

AIR QUALITY PERMIT

Issued To: Rockwall, Inc.
P.O. Box 519
Airway Heights, WA 99001

Permit #3355-00
Complete Application Submitted: 9/10/04
Preliminary Determination Issued: 10/01/04
Department Decision Issued: 11/04/04
Permit Final: 11/20/04
AFS #777-3355

An air quality permit, with conditions, is hereby granted to Rockwall, Inc. (Rockwall), 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. Permitted Equipment

Rockwell operates a portable crushing/screening facility at various locations throughout Montana. A complete list of the permitted equipment is contained in Section I.A of the permit analysis.

B. Plant Location

Rockwall operates a portable crushing/screening operation that will originally locate in Section 6, Township 1 North, Range 27 East, in Yellowstone County, Montana. However, Permit #3355-00 applies while operating at any location in Montana, except within those areas having a Department of Environmental Quality (Department) approved permitting program, those areas considered tribal lands, or those areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* An addendum to this air quality permit will be required if Rockwall intends to locate in or within 10 km of certain PM₁₀ nonattainment areas.

Section II: Limitations and Conditions

A. Operational Limitations and Conditions

1. Rockwall 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 Part 60, Subpart OOO).
2. Rockwall 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. Rockwall 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 spray bars shall be available and used, as necessary, to maintain compliance with the opacity limitations in Sections II.A.1, II.A.2, and II.A.3 (ARM 17.8.752).
5. Rockwall 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. Rockwall 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. Rockwall shall not operate more than one crusher at any given time and the maximum rated design capacity of the crusher shall not exceed 1000 tons per hour (TPH) (ARM 17.8.749).
8. Total crusher production from the facility shall be limited to 3,285,000 tons during any rolling 12-month time period (ARM 17.8.749 and ARM 17.8.1204).
9. Rockwall shall not operate more than one screen at any given time and the maximum rated design capacity of the screen shall not exceed 1000 TPH (ARM 17.8.749).
10. Total screen production from the facility shall be limited to 3,285,000 tons during any rolling 12-month time period (ARM 17.8.749 and ARM 17.8.1204).
11. The hours of operation for each of the diesel generators/engines shall not exceed 1,420 hours during any rolling 12-month time period (ARM 17.8.1204).
12. The three diesel generators/engines used with this facility shall not have a combined capacity greater than 3,365-kilowatts (kW) (ARM 17.8.749).
13. If the permitted equipment is used in conjunction with any other equipment owned or operated by Rockwall, 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).
14. Rockwall 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 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 Section II.A.1 and II.A.2 (ARM 17.8.340, 40 CFR Part 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 this portable crushing/screening 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. Rockwall 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 Rockwall as a permanent business record for at least 5 years following the date of the measurement, must be submitted to the Department upon request, and must be available at the plant site for inspection by the Department (ARM 17.8.749).
3. Rockwall 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. Rockwall shall notify the Department of any construction or improvement project conducted, pursuant to ARM 17.8.745, that would include a change in control equipment, stack height, stack diameter, stack flow, stack gas temperature, source location, or fuel specifications, or would result in an increase in source capacity above its permitted operation or the addition of a new emission unit. The notice must be submitted to the Department, in writing, 10 days prior to start-up or use of the proposed de minimis change, or as soon as reasonably practicable in the event of an unanticipated circumstance causing the de minimis change, and must include the information requested in ARM 17.8.745(1)(d) (ARM 17.8.745).
5. Rockwall shall document, by month, the total crushing production for the facility. By the 25th day of each month, Rockwall shall calculate the crushing production for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.8. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
6. Rockwall shall document, by month, the total screening production for the facility. By the 25th day of each month, Rockwall shall calculate the screening

production for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.10. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).

7. Rockwall shall document, by month, the total hours of operation for each of the three diesel generators/engines. By the 25th day of each month, Rockwall shall calculate the total the hours of operation for each of the three diesel generators/engines for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.11. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
8. Rockwall 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).

Section III: General Conditions

- A. Inspection - Rockwall 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 Rockwall fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations - Nothing in this permit shall be construed as relieving Rockwall 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. 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 Rockwall 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. Rockwall 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

Rockwall, Inc.
Permit #3355-00

I. Introduction/Process Description

A. Permitted Equipment

On September 10, 2004, Rockwall, Inc. (Rockwall), submitted a complete permit application to operate a portable diesel generator/engine (up to 365 kilowatt (kW)), a diesel generator/engine (up to 1500 kW), a diesel generator/engine (up to 1500 kW), a 2004 Eagle Horizontal Impactor crusher (up to 1000 ton per hour (TPH)), a 2004 Eagle (6'x20') 3-deck screen (up to 1000 TPH), and associated equipment. The proposed original location for the facility is Section 6, Township 1 North, Range 27 East, in Yellowstone County, Montana. Permit #3355-00 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.* An addendum to this air quality permit will be required if Rockwall intends to locate in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment areas.

B. Process Description

Rockwall 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 to the crusher. Materials are crushed and sent to the screen where materials are separated, with the properly sorted materials conveyed on to stockpile and the other materials conveyed back to the crusher for further processing.

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

Rockwall 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
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 Standards for Settled Particulate Matter
5. ARM 17.8.223 Ambient Air Quality Standards for PM₁₀

Rockwall 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, Rockwall 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.

In order for a crushing/screening plant to be subject to NSPS requirements, two specific criteria must be met. First, the crushing/screening plant must meet the definition of an affected facility, and second, the equipment in question must have been constructed, reconstructed, or modified after August 31, 1983. Based on the information submitted by Rockwall, the crushing/screening equipment to be used under Permit #3355-00 is subject to New Source Performance Standards (NSPS) requirements (40 CFR Part 60, Subpart A General Provisions, and Subpart OOO, Non-Metallic Mineral Processing Plants). At the time of issuance of Permit #3355-00, the portable 2004 Eagle Horizontal Impactor crusher (up to 1000 TPH), a 2004 Eagle (6'x20') 3-deck screen (up to 1000 TPH), and any other associated equipment manufactured after August 31, 1983, are subject to NSPS requirements.

- 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 Rockwall 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. Rockwall submitted the appropriate permit application fee as required 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. ARM 17.8, Subchapter 7 - Permit, Construction, and Operation of Air Contaminant Sources, including, but not limited to:

1. ARM 17.8.740 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
2. ARM 17.8.743 Montana Air Quality Permits-When Required. This rule requires a facility to obtain an air quality permit or permit alteration to construct, alter, or use any asphalt plant, crusher, or screen that has the Potential to Emit (PTE) greater than 15 tons per year of any pollutant. Rockwall has the PTE to emit greater than 15 tons per year of total particulate matter (PM), 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 Permit-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. Rockwall 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. Rockwall submitted an affidavit of publication of public notice for the September 1, 2004, issue of the *Billings Gazette*, a newspaper of general circulation in the Town of Billings in Yellowstone County, as proof of compliance with the public notice requirements.
6. ARM 17.8.749 Conditions for Issuance or Denial of Permit. This rule requires that the permits issued by the Department must authorize the construction and operation of the facility or emitting unit subject to the conditions in the permit and the requirements of this subchapter. This rule also requires that the permit must contain any conditions necessary to assure compliance with the Federal Clean Air Act (FCAA), the Clean Air Act of Montana, and rules adopted under those acts.
7. ARM 17.8.752 Emission Control Requirements. This rule requires a source to install the maximum air pollution control capability that is technically practicable and economically feasible, except that BACT shall be utilized. The required BACT analysis is included in Section 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 Rockwall 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 Rockwall, or for violations of any requirement of the Clean Air Act of Montana (Act), rules adopted under the Clean Air Act of Montana, FCAA, rules adopted under the FCAA, or any applicable requirement contained in the Montana State Implementation Plan (SIP).
13. ARM 17.8.764 Administrative Amendment to Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack that do not result in an increase of emissions as a result of those changed conditions. The owner or operator of a facility may not increase the facility's emissions beyond permit limits unless the increase meets the criteria in ARM 17.8.745 for a de minimis change not requiring a permit, or unless the owner or operator applies for and receives another permit in accordance with ARM 17.8.748, ARM 17.8.749, ARM 17.8.752, ARM 17.8.755, and ARM 17.8.756, and with all applicable requirements in ARM Title 17, Chapter 8, Subchapters 8, 9, and 10.
14. ARM 17.8.765 Transfer of Permit. (1) This rule states that an air quality permit may be transferred from one location to another if the Department receives a complete notice of Intent to Transfer location, the facility will operate in the new location for less than 1 year, the facility will comply with the FCAA and the Act, 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 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. 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 #3355-00 for the Rockwall facility, 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 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 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 OOO).
 - 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 Rockwall would 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, Rockwall will be required to obtain a Title V Operating Permit.

- h. ARM 17.8.1204(3). The Department may exempt a source from the requirement to obtain an air quality operating permit by establishing federally enforceable limitations, which limit that source's PTE.
 - i. In applying for an exemption under this section, the owner or operator of the source shall certify to the Department that the source's PTE does not require the source to obtain an air quality operating permit.
 - ii. Any source that obtains a federally enforceable limit on PTE shall annually certify that its actual emissions are less than those that would require the source to obtain an air quality operating permit.

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) shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this subchapter shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

III. Emission Inventory

Source	Tons/Year					
	PM	PM ₁₀	NO _x	VOC	CO	SO _x
2004 Eagle Horizontal Impact crusher (up to 1000 TPH)	4.11	1.97				
2004 Eagle (6'x20') 3-deck screen (up to 1000 TPH)	25.87	12.32				
Material Transfer (6 transfers)	14.29	6.90				
Pile Forming (4 piles)	27.59	13.14				
Bulk Loading (2 loads)	13.80	6.57				
Diesel Generator (up to 1500 kW)	3.14	3.14	44.27	3.53	9.54	2.93
Diesel Generator (up to 1500 kW)	3.14	3.14	44.27	3.53	9.54	2.93
Diesel Generator (up to 365 kW)	0.76	0.76	10.77	0.86	2.32	0.71
Haul Roads	2.74	1.23				
Total	95.43	49.17	99.31	7.92	21.40	6.57

- A complete emission inventory for Permit #3355-00 is on file with the Department. The production limit for the crusher and the screen was limited to 375 TPH. Hours of operation for each of the three diesel generators/engines were limited to 1,420 hours per rolling 12-month time period.

IV. BACT Determination

A BACT determination is required for any new or altered source. Rockwall shall install on the new or altered source the maximum air pollution control capability that is technologically practicable and economically feasible, except that BACT shall be used.

A. Area Source Fugitive Emissions and Crushing/Screening Emissions

Two types of emissions controls are readily available and used for dust suppression of fugitive emissions at the site, fugitive emissions for the surrounding area of operations, and for equipment emissions from the crushing/screening operation. These two control methods are water and chemical dust suppressant. Chemical dust suppressant can be used for dust suppression on the area surrounding the crushing/screening operation and for emissions from the crushing/screening operation. However, because water is more readily available, more cost effective, equally effective as chemical dust suppressant, and more environmentally friendly, water has been identified as the most appropriate method of pollution control of particulate emissions for the general plant area. In addition, water suppression has been required for recently permitted similar sources. However, Rockwall may use chemical dust suppressant in addition to water to assist in controlling particulate emissions.

Rockwall shall not cause or authorize to be discharged into the atmosphere from any NSPS affected crusher, any visible emissions that exhibit an opacity of 15% or greater

averaged over 6 consecutive minutes. Also, Rockwall shall not cause or authorize to be discharged into the atmosphere from any affected screen, any visible emissions that exhibit an opacity of 10% or greater averaged over 6 consecutive minutes. Further, Rockwall 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. Rockwall must also take reasonable precautions to limit the fugitive emissions of airborne particulate matter from haul roads, access roads, parking areas, and the general area of operation. Rockwall is required to use water spray bars, water, and dust suppressant, as necessary, to maintain compliance with the opacity and reasonable precautions limitations. The Department determined that using water spray bars, water, and/or chemical dust suppressant to maintain compliance with the opacity requirements and reasonable precautions limitations constitutes BACT for the crushing/screening operation.

B. Diesel Generators/Engines

Due to the limited amount of emissions produced by the diesel generators/engines and the lack of readily available/cost effective add-on controls, add-on controls would be cost prohibitive. The source is a minor source of emissions that would be required to comply with Section II.A.12 of Permit #3355-00. Therefore, the Department determined that proper operation and maintenance with no additional controls would constitute BACT for the diesel generators/engines. The control options required for both the proposed diesel generators/engines and the proposed crushing/screening facility are similar to other recently permitted similar sources.

V. Existing Air Quality

Permit #3355-00 is issued for the operation of a portable crushing/screening plant to be originally located in Section 6, Township 1 North, Range 27 East, in Yellowstone County, Montana. This proposed site is designated as attainment/unclassified for all National Ambient Air Quality Standard (NAAQS), except CO. The Billings CO nonattainment area is located within 10 km of the proposed initial site. However, because the proposed operation is temporary and CO emissions will be relatively minor and short-lived, the Department believes that the facility will not impact the Billings CO nonattainment area. Additionally, because the facility is a small and portable source that will operate at any given site on an intermittent and temporary basis, the Department believes that any impacts to existing air quality in any given area of operation will be minor and short-lived.

VI. Ambient Air Quality Impact Analysis

Permit #3355-00 will cover the operation while operating at any location within Montana, excluding those counties that have a Department approved permitting program, those areas considered tribal lands, or those areas 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.

VII. Taking or Damaging Implication Analysis

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

VIII. Environmental Assessment

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

DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
Air Resources Management Bureau
1520 East Sixth Avenue
P.O. Box 200901
Helena, MT 59620-0901
(406) 444-3490

FINAL ENVIRONMENTAL ASSESSMENT (EA)

Issued For: Rockwall, Inc.
P.O. Box 519
Airway Heights, WA 99001

Permit Number: 3355-00

Preliminary Determination Issued: 8/1/04

Department Decision Issued: 11/3/04

Permit Final: 11/20/04

1. *Legal Description of Site:* Rockwall submitted an application to operate a portable crushing/screening plant in Section 6, Township 1 North, Range 27 East, in Yellowstone County, Montana. Permit #3355-00 applies while operating at any location in Montana, except within those areas having a Department approved permitting program, those areas considered tribal lands, or those areas in or within 10 km of certain PM₁₀ nonattainment areas. *A Missoula County air quality permit would be required for locations within Missoula County, Montana.* An addendum to this air quality permit will be required if Rockwall intends to locate in or within 10 km of certain PM₁₀ nonattainment areas.
2. *Description of Project:* The permit application proposes the construction and operation of a portable crushing/screening plant that would consist of a portable diesel generator/engine (up to 365 kW), a diesel generator/engine (up to 1500 kW), a diesel generator/engine (up to 1500 kW), a 2004 Eagle Horizontal Impactor crusher (up to 1000 TPH), a 2004 Eagle (6'x20') 3-deck screen (up to 1000 TPH), and associated equipment. For a typical operational setup, unprocessed materials are loaded into the crushing/screening plant by a hopper and transferred by conveyor to the crusher. Materials are crushed and sent to the screen where materials are separated, with the properly sorted materials conveyed on to stockpile and the other materials conveyed back to the crusher for further processing.
3. *Objectives of Project:* The object of the project would be to produce business and revenue for the company through the sale and use of aggregate. The issuance of Permit #3355-00 would allow Rockwall to operate the permitted equipment at various locations throughout Montana, including the proposed initial site location.
4. *Additional Project Site Information:* In many cases, this crushing/screening operation may move to a general site location or open cut pit, which has been previously permitted through the Industrial and Energy Minerals Bureau (IEMB). If this were the case, additional information for the site 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 Rockwall 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 #3355-00.
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 crushing/screening operations. Impacts on terrestrial and aquatic life could result from storm water runoff and pollutant deposition, but such impacts would be minor, because the crushing/screening operations would be considered a minor source of emissions and would have intermittent and seasonal operations. Furthermore, the air emissions would have only minor effects on terrestrial and aquatic life because facility emissions would be well dispersed in the area of operations.

The Miller and McGral ditch runs through the proposed operational site, which flows into the Sevenmile creek, approximately 0.5 mile downstream. 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, and on a temporary basis, only minor deposition would occur. Further, such concerns have already been previously addressed in the Mined Land Reclamation Permit for this specific site. Therefore, only minor and temporary effects to terrestrial and aquatic life and habitat would be expected from the proposed crushing/screening operation.

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, pollutant deposition and water use would cause only minor, if any, impacts to water resources in the proposed area of operations because the facility is a minor industrial source of emissions and only a small amount of water would be required for pollution control. Further, the site would be operated in a permitted open-cut pit, so water runoff would be controlled, as outlined in the open cut permit for the site. Therefore, at most, only minor surface and groundwater quality impacts would be expected to occur.

C. Geology and Soil Quality, Stability, and Moisture

The crushing/screening operations would have only minor impacts on geology and soil quality, stability, and moisture of soils. Only minor impacts from deposition of air pollutants on soils would result (as described in Section 8.F of this EA) and only minor amounts of water would be used for pollution control. In addition, only minimal water runoff would occur (as described in Section 8.B of this EA). Since only minor amounts of pollution would be generated and corresponding emissions would be widely dispersed before settling upon vegetation and surrounding soils (as described in Section 8.D of this EA), impacts would be minor. Therefore, any effects upon geology and soil quality, stability, and moisture would be minor.

D. Vegetation Cover, Quantity, and Quality

Minor impacts would occur on vegetative cover, quantity, and quality because the facility would operate in an area where vegetation has been disturbed/removed and the facility would be classified as a minor industrial source of emissions. The facility would generate minor amounts of pollutant emissions and be temporary in nature. Associated pollutants would be greatly dispersed (as described in Section 8.F); therefore, deposition on vegetation from the proposed project would be minor. Also, because the water usage would be minimal (as described in Section 8.B) and the associated soil disturbance from the application of water and water runoff would be minimal (as described in Section 8.C), corresponding vegetative impacts would be minor.

E. Aesthetics

The crushing/screening operations would be visible and would create additional noise in the area. Permit #3355-00 would include conditions to control emissions, including visible emissions, from the plant. Since the crushing/screening operations are small and 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

Air quality impacts from the proposed project would be minor because the facility would be a minor source of pollutant emissions, would operate on an intermittent and temporary basis, and would locate in a previously disturbed site. Permit #3355-00 would include conditions limiting the facility's opacity and crushing/screening production. In addition, water and water spray bars would be available on site and used to ensure compliance with opacity standards. Permit #3355-00 would also limit total emissions from the crushing/screening facility and any additional Rockwall equipment operated at the site to 250 tons/year or less, excluding fugitive emissions.

Further, the Department determined that the crushing/screening facility would be a minor source of emissions as defined under the Title V Operating Permit Program because the source's PTE is below the major source threshold level of 100 tons per year for any regulated pollutant. Pollutant deposition from the facility would be minimal because the pollutants emitted would be widely

dispersed (from factors such as wind speed and wind direction) and would have minimal deposition (due to site topography and minimal vegetative cover in the general area of operations) on the surrounding area. Therefore, air quality impacts from operating the crushing/screening equipment in this area 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 two 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.

The first resource of concern has been identified as the Spiny Softshell. This species has been identified to be within the confluences of the Yellowstone River, approximately 0.4 miles away. At such a distance, only minor and temporary effects to terrestrial and aquatic life and habitat would be expected from the proposed crushing/screening operation because only minor amounts of pollutants would reach the water body. Therefore, only minor and temporary effects to the Spiny Softshell would be expected from the proposed crushing/screening operation.

The second resource of concern has been identified as the Bald Eagle. This species has been identified at approximately 1.7 miles away from the proposed site location. According to the 1994 Bald Eagle Management Plan, the home range of the Bald Eagle is a radius of approximately 2.5 miles, the nest site is a radius of approximately 0.25 miles, and the primary use area is a radius of approximately 0.5 miles. Therefore, the Department attempted to address the area of use and primary bird rookeries within this home range. Since the facility is a portable/temporary source, would have seasonal and intermittent operations, and would be located relatively far away from the primary use area that this species occupies, only minor and temporary effects to the Bald Eagle would occur. Further, any such effects would be minor and short-lived.

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

Due to the size of the facility, the crushing/screening 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 a small crushing/screening operation and would be powered by a three diesel engines/generators with seasonal and intermittent use. In addition, impacts to air resources would be minor because the source is a minor industrial emissions source that would have intermittent and seasonal operations and air pollutants generated by the facility would be widely dispersed. 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 crushing/screening plant operations.

J. Cumulative and Secondary Impacts

The crushing/screening operations would cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment because the facility would have only seasonal and intermittent use and because the facility is considered a minor source of air pollutants by industrial standards. The facility would generate emissions of particulate PM, PM₁₀, oxides of nitrogen (NO_x), volatile organic compounds (VOC), 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 crushing/screening operation would cause no disruption to the social structures and mores in the area because the source is relatively small in size and temporary in nature. Additionally, the equipment would be located in a previously developed open-cut pit that has been designated and used for such purposes, in an area removed from the general population, would be a minor source of air pollution, and would be required to operate under the conditions in Permit #3355-00. Thus, no impacts upon social structures or mores would result and 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

crushing/screening 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 crushing/screening 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 seven new 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 are 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 crushing/screening 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. There would be no impact to agricultural land because the facility would initially operate in an existing open-cut pit and in an area not currently being used for agricultural production. Also, the facility operations are relatively 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.

E. Human Health

Permit #3355-00 would incorporate conditions to ensure that the crushing/screening facility 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 #3355-00. Therefore, only minor impacts would be expected upon human health from the proposed crushing/screening facility.

F. Access to and Quality of Recreational and Wilderness Activities

The crushing/screening plant would be operated at an existing permitted open-cut pit located within the outskirts of Billings, Montana and would generally have negligible impacts 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 the mining of gravel. Thus, no changes to recreational and wilderness activities, or access to those activities, are expected from the operation of the crushing/screening facility. Additionally, noise impacts from the facility would be minor because the facility would operate within the confines of an existing open cut pit. Also, the facility would be a small and temporary source. 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 crushing/screening operation is a relatively small and temporary source, which would have

only minor affects on the quantity and distribution of employment in the area because Rockwall would use only seven new employees for the project. Thus, because only a few employees would be needed for such operations and no new employees would be expected to relocate to this area for employment, any effect on the quantity and distribution of employment in the area would be minor and short-lived.

H. Distribution of Population

The crushing/screening operation is small and no individuals would be expected to permanently relocate to the area as a result of operating the crushing/screening facility. Therefore, the crushing/screening 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 crushing/screening operations are in progress. In addition, government services would be required for acquiring the appropriate permits from government agencies. Demands for government services would be minor.

J. Industrial and Commercial Activity

The crushing/screening operations would represent only a minor increase in the industrial activity in the given area because of the small size of the operations and the portable and temporary nature of the facility. No additional industrial or commercial activity would be expected as a result of the proposed operation.

K. Locally Adopted Environmental Plans and Goals

The Billings CO nonattainment area is located within 10 km of the proposed initial site. However, because the proposed operation is temporary and CO emissions will be relatively minor and short-lived, the Department believes that the facility will not impact the Billings CO nonattainment area. Additionally, because the facility is a small and portable source that will operate at any given site on an intermittent and temporary basis, the Department believes that any impacts to existing air quality in any given area of operation will be, at most, minor and short-lived.

L. Cumulative and Secondary Impacts

The crushing/screening operations 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 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 Resources Management Bureau and Industrial and Energy Minerals Bureau); MNHP; and SHPO (Montana Historical Society).

Individuals or groups contributing to this EA: Department of Environmental Quality (Air Resources Management Bureau and Industrial and Energy Minerals Bureau), MNHP, and SHPO (Montana Historical Society).

EA prepared by: Ron Lowney

Date: September 28, 2004