



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

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August 9, 2010

Mr. Chris Hanson, President
Mr. Chris Hafer, Vice President
S&N Concrete and Materials, Inc.
3106 Highway 10A East
Anaconda, MT 59711

Dear Mr. Hanson and Mr. Hafer:

Montana Air Quality Permit #3230-08 is deemed final as of August 7, 2010, by the Department of Environmental Quality (Department). This permit is for a portable crushing/screening operation. 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

Deanne Fischer, PE
Environmental Engineer
Air Resources Management Bureau
(406) 444-3403

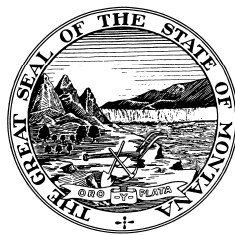
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Enclosure

Montana Department of Environmental Quality
Permitting and Compliance Division

Montana Air Quality Permit #3230-02

S&N Concrete and Materials, Inc.
Portable Crushing/Screening Operation
3106 Highway 10A East
Anaconda, MT 59711

August 7, 2010



MONTANA AIR QUALITY PERMIT

Issued To: S&N Concrete and Materials, Inc.
3106 Highway 10A East
Anaconda, MT 59711

MAQP #3230-02
Administrative Amendment (AA)
Request Received: 05/04/2010
Department Decision on AA: July 22, 2010
Permit Final: August 7, 2010
AFS #777-3230

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

Section I: Permitted Facilities

A. Location

S&N Concrete operates a portable crushing/screening operation initially located in Section 8, Township 4 North, Range 10 West, in Deer Lodge County, Montana. However, MAQP #3230-02 applies while operating at any location in Montana, except within those areas having a Department of Environmental Quality (Department) approved permitting program or those areas in or within 10 kilometers (km) of certain PM₁₀ nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* A list of the permitted equipment is included in Section 1.A of the Permit Analysis. An addendum will be required for locations in or within 10 km of certain PM₁₀ nonattainment areas.

B. Current Permit Action

On May 4, 2010, the Department received a request to change the permittee name from S&N Concrete, Inc. to S&N Concrete. The current permit action is an administrative amendment pursuant to ARM 17.8.764 that changes the permittee name as requested. In addition to accounting for this name change, the permit action updates the permit to reflect current permit language and rule references used by the Department.

Section II: Limitations and Conditions

A. Emissions 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, ARM 17.8.752, 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 NSPS-affected equipment, other than a crusher (such as screens and conveyors), shall not exhibit an opacity in excess of the following averaged over 6 consecutive minutes (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, 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 and ARM 17.8.752).
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 17.8.752).
5. S&N Concrete 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. S&N Concrete 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. S&N Concrete shall not operate more than two crushers at any given time and the combined maximum rated design capacity shall not exceed 800 TPH (ARM 17.8.749).
8. Total crushing production from the two crushers shall be limited to 2,978,400 tons during any rolling 12-month time period (ARM 17.8.749).
9. S&N Concrete shall not operate more than three screens at any given time and the combined maximum rated design capacity shall not exceed 1,092 TPH (ARM 17.8.749).
10. Total screening production from the three screens shall be limited to 4,467,600 tons during any rolling 12-month time period (ARM 17.8.749).
11. S&N Concrete shall not operate more than three diesel engines/generators at any given time. The combined maximum rated design capacity of the generators shall not exceed 819-Kilowatts (kW) and the maximum rated design capacity of the associated engines shall not exceed 1,568.4 horsepower (hp) (ARM 17.8.749).
12. The three diesel engines/generators shall each be limited to 3,200 hours of operation during any rolling 12-month time period (ARM 17.8.749 and ARM 17.8.1204).

13. If the permitted equipment is used in conjunction with any other equipment owned or operated by S&N Concrete, 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 17.8.749).
14. S&N Concrete 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).
15. S&N Concrete shall comply with 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 ZZZZ).

B. Testing Requirements

1. Within 60 days after achieving the maximum production rate, but no later than 180 days after initial startup, an Environmental Protection Agency (EPA) Method 9 opacity test and/or other methods and procedures, as specified in 40 CFR Part 60.675, must be performed on any 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 be conducted in accordance with 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. 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 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. S&N Concrete 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 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. S&N Concrete shall notify the Department of any construction or improvement project conducted pursuant to ARM 17.8.745(1) 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 or the addition of a new emission unit. 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(1)(d) (ARM 17.8.745).
4. S&N Concrete 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 S&N Concrete 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 17.8.749).
5. S&N Concrete shall document, by month, the total crushing production from the two crushers. By the 25th day of each month, S&N Concrete shall total the crushing production from the two crushers during 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. S&N Concrete shall document, by month, the total screening production from the three screens. By the 25th day of each month, S&N Concrete shall total the screening production from the three screens during 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).
7. S&N Concrete shall document, by month, the total hours of operation for the three diesel engines/generators. By the 25th day of each month, S&N Concrete shall total the hours of operation for the three diesel engines/generators during the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.12. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
8. S&N Concrete shall annually certify that its actual emissions are less than those that would require the source to obtain an air quality operating permit as required by ARM 17.8.1204(3)(b). The annual certification shall comply with the certification requirements of ARM 17.8.1207. The annual certification shall be submitted with the annual emissions inventory information (ARM 17.8.1204).

Section III: General Conditions

- A. Inspection – S&N Concrete 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 S&N Concrete fails to appeal as indicated below.

- C. Compliance with Statutes and Regulations - Nothing in this permit shall be construed as relieving S&N Concrete 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.* (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. 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).
- H. Permit Fee - Pursuant to Section 75-2-220, MCA, failure to pay by S&N Concrete of an annual operation fee may be grounds for revocation of this permit, 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. S&N Concrete shall comply with the conditions contained in this permit while operating at any location in Montana, except within those areas having a Department approved permitting program or areas considered tribal lands.

Montana Air Quality Permit (MAQP) Analysis
S&N Concrete and Materials, Inc.
MAQP# 3230-02

I. Introduction/Process Description

S&N Concrete and Materials, Inc. (S&N Concrete) operates a portable crushing/screening operation that was initially located in Section 8, Township 4 North, Range 10 West, in Deer Lodge County, Montana.

A. Permitted Equipment

S&N Concrete operates a portable crushing/screening facility and an associated wash plant. The crushing/screening operation consists of two portable crushers (maximum capacity up to 400 tons per hour (TPH) for each crusher), two screens (maximum capacity up to 400 TPH for each screen), two diesel engines/generators (up to 247 kilowatts (kW) each), a third diesel engine/generator (up to 325-kW), and 2 hoppers, 11 conveyors, and associated equipment. The wash plant consists of a screen (maximum capacity up to 292 TPH), 1 hopper, 5 conveyors, and associated equipment. The wash plant is also powered by the diesel engines/generators. The original location for the facility will be in Section 8, Township 4 North, Range 10 West, in Deer Lodge County, Montana.

B. Source Description

S&N Concrete uses this crushing/screening plant and wash plant to crush and sort sand and gravel materials for use in various construction operations. For a typical operational setup, unprocessed materials are loaded into the crushing/screening plant by a hopper and transferred by conveyor to a screen. Materials are separated, with the smaller materials conveyed to a stockpile and the larger materials conveyed to a jaw crusher for crushing. From the jaw crusher, materials are conveyed to a second hopper and then conveyed to a second screen. Undersized materials are either conveyed to a product pile, or to a cone crusher to be crushed and recycled back to the initial screen. Additionally, the wash plant receives road base material that is conveyed to a screen. Materials are washed and separated at the screen, with the oversized materials being conveyed to one stockpile, undersized materials being conveyed to two other stockpiles, and sand is collected from the bottom of the screen into a wash tub. The sand is washed in the wash tub, transferred by a screw auger to a conveyor, and stockpiled for future use.

C. Permit History

On February 12, 2002, S&N Concrete, Inc. was issued MAQP #3230-00 to operate a portable crushing/screening facility and associated wash plant. The crushing/screening operation consisted of a 1951 Austin-Western (18"x38") jaw crusher (maximum capacity 52 TPH), a 1951 Austin-Western screen (maximum capacity 110 TPH), a 1950 Eagle (4'x10') vibrating 2-deck screen (maximum capacity 59 TPH), a 1950 Telesmith (36") gyratory cone crusher (maximum capacity 59 TPH), a 225-kW Caterpillar diesel engine/generator, 2 hoppers, 7 conveyors, and associated equipment. The wash plant consisted of a 1957 Cedar Rapids (4'x12') 3-deck screen (maximum capacity 102 TPH), 1 hopper, 5 conveyors, and associated equipment. The wash plant was also powered by the diesel engine/generator. The original location for the facility was identified as Section 8, Township 4 North, Range 10 West, in Deer Lodge County, Montana.

On March 13, 2002, S&N Concrete, Inc. submitted a complete permit application to add a 325-kW diesel engine/generator, two 247-kW diesel engines/generators, and a 100 TPH crusher to MAQP #3230-00. In addition, S&N Concrete, Inc. requested that the 225-kW diesel engine/generator and the 59 TPH crusher be removed from the permit. Also, S&N Concrete requested that the Department of Environmental Quality (Department) write the permit in a generalized manner to allow for operational flexibility. **MAQP #3230-01 replaced MAQP #3230-00.**

D. Current Permit Action

On May 4, 2010, the Department received a request to change the permittee name from S&N Concrete, Inc. to S&N Concrete. The current permit action is an administrative amendment pursuant to the Administrative Rules of Montana (ARM) 17.8.764 that changes the permittee name as requested. In addition to accounting for this name change, the permit action updates the permit to reflect current permit language and rule references used by the Department. **MAQP #3230-02 replaces MAQP #3230-01.**

E. Additional Information

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

II. Applicable Rules and Regulations

The following are partial explanations of some applicable rules and regulations that apply to the facility. The complete rules are stated in the 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, Subchapter 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 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).

S&N Concrete 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 which, 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. (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 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide
2. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
3. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
4. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
5. ARM 17.8.223 Ambient Air Quality Standard for PM₁₀

S&N Concrete must comply 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 20% for all fugitive emission sources and that reasonable precautions be taken to control emissions of airborne particulate matter. (2) Under this rule, S&N Concrete 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 Processes. This rule requires that no person shall cause or allow to be discharged into the atmosphere particulate matter in excess of the amount set forth in this rule.
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 rule.
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 Standards of Performance for New Stationary Sources. This rule incorporates, by reference, 40 CFR 60, Standards of Performance for New Stationary Sources (NSPS). S&N Concrete is considered an NSPS affected facility under 40 CFR Part 60 and is subject to the requirements of the following subparts:
 - a. 40 CFR 60, Subpart A – General Provisions apply to all equipment or facilities subject to an NSPS Subpart as listed below:
 - b. 40 CFR 60, Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants. 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 S&N Concrete, the portable crushing equipment to be used under MAQP #3230-02 is 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 that S&N Concrete 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. 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 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 facility to obtain an air quality permit or permit alteration if they construct, alter, or use any asphalt plant, crusher, or screen that has the potential to emit (PTE) greater than 15 tons per year of any pollutant. S&N Concrete has the PTE more than 15 tons per year of total particulate matter (PM), particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀), 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 are not subject to the Montana Air Quality Permit Program.
5. ARM 17.8.748 New or Modified Emitting Units--Permit Application Requirements. This rule requires that a permit application be submitted prior to installation, alteration or use of a source. A permit application was not required for the current permit action because the permit change is considered an administrative permit change. (7) This rule requires that the applicant notify the public by means of legal publication in a newspaper of general circulation in the area affected by the application for a permit. An affidavit of publication of public notice was not required for the current permit action because the permit change is considered an administrative permit change.
6. ARM 17.8.749 Conditions for Issuance or Denial of Permit. This rule requires that the permits issued by the Department must authorize the construction and operation of the facility or emitting unit subject to the conditions in the permit and the requirements of this subchapter. This rule also requires that the permit must contain any conditions necessary to assure compliance with the Federal Clean Air Act (FCAA), the Clean Air Act of Montana, and rules adopted under those acts.
7. ARM 17.8.752 Emission Control Requirements. This rule requires a source to install the maximum air pollution control capability that is technically practicable and economically feasible, except that BACT shall be utilized. The required BACT analysis is included in Section III of this permit analysis.
8. ARM 17.8.755 Inspection of Permit. This rule requires that air quality permits shall be made available for inspection by the Department at the location of the source.
9. ARM 17.8.756 Compliance with Other Requirements. This rule states that nothing in the permit shall be construed as relieving S&N Concrete 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 17.8.760 Additional Review of Permit Applications. This rule describes the Department's responsibilities for processing permit applications and making permit decisions on those applications that require an environmental impact statement.
12. 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 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.

13. 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).
14. 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.
15. 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 does not have the potential to emit more than 250 tons per year of any air 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 a lesser quantity as the Department may establish by rule; or

- c. PTE > 70 tons/year of particulate matter with an aerodynamic diameter of ten microns or less (PM₁₀) in a serious PM₁₀ nonattainment area.

2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204(1), obtain a Title V Operating Permit. In reviewing and issuing MAQP #3230-02 for the S&N Concrete facility, 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 of any one HAP and less than 25 tons/year of all HAPs.
- c. This source is not located in a serious PM₁₀ nonattainment area.
- d. This facility is not subject to any current NESHAP standards.
- e. This facility is potentially subject to current NSPS standards (40 CFR 60, Subpart A and Subpart OOO).
- 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.

Based on the above conclusions, the Department determined that S&N Concrete is a minor source of emissions as defined under Title V because it has requested federally enforceable limitations to keep emissions below Title V thresholds. However, if minor sources subject to NSPS are required to obtain a Title V Operating Permit, S&N Concrete may be required to obtain a Title V Operating Permit.

- h. ARM 17.8.1204(3). The Department may exempt a source from the requirement to obtain an air quality operating permit by establishing federally enforceable limitations that limit the source's potential to emit.
 - i. In applying for an exemption under this section, the owner or operator of the source shall certify to the Department that the source's potential to emit does not require the source to obtain an air quality operating permit.
 - ii. Any source that obtains a federally enforceable limit on potential to emit shall annually certify that its actual emissions are less than those that would require the source to obtain an air quality operating permit.

The Department has determined that the annual reporting requirements contained in the permit are sufficient to satisfy this requirement.

3. ARM 17.8.1207 Certification of Truth Accuracy and Completeness. The compliance certification submittal required by ARM 17.8.1204(3) should contain certification by a responsible official of truth, accuracy, and completeness by a responsible official. This certification and any other certification required under this subchapter shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true,

accurate, and complete.

III. BACT Determination

A BACT determination is required for any new or modified source. S&N Concrete shall install on the new or modified source the maximum air pollution control capability that is technologically practicable and economically feasible, except that BACT shall be used. A BACT determination was not required for the current permit action because the permit change is considered an administrative permit change.

IV. Emission Inventory

Source	Tons/Year					
	PM	PM ₁₀	NO _x	VOC	CO	SO _x
Crusher (maximum capacity up to 400 TPH)	1.86	0.89				
Crusher (maximum capacity up to 400 TPH)	1.86	0.89				
Screen (maximum capacity up to 400 TPH)	11.73	5.58				
Screen (maximum capacity up to 400 TPH)	11.73	5.58				
Crushing/Screening Material Transfer	16.20	7.82				
Crushing/Screening Pile Forming	9.38	4.47				
Crushing/Screening Bulk Loading	3.13	1.49				
Diesel Engine/Generator (325kw= 622.4 hp (70% eff)	2.19	2.19	30.87	2.50	6.65	2.04
Diesel Engine/Generator (247kw= 473 hp (70% eff))	1.66	1.66	23.46	1.90	5.06	1.55
Diesel Engine/Generator (247kw= 473 hp (70% eff))	1.66	1.66	23.46	1.90	5.06	1.55
Wash Plant Screen (maximum capacity up to 292 TPH)	7.04	3.35				
Wash Plant Material Transfer	7.56	3.65				
Wash Plant Pile Forming	12.51	5.96				
Wash Plant Bulk Loading	3.13	1.49				
Haul Roads	2.74	1.23				
Total	94.38	47.91	77.79	6.31	16.76	5.14

- A complete emission inventory for MAQP #3230-02 is on file with the Department.

V. Existing Air Quality

MAQP #3230-02 is for the operation of a portable crushing/screening plant to be initially located in Section 8, Township 4 North, Range 10 West, in Deer Lodge County, Montana. This facility would be allowed to operate at this proposed site, and any other areas designated as attainment or unclassified for all National Ambient Air Quality Standards (NAAQS).

VI. Air Quality Impacts

MAQP #3230-02 will cover the operation while operating at any location within Montana, excluding those counties that have a Department approved permitting program or those locations in or within 10 km of certain PM₁₀ nonattainment areas or areas considered tribal lands. In the view of the Department, the amount of controlled emissions generated by this facility will not exceed any set ambient standard. In addition, this source is portable and any air quality impacts will be minor.

VII. Ambient Air Impact Analysis

The Department determined, based on ambient air modeling, that the impact from this permitting action will be minor. The Department believes it will not cause or contribute to a violation of any ambient air quality standard.

VIII. Taking or Damaging Implication Analysis

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

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

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

VIII. Environmental Assessment

This permitting action is considered an administrative action; therefore, an environmental assessment is not required.

Prepared by: Deanne Fischer

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