



Montana Department of
ENVIRONMENTAL QUALITY

Marc Racicot, Governor

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August 16, 2000

Scott Lafond
Fisher Industries
3020 Energy Drive
P.O. Box 1034
Dickinson, ND 58602-1034

Dear Mr. LaFond:

Air Quality Permit #3076-01 is deemed final as of August 16, 2000 by the Department of Environmental Quality. This permit is for the modification of Permit #3076-00 to correct typos and delete incorrect testing requirements. 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 Section Supervisor
Air & Waste Management Bureau
(406) 444-3490

DK:jw

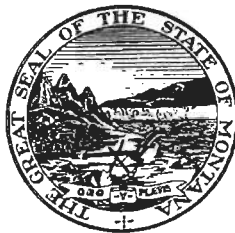
Enclosure

Montana Department of Environmental Quality
Permitting and Compliance Division

Air Quality Permit #3076-01

Fisher Industries
3020 Energy Drive - P.O. Box 1034
Dickinson, ND 58602-1034

August 16, 2000



AIR QUALITY PERMIT

Issued To: Fisher Industries
P.O. Box 1034
3020 Energy Drive
Dickinson, ND 58602-1034

Permit: #3076-01
Modification Request Received: 03/15/00
Department Decision on Modification: 07/31/00
Permit Final: 08/16/00
AFS: 777-3076

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

Section I: Permitted Facilities/Introduction

A. Facility:

A portable crushing operation. A complete list of the permitted equipment is contained in the permit analysis.

B. Location:

Various locations throughout the State of Montana. Permit #3076-01 applies while operating in 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.*

C. Current Permit Action:

On March 15, 2000, Fisher submitted a request to modify permit #3076-00 to correct typos and to delete incorrect testing requirements.

Section II: Limitations and Conditions

A. Operational Requirements

1. All visible emissions from the 1999 portable Spokane vertical shaft crusher may not exhibit an opacity of 15% or greater averaged over 6 consecutive minutes (ARM 17.8.340, ARM 17.8.715, and 40 CFR 60 Subpart OOO).
2. Fisher shall not cause or authorize to be discharged into the atmosphere from any associated equipment manufactured after August 31, 1983, and used in conjunction with this facility, any visible emissions that exhibit an opacity of 10% or greater over 6 consecutive minutes (ARM 17.8.340, ARM 17.8.715, and 40 CFR 60 Subpart OOO).

3. Fisher shall not cause or authorize to be discharged into the atmosphere from any other associated equipment manufactured prior to August 31, 1983, such as screens or conveyor transfers, any visible fugitive emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304 and ARM 17.8.715).
4. Fisher 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. Fisher 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 17.8.715).
6. Water spray bars and a fogging/mist system shall be available on site at all times and operated, as necessary, to maintain compliance with the opacity limitations in Sections II.A.1, II.A.2, and II.A.3 (ARM 17.8.715).
7. If the permitted equipment is used in conjunction with any other equipment owned or operated by Fisher, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons during any rolling 12-month time period. Any calculations used to establish production levels shall be approved by the department (ARM 17.8.710).
8. Fisher shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR Part 60, Subpart OOO for the crushing plant and associated equipment (ARM 17.8.340 and 40 CFR 60 Subpart OOO).

B. Testing Requirements

1. Within 60 days after achieving the maximum production rate, but not later than 180 days after initial start up, an EPA Method 9 opacity test and/or other methods and procedures as specified in 40 CFR Part 60.675 must be performed on the 1999 Spokane vertical shaft crusher, and associated equipment, to demonstrate compliance with the emission limitations contained in Sections II.A.1 and II.A.2 (ARM 17.8.105, ARM 17.8.340, 40 CFR Part 60, General Provisions, and Subpart OOO).
2. All compliance source tests shall conform to the requirements of the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
3. The department may require further testing (ARM 17.8.105).

C. Reporting Requirements

1. If this crushing/screening plant is moved to another location, a Notice of Intent to Transfer Location of Air Quality Permit must be sent to the department. In addition, a Public Notice Form of Change of Location must be published in a newspaper of general circulation in the area to which the transfer is to be made. This Change of Location Notice must be published at least 15 days prior to the move. The Intent to Transfer Form and the proof of publication (affidavit) of the Change of Location Form must be submitted to the department prior to the move. These forms are available from the department (ARM 17.8.734).
2. Fisher 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 must be submitted to the department upon request (ARM 17.8.710).
3. Fisher shall retain daily production numbers for a minimum of 5 years (ARM 17.8.710).
4. Fisher shall supply the department with annual production information for all emission points, as required by the department in the annual emissions 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).

5. Fisher 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 the control equipment, stack height, stack diameter, stack flow, stack gas temperature, source location, or fuel specifications, or would result in an increase in source capacity above its permitted operation or the addition of a new emissions unit. The notice must be submitted to the department, in writing, 10 days prior to start up or use of the proposed de minimis change, or as soon as reasonably practicable in the event of an anticipated 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 - The recipient 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. Fisher 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
Fisher Industries
Permit Number 3076-01

I. Introduction/Process Description

A. Permitted Equipment

A portable 1999 Spokane vertical shaft impact crusher (maximum capacity 300 TPH) and associated equipment.

B. Process Description

The crushing plant will be used to sort sand and gravel materials for sale and use in construction operations. Typically, the crushing plant will be used in conjunction with other permitted facilities owned and operated by Fisher Industries (Fisher).

C. Permit History

On March 9, 2000, Fisher was issued permit #3076-00 for the operation of a 1999 portable Spokane vertical shaft crusher (maximum capacity 300 TPH) and associated equipment.

D. Current Permit Action

On March 15, 2000, Fisher submitted a request to modify permit #3076-00 to correct typos and to delete incorrect testing requirements. Permit #3076-01 will replace permit #3076-00.

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 initial 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 of Environmental Quality (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 17.8.105 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.
2. 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.*, MCA.

Fisher 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.

3. ARM 17.8.110 Malfunctions. The department must be notified 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.
4. ARM 17.8.111 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.

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, and
2. ARM 17.8.223 Ambient Air Quality Standard for PM-10.

Fisher must comply with the applicable ambient air quality standards. Reference Section V, Existing Air Quality and Air Quality Impacts.

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. Fisher 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 17.8.340 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 Fisher, the 1999 Spokane Vertical Shaft crusher is subject to NSPS requirements (40 CFR, Part 60, Subpart A, General Provisions, and Subpart OOO, Non-Metallic Mineral Processing Plants).
- 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. Fisher 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. The current permitting action is considered an administrative action; therefore, an application fee is not required.
 2. ARM 17.8.505 Air Quality Operation Fees. An annual air quality operation fee must, as a condition of continued operation, be submitted to the department by each source of air contaminants holding an air quality permit, excluding an open burning permit, issued by the department. This operation fee is based on the actual or estimated actual amount of air pollutants emitted during the previous calendar year.

An air quality operation fee is separate and distinct from an air quality permit application fee. The annual assessment and collection of the air quality operation fee, described above, shall take place on a calendar-year basis. The department may insert into any final permit issued after the effective date of these rules, such conditions as may be necessary to require the payment of an air quality operation fee on a calendar-year basis, including provisions which 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 17.8.704 General Procedures for Air Quality Preconstruction Permitting. An air quality pre-construction permit shall contain requirements and conditions applicable to both construction and subsequent use of the permitted equipment.
 2. ARM 17.8.705 When Permit Required--Exclusions. This rule requires a facility to obtain an air quality permit if they construct, alter, or use a crushing facility which has the potential to emit more than 5 tons per year of any pollutant. Fisher has the potential to emit more than 5 tons per year of particulate matter and PM-10; therefore, a permit is required.

3. 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. Because the current permit action is considered an administrative action, it does not require submittal of an application.
4. 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. Fisher has demonstrated compliance with applicable rules and standards as required for permit issuance.
5. ARM 17.8.715 Emission Control Requirements. Fisher is required to install on a new or altered source the maximum air pollution control capability which is technically practicable and economically feasible, except that a BACT shall be utilized. A BACT analysis is not required for this permit modification because there are now new or altered sources being permitted at this time.
6. 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.
7. ARM 17.8.717. Compliance with Other Statutes and Rules. This rule states that nothing in the permit shall be construed as relieving Fisher of the responsibility for complying with any applicable federal or Montana statute, rule or standard, except as specifically provided in ARM 17.8.101, *et seq.*
8. ARM 17.8.720 Public Review of Permit Applications. This rule requires that Fisher notify the public by means of legal publication in a newspaper of general circulation in the area affected by the application for a permit. Fisher was not required to publish a public notice for this permit modification.
9. ARM 17.8.731 Duration of Permit. An air quality permit shall be valid until revoked or modified, as provided in this subchapter, except 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.
10. 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 or changed conditions of operation at a source or stack which do not result in an increase in emissions because of those 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.

11. ARM 17.8.734 Transfer of Permit. An air quality permit may be transferred from one location to another if written notice of intent to transfer is sent to the department.

F. ARM 17.8, Sub-Chapter 8, Prevention of Significant Deterioration (PSD), 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 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 Federal Clean Air Act that it would emit, except as this subchapter 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.

III. Emission Inventory -- Permit #3076-01

Source	Tons/Year					
	PM	PM-10	NO _x	VOC	CO	SO _x
1999 Spokane Vertical Shaft Crusher (300 TPH)	3.29	1.58				
Material Transfer	9.53	4.60				
Pile Forming	5.52	2.63				
Bulk Loading	5.52	2.63				
Haul Roads	2.74	1.23				
Total	26.60	12.67				
PSD	12.82					

- A complete emission inventory for permit #3076-01 is on file with the department.

IV. BACT Analysis

A BACT determination is required for each new or altered source. Fisher shall install on the new or altered source the maximum air pollution control capability which is technically practicable and economically feasible, except that BACT shall be utilized. A BACT analysis is not required for this permit modification because there are no new or altered sources being permitted at this time.

V. Existing Air Quality:

Permit #3076-01 is issued for operation of a portable crushing plant, to be located in various locations around the State of Montana. Permit #3076-01 will cover the operation when operating at any location within the State of Montana, excluding those areas having a department approved permitting program. 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 to exceed the set standard. In addition, this source is portable and any air quality impacts will be minimal.

VI. Taking or Damaging Implication Analysis

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

VII. Environmental Assessment

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

Permit Analysis Prepared by: Ron Lowney

Date: 07/12/00