Montana Department of
ENVIRONMENTAL QUALITY
Brian Schweitzer, Governor
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July 20, 2010

Steve Koontz
Koontz Construction, Inc.
1007 Eagle Court
Livingston, MT 59047

Dear Mr. Koontz:

Montana Air Quality Permit #3098-02 is deemed final as of July 20, 2010, by the Department of Environmental Quality (Department). This permit is for a portable crushing/screening plant. 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,

Vickie Walsh
Air Permitting Program Supervisor
Air Resources Management Bureau
(406) 444-9741

Karen Gillespie
Environmental Engineer Specialist
Air Resources Management Bureau
(406) 782-2689 ext. 207

VW:KG
Enclosure

Montana Department of Environmental Quality
Permitting and Compliance Division

Montana Air Quality Permit #3098-02

Koontz Construction, Inc.
1007 Eagle Court
Livingston, MT 59047

July 20, 2010

MONTANA AIR QUALITY PERMIT

Issued To: Koontz Construction, Inc
1007 Eagle Court
Livingston, MT 59047

Montana Air Quality Permit: #3098-02
Administrative Amendment (AA) Request Received: 3/5/10
Department's Decision on AA: 7/02/10
Permit Final: 7/20/10
AFS: #777-3098

A Montana Air Quality Permit (MAQP), with conditions, is hereby granted to Koontz Construction, Inc. (Koontz) 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:

Koontz operates a combination of portable crushers that have a combined rated capacity of 300 tons per hour (TPH). No single portable crusher used by Koontz has a maximum rated capacity greater than 150 TPH. In addition, Koontz operates associated equipment including, but not limited to, screening equipment and conveyor systems. A complete list of the permitted equipment is contained in the permit analysis. MAQP #3098-02 applies while operating in any location within 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.* An addendum will be required for locations within particulate matter with an aerodynamic diameter of 10 microns or less (PM_{10}). nonattainment areas.

B. Current Permit Action:

On March 5, 2010 the Department received a letter from Koontz requesting an administrative amendment to add an additional screen to MAQP #3098-01. The additional screen is a 5 foot (ft) by 8 ft vibrating double deck screen with a maximum capacity of 100 TPH. The current permit action adds the additional screen to MAQP #3098-01 and updates the MAQP to reflect the current language and rule references used by the Department.

SECTION II: Conditions and Limitations

A. Emission Limitations

1. All visible emissions from any Standards of Performance for New Stationary Source (NSPS)-affected crusher shall not exhibit an opacity in excess of the following averaged over 6 consecutive minutes (ARM 17.8.340 and 40 CFR 60, Subpart OOO).

- For crushers that commence construction, modification, or reconstruction on or after April 22, 2008: 12% opacity

- For crushers that commence construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008: 15% opacity

2. All visible emissions from any other NSPS-affected equipment, other than a crusher (such as screens or conveyors), shall not exhibit opacity in excess of the following averaged over 6 consecutive minutes (ARM 17.8.340 and 40 CFR, Subpart OOO).

   - For equipment that commences construction, modification, or reconstruction on or after April 22, 2008: 7% opacity

   - For equipment that commences construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008: 10% opacity

3. All visible emissions from any non-NSPS affected equipment shall not exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304).

4. Water and spray bars 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 17.8.749).

5. Koontz shall not cause or authorize the use of any street, road or parking lot without taking reasonable precautions to control emissions of airborne particulate matter (ARM 17.8.308).

6. Koontz shall treat all unpaved portions of the haul roads, access roads, parking lots, or the general plant area with water and/or chemical dust suppressant, as necessary, to maintain compliance with the reasonable precautions limitation in Section II.A.5 (ARM 17.8.749).

7. Koontz shall not operate more than 2 crushers at any given time and the combined maximum rated design capacity shall not exceed 300 TPH (ARM 17.8.749).

8. Crushing production is limited to 2,628,000 tons during any rolling 12-month time period (ARM 17.8.749).

9. Koontz shall not operate more than 2 screens at any given time and the maximum rated design capacity shall not exceed 400 TPH (ARM 17.8.749).

10. Screening production is limited to 2,628,000 tons during any rolling 12-month time period (ARM 17.8.749).

11. Any one diesel engine or combination of engines shall not exceed 730 horsepower (hp) (ARM 17.8.749).

12. If the permitted equipment is used in conjunction with any other equipment owned or operated by Koontz, 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).

13. Koontz shall comply with all applicable standards and limitations, and the reporting, recordkeeping, testing, and notification requirements contained in 40 CFR 60, Subpart OOO, *Standards of Performance for Nonmetallic Mineral Processing Plants* (ARM 17.8.340 and 40 CFR 60, Subpart OOO).

14. Koontz shall comply will all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 60, Subpart IIII, *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 IIII; ARM 17.8.342 and 40 CFR 63, Subpart ZZZ).

B. Testing Requirements

1. Within 60 days after achieving maximum production, but no later than 180 days after initial start-up, an Environmental Protection Agency (EPA) Method 9 opacity test and/or other methods and procedures as specified in 40 CFR 60.675 must be performed on all NSPS affected equipment to demonstrate compliance with the emission limitations contained in Section II.A.1 and II.A.2 (ARM 17.8.340 and 40 CFR 60, Subpart A and Subpart OOO)

2. All compliance source tests shall conform to the requirements of the Montana Source Test Protocol and Procedures manual (ARM 17.8.106).

3. The Department may require further testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. If this crushing/screening 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. Koontz 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. This information may be used for calculating operating fees, based on actual emissions from the facility, and/or to verify compliance with permit limitations (ARM 17.8.505).

3. Koontz 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).

4. Koontz shall maintain on-site records showing daily hours of operation and daily production rates for the last 12 months. The records compiled in accordance with this permit shall be maintained by Koontz as a permanent business record for at least 5 years following the date of the measurement, must be available at the plant site for inspection by the Department, and must be submitted to the Department upon request (ARM 17.8.749).

5. Koontz shall document, by month, the crushing production from the facility. By the 25th day of each month, Koontz shall calculate the crushing production from the facility for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.8. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).

6. Koontz shall document, by month, the screening production from the facility. By the 25th day of each month, Koontz shall calculate the screening production from the facility for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.10. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).

SECTION III: General Conditions

A. Inspection – Koontz 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 Emission Monitoring System (CEMS), Continuous Emission 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 Koontz fails to appeal as indicated below.

C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving Koontz 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 as specified in Section 75-2-401, *et seq*., MCA.

E. Appeals – Any person or persons jointly or severally adversely affected by the Department's decision may request, within 15 days after the Department renders its decision, upon affidavit setting forth the grounds therefore, a hearing before the Board of Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The filing of a request for a hearing does not stay the Department's decision, unless the Board issues a stay upon receipt of a petition and a finding 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 Department personnel at the location of the permitted source.

G. Permit Fee – Pursuant to Section 75-2-220, MCA, failure to pay the annual operation fee by Koontz 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. Koontz 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
Koontz Construction, Inc
MAQP #3098-02

I. Introduction/Process Description

A. Permitted Equipment

Koontz Construction, Inc (Koontz) owns and operates a portable crushing/screening plant. Equipment used at this facility includes:

1. Diesel Engine(s) (not to exceed 730 Horsepower (hp));
2. Crusher(s) (combined capacity up to 300 tons per hour (TPH));
3. Screen(s) (up to 400 TPH);
4. Miscellaneous conveyors; and
5. Associated equipment.

B. Source Description

The crushing plant will be used to crush and sort sand and gravel materials for sale and use in construction operations. For a typical operational setup, the raw materials will initially be sent through the dozer trap. From there, the material will be conveyed to a vibrating grizzly where oversized material will be removed. From the vibrating grizzly, the material will be conveyed to the crusher. Next, the materials will be conveyed either to the stockpiles for use in construction operations or back to the grizzly and through the system for further processing.

C. Permit History

MAQP #3098-00 was an administrative action that reflected the fact that Yellowstone County reverted its permitting authority back to the state of Montana. The facility has not changed, but the Yellowstone County permit was reissued as a state permit. MAQP **#3098-00** replaced the Yellowstone County air quality permit held by Koontz.

On February 18, 2004, Koontz submitted a MAQP application to modify MAQP #3098-00 by replacing the 1951 Symons-Nordberg Cone crusher and Cat 3406B diesel generator with similar crushing and screening equipment. The modification of MAQP #3098-00 also generalized the requirement of the permit to allow for greater operating flexibility. **MAQP #3098-01** replaced MAQP #3098-00.

D. Current Permit Action

On March 5, 2010, the Department of Environmental Quality (Department) received a letter from Koontz requesting an administrative amendment to add an additional screen to MAQP #3098-01. The additional screen is a 5 foot (ft) by 8 ft vibrating double deck screen with a maximum capacity of 100 TPH. The current permit action adds the additional screen to MAQP #3098-01 and updates the MAQP to reflect the current language and rule references used by the Department. **MAQP #3098-02** replaces MAQP #3098-01.

E. Additional Information (Changes to an existing permit)

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. Upon request, the Department will provide references for location of complete copies of all applicable rules and regulations or copies where appropriate.

A. ARM 17.8, Subchapter 1 – General Provisions, including, but not limited to:

1. ARM 17.8.101 Definitions. This rule 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).

   Koontz 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 PM_{10}
11. ARM 17.8.230 Fluoride in Forage

Koontz 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, Koontz shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.

3. ARM 17.8.309 Particulate Matter, Fuel Burning Equipment. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter caused by the combustion of fuel in excess of the amount determined by this section.

4. 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.

5. ARM 17.8.322 Sulfur Oxide Emissions--Sulfur in Fuel. This rule requires that no person shall burn liquid, solid, or gaseous fuel in excess of the amount set forth in this section.

6. ARM 17.8.324 Hydrocarbon Emissions--Petroleum Products. (3) No person shall load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank truck or trailer is equipped with a vapor loss control device as described in (1) of this rule.

7. ARM 17.8.340 Standard of Performance for New Stationary Sources. This rule incorporates, by reference, 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS). This facility is not an NSPS affected source because it does not meet the definition of any NSPS subpart defined in 40 CFR Part 60. However, because Koontz requested the permit be written to provide operational flexibility, NSPS affected equipment may be added to the MAQP according to the provisions of ARM 17.8.745 and would therefore be subject to the requirements of the following subparts:

   a. 40 CFR, Subpart A – General Provisions apply to all equipment or facilities subject to an NSPS Subpart as listed below:

b. 40 CFR 60, Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plant. In order for a crushing 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 Koontz, this facility is not an NSPS affected source because it does not meet the definition of an affected facility. However, should NSPS affected equipment be added to the MAQP, this subpart may apply.

c. 40 CFR 60, Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. Owners and operators of stationary compression ignition internal combustion engines (CI ICE) that commence construction after July 11, 2005, were the stationary CI ICE are manufactured after April 1, 2006, and are not fire pump engines, are subject to this subpart. In order to keep the permit de minimis-friendly, this permit authorizes the use of any one diesel engine or combination of diesel engines to drive electrical generators and the combined maximum rated design capacity shall not exceed 730 hp. Based on the information submitted by Koontz, this facility is not an NSPS affected source because it does not meet the definition of an affected facility. However, should NSPS affected equipment be added to the MAQP, this subpart may apply.

8. ARM 17.8.342 Emission Standards for Hazardous Air Pollutants for Source Categories. The source, as defined and applied in 40 CFR Part 63, shall comply with the requirements of 40 CFR Part 63, as listed below:

a. 40 CFR 63, Subpart A – General Provisions apply to all equipment of facilities subject to a NESHAP Subpart as listed below:

b. 40 CFR 63, Subpart ZZZZ – NESHAPs for Stationary Reciprocating Internal Combustion Engines (RICE). Pursuant to 40 CFR 63.6590(a), an affected source is any existing, new, or reconstructed stationary RICE located at a major or area source of HAP emissions, excluding stationary RICE being tested at a stationary RICE test cell/stand. Pursuant to 40 CFR 63.6590(a)(2)(iii), a stationary RICE located at an area source of HAP emissions is new if you commenced construction of the stationary RICE on or after June 12, 2006. In order to keep the permit de minimis-friendly, this permit authorizes the use of any one diesel engine or combination of diesel engines to drive electrical generators and the combined maximum rated design capacity shall not exceed 730 hp. Based on the information submitted to the Department, the diesel engines to be used under MAQP #3098-02 may be subject to this subpart. However, pursuant to 40 CFR 63.6590(b)(3), RICE do not have any requirements under this subpart unless they are new or reconstructed after June 12, 2006. Engines added in the future may also be subject to this subpart.

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 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; the air quality operation fee is based on the actual or estimated actual amount of air pollutants emitted during the previous calendar year.

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

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

1. ARM 17.8.740 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.

2. ARM 17.8.743 Montana Air Quality Permits--When Required. This rule requires a 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. Koontz has the PTE greater than 15 tons per year of particulate matter (PM), particulate matter with an aerodynamic diameter of 10 microns (PM_{10}) or less, oxides of nitrogen (NO_x), and carbon monoxide (CO); therefore, an air quality permit is required.

3. ARM 17.8.744 Montana Air Quality Permits--General Exclusions. This rule identifies the activities that are not subject to the Montana Air Quality Permit program.

4. ARM 17.8.745 Montana Air Quality 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 used. 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 Koontz 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 air quality permit may be transferred from one location to another if the Department receives a complete notice of intent to transfer location, the facility will operate in the new location for less than 1 year, the facility will comply with the FCAA and the 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 PM_{10} in a serious PM_{10} 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 #3098-02 for Koontz, 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 PM_{10} nonattainment area.

   d. This facility is not currently subject to any current NSPS.

   e. This facility may be subject to area source provisions of a current National Emissions Standard for Hazardous Air Pollutants (NESHAP) (40 CFR 63, ZZZZ).

   f. This source is not a Title IV affected source or a solid waste combustion unit.

   g. This source is not an EPA designated Title V source.

Based on these facts, the Department has determined that Koontz will be a minor source of emissions as defined under Title V. However, if minor sources subject to NSPS are required to obtain a Title V Operating Permit, Koontz may be required to obtain a Title V Operating Permit.

III. BACT Determination

A BACT determination is required for each new or modified source. Koontz shall install on the new or modified source the maximum air pollution control capability which is technically practicable and economically feasible, except that BACT shall be utilized.

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

IV. Emission Inventory

	Tons/Year					
Source	**PM**	**PM_{10}**	**NO_x**	**VOC**	**CO**	**SO_x**
Diesel Engine(s) – (up to 730 hp)	7.03	7.03	99.12	8.03	21.36	6.55
Material Screening (up to 400 TPH)	3.85	1.30				
Material Crushing (up to 300 TPH)	1.58	0.71				
Material Transfer	2.76	0.91				
Pile Forming	21.22	10.05				
Truck Unloading	0.18	0.06				
Haul Roads	5.68	1.57				
Total	42.30	21.63	99.12	8.03	21.36	6.55

Diesel Engine(s) – (up to 730 hp)
Generator Size: 730 hp
Hours of Operation: 8760 hr/yr

PM Emissions:
Emission Factor: 0.0022 lbs/hp-hr (AP-42 Table 3.3-1, 10/96)
Calculations: 0.0022 lbs/hp-hr * 730 hp = 1.61 lbs/hr
1.61 lbs/hr * 8760 hr/yr * 0.0005 tons/lb = 7.03 tons/yr

PM-10 Emissions:
Emission Factor: 0.0022 lbs/hp-hr (AP-42 Table 3.3-1, 10/96)
Calculations: 0.0022 lbs/hp-hr * 730 hp = 1.61 lbs/hr
1.61 lbs/hr * 8760 hr/yr * 0.0005 tons/lb = 7.03 tons/yr

NOx Emissions:
Emission Factor: 0.0310 lbs/hp-hr (AP-42 Table 3.3-1, 10/96)
Calculations: 0.0310 lbs/hp-hr * 730 hp = 22.63 lbs/hr
22.63 lbs/hr * 8760 hr/yr * 0.0005 tons/lb = 99.12 tons/yr

VOC Emissions:
Emission Factor: 0.00251 lbs/hp-hr (AP-42 Table 3.3-1, 10/96)
Calculations: 0.00251 lbs/hp-hr * 730 hp = 1.83 lbs/hr
1.83 lbs/hr * 8760 hr/yr * 0.0005 tons/lb = 8.03 tons/yr

CO Emissions:
Emission Factor: 0.00668 lbs/hp-hr (AP-42 Table 3.3-1, 10/96)
Calculations: 0.00668 lbs/hp-hr * 730 hp = 4.88 lbs/hr
4.88 lbs/hr * 8760 hr/yr * 0.0005 tons/lb = 21.36 tons/yr

SOx Emissions:
Emission Factor: 0.00205 lbs/hp-hr (AP-42 Table 3.3-1, 10/96)
Calculations: 0.00205 lbs/hp-hr * 730 hp = 1.50 lbs/hr
1.50 lbs/hr * 8760 hr/yr * 0.0005 tons/lb = 6.55 tons/yr

Material Screening (up to 400 TPH)
Process Rate: 400 tons/hr
Hours of Operation: 8760 hr/yr

PM Emissions:

Emission Factor:	0.0022 lbs/ton	(AP-42, Table 11.19.2-2, 8/04)
Calculations:	0.0022 lbs/ton * 400 tons/hr = 0.88 lbs/hr	
	0.88 lbs/hr * 8760 hr/yr * 0.0005 tons/lb = 3.85 tons/yr	

PM-10 Emissions:

Emission Factor:	0.00074 lbs/ton	(AP-42, Table 11.19.2-2, 8/04)
Calculations:	0.00074 lbs/ton * 400 tons/hr = 0.30 lbs/hr	
	0.30 lbs/hr * 8760 hr/yr * 0.0005 tons/lb = 1.30 tons/yr	

Material Crushing (up to 300 TPH)

Process Rate:	300 tons/hr
Hours of Operation:	8760 hr/yr

PM Emissions:

Emission Factor:	0.0012 lbs/ton	(AP-42, Table 11.19.2-2, 8/04)
Calculations:	0.0012 lbs/ton * 300 tons/hr = 0.36 lbs/hr	
	0.36 lbs/hr * 8760 hr/yr * 0.0005 tons/lb = 1.58 tons/yr	

PM-10 Emissions:

Emission Factor:	0.00054 lbs/ton	(AP-42, Table 11.19.2-2, 8/04)
Calculations:	0.00054 lbs/ton * 300 tons/hr = 0.162 lbs/hr	
	0.162 lbs/hr * 8760 hr/yr * 0.0005 tons/lb = 0.71 tons/yr	

Material Transfer

Process Rate:	300 tons/hr
Number of Transfers:	15 Transfers
Hours of Operation:	8760 hr/yr

PM Emissions:

Emission Factor:	0.00014 lbs/ton	(AP-42, Table 11.19.2-2, 7/94)
Calculations:	0.00014 lbs/ton * 300 tons/hr * 15 Transfers = 0.63 lbs/hr	
	0.63 lbs/hr * 8760 hr/yr * 0.0005 tons/lb = 2.76 tons/yr	

PM-10 Emissions:

Emission Factor:	4.6E-5 lbs/ton	(AP-42, Table 11.19.2-2, 7/94)
Calculations:	4.6E-5 lbs/ton * 300 tons/hr * 15 Transfers = 0.207 lbs/hr	
	0.207 lbs/hr * 8760 hr/yr * 0.0005 tons/lb = 0.91 tons/yr	

Pile Forming

Process Rate:	300 tons/hr
Number of Piles:	5 Piles
Hours of Operation:	8760 hr/yr

PM Emissions:

Emission Factor:	0.00323 lbs/ton	(Equation 1 from AP-42, Sec. 13.2.4.3, 11/06)
Where:	k = 0.74	(Value for PM < 30 microns)
	U = 8.15 mph	(Average from values provided)
	M = 2.52 %	(Average from values provided)
Calculations:	0.00323 lbs/ton * 300 tons/hr * 5 Piles = 4.85 lbs/hr	
	4.85 lbs/hr * 8760 hr/yr * 0.0005 tons/lb = 21.22 tons/yr	

PM-10 Emissions:

Emission Factor:	0.00153 lbs/ton	(Equation 1 from AP-42, Sec. 13.2.4.3, 11/06)
Where:	k = 0.35	(Value for PM < 10 microns)
	U = 8.15 mph	(Average from values provided)
	M = 2.52 %	(Average from values provided)
Calculations:	0.00153 lbs/ton * 300 tons/hr * 5 Piles = 2.30 lbs/hr	
	2.30 lbs/hr * 8760 hr/yr * 0.0005 tons/lb = 10.05 tons/yr	

Truck Unloading

Process Rate:	300 tons/hr
Number of Loads:	1 Load
Hours of Operation:	8760 hr/yr

TSP Emissions:

Emission Factor:	0.00014 lbs/ton	(AP-42, Section 11.19.2-2, 8/04)
Calculations:	0.00014 lbs/ton * 300 tons/hr * 1 Load = 0.042 lbs/hr	
	0.042 lbs/hr * 8760 hr/yr * 0.0005 tons/lb = 0.18 tons/yr	

PM-10 Emissions:

Emission Factor:	0.000046 lbs/ton	(AP-42, Section 11.19.2-2, 8/04)
Calculations:	0.000046 lbs/ton * 300 tons/hr * 1 Load = 0.0138 lbs/hr	
	0.0138 lbs/hr * 8760 hr/yr * 0.0005 tons/lb = 0.06 tons/yr	

Haul Roads

Vehicle Miles Traveled: 5 VMT/day {Estimated}

PM Emissions:

Emission Factor:	12.46 lbs/VMT	(Equation 1a from AP-42, Sec. 13.2.2, 11/06)
Where:	k = 4.9 lbs/VMT	(Value for PM30/TSP, AP-42, Table 13.2.2-2, 11/06)
	s = 7.1%	(AP-42, Table 13.2.2-1, 11/06)
	W = 54 tons	
	a = 0.7	(Value for PM30/TSP, AP-42, Table 13.2.2-2, 11/06)
	b = 0.75	(Value for PM30/TSP, AP-42, Table 13.2.2-2, 11/06)
Control Efficiency:	50%	
Calculations:	12.46 lbs/VMT * 5 VMT/day = 62.3 lbs/day	
	62.3 lbs/day * 365 days/yr * 0.0005 tons/lb = 11.37 tons/yr	
	11.37 tons/yr * (1.00 - 0.50) = 5.68 tons/yr	

PM-10 Emissions:

Emission Factor:	3.43 lbs/VMT	(Equation 1a from AP-42, Sec. 13.2.2, 11/06)
Where:	k = 1.5 lbs/VMT	(Value for PM10, AP-42, Table 13.2.2-2, 11/06)
	s = 7.1%	(AP-42, Table 13.2.2-1, 11/06)
	W = 54 tons	
	a = 0.9	(Value for PM10, AP-42, Table 13.2.2-2, 11/06)
	b = 0.45	(Value for PM10, AP-42, Table 13.2.2-2, 11/06)
Control Efficiency:	50%	
Calculations:	3.43 lbs/VMT * 5 VMT/day = 17.15 lbs/day	
	17.15 lbs/day * 365 days/yr * 0.0005 tons/lb = 3.13 tons/yr	
	3.13 tons/yr * (1.00 - 0.50) = 1.57 tons/yr	

V. Existing Air Quality

MAQP #3098-02 is issued for the operation of a portable crushing plant to be located in various locations throughout Montana. MAQP #3098-02 covers the operation at any location within the state of Montana, excluding those counties that have a state-approved permitting program, Indian lands or PM_{10} nonattainment areas. In the view of the Department, the amount of controlled emissions generated by this project will not exceed any set ambient standard. In addition, this source is portable and any air quality impacts will be minimal.

VI. Air Quality Impacts

Koontz applied for an air quality permit to operate a portable crushing plant at various locations throughout Montana. MAQP #3098-02 will cover the Koontz crushing plant while operating at any location within Montana, excluding those counties that have a Department approved permitting program and those areas considered tribal lands. Based on the information provided, the amount of controlled emissions generated by this facility will not exceed any ambient air quality standard. In addition, this source is portable and any air quality impacts will be minimal.

VII. Ambient Air Impact Analysis

The Department determined that the impact from this permitting action will be minor. The Department believes it will not cause of 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

The 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.

MAQP Analysis Prepared By: Karen Gillespie
Date: June 30, 2010