or maintained in such a manner as to create a public nuisance.

- B. ARM 17.8, Subchapter 2 - Ambient Air Quality, including, but not limited to:

1. ARM 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide
2. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
3. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
4. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate
5. ARM 17.8.223 Ambient Air Quality Standard for PM₁₀

Schellinger must maintain compliance with the applicable ambient air quality standards.

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

1. ARM 17.8.304 Visible Air Contaminants. This rule requires that no person may cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes.

2. ARM 17.8.308 Particulate Matter, Airborne. (1) This rule requires an opacity limitation of less than 20% for all fugitive emission sources and that reasonable precautions be taken to control emissions of airborne particulate matter. (2) Under this rule, Schellinger 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 17.8.310 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 rule.
4. ARM 17.8.340 Standard of Performance for New Stationary Sources. This rule incorporates, by reference, 40 CFR 60, Standards of Performance for New Stationary Sources (NSPS). The owner or operator of any stationary source or modification, as defined and applied in 40 CFR 60, NSPS, shall comply with the standards and provisions of 40 CFR 60. In order for a crushing plant to be subject to 40 CFR 60, Subpart OOO requirements, two specific criteria must be met. First the crushing plant must meet the definition of an affected facility and second, the equipment in question must have been constructed or modified after August 31, 1983. Based on the information submitted by Schellinger, the crushing equipment to be used with Permit #3258-01 is subject to NSPS requirements (40 CFR 60, Subpart A General Provisions, and Subpart OOO, Non-Metallic Mineral Processing Plants).

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 an applicant 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. Schellinger was not required to submit a permit application fee for the current permit action because the action is considered administrative.
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; the air quality operation fee is based on the actual or estimated actual amount of air pollutants emitted during the previous calendar year.

An air quality operation fee is separate and distinct from an air quality permit application fee. The annual assessment and collection of the air quality operation fee, described above, shall take place on a calendar-year basis. The Department may insert into any final permit issued after the effective date of these rules, such conditions as may be necessary to require the payment of an air quality operation fee on a calendar-year basis, including provisions that pro-rate the required fee amount.

- E. ARM 17.8, Subchapter 7 - Permit, Construction and Operation of Air Contaminant Sources, including, but not limited to:
1. ARM 17.8.740 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
 2. ARM 17.8.743 Montana Air Quality Permits--When Required. This rule requires a person to obtain an air quality permit or permit alteration to construct, alter or use any asphalt plant, crusher or screen that has a Potential to Emit (PTE) greater than 15 tons per year of any pollutant. Schellinger has a PTE greater than 15 tons per year of particulate matter (PM), carbon monoxide (CO), and nitrogen oxides (NO_x); therefore, an air quality permit is required.
 3. ARM 17.8.744 Montana Air Quality Permits--General Exclusions. This rule identifies the activities that are not subject to the Montana Air Quality Permit program.
 4. ARM 17.8.745 Montana Air Quality Permit--Exclusion for De Minimis Changes. This rule identifies the de minimis changes at permitted facilities that do not require a permit under the Montana Air Quality Permit Program.
 5. ARM 17.8.748 New or Modified Emitting Units--Permit Application Requirements. This rule requires that a permit application be submitted prior to installation, alteration, or use of a source. (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. Schellinger was not required to submit a permit application or public notice for the current permit action because it is an administrative change.
 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 BACT analysis is discussed 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 Schellinger 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 17.8.762 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.
11. 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).
12. ARM 17.8.764 Administrative Amendment to Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack that do not result in an increase of emissions as a result of those changed conditions. The owner or operator of a facility may not increase the facility's emissions beyond permit limits unless the increase meets the criteria in ARM 17.8.745 for a de minimis change not requiring a permit, or unless the owner or operator applies for and receives another permit in accordance with ARM 17.8.748, ARM 17.8.749, ARM 17.8.752, ARM 17.8.755, and ARM 17.8.756, and with all applicable requirements in ARM Title 17, Chapter 8, Subchapters 8, 9, and 10.
13. ARM 17.8.765 Transfer of Permit. (1) This rule states that an air quality permit may be transferred from one location to another if the Department receives a complete notice of Intent to Transfer location, the facility will operate in the new location for less than 1 year, the facility will comply with the FCAA and the Clean Air Act of Montana, and the facility complies with other applicable rules. (2) This rule states that an air quality permit may be transferred from one person to another if written notice of Intent to Transfer, including the names of the transferor and the transferee, is sent to the Department.

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

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

This facility is not a major stationary source because it is not a listed source and does not have a PTE greater 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. PTE > 100 tons/year of any pollutant;
 - b. PTE > 10 tons/year of any one Hazardous Air Pollutant (HAP), PTE > 25 tons/year of a combination of all HAPs, or lesser quantity as the Department may establish by rule; or
 - c. PTE > 70 tons/year of PM₁₀ in a serious PM₁₀ nonattainment area.

2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204(1), obtain a Title V Operating Permit. In reviewing and issuing Air Quality Permit #3258-01 for Schellinger, 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 subject to a current NSPS (40 CFR 60, Subpart OOO).
 - e. This facility is not subject to any current NESHAP standards.
 - f. This source is not a Title IV affected source or a solid waste combustion unit.
 - g. This source is not an EPA designated Title V source.

Based on these facts, the Department determined that Schellinger is a minor source of emissions as defined under Title V.

III. Emission Inventory

Source	Ton/yr					
	PM	PM ₁₀	NO _x	VOC	CO	SO _x
1990 El Jay cone crusher (200 TPH)	2.19	1.05				
Material transfer	3.81	1.84				
Pile forming	3.68	1.75				
Bulk loading	3.68	1.75				
1980 Cat diesel generator (520-kW)	6.72	6.72	94.68	6.87	20.46	1.53
Haul roads	2.74	1.23				
Total	22.82	14.34	94.68	6.87	20.46	1.53

- A complete emission inventory for Permit #3258-01 is on file with the Department.
- Emission factors used for the generator are from AP-42 Table 3.3-1 for Section II.A.6. of Permit #3258-01.
- These emission factors provide a conservative estimate of emissions for any diesel generator up to 520-kW capacity

IV. BACT Determination

A BACT determination is required for each new or altered source. Schellinger shall install on the new or altered source the maximum air pollution control capability, which is technically practicable and economically feasible, except that BACT shall be utilized. A BACT determination was not required for the current permit action because no new or altered sources are being permitted in this administrative change.

V. Existing Air Quality

Permit #3258-01 allows the operation of the Schellinger equipment at various locations throughout Montana. The areas covered by Permit #3258-01 are designated as attainment/unclassified for the ambient air quality standards. Addendum 2 to Permit #3258-01 will allow Schellinger to operate in certain PM₁₀ nonattainment areas during both the summer and winter months.

VI. Ambient Air Quality Impact Analysis

The Department determined, based on previous ambient air modeling, that the impact from this permitting action will be minor. The Department believes it will not cause or contribute to a violation of any ambient air quality standard or further degradation of the existing PM₁₀ nonattainment area. In addition, no emission changes are being allowed as part of this permit action.

Addendum 2
Schellinger Construction Company, Inc.
Permit #3258-01

An addendum to air quality Permit #3258-01 is issued to Schellinger Construction Company, Inc. (Schellinger) pursuant to Sections 75-2-204 and 75-2-211 of the Montana Code Annotated (MCA), as amended, and the Administrative Rules of Montana (ARM) 17.8.765, as amended, for the following:

I. Permitted Equipment

Schellinger applied for an addendum to Permit #3258 for the operation of a portable crushing facility in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment areas including but not limited to: Libby, Thompson Falls, Kalispell, Whitefish, Columbia Falls, and Butte.

II. Seasonal and Site Restrictions

Addendum 2 applies to the Schellinger facility while operating at any location in or within 10 km 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) - The only location(s) in or within 10 km of a PM₁₀ nonattainment area where Schellinger may operate is:

1. N $\frac{1}{2}$ of Section 21, Township 30 North, Range 21 West (Carlson Pit);
2. NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 23, Township 30 North, Range 21 West (A-1 Paving Hodgson Road Pit);
3. NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 26, Township 29 North, Range 22 West (Tutvedt Pit);
4. NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 31, Township 29 North, Range 21 West (NUPAC Pit);
5. NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22, Township 29 North, Range 21 West (A-1 Paving Pit);
6. S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 31, Township 31 North, Range 22 West (Peschel Pit);
7. NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 9, Township 27 North, Range 21 West (Spoklie Pit);
8. NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 36, Township 30 North, Range 21 West (County Pit);
9. NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36, Township 30 North, Range 21 West (Jellison Pit);
10. SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 11, Township 30 North, Range 20 West (Columbia Heights Pit); and
11. Any other site that may be approved, in writing, by the Department of Environmental Quality (Department).

B. During the summer season (April 1-September 30) – Schellinger may operate at any location in or within 10 km of the Libby, Thompson Falls, Kalispell, Whitefish, Columbia Falls, and Butte PM₁₀ nonattainment areas.

C. Schellinger shall comply with the limitations and conditions contained in Addendum 2 to Permit #3258-01 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 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. Limitations and Conditions

The Department conducted SCREEN VIEW air dispersion modeling, an Environmental Protection Agency (EPA) approved modeling program, to determine the maximum allowable plant production rate that would maintain compliance with the National Ambient Air Quality Standards (NAAQS) and the Montana Ambient Air Quality Standards (MAAQS) for PM₁₀. The NAAQS and MAAQS are designed to be protective of human health and public welfare. The Department established production limits in the addendum based on the modeling analysis.

A. Operational

1. Water spray bars must be operated on the crushers and all transfer points whenever the crushing plant is operating (ARM 17.8.749).
2. All visible emissions from the crushing plant may not exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749).
3. Schellinger shall not cause or authorize to be discharged into the atmosphere from any other equipment, such as transfer points, any visible emissions that exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749).
4. Schellinger shall not cause or authorize to be discharged into the atmosphere from haul roads, access roads, parking lots, or the general plant property any visible fugitive emissions that exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749).
5. Schellinger shall treat all unpaved portions of the access roads, parking lots, and general plant area with water and/or chemical dust suppressant as necessary to maintain compliance with the 10% opacity limitation (ARM 17.8.749).
6. Total crushing production of all crushers shall not exceed 4,800 tons during any rolling 24-hour time period (ARM 17.8.749).

B. Operational Reporting Requirements

1. Schellinger shall provide the Department with written notification of job completion within 10 working days of job completion (ARM 17.8.749).
2. Schellinger shall provide the Department with written notice of relocation of the permitted equipment within 15 working days before the physical transfer of the equipment (ARM 17.8.765).
3. Production information for the sites covered by this addendum must be submitted to the Department with the annual emission inventory request or within 30 days of completion of the project. The information must include (ARM 17.8.749):
 - a. Tons of material crushed
 - b. Tons of bulk material loaded
 - c. Daily hours of operation

- d. Gallons of diesel fuel used for the generator
 - e. Fugitive dust information consisting of a listing of all plant vehicles including the following for each vehicle type:
 - i. Number of vehicles
 - ii. Vehicle type
 - iii. Vehicle weight, loaded
 - iv. Vehicle weight, unloaded
 - v. Number of tires on vehicle
 - vi. Average trip length
 - vii. Number of trips per day per vehicle
 - viii. Average vehicle speed
 - ix. Area of activity
 - x. Vehicle fuel usage (gasoline or diesel) annual total
 - f. Fugitive dust control for haul roads and general plant area:
 - i. Hours of operation of water trucks
 - ii. Application schedule for chemical dust suppressant, if applicable
4. Schellinger shall document, by day, the total crushing production. Schellinger shall sum the total crushing production during the previous 24 hours to verify compliance with the limitation in Section III.A.6. A written report of compliance verification and the emissions inventory shall be submitted to the Department annually. The report for the previous calendar year shall be submitted no later than March 15 and may be submitted along with the annual emission inventory (ARM 17.8.749).

Addendum 2 Analysis
Schellinger Construction Company, Inc.
Permit #3258-01

I. Permitted Equipment

Schellinger Construction Company, Inc. (Schellinger) owns and operates a portable crushing facility to be operated at various locations within Montana. Equipment used at this facility includes, a 1990 El Jay portable cone crusher, a 1980 Caterpillar 520-kilowatt (kW) diesel generator, and associated equipment.

II. Source Description

For a typical operational setup, unprocessed materials are loaded into the cone crusher. From the cone crusher, the materials are conveyed to a stockpile. The crushed and sized materials are stockpiled and used for construction operations.

III. Permit History

On June 4, 2003, Schellinger was issued Permit #**3258-00** for the construction and operation of a portable crushing facility. In addition, the permit contained **Addendum 1**. The permit and the addendum allowed the facility to operate at various locations in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment areas.

IV. Current Permit Action

On February 2, 2004, the Department of Environmental Quality (Department) received a written request from Schellinger to add three additional sites to the list in the addendum of potential winter locations that Schellinger may use. The Department updated the addendum to reflect the request. In addition, the Department added language to the addendum that would allow Schellinger to propose additional winter sites without needing an administrative amendment to operate at the sites. Permit #**3258-01** will replace Permit #3258-00 and **Addendum 2** will replace Addendum 1.

V. Applicable Rules and Regulations

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

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

- A. ARM 17.8.749 Conditions for Issuance of Permit. This rule requires that the permits issued by the Department must authorize the construction and operation of the facility or emitting unit subject to the conditions in the permit and the requirements of this subchapter. This rule also requires that the permit must contain any conditions necessary to assure compliance with the Federal Clean Air Act (FCAA), the Clean Air Act of Montana, and rules adopted under those acts.

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

Schellinger shall submit proof of compliance with the transfer and public notice requirements when Schellinger transfers to any of the locations covered by this addendum and will only be allowed to stay in the new location for a period of less than 1 year. Also, the conditions and limitations in Addendum 2 to Permit #3258-01 will prevent Schellinger from having a significant impact on certain PM₁₀ nonattainment areas.

VI. Emission Inventory

Source	Lb/Day					
	PM	PM ₁₀	NO _x	VOC	CO	SO _x
1990 El Jay cone crusher (200 TPH)	12.00	5.76				
Material transfer	20.88	10.08				
Pile forming	20.16	9.60				
Bulk loading	20.16	9.60				
1980 Cat diesel generator (520-kW)	36.82	36.82	518.81	37.66	112.13	8.37
Haul roads	15.00	6.75				
Total	125.02	78.61	518.81	37.66	112.13	8.37

- A complete emission inventory for Addendum 1 to Permit #3258-01 is on file with the Department.
- Emission factors used for the generator are from AP-42 Table 3.3-1 for Section II.A.6. of Permit #3258-01.

VII. Existing Air Quality

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

Addendum 2 to Permit #3258-01 is for a portable crushing plant to be located in or within 10 km of certain PM₁₀ nonattainment areas during the summer season (April 1 through September 30). Summer season operations may include areas in or within 10 km of certain PM₁₀ nonattainment areas, including, but not limited to Libby, Kalispell, Columbia Falls, Whitefish, Thompson Falls, and Butte. Winter season (October 1 through March 31) operations may include only the locations listed in Section II.A of Addendum 2.

In the view of the Department, the amount of controlled emissions generated by the operation will not exceed any set ambient standard. In addition, Addendum 2 to Permit #3258-01 contains limitations and conditions that will be protective of the PM₁₀ nonattainment areas.

VIII. Air Quality Impacts

The Department determined, based on previous ambient air modeling, that the impact from this permitting action will be minor. The Department believes it will not cause or contribute to a violation of any ambient air quality standard or further degradation of existing PM₁₀ nonattainment areas. In addition, no emission changes are being allowed as part of this permit action.

IX. Taking or Damaging Implication Analysis

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

X. Environmental Assessment

An environmental assessment was not required for the current permit action because the change is considered an administrative permit change.

Permit Analysis Prepared By: Dan Walsh

Date: 02/06/04