

DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY DIVISION



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July 3, 1995

Jack Hollow  
Butte/Silver Bow Government  
Department of Public Works  
Courthouse  
Butte, MT 59701

DATE	ACT.	ACC.
EPA-MT	CC	7/5
EPA-ID	?	?
EQC	?	?
Feb		7-6
Jan		7/6
KJC		7/7
TLA	FILE	7/10
TECH. ADV. ENR.		

P-A/c

Dear Mr. Hollow:

Air Quality Permit #1608-01, is deemed final as of July 2, 1995, by the Department of Environmental Quality. This permit is for an asphalt hot plant, gravel crusher, and associated equipment. All conditions of the department's decision remain the same. Enclosed is a copy of your permit with the final date indicated.

For the department,

Jan P. Sensibaugh  
Air Quality Program Manager

JPS:kjm

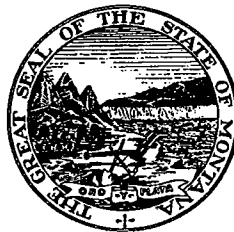
Enclosure

Montana Department of Environmental Quality  
Air Quality Division

Air Quality Permit #1608-01

Butte/Silver Bow Government  
Department of Public Works  
Courthouse  
Butte, MT 59701

July 2, 1995



## AIR QUALITY PERMIT

Issued To: Butte-Silver Bow Government  
Department of Public Works  
Courthouse  
Butte, MT 59701

Permit #1608-01  
Permit #1608-00 Issued: 10/30/83  
Modification Request Received:  
4/19/95  
Department Determination of  
Modification: 6/16/95  
Permit Final: 7/2/95

An air quality permit is hereby granted to the above-named permittee, hereinafter referred to as "Butte," pursuant to Sections 75-2-204 and 211, MCA, as amended, and Administrative Rules of Montana (ARM), Subchapter 11, PERMIT, CONSTRUCTION AND OPERATION OF AIR CONTAMINANT SOURCES, ARM 16.8.1101 et seq. as amended for the following:

### Section I: Permitted Facilities

- A. Permitted Equipment: Asphalt hot plant, gravel crusher, and associated equipment.
- B. Original Location: Section 24, Township 3 N, Range 8 W, in Silver Bow County, Montana.

### Section II: Conditions

- A. Emission Limitations
  - 1. All visible emissions from the asphalt plant and gravel crushers may not exhibit an opacity<sup>1</sup> of 20% or greater averaged over 6 consecutive minutes (ARM 16.8.1404).
  - 2. Butte shall not cause or authorize to be discharged into the atmosphere from other equipment such as screens or transfer points, any visible emissions that exhibit an opacity<sup>1</sup> of 20% or greater averaged over 6 consecutive minutes (ARM 16.8.1404).
  - 3. Water spray bars shall be operated as necessary, to maintain compliance with the opacity<sup>1</sup> limitations in Sections II.A.1 and 2 (ARM 16.8.1103).
  - 4. Butte shall not cause or authorize to be discharged into the atmosphere from haul roads, access roads, or the general plant area any visible fugitive emissions that exhibit opacity<sup>1</sup> of 20% or greater (ARM 16.8.1401).

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<sup>1</sup> Opacity shall be determined according to 40 CFR Part 60, Appendix A, Method 9 Visual Determination of Opacity of Emissions from Stationary Sources.

5. Butte shall treat all unpaved portions of the haul roads, access roads, and the general plant area with water and/or chemical dust suppressant as necessary to maintain compliance with the 20% opacity<sup>1</sup> limitation in Section II.A.4 (ARM 16.8.1103).
6. Particulate emissions from the crusher shall be limited to 53.1 lb/hr (ARM 16.8.1403).
7. Asphalt plant particulate emissions shall be limited to 0.04 gr/dscf (ARM 16.8.1423 and 40 CFR Part 60, Subpart I).

B. Reporting Requirements

1. If this crusher plant is moved to another location, a Notice of Intent to Transfer Location of Air Quality Permit must be published in a newspaper of general circulation in the area to which the transfer is to be made. This notice must be published at least fifteen (15) days prior to the move. Proof of publication and a change of location form must be submitted to the Montana Department of Health and Environmental Sciences Air Quality Division (AQD) prior to the move. These forms are available from the AQD (ARM 16.8.1114).
2. The operator shall maintain on-site records showing daily hours of operation and daily production rates for the last 12 months. These records must be available for inspection by the department and will be submitted to the department upon request (ARM 16.8.1109).
3. Butte shall retain daily production records for a minimum of five (5) years (ARM 16.8.1109).
4. Butte 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 II of this permit.

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.

- C. 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, locating in or near nonattainment areas, etc. (ARM 16.8.1113).
- D. The department may require testing (ARM 16.8.709).

### Section III: General Conditions

- A. Inspection - The recipient shall allow the department's representatives access to the source at all reasonable times for the purpose of making inspections, 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 the recipient fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations - Specific listing of requirements, limitations, and conditions contained herein does not relieve the applicant from compliance with all applicable statutes and administrative regulations including amendments thereto, nor waive the right of the department to require compliance with all applicable statutes and administrative regulations, including amendments thereto.
- 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 who are jointly or severally adversely affected by the department's decision may request, within fifteen (15) days after the department renders its decision, upon affidavit, setting forth the grounds therefor, a hearing before the Board. A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The department's decision on the application is not final unless fifteen (15) days have elapsed and there is no request for a hearing under this section. The filing of a request for a hearing postpones the effective date of the department's decision until the conclusion of the hearing and issuance of a final decision by the Board.
- F. Permit Inspection - As required by ARM 16.8.1115 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 three 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 75-2-211, MCA, as amended by the 1991 Legislature, the continuing validity of this permit is conditional upon the payment by the permittee of an annual operation fee, as required by that Section and rules adopted thereunder by the Board of Health and Environmental Sciences.

Permit Analysis  
Butte-Silver Bow Government (Department of Public Works)  
Air Quality Permit #1608-01

I. Introduction

Current Permit Modification

The current permit modification, permit #1608-01, reflects the fact that the Butte-Silver Bow Department of Public Works (Butte) requested on April 19, 1995, that permit #1608-00 be modified to change the location of their asphalt hot plant and gravel crushing operation. Permit #1608-01 will change the location of this facility from a Superfund site to Section 24, Township 3 N, Range 7 W, in Silver Bow County, Montana. Permit #1608-01 replaces permit #1608-00.

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 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 16.8.701, et seq., Subchapter 7, General Provisions, including but not limited to:

1. ARM 16.8.701 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
2. ARM 16.8.704 Testing Requirements. Any person or persons responsible for the emission of any air contaminant into the outdoor atmosphere shall upon 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 16.8.707 Circumvention. No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant which would otherwise violate an air pollution control regulation. No equipment that may produce emissions shall be operated or maintained in such a manner that a public nuisance is created.
4. ARM 16.8.709 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 Montana Clean Air Act, 75-2-101, et seq., MCA.

Butte shall comply with all requirements contained in the Montana source testing 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 testing protocol and procedures manual is available from the department upon request.

- B. 16.8.801 et seq., Subchapter 8, Ambient Air Quality, including but not limited to:

The following ambient air quality standards or requirements may apply, including but not limited to:

ARM 16.8.811 Ambient Air Quality Standards for Carbon Monoxide;  
ARM 16.8.816 Ambient Air Quality Standards for Nitrogen Dioxide;  
ARM 16.8.818 Ambient Air Quality Standards for Settled Particulate Matter;  
ARM 16.8.820 Ambient Air Quality Standards for Sulfur Dioxide;  
ARM 16.8.821 Ambient Air Quality Standards for PM-10.

Butte must comply with the applicable ambient air quality standards.

- C. 16.8.901 et seq., Subchapter 9, Prevention of Significant Deterioration of Air Quality, including but not limited to:

1. ARM 16.8.945 Definitions. This rule is a list of applicable definitions used in this subchapter.
2. ARM 16.8.953 Review of Major Stationary Sources and Major Modification--Source Applicability and Exemptions. The requirements contained in ARM 16.8.954-16.8.962 shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the Federal Clean Air Act that it would emit, except as this subchapter would otherwise allow.

This permit modification is not a major modification because the proposal would not cause an emissions increase and the source is not a major source.

- D. ARM 16.8.1101 et seq., Subchapter 11, Permit, Construction and Operation of Air Contaminant Sources, including but not limited to:

1. ARM 16.8.1102 When Permit Required-Exclusions. Permits are required for mineral crushers and asphalt plants that have the potential to emit greater than 5 tons/year of any pollutant. Butte has the potential to emit greater than 5 tons/year; therefore, a permit is required.
2. ARM 16.8.1103 Emission Control Requirements. Butte is required to install on the new or altered source the maximum air pollution control capability which is technically practicable and economically feasible. A Best Available Control Technology (BACT) review was conducted for permit #1608-00 and it was determined that the limitations contained in

the original permit would constitute BACT. A BACT review was not conducted for permit #1608-01 because the source is not a new or altered source.

3. ARM 16.8.1109 Conditions for Issuance of a Permit. This rule requires that the source demonstrate compliance with applicable rules and standards before a permit can be issued. Also, a permit may be issued with such conditions as are necessary to assure compliance with all applicable rules and standards. This is a modification to an existing permit that has already been determined to be in compliance with applicable rules and standards.
  4. ARM 16.8.1111 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 one year after the permit is issued.
  5. ARM 16.8.1113 Modification of Permit. An air quality permit may be modified for changes in any applicable rules and standards adopted by the 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 of operation. A source may not increase its emissions beyond those found in its permit unless the source applies for and receives another permit.
  6. ARM 16.8.1114 Transfer of Permits. An air quality permit may be transferred from one location to another if written notice of intent to transfer is sent to the department.
  7. ARM 16.8.1115 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.
  8. ARM 16.8.1117 Compliance with Other Statutes and Rules. This rule requires the permit holder to comply with all other applicable federal and Montana statutes, rules and standards.
  9. ARM 16.8.1119 General Procedures for Air Quality Preconstruction Permitting. An air quality preconstruction permit shall contain requirements and conditions applicable to both construction and subsequent use.
- E. ARM 16.8.1401, et seq., Subchapter 14, Emission Standards, including but not limited to:
1. ARM 16.8.1401 Particulate Matter-Airborne. This rule requires an opacity limitation of 20% for all fugitive emission sources.



2. ARM 16.8.1403 Particulate Matter-Industrial Processes. This rule requires a limitation of particulate emissions be calculated using the process weight rule. Total allowable particulate emissions shall be determined by using the maximum design thru-put rates supplied in the permit application.

$E = 55.0 P^{0.11} - 40$  Where E = maximum rate of emissions in pounds per hour, P = process weight rate in tons per hour.

3. ARM 16.8.1404 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.
4. ARM 16.8.1423 Standard of Performance for New Stationary Sources. The owner or operator of any stationary source or modification, as defined and applied in 40 CFR Part 60, shall comply with the standards and provisions of 40 CFR Part 60. Since this plant consists of a newer asphalt hot plant and a gravel crusher, NSPS (40 CFR Part 60, General Provisions, and Subpart I Hot Mix Asphalt Facilities) does apply to the asphalt plant, but not the crusher.

- F. ARM 16.8.1901, et seq., Subchapter 19, Air Quality Permit Application, Operation and Open Burning Fees, including but not limited to:

ARM 16.8.1903 Air Quality Operational 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; and the air quality operation fee is based on the actual or estimated actual amount of air pollutants emitted during the previous calendar year.

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

### III. Existing Air Quality and Impacts

This permit modification is for an asphalt hot plant, a gravel crusher, and associated equipment to be located in Section 24, Township 3 N, Range 7 W, in Silver Bow County. This facility is going to move approximately ½ mile from the original location, which was located on a Superfund site. The facility will not be increasing emissions, and in the view of the department, the amount of controlled particulate emissions generated by this project will not cause concentrations of PM-10 in the ambient air that exceed the set standard.

IV. Environmental Assessment

This permitting action is a change of location and will not result in a change in actual emissions from the facility. Therefore, an environmental assessment is not required.

Modification Prepared By: Jeff Bellino  
Date: May 25, 1995