



ADMINISTRATIVE AMENDMENT
TO MONTANA AIR QUALITY PERMIT

Date of Mailing: August 5, 2016

Name of Applicant: Riverside Contracting, Inc.

Source: Portable Asphalt Facility

Location: Various Locations In Montana

Proposed Action: The Department of Environmental Quality (Department) proposes to issue an Administrative Amendment, with conditions, to the above-named permittee. The permit will be assigned #2658-04. The permittee may appeal the Department's decision to the Board of Environmental Review (Board). A request for hearing must be filed by August 22, 2016. This permit shall become final on August 23, 2016, unless the Board orders a stay on the permit.

Proposed Conditions: See attached.

Procedures for Appeal: The permittee may request a hearing before the Board. Any appeal must be filed before the final date stated above. The request for hearing shall contain an affidavit setting forth the grounds for the request. Any hearing will be held under the provisions of the Montana Administrative Procedures Act. Submit requests for hearing in triplicate to: Chairman, Board of Environmental Review, P.O. Box 200901, Helena, Montana 59620.

For the Department,

A handwritten signature in black ink that reads "Julie A. Merkel".

Julie A. Merkel
Permitting Services Section Supervisor
Air Quality Bureau
(406) 444-3626

A handwritten signature in black ink that reads "John P. Proulx".

John P. Proulx
Environmental Science Specialist
Air Quality Bureau
(406) 444-1277

JM:JP
Enclosure

MONTANA AIR QUALITY PERMIT

Issued to: Riverside Contracting, Inc.
2110 South Reserve St.
Missoula, MT 59801

MAQP: #2658-04
Application Complete: 7/21/2016
Administrative Amendment (AA) Request:
Received: 7/21/2016
Department Decision on AA: 08/05/2016
Permit Final:
AFS #: 777-2658

A Montana Air Quality Permit (MAQP), with conditions, is hereby granted to Riverside Contracting, Inc. (Riverside) pursuant to Sections 75-2-204 and 211 of the Montana Code Annotated (MCA), as amended, and Administrative Rules of Montana (ARM) 17.8.740, *et seq.*, as amended, for the following:

SECTION I: Permitted Facilities

A. Plant Location

Riverside is located in Section 34 (NE ¼, SW ¼, NW ¼), Township 29N, Range 20 W, in Flathead County, Montana

B. Current Permit Action

During a Department of Environmental Quality (Department) review, staff discovered that Montana Air Quality Permit (MAQP) #2658-03 was missing a necessary, required permit condition and corresponding permit analysis language pertaining to production limits. Because Riverside accepted production limits in its MAQP to stay below the Title V permit threshold, the Department established such limits in the MAQP. With such limits, Riverside is required to annually certify that its actual emissions are less than those that would require the source to obtain an air quality Title V operating permit. This annual certification is required to be submitted with the annual emission inventory and production and equipment information, and is required to be submitted on or before February 15th of each year. The annual certification is required by ARM 17.8.1204(3)(b), but is not currently mentioned in MAQP #2658-03. MAQP #2658-04 specifically clarifies the certification obligation and also updates language in the permit analysis pertinent to this issue.

SECTION II: Conditions and Limitations

A. Emission Limitations

1. Asphalt plant emissions are limited to 0.04 grams per dry standard cubic foot (gr/dscf) (ARM 17.8.340 and 40 CFR Part 60, Subpart I).
2. All visible emissions from the asphalt plant stack are limited to 20% opacity or less, averaged over six (6) consecutive minutes (ARM 17.8.340 and 40 CFR 60, Subpart I).

3. Riverside shall not cause or authorize to be discharged into the atmosphere from systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems, and visible emissions that exhibit an opacity of 20% or greater averaged over six (6) consecutive minutes (ARM 17.8.340 and 40 CFR 60, Subpart I).
4. Riverside 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).
5. Riverside 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.4 (ARM 17.8.749).
6. Riverside shall not cause or authorized to be discharged into the atmosphere from material transfer and storage areas any visible emissions that exhibit opacity of 20% or greater (ARM 17.8.749)
7. A device to measure the pressure drop (magnehelic gauge, manometer, etc.) on the control device (baghouse) shall be installed and maintained. Pressure drop shall be measured in inches of water. Temperature indicators at the control device inlet and outlet must be installed and maintained (ARM 17.8.749).
8. Once a stack test is performed, the asphalt production rate it limited to the average production rate during the last source test demonstrating compliance (ARM 17.8.749)
9. Asphalt production shall be limited to 2,200,000 tons during any 12-month rolling time period (ARM 17.8.749 and ARM 17.8.1204)
10. If the permitted equipment is used in conjunction with any other equipment owned or operated by Riverside, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons during any rolling 12-month period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.749).
11. Riverside shall comply with all applicable standards and limitations, monitoring, reporting, recordkeeping, testing, and notification requirements contained in 40 CFR 60, Subpart I, *Standards of Performance for Hot Mix Asphalt Facilities* (ARM 17.8.340 and 40 CFR 60, Subpart I).
12. Riverside shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 60, Subpart III, *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines* and 40 CFR 63, Subpart ZZZZ, *National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*, for any applicable diesel engine (ARM 17.8.340; 40 CFR 60, Subpart III; ARM 17.8.342 and 40 CFR 63, Subpart ZZZZ).

B. Testing Requirements

1. An EPA Methods 1-5, and 9 source test must be performed on the asphalt plant every four years after the initial source test to demonstrate compliance with the conditions specified in Section II.A.1 and II.A.2. (ARM 17.8.105 and ARM 17.8.749).
2. Pressure drop on the control device and temperatures must be recorded during the test and reported as part of the test results (ARM 17.8.749).
3. All source tests must be conducted in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.749).
4. Since asphalt production will be limited to the average production rate during the test, it is suggested the test be performed at the highest production rate practical (ARM 17.8.749).
5. Riverside may retest at any time in order to test at a higher production rate (ARM 17.8.749)
6. The Department may require further testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. If this asphalt plant is moved to another location, an Intent to Transfer form must be sent to the Department and a Public Notice Form for Change of Location must be published in a newspaper of general circulation in the area to which the transfer is to be made, at least 15 days prior to the move. The proof of publication (affidavit) of the Public Notice Form for Change of Location must be submitted to the Department prior to the move. These forms are available from the Department (ARM 17.8.749 and ARM 17.8.765).
2. Riverside shall maintain on-site records showing daily hours of operation and daily production rates for the last twelve (12) months. These records must be available for inspection by the department and must be submitted to the Department upon request (ARM 17.8.749).
3. Riverside shall retain daily production numbers for a minimum of five (5) years (ARM 17.8.749)
4. Riverside 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 (ARM 17.8.505).

5. Riverside shall document, by month, the production of the asphalt plant. By the 25th of each month, Riverside shall total the monthly throughput of the asphalt plant during the previous twelve (12) months to verify compliance with the limitation in Section II.A.9. A written report of the compliance verification shall be submitted along with the annual emissions inventory (ARM 17.8.749)
6. Riverside shall notify the Department of any construction or improvement project conducted, pursuant to ARM 17.8.745, that would include ***the addition of a new emissions unit***, 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. The notice must be submitted to the Department, in writing, 10 days prior to startup 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(l)(d) (ARM 17.8.745).
7. Riverside shall annually certify that its 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 along with the annual emissions inventory information (ARM 17.8.749 and ARM 17.8.1204).

SECTION III: Addendum

Riverside shall comply with all conditions in Addendum #4 to MAQP #2658-04, as applicable (ARM 17.8.749).

SECTION IV: General Conditions

- A. Inspection – Riverside 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 (continuous emissions monitoring system (CEMS) or continuous emissions rate monitoring system (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 Riverside fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving Riverside 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 action 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 therefor, a hearing before the Board of Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The filing of a request for a hearing does not stay the Department’s decision, unless the Board issues a stay upon receipt of a petition and a finding that a stay is appropriate under Section 75-2-211(11)(b), MCA.

The issuance of a stay on a permit by the Board postpones the effective date of the Department’s decision until conclusion of the hearing and issuance of a final decision by the Board. If a stay is not issued by the Board, the Department’s decision on the application is final 16 days after the Department’s decision is made.

- F. Permit Inspection – As required by ARM 17.8.755, Inspection of Permit, a copy of the air quality permit shall be made available for inspection by the Department at the location of the permitted source.
- G. Air Quality Operation Fees – Pursuant to Section 75-2-220, MCA, failure to pay the annual operation fee by Riverside may be grounds for revocation of this permit, as required by that section and rules adopted thereunder by the Board.
- H. Duration of Permit – Construction or installation must begin or contractual obligations entered into that would constitute substantial loss within 3 years of permit issuance and proceed with due diligence until the project is complete or the permit shall expire (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. Riverside shall comply with the conditions contained in this permit while operating in any location in Montana, except within those areas that have a Department-approved permitting program or areas considered tribal lands.

Montana Air Quality Permit (MAQP) Analysis
Riverside Contracting, Inc.
MAQP #2658-04

I. Introduction/Process Description

Riverside Contracting (Riverside) owns and operates a portable drum-mix asphalt facility.

A. Permitted Equipment

Riverside owns and operates a portable 1983 Cedar Rapids 8828 Asphalt Plant (400 TPH), serial #38848, and associated equipment.

B. Source Description

Riverside is located in Section 34 (NE ¼, SW ¼, NW ¼), Township 29N, Range 20 W, in Flathead County, Montana

C. Permit History

On September 11, 1990, MAQP **#2658-00** was issued to Riverside Contracting to operate a 1983 Cedarapids 8828 portable drum mix asphalt plant #38848 and associated equipment.

On March 5, 1996, Riverside requested that MAQP #2658-00 be modified to allow the asphalt plant to operate within 10 kilometers of any PM-10 nonattainment area during the summer months (April 1 through September 30). **MAQP #2658-01** replaced MAQP #2658-00 and **Addendum 1** was established.

On December 16, 1998, Riverside submitted a request for modification of MAQP #2658-01 and Addendum 1. The request included an addendum to allow for summer months operation (April 1 through September 30) in or within 10km of any of the following PM-10 non-attainment areas (NAA): Kalispell, Whitefish, Colombia Falls, Butte, Lincoln, Libby, and Thompson Falls. In addition, because the initial tests have been completed, Riverside requested that the initial source testing language be removed from section II.B of the permit. The plant is responsible for emission testing every four (4) years from the latest test, which was conducted on September 6, 1996. **MAQP #2658-02** replaced MAQP #2658-01 and **Addendum 2** replaced Addendum 1.

On December 8, 1999, Riverside submitted a request to modify MAQP #2658-02, and Addendum 2. The permit action allowed for winter months operation (October 1, 1999, through March 31, 2000) at the following location; Section 34 (NE¼, SW¼, and NW¼, SE¼), Township 29N, Range 20W, in Flathead County, MT. Per Department policy, the selected operating site was within 10 km of the Kalispell PM-10 non-attainment area (NAA) which prompted the Department conduct SCREEN 3 modeling to ensure compliance with national ambient air quality standards (NAAQS). **MAQP #2658-03** replaced MAQP #2658-02 and **Addendum 3** replaced Addendum 2.

D. Current Permit Action

During a Department of Environmental Quality (Department) review, staff discovered that MAQP #2658-03 was missing a necessary, required permit condition and corresponding permit analysis language pertaining to production limits. Because Riverside accepted production limits in its MAQP to stay below the Title V permit threshold, the Department established such limits in the MAQP. With such limits, Riverside is required to annually certify that its actual emissions are less than those that would require the source to obtain an air quality Title V operating permit. This annual certification is required to be submitted with the annual emission inventory and production and equipment information, and is required to be submitted on or before February 15th of each year. The annual certification is required by ARM 17.8.1204(3)(b), but is not currently mentioned in MAQP #2658-03. MAQP #2658-04 specifically clarifies the certification obligation and also updates language in the permit analysis pertinent to this issue. **MAQP #2658-04** replaces MAQP #2658-03, and **Addendum 4** replaces Addendum 3.

E. Additional Information

Additional information, such as applicable rules and regulations, Best Available Control Technology (BACT)/Reasonably Available Control Technology (RACT) determinations, air quality impacts, and environmental assessments, is included in the analysis associated with each change to the permit.

II. Applicable Rules and Regulations

The following are partial explanations of some applicable rules and regulations that apply to the facility. The complete rules are stated in the Administrative Rules of Montana (ARM) and are available, upon request, from the Department of Environmental Quality (Department). Upon request, the Department will provide references for locations of complete copies of all applicable rules and regulations 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). Riverside 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 17.8.204 Ambient Air Monitoring
2. ARM 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide
3. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
4. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
5. ARM 17.8.213 Ambient Air Quality Standard for Ozone
6. ARM 17.8.214 Ambient Air Quality Standard for Hydrogen Sulfide
7. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
8. ARM 17.8.221 Ambient Air Quality Standard for Visibility
9. ARM 17.8.222 Ambient Air Quality Standard for Lead
10. ARM 17.8.223 Ambient Air Quality Standard for PM₁₀
11. ARM 17.8.230 Fluoride in Forage

Riverside 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, Riverside 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 Processes. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter in excess of the amount set forth in this section.
4. 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 section.

5. 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.

6. ARM 17.8.340 Standard of Performance for New Stationary Sources and Emission Guidelines for Existing Sources. This rule incorporates, by reference, 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS). Riverside is considered an NSPS affected facility under 40 CFR Part 60 and is subject to the requirements of the following subparts.
 - a. 40 CFR 60, Subpart A – General Provisions apply to all equipment or facilities subject to an NSPS Subpart as listed below:

 - b. 40 CFR 60, Subpart I – Standards of Performance for Hot Mix Asphalt Facilities. In order for an asphalt plant to be subject to this subpart, the facility must meet the definition of an affected facility and, the affected equipment must have been constructed, reconstructed, or modified after August 31, 1983. Based on the information submitted by Riverside, the asphalt plant equipment to be used under MAQP #2658-04 is subject to this subpart because the facility is a hot mix asphalt facility.

 - c. 40 CFR 60, Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (CI ICE). Owners and operators of stationary CI ICE that commence construction after July 11, 2005, where the stationary CI ICE are manufactured after April 1, 2006, and are not fire pump engines, and owners and operators of stationary CI ICE that modify or reconstruct their stationary CI ICE after July 11, 2005, are subject to this subpart.

Since the CI ICE to be used under MAQP #2658-04 are intended to be portable, Riverside is not required to comply with the applicable emission limitations and operating limitations of 40 CFR 60, Subpart IIII. However, this subpart would become applicable if Riverside operated them at a single location for more than 12 months.

7. ARM 17.8.342 Emission Standards for Hazardous Air Pollutants for Source Categories. This rule incorporates, by reference, 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Source Categories. Riverside is considered a NESHAP-affected facility under 40 CFR Part 63 and is subject to the requirements of the following subparts.
 - a. 40 CFR 63, Subpart A – General Provisions apply to all equipment or facilities subject to a NESHAPs Subpart as listed below.

 - b. 40 CFR 63, Subpart ZZZZ - National Emissions Standards for Hazardous Air Pollutants (HAPs) for Stationary Reciprocating Internal Combustion Engines (RICE). An owner or operator of a stationary reciprocating internal combustion engine (RICE) at a major or area source of HAP emissions is subject to this rule except if the stationary RICE is being tested at a

stationary RICE test cell/stand. An area source of HAP emissions is a source that is not a major source. A RICE is considered stationary if it remains or will remain at the permitted location for more than 12 months, or a shorter period of time for an engine located at a seasonal source. A seasonal source remains at a single location on a permanent basis (at least 2 years) and operates 3 months or more each year. Riverside is an area source of HAP emissions. Since the RICE to be used under MAQP #2658-04 are intended to be portable, Riverside is not required to comply with the applicable emission limitations and operating limitations of 40 CFR 63, Subpart ZZZZ. However, this subpart would become applicable if Riverside operated them at a single location for more than 12 months.

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. A permit fee is not required for the current permit action because the permit action is considered an administrative permit change.
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.

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 modification to construct, modify, or use any asphalt plant, crusher or screen that has the potential to emit (PTE) greater than 15 tons per year of any pollutant. Riverside has a PTE greater than 15 tons per year of PM, PM₁₀, VOC, CO, and SO_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 Permits--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. (1) This rule requires that a permit application be submitted prior to installation, modification, or use of a source. A permit application was not required for the current permit action because the permit change is considered an administrative permit change. (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. An affidavit of publication of public notice was not required for the current permit action because the permit change is considered an administrative permit 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 required BACT analysis is included in Section III 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 Riverside 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 modified source may contain a condition providing that the permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than 1 year after the permit is issued.
12. ARM 17.8.763 Revocation of Permit. An air quality permit may be revoked upon written request of the permittee, or for violations of any requirement of the Clean Air Act of Montana, rules adopted under the Clean Air Act of Montana, the FCAA, rules adopted under the FCAA, or any applicable requirement contained in the Montana State Implementation Plan (SIP).
13. ARM 17.8.764 Administrative Amendment to Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack that do not result in an increase of emissions as a result of those changed conditions. 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 MAQP 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 the facility's PTE is less than 250 tons per year of any 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 particulate matter with an aerodynamic diameter of 10 microns or less (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 MAQP #2658-04 for Riverside, 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 I and potentially IIII).
 - e. This facility is potentially subject to current NESHAP standards (40 CFR 63, Subpart ZZZZ).
 - f. This source is not a Title IV affected source
 - g. This source is not a solid waste combustion unit.
 - h. This source is not an EPA designated Title V source.

Riverside requested federally-enforceable permit limitations to remain a minor source of emissions with respect to Title V. Based on these limitations, the Department determined that this facility is not subject to the Title V Operating Permit Program. However, in the event that the EPA makes minor sources that are subject to NSPS obtain a Title V Operating Permit, this source will be subject to the Title V Operating Permit Program.

- i. 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.

1. In applying for an exemption under this section the owner or operator of the facility shall certify to the Department that the source's PTE does not require the source to obtain an air quality operating permit.
2. 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.
3. ARM 17.8.1207 Certification of Truth, Accuracy, and Completeness. The compliance certification submittal required by ARM 17.8.1204(3)(a) 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. BACT Determination

A BACT determination was not required for the current permit action because the permit change is considered an administrative permit change.

IV. Emission Inventory**

Source	tons/yr					
	PM	PM-10	NOx	VOC	CO	SOx
1983 Drum Mix Asphalt Plant w/ baghouse	19.97	9.99	33	56.1	61.6	3.63
Elevators, Screens, Bins, and Mixer	41.25	33	--	--	--	--
Cold Aggregate Handling	55	44	--	--	--	--
Haul Roads	2.74	1.23	--	--	--	--
Diesel Generator (400 kw)	1.55	1.55	53.1	1.56	12.17	17.9
Total	120.51	89.77	86.1	57.66	73.77	21.53

- A complete emissions inventory for MAQP #2658-04 is on file with the department.

V. Existing Air Quality

MAQP #2658-04 and Addendum 4 are for a facility that will locate in various locations throughout Montana, including at sites in or within 10 kilometers (km) of certain PM₁₀ nonattainment areas. The more stringent operating conditions contained in the addendum will minimize any potential impact on the nonattainment areas and will protect the national ambient air quality standards. Also, this facility is a portable source that would be expected to operate on an intermittent and temporary basis and any effects on air quality would be expected to be minor and short-lived.

VI. Air Quality Impacts

The Department determined that there will be no impacts from this permitting action because this permitting action is considered an administrative action. Therefore, the Department believes this action will not cause or contribute to a violation of any ambient air quality standard.

VII. Ambient Air Impact Analysis

Based on the information provided and the conditions established in MAQP #2658-04, the Department determined that there will be no impacts from this permitting action. The Department believes it will not cause or contribute to a violation of any ambient air quality standard.

VIII. Taking or Damaging Implication Analysis

As required by 2-10-105, MCA, the Department conducted the following private property taking and damaging assessment.

YES	NO	
X		1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
	X	2. Does the action result in either a permanent or indefinite physical occupation of private property?
	X	3. Does the action deny a fundamental attribute of ownership? (ex.: right to exclude others, disposal of property)
	X	4. Does the action deprive the owner of all economically viable uses of the property?
	X	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If no, go to (6)].
		5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?
		5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?
	X	6. Does the action have a severe impact on the value of the property? (consider economic impact, investment-backed expectations, character of government action)
	X	7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally?
	X	7a. Is the impact of government action direct, peculiar, and significant?
	X	7b. Has government action resulted in the property becoming practically inaccessible, waterlogged or flooded?
	X	7c. Has government action lowered property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?
	X	Takings or damaging implications? (Taking or damaging implications exist if YES is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if NO is checked in response to questions 5a or 5b; the shaded areas)

Based on this analysis, the Department determined there are no taking or damaging implications associated with this permit action.

IX. Environmental Assessment

This permitting action will not result in an increase of emissions from the facility and is considered an administrative action; therefore, an environmental assessment is not required.

Analysis Prepared By: John P. Proulx
Date: 08/03/2016

Addendum #4
Riverside Contracting, Inc.
Montana Air Quality (MAQP) Permit #2658-04

An addendum to air quality permit #2658-04 is issued to Riverside Contracting, Inc. (Riverside) pursuant to Section 75-2-204 and 211 of the Montana Code Annotated (MCA), as amended, and Administrative Rules of Montana (ARM) 17.8.734, as amended, for the following:

I. Permitted Equipment:

Riverside operates a portable 1983 Cedarapids Drum Mix Asphalt Plant (maximum capacity 400 TPH), Serial #38848, and associated equipment.

II. Limitations and Conditions

Addendum #4 applies to the Riverside facility while operating at any location in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment areas. Additionally, seasonal and side restrictions apply to the facility as follows:

A. Operational Conditions

1. All visible emissions from the asphalt plant stack shall be limited to 10% opacity averaged over six (6) consecutive minutes (ARM 17.8.749).
2. Riverside shall not cause or authorize to be discharged into the atmosphere from systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler, systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems any visible emissions that exhibit an opacity of 10% averaged over six consecutive minutes (ARM 17.8.749).
3. Riverside shall treat all unpaved portions of the access roads, parking lots, and general plant area with water and/or dust suppressant as necessary to maintain compliance with 10% opacity limitation (ARM 17.8.749).
4. Riverside shall not operate the equipment listed in Section I.A of permit #2658-04 at the same time as the equipment listed in Section I.A of permit #2561-04, if the equipment is at the same location (ARM 17.8.749).
5. Asphalt production shall be limited to 576 tons per any rolling 24-hour time period (ARM 17.8.749).
6. Hours of operation are limited to any 11 hours/day, between 7:00 a.m. and 7:00 p.m. (ARM 17.8.749).

B. Reporting Requirements

1. Riverside shall provide the department with written notification of job completion within 10 working days of job completion (ARM 17.8.749).
2. Riverside shall provide written notice of relocation of the permitted equipment within 15 working days of physical transfer of equipment (ARM 17.8.734).
3. Production information for the sites covered by this addendum must be submitted to the department within thirty (30) days of completion of the project or expiration of Addendum 3. The information must include (ARM 17.8.749):
 - a. Tons of asphalt produced.
 - b. Daily hours of operation.
 - c. Gallons of diesel used for generators at each site.
 - e. Fugitive dust information consisting of all plant vehicles, including the following:
 - i. number of vehicles operated on site with a rated load capacity less than 50 tons, between 50 and 100 tons, and greater than 100 tons; and
 - ii. total on-site vehicle miles traveled for vehicles with a rated load capacity less than 50 tons, between 50 and 100 tons, and greater than 100 tons.
 - f. Fugitive dust control for haul roads and general plant area:
 - i. Hours of operation of water trucks; and
 - ii. Application schedule for chemical dust suppressant, if applicable.

Addendum #4 Analysis
Riverside Contracting, Inc.
Montana Air Quality Permit (MAQP) #2658-04

An addendum to MAQP #2658-04 is issued to Riverside Contracting, Inc. (Riverside), pursuant to Sections 75-2-204 and 75-2-211 of the Montana Code Annotated (MCA), as amended, and Administrative Rules of Montana (ARM) 17.8.740, *et seq.*, as amended, for the following:

I. Permitted Equipment: A portable 1983 Cedarapids Drum Mix Asphalt Plant (400 TPH) and associated equipment.

II. Permit History:

On September 11, 1990, **MAQP #2658-00** was issued to Riverside Contracting to operate a 1983 Cedarapids 8828 portable drum mix asphalt plant #38848 and associated equipment.

On March 5, 1996, Riverside requested that MAQP #2658-00 be modified to allow the asphalt plant to operate within 10 kilometers of any PM-10 nonattainment area during the summer months (April 1 through September 30). **MAQP #2658-01** replaced MAQP #2658-00 and **Addendum 1** was established.

On December 16, 1998, Riverside submitted a request for modification of MAQP #2658-01 and Addendum 1. The request included an addendum to allow for summer months operation (April 1 through September 30) in or within 10km of any of the following PM-10 non-attainment areas (NAA): Kalispell, Whitefish, Colombia Falls, Butte, Lincoln, Libby, and Thompson Falls. In addition, because the initial tests have been completed, Riverside requested that the initial source testing language be removed from section II.B of the permit. The plant is responsible for emission testing every four (4) years from the latest test, which was conducted on September 6, 1996. **MAQP #2658-02** replaced MAQP #2658-01 and **Addendum 2** replaced Addendum 1.

On December 8, 1999, Riverside submitted a request to modify MAQP #2658-02, and Addendum 2. The permit action allowed for winter months' operation (October 1, 1999, through March 31, 2000) at the following location; Section 34 (NE¹/₄, SW¹/₄, and NW¹/₄, SE¹/₄), Township 29N, Range 20W, in Flathead County, MT. Per Department policy, the selected operating site was within 10 km of the Kalispell PM-10 non-attainment area (NAA) which prompted the Department conduct SCREEN 3 modeling to ensure compliance with national ambient air quality standards (NAAQS). **MAQP #2658-03** replaced permit #2658-02 and **Addendum 3** replaced Addendum 2.

III. Current Permitting Action:

During a Department of Environmental Quality (Department) review, staff discovered that MAQP #2658-03 was missing a necessary, required permit condition and corresponding permit analysis language pertaining to production limits. Because Riverside accepted production limits in its MAQP to stay below the Title V permit threshold, the Department established such limits in the MAQP.

With such limits, Riverside is required to annually certify that its actual emissions are less than those that would require the source to obtain an air quality Title V operating permit. This annual certification is required to be submitted with the annual emission inventory and production and equipment information, and is required to be submitted on or before February 15th of each year. The annual certification is required by ARM 17.8.1204(3)(b), but is not currently mentioned in MAQP #2658-03. MAQP #2658-04 specifically clarifies the certification obligation and also updates language in the permit analysis pertinent to this issue. **MAQP #2658-04** replaces MAQP #2658-03, and **Addendum 4** replaces Addendum 3.

IV. 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.

1. ARM 17.8.749, Conditions for Issuance of 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. The source has demonstrated compliance with applicable rules and standards as required for permit issuance.
2. ARM 17.8.733, Modification of Permit. An air quality permit may be modified for changes in any applicable rules or 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.
3. ARM 17.8.734, Transfer of Permit. An air quality permit may be transferred from one location to another if:
 - a) Written notice of intent to transfer location and public notice is sent to the department;
 - b) The source will operate in the new location less than one year; and
 - c) The source will not have any significant impact upon any nonattainment area or upon any Class I area.

The conditions and controls of this Addendum will keep Riverside from having a significant impact on any of the PM-10 nonattainment areas.

V. Emission Inventory--Addendum 4 to permit #2658-04

Source	TSP	PM-10	lbs/day NOx	VOC	CO	SOX
	-----	-----	-----	-----	-----	-----
Asphalt Plant Drum Dryer	174.29	87.14	17.28	29.38	32.26	1.90
Elevators / Screens / Bins / Mixer	21.60	17.28	0	0	0	0
Cold Aggregate Handling	28.80	23.04	0	0	0	0
Haul Roads	15.00	6.75	0	0	0	0
Diesel Generator	13.52	13.52	463.45	13.61	106.21	156.22
	-----	-----	-----	-----	-----	-----
Total	253.21	147.73	480.73	42.99	138.46	158.12

- A complete emission inventory for Addendum 4 to permit #2658-04 is on file with the department.