



Montana Department of  
**ENVIRONMENTAL QUALITY**

Judy Martz, Governor

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May 1, 2002

Lisa Hudak  
Mountain Excavating, Co.  
P.O. Box 563  
Red Lodge, MT 59068

Dear Ms. Hudak:

Air Quality Permit #2851-01 is deemed final as of May 1, 2002, by the Department of Environmental Quality (Department). This permit is for the modification of Permit #2851-00. 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,

David L. Klemp  
Air Permitting Supervisor  
Air & Waste Management Bureau  
(406) 444-3490

DK:lh  
Enclosure

Montana Department of Environmental Quality  
Permitting and Compliance Division

Air Quality Permit #2851-01

Mountain Excavating, Co.  
P.O. Box 563  
Red Lodge, MT 59068

May 1, 2002



## AIR QUALITY PERMIT

Issued To: Mountain Excavation, Co. Permit #2851-01  
P.O. Box 563 Modification Request Received: 3/20/02  
Red Lodge, MT 59068 Department Decision on Modification Issued: 4/15/02  
Permit Final: 5/01/02  
AFS #: 777-2851

An air quality permit, with conditions, is hereby granted to Mountain Excavation, Co. (Mountain Excavation) pursuant to Section 75-2-204 and 211 of the Montana Code Annotated (MCA), as amended, and the Administrative Rules of Montana (ARM) 17.8.701, *et seq.*, as amended, for the following:

### Section I: Permitted Facilities

- A. Plant Location: Mountain Excavation operates a portable crushing/screening facility that moves to various locations throughout the State of Montana. Permit #2851-01 applies while operating at any location in the State of 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.* A list of the permitted equipment is contained in Section I.A of the permit analysis.
- B. Current Permit Action: On March 20, 2002, Mountain Excavation requested a permit modification for a name change from Hudak Excavation and Construction to Mountain Excavation. Additionally, the facility changed from diesel and gas powered generators to electrical power to operate the facility. The permit was also updated to reflect current permit language and rule references used by the Department.

### Section II: Limitations and Conditions

- A. Emission Limitations
  - 1. Mountain Excavation shall not cause or authorize to be discharged into the atmosphere from the 1950 Cedar Rapids jaw crusher and 1950 Cedar Rapids rolls crusher any visible emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304).
  - 2. Mountain Excavation shall not cause or authorize to be discharged into the atmosphere from any other equipment, such as screens or transfer points, any visible emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.308).
  - 3. Mountain Excavation 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 17.8.304).
  - 4. Mountain Excavation shall treat all unpaved portions of the haul roads, access roads, parking lots, or the general plant area with water and/or chemical dust suppressant as necessary to maintain compliance with the reasonable precautions limitation in Section II.A.3 (ARM 17.8.715).
  - 5. Water and spray bars shall be available on site and used, as necessary, to maintain compliance with the opacity limitations in Sections II.A.1 and II.A.2 (ARM 17.8.715).

6. Total crusher production is limited to 937,320 tons during any rolling 12-month time period (ARM 17.8.715).
7. If the permitted equipment is used in conjunction with any other equipment owned or operated by Mountain Excavation, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons of emissions during any rolling 12-month time period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.710).

B. Testing Requirements

1. All compliance source tests shall be conducted in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
2. The Department may require testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. If this 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 17.8.734).
2. Mountain Excavation 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 Mountain Excavation as a permanent business record for at least 5 years following the date of the measurement, shall be submitted to the Department upon request, and shall be available at the plant site for inspection by the Department (ARM 17.8.710).
3. Mountain Excavation 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 (ARM 17.8.505).

4. Mountain Excavation shall document, by month, the production of the crusher(s). By the 25<sup>th</sup> day of each month, Mountain Excavation shall total the monthly throughput of the crusher(s) during the previous 12 months to verify compliance with the limitation in Section II.A.6. A written report of the compliance verification shall be submitted along with the annual emissions inventory (ARM 17.8.710).
5. Mountain Excavation shall notify the Department of any construction or improvement project conducted pursuant to ARM 17.8.705(1)(r) 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 17.8.705(1)(r)(iv) (ARM 17.8.705).

### Section III: General Conditions

- A. Inspection - Mountain Excavation 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 the recipient fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations - Nothing in this permit shall be construed as relieving the permittee of the responsibility for complying with any applicable federal or Montana statute, rule or standard, except as specifically provided in ARM 17.8.701, *et seq.* (ARM 17.8.717).
- 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 Department's decision on the application is not final unless 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 17.8.716 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, 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.
- 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. Mountain Excavation shall comply with the conditions contained in this permit while operating in any location in the State of Montana, except within those areas having a Department approved permitting program.

PERMIT ANALYSIS  
Mountain Excavation, Co.  
Permit Number 2851-01

I. Introduction/Process Description

A. Permitted Equipment

Mountain Excavation, Co. (Mountain Excavation) operates a portable crushing/screening facility that moves to various locations throughout the state. The facility includes a 1950 Cedar Rapids (10x36) jaw crusher (maximum capacity 107 TPH), a 1950 Cedar Rapids (10x36) rolls crusher (maximum capacity 107 TPH), a 1950 Cedar Rapids screen (maximum capacity 107 TPH), and associated equipment.

B. Source Description

Mountain Excavation proposes to use this crushing/screening plant and associated equipment to crush and sort sand and gravel materials that will be used in various construction operations.

For the operational setup, materials are excavated from a pit with a front-end loader and are loaded into a feeder. A conveyor transports the rock to the screen where the natural fines fall through and are carried on a conveyor to the stockpile. The remaining rock goes through the jaw and rolls to be crushed to specific size and recycled over the screen. The finished product then goes to the stockpile. Any oversized rock then goes back to the start of the process.

C. Permit History

On April 4, 1995, Hudak Excavation & Construction (Hudak) was issued a permit to operate a portable 1950 Cedar Rapids (10x36) jaw crusher, a 1950 Cedar Rapids (10x36) rolls crusher, and associated equipment. The facility initially located in the SE ¼ of the SE ¼ of Section 16, Township 5 South, Range 21 East, near Red Lodge, Montana, in Carbon County. Hudak's permit was assigned Permit #2851-00.

D. Current Permit Action

On March 20, 2002, Mountain Excavation requested a permit modification for a name change from Hudak Excavation and Construction to Mountain Excavation. Additionally, the facility changed from diesel and gas powered generators to electrical power to operate the facility. The permit was also updated to reflect current permit language and rule references used by the Department. Permit #2851-01 replaces Permit #2851-00.

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 permit analysis associated with each change to the permit.

## II. Applicable Rules and Regulations

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

### A. ARM 17.8, Sub-Chapter 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 sub-chapter, unless indicated otherwise in a specific sub-chapter.
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).

Mountain Excavation 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. 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. No person shall cause or permit the installation or use of any device or any means that, 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. 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, Sub-Chapter 2, Ambient Air Quality, including, but not limited to:

1. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
2. ARM 17.8.223 Ambient Air Quality Standard for PM<sub>10</sub>

Mountain Excavation must comply with the applicable ambient air quality standards.

### C. ARM 17.8, Sub-Chapter 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 to an 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. Under this section, Mountain Excavation shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.
3. ARM 17.8.310 Particulate Matter, Industrial Process. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter in excess of the amount set forth in this section.
4. ARM 17.8.340 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. Based on the information submitted by Mountain Excavation, the 1950 Cedar Rapids jaw crusher, 1950 Cedar Rapids rolls crusher, and 1950 Cedar Rapids screen are not NSPS (40 CFR Part 60, Subpart A General Provisions, and Subpart OOO Non-Metallic Mineral Processing Plants) affected sources.

D. ARM 17.8, Sub-Chapter 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. Mountain Excavation shall 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. Mountain Excavation was not required to submit a permit application fee 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 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, 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 that pro-rate the required fee amount.

E. ARM 17.8, Sub-Chapter 7, Permit, Construction and Operation of Air Contaminant Sources, including, but not limited to:

1. ARM 17.8.701 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
2. ARM 17.8.704 General Procedures for Air Quality Preconstruction Permitting. An air quality preconstruction permit shall contain requirements and conditions applicable to both construction and subsequent use of the permitted equipment.
3. ARM 17.8.705 When Permit Required--Exclusions. Permits are required for crushing/screening operations that have the potential to emit greater than 5 tons per year of any pollutant. Mountain Excavation has the potential to emit more than 5 tons per year of particulate matter and PM<sub>10</sub>; therefore, a permit is required.



4. ARM 17.8.706 New or Altered Sources and Stacks -- Permit Application Requirements. This rule requires that an application for an air quality permit be submitted for a new or altered source or stack. Mountain Excavation was not required to submit a permit application for the current permit action.
  5. ARM 17.8.710 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. Mountain Excavation demonstrated compliance with applicable rules and standards as required for permit issuance.
  6. ARM 17.8.715 Emission Control Requirements. Mountain Excavation is required to install on a new or altered source the maximum air pollution control capability that is technically practicable and economically feasible, except that BACT shall be utilized. A BACT review was not required for the current permit action.
  7. ARM 17.8.716 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 17.8.717 Compliance with Other Statutes and Rules. This rule states that nothing in this permit shall be construed as relieving Mountain Excavation of the responsibility for complying with any applicable federal or Montana statute, rule or standard, except as specifically provided in ARM 17.8.701, *et seq.*
  9. ARM 17.8.720 Public Review of Permit Applications. This rule requires that Mountain Excavation notify the public by means of legal publication in a newspaper of general circulation in the area affected by the application for a permit. Mountain Excavation was not required to publish a public notice for the current permit action.
  10. ARM 17.8.731 Duration of Permit. An air quality permit shall be valid until revoked or modified, as provided in this sub-chapter, except that a permit issued prior to construction of a new or altered source may contain a condition providing that the permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than 1 year after the permit is issued.
  11. ARM 17.8.733 Modification of Permit. An air quality permit may be modified for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack which do not result in an increase in emissions because of those changed conditions. A source may not increase its emissions beyond those found in its permit unless the source applies for and receives another permit.
  12. ARM 17.8.734 Transfer of Permit (1) An air quality permit may be transferred from one location to another if written notice of Intent to Transfer is sent to the Department. (2) An air quality permit may be transferred from one person to another if a written notice of Intent to Transfer, including the names of the transferor and transferee, is sent to the Department.
- F. ARM 17.8, Sub-Chapter 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 sub-chapter.
  2. ARM 17.8.818 Review of Major Stationary Sources and Major Modification-- 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 Federal Clean Air Act (FCAA) that it would emit, except as this sub-chapter would otherwise allow.

This facility is not a major stationary source because it is not listed and does not have the potential to emit more than 250 tons per year (excluding fugitive emissions) of any air pollutant.

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

1. ARM 17.8.1201 Definitions. (23) Major Source under Section 7412 of the FCAA is defined as any stationary source having:
  - a. Potential To Emit (PTE) > 100 tons/year of any pollutant.
  - b. PTE > 10 tons/year of any one hazardous air pollutant (HAP), PTE > 25 tons/year of a combination of all HAPs, or a lesser quantity as the Department may establish by rule.
  - c. Sources with the PTE > 70 tons/year of PM<sub>10</sub> in a serious PM<sub>10</sub> non-attainment area.
  
2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. 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 #2851-01 for Mountain Excavation, the following conclusions were made:
  - a. The facility's PTE is less than 100 tons/year for all criteria pollutants.
  - 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 PM<sub>10</sub> nonattainment area.
  - d. The facility is not subject to any current NSPS standards.
  - e. This facility is not subject to any current NESHAP standards.
  - f. This source is not a Title IV affected source nor a solid waste combustion unit.
  - g. This source is not an EPA designated Title V source.

### III. Emission Inventory

Source	Tons/Year					
	PM	PM-10	NO <sub>x</sub>	VOC	CO	SO <sub>x</sub>
1950 Cedar Rapids Jaw Crusher (107 TPH)	1.17	0.56				
1950 Cedar Rapids Rolls Crusher (107 TPH)	1.17	0.56				
1950 Cedar Rapids Screen (107 TPH)	7.38	3.51				
Material Transfer	4.76	2.30				
Pile Forming	1.97	0.94				
Bulk Loading	1.97	0.94				
Haul Roads	2.74	1.23				
Total	21.16	10.04	0.00	0.00	0.00	0.00

- A complete emissions inventory for Permit #2851-01 is on file with the Department.

IV. BACT Analysis

A BACT determination is required for any new or altered source. Mountain Excavation 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 utilized. A BACT analysis was not required for this permit action because the change to the permit reflects an name change to the existing permit holder and removal of diesel and gas powered generation equipment. The current permit action is considered an administrative action since the resulting emissions would decrease and the facilities permit holder would change.

V. Existing Air Quality

Permit #2851-01 is issued to Mountain Excavation for the operation of a portable crushing/screening facility to be located at various locations throughout the State of Montana. Permit #2851-01 will cover the operations while operating at any location within the State of Montana, excluding those counties that have a Department approved permitting program. In the view of the Department, the amount of controlled emissions generated by this project will not cause concentrations of pollutants in the ambient air that exceed the set standards. In addition, this source is portable and any air quality impacts will be minimal.

VI. Air Quality Impacts

The current permit action is a modification for a name change to the existing permit holder and a change from diesel and gas powered generators to electrical power to operate the facility. Because the facility would be eliminating generator emissions of NO<sub>x</sub>, VOC, CO, and SO<sub>x</sub> by switching to electric power, the emission from the facility would be reduced and the associated air quality impacts would also be reduced.

VII. Taking or Damaging Analysis

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

VIII. Environmental Assessment

An environmental assessment was not required for this permit action because it is considered an administrative action.

Permit Analysis Prepared by: Ron Lowney

Date: March 20, 2002