



Montana Department of
ENVIRONMENTAL QUALITY

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January 25, 2011

Mr. Rex Leipheimer
Copper City Asphalt, LLC.
P.O. Box 269
Belgrade, MT 59714

Dear Mr. Leipheimer:

Montana Air Quality Permit #3268-02 is deemed final as of January 20, 2011, by the Department of Environmental Quality (Department). This permit is for a portable batch mix asphalt 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 (406) 444-3403

Deanne Fischer, P.E.
Environmental Engineer
Air Resources Management Bureau

VW:DF
Enclosure

Montana Department of Environmental Quality
Permitting and Compliance Division

Montana Air Quality Permit #3268-02

Copper City Asphalt, LLC.
Portable Batch Mix Asphalt Plant
P.O. Box 269
Belgrade, MT 59714

January 20, 2011



MONTANA AIR QUALITY PERMIT

Issued To: Copper City Asphalt, LLC
122000 Browns Gulch Road
Rocker, MT 59701

MAQP #3268-02
Request for Administrative Amendment (AA)
Received: 09/21/2010
Department Decision on AA: 01/04/2011
Permit Final: 01/20/2011
AFS # 777-3268

A Montana Air Quality Permit (MAQP), with conditions, is hereby granted to Copper City Asphalts, LLC (CCA), 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

CCA owns and operates a portable batch mix asphalt plant initially located in Section 16, Township 3 North, Range 8 West, in Silver Bow County, Montana. MAQP #3268-02 applies while operating at any location within Montana, except within those areas having a Department of Environmental Quality (Department)-approved permitting program or tribal lands. *A Missoula County air quality permit will be required for locations within Missoula County.* Further, Addendum 2 and MAQP #3268-02 apply to the CCA facility while operating at any location in or within 10 kilometers (km) of any particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM₁₀) nonattainment area during the summer months (April through September). A complete list of permitted equipment is contained in Section I.A of the permit analysis to this permit.

B. Current Permit Action

On September 21, 2010, the Department received a request from Lyons Construction, Inc. (Lyons) for an AA to MAQP #3268-01. Specifically, Lyons requested that the MAQP be transferred to CCA. In addition, a November 5, 2010, correspondence requested that the 400 kilowatt (kW) engine generator be replaced with a 400 horsepower (hp) engine generator. The current permit action is an AA pursuant to ARM 17.8.745, ARM 17.8.764 and ARM 17.8.765 that changes the permittee name and the size of the engine generator as requested. In addition to accounting for this name change, the permit updates the rule references and permit format.

Section II: Conditions and Limitations

A. Operational and Emission Limitations

1. Asphalt plant particulate matter emissions shall be limited to 0.10 grains per dry standard cubic foot (gr/dscf) (ARM 17.8.752).
2. CCA shall not cause or authorize to be discharged into the atmosphere, from the asphalt plant, stack emissions that exhibit 20% opacity or greater averaged over 6 consecutive minutes (ARM 17.8.304 and ARM 17.8.752).
3. CCA shall not cause or authorize to be discharged into the atmosphere from systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission

control systems, any visible emissions that exhibit opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.308 and ARM 17.8.752).

4. CCA 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 and ARM 17.8.752).
5. CCA shall treat all unpaved portions of the haul roads, access roads, and 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 17.8.752).
6. A device to measure the pressure drop (magnehelic gauge, manometer, etc.) on the control devices (dry cyclone and wet scrubber) must be installed and maintained. Pressure drop must be measured in inches of water. Temperature indicators at the control device inlet and outlet must be installed and maintained according to Section II.B.3 and II.B.4 (ARM 17.8.752).
7. Once a stack test is performed, the asphalt plant production rate shall be limited to the average production rate during the last source test demonstrating compliance (ARM 17.8.749).
8. Total asphalt plant production shall not exceed 646,800 tons of asphalt during any rolling 12-month time period (ARM 17.8.749).
9. The asphalt plant shall not exceed 5,390 hours of operation during any rolling 12-month time period (ARM 17.8.749).
10. CCA shall not operate more than one diesel generator and the maximum rated design capacity of the engine shall not exceed 400 horsepower (hp) (ARM 17.8.749).
11. The diesel generator shall not exceed 5,390 hours of operation during any rolling 12-month time period (ARM 17.8.749).
12. If the permitted equipment is used in conjunction with any other equipment owned or operated by CCA, 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).
13. CCA shall install, operate, and maintain a dry cyclone and wet scrubber on the asphalt plant drum, as specified in MAQP Application #3268-00 (ARM 17.8.752).
14. CCA shall only use natural gas, diesel fuel oil, or waste oil to fire the drum dryer, and CCA shall only use natural gas to fire the asphalt heater (ARM 17.8.749).

B. Testing Requirements

1. The first time the CCA plant has an asphalt job that requires 720 tons of asphalt and is expected to operate at least 6 hours during any 10-hour time frame, an Environmental Protection Agency (EPA) (Methods 1-5 and 9) source test shall be performed on the asphalt plant to demonstrate compliance with Sections

II.A.1, II.A.2, and II.A.3. A source test performed on the plant in another state within the past 4 years may be substituted for this initial test if approved by the Department in writing (ARM 17.8.105 and ARM 17.8.749).

2. An EPA (Methods 1-5 and 9) source test must be performed on the asphalt plant the first time after 4 years from the initial test that the asphalt plant has a job that requires 720 tons of asphalt and is expected to operate for at least 6 hours during any 10-hour time frame or according to another source testing schedule as may be approved by the Department in writing (ARM 17.8.105 and ARM 17.8.749).
3. Pressure drop on the control device and temperature must be recorded daily and kept on site according to Section II.A.6 (ARM 17.8.749).
4. Pressure drop on the control device and temperatures must be recorded during the test and reported as part of the test results (ARM 17.8.749).
5. All compliance source tests must be conducted in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
6. Since asphalt production will be limited to the average production rate during the test, it is suggested the test be performed at the highest production rate practical (ARM 17.8.749).
7. CCA may retest at any time in order to operate at a higher production rate (ARM 17.8.749).
8. The Department may require further testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. If the asphalt 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 where the transfer is to be made, at least 15 days prior to the move. The Intent to Transfer Form and the proof of publication (affidavit) of the Public Notice Form for Change of Location must be submitted to the Department prior to the move. These forms are available from the Department (ARM 17.8.765).
2. CCA shall maintain on-site records showing daily hours of operation, daily production rates, and daily pressure drop and temperature readings for the last 12-months. The records compiled in accordance with this permit shall be maintained by CCA 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 for inspection by the Department (ARM 17.8.749).
3. CCA 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 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. This information may be used for calculating fees, based on actual emissions from the facility, and/or to verify compliance with permit limitations (ARM 17.8.505).

4. CCA shall document, by month, the total plant production of asphalt. By the 25th day of each month, CCA shall total the production of asphalt 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).
5. CCA shall document, by month, the hours of operation of the asphalt plant. By the 25th day of each month, CCA shall total the hours of operation of the asphalt plant for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.9. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
6. CCA shall document, by month, the hours of operation of the diesel engine/generator. By the 25th day of each month, CCA shall total the hours of operation of the engine/generator for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.11. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
7. CCA 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 start up or use of the proposed de minimis change, or as soon as reasonably practicable in the event of an unanticipated circumstance causing the de minimis change, and must include the information requested in ARM 17.8.745(1)(d) (ARM 17.8.745).

Section III: Addendum

CCA shall comply with all applicable conditions and limitations contained in Addendum 2 to MAQP #3268-02 (ARM 17.8.749).

Section IV: General Conditions

- A. Inspection – CCA 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 CCA fails to appeal as indicated below.

- C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving CCA 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 CCA 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. CCA 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
Copper City Asphalt LLC
MAQP #3268-02

I. Introduction

A. Permitted Equipment

Copper City Asphalt LLC (CCA) operates a portable 1968 Barber Green hot mix asphalt plant (120 tons per hour (TPH)), a diesel engine/generator (up to 400 horsepower (hp)) and associated equipment. Particulate emissions from the batch mix asphalt plant are controlled by a dry cyclone and wet scrubber.

B. Source Description

A typical operation for the hot mix asphalt plant begins by loading the aggregate into the bin feeder. The aggregate is conveyed to the asphalt plant drum dryer for drying, then conveyed to a batch tower, where it is screened and sorted into hoppers. The material is dropped onto a weigh hopper and released into a pugmill, where aggregate is mixed with a controlled amount of hot oil to create asphalt. Hot asphalt is loaded into trucks for transport to project sites.

C. Permit History

On July 31, 2003, Lyons Construction, Inc. (Lyons) was issued **MAQP #3268-00** and **Addendum 1** for the construction and operation of a portable 1968 Barber Green hot mix asphalt plant (120 TPH), a diesel generator (up to 400 kilowatts (kW)), and associated equipment.

On June 12, 2007, in accordance with the provisions contained in the Administrative Rules of Montana (ARM) 17.8.764, the Department of Environmental Quality (Department) received a request from Lyons for an administrative amendment (AA) to MAQP #3268-00. Specifically, Lyons requested the following changes under the AA:

- Revision of the batch mix asphalt plant source testing schedule;
- Specification of diesel fuel rather than fuel oil as an allowable fuel for asphalt plant operations; and
- Removal of the requirement for a device to measure the pressure drop (magnehelic gauge, manometer, etc.) on the asphalt plant control devices (dry cyclone and wet scrubber) and temperature indicators at the asphalt plant control device(s) inlet and outlet.

Because Lyons rarely operated the permitted asphalt plant and, at the time, had not operated the asphalt plant for a period long enough to conduct the applicable reference method source testing, the Department determined that a change in source testing schedule was appropriate, in this case. Further, the Department believed that the intent of the previously established condition specifying fuel oil as an allowable fuel for the batch mix asphalt plant was to allow for the use of diesel fuel oil; therefore, the Department clarified this requirement under the current permit action. Finally, because the requirement for a device to measure pressure drop and temperature at the asphalt plant controls was established in accordance with ARM 17.8.752 and therefore constitutes Best Available Control Technology (BACT) for the project, the Department determined that this change could not be accommodated under an AA, as requested. **MAQP #3268-01** replaced MAQP #3268-00 and Addendum 1 remained enforceable.

D. Current Permit Action

On September 21, 2010, the Department received a request from Lyons for an AA to MAQP #3268-01. Specifically, Lyons requested that the MAQP be transferred to CCA. In addition, a November 5, 2010 correspondence requested that the 400 kilowatt (kW) engine generator be replaced with a 400 horsepower (hp) engine generator. The change in engine generator would not increase the facility's potential to emit any pollutant by more than 5 tons per year. Therefore the proposed change qualifies as a de minimis change in accordance with ARM 17.8.745. The current permit action is an AA pursuant to ARM 17.8.764 and ARM 17.8.765 that changes the permittee name and engine generator as requested. In addition to accounting for these changes, the permit updates the rule references and permit format. **MAQP #3268-02** and **Addendum 2** replace MAQP #3268-01 and Addendum 1.

E. Additional Information (Changes to an existing permit)

Additional information, such as applicable rules and regulations, 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).

CCA shall comply with all requirements contained in the Montana Source Test Protocol and Procedures Manual, including, but not limited to, using the proper test methods and supplying the required reports. A copy of the Montana Source Test Protocol and Procedures Manual is available from the Department upon request.

4. ARM 17.8.110 Malfunctions. (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 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 that a public nuisance is created.

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

CCA 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, CCA 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, allow, or permit to be discharged into the atmosphere particulate matter caused by the combustion of fuel in excess of the amount determined by this rule.
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. Commencing July 1, 1971, no person shall burn any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions.
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. The owner and 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. 40 CFR Part 60, Subpart I states that any facility that commences construction or modification after June 11, 1973, is subject to the requirements of this subpart. The CCA plant consists of a portable 1968 Barber Green Hot Mix Asphalt Plant (maximum production rate 120 TPH) and associated equipment. Therefore, New Source Performance Standards (NSPS) (40 CFR Part 60, Subpart A, General Provisions, and Subpart I, Hot Mix Asphalt Facilities) do not apply to the facility.

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. CCA 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 permit action is an administrative amendment and does not require a permit application or a permit application fee.
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. CCA 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), carbon monoxide (CO), and oxides of sulfur (SO_x); therefore, an air quality permit is required.
3. ARM 17.8.744 Montana Air Quality Permits--General Exclusions. This rule

identifies the activities that are not subject to the Montana Air Quality Permit Program.

4. ARM 17.8.745 Montana Air Quality Permits—Exclusion for De Minimis Changes. This rule identifies the de minimis changes at permitted facilities that 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. CCA was not required to submit an application for the current permit action because the current permit action is an administrative action. (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. The current permit action is an administrative amendment and does not require public notice.
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 CCA 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 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.
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. A source may not increase its emissions beyond those found in its permit unless the source applies for and receives another permit.
14. ARM 17.8.765 Transfer of Permit. 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 Modification--Source Applicability and Exemptions. The requirements contained in ARM 17.8.819 through ARM 17.8.827 shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the 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 (excluding fugitive emissions) of any air pollutant.

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 PM₁₀ in a serious PM₁₀ nonattainment area.
2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204 (1), obtain a Title V Operating Permit. In reviewing and issuing MAQP #3268-02 for CCA the following conclusions were made:
 - a. The facility's PTE is less than 100 tons/year for any pollutant.
 - b. The facility's PTE is less than 10 tons/year for any one HAP and less than 25 tons/year of all HAPs.
 - c. This source is not located in a serious PM₁₀ nonattainment area.

- d. This facility is not subject to any current National Emission Standard for Hazardous Air Pollutants (NESHAP) standards.
- e. This facility is not subject to any current NSPS standards.
- f. This source is not a Title IV affected source, nor a solid waste combustion unit.
- g. This source is not an EPA designated Title V source.

Based on these facts, the Department determined that CCA would be a minor source of emissions as defined under Title V.

III. BACT Determination

A BACT determination is required for each new or modified source. CCA 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. The current permit action is an administrative amendment and does not require a BACT determination.

IV. Emission Inventory

Emitting Unit	ton/year					
	PM	PM ₁₀	NO _x	CO	VOC	SO _x
1968 Barber Green Batch Mix Asphalt Plant	28.01	22.41	17.79	42.04	10.35	18.76
Elevators, Screens, Bins, and Mixer	12.13	9.70	0.00	0.00	0.00	0.00
Cold Aggregate Handling	16.17	12.94	0.00	0.00	0.00	0.00
Asphalt Heater	0.00	0.00	0.69	0.00	0.01	0.01
400 hp Diesel Generator ¹	2.37	2.37	33.42	7.20	2.71	2.21
Haul Roads	2.74	1.23	0.00	0.00	0.00	0.00
Total Emissions	61.42	48.65	51.90	49.24	13.07	20.98

A complete emission inventory to MAQP #3268-02 is on file with the Department
 1. MAQP#3268-02 changes the diesel generator from a 400 kw to 400 hp unit. Emission calculations have been modified accordingly

V. Existing Air Quality

MAQP #3268-02 is issued for the operation of a portable batch mix asphalt plant to be initially located in Section 16, Township 3 North, Range 8 West, in Silver Bow County, Montana. The city of Butte and some of the immediate surrounding area is classified as nonattainment for the EPA-established National Ambient Air Quality Standards (NAAQS) for PM₁₀. A nonattainment classification means that an area does not meet one or more of the primary or secondary NAAQS for the criteria pollutants designated in the FCAA. CCA is located within 5 miles of Butte and is a source of PM₁₀ emissions; however, the Department concludes that the PTE quantity of this pollutant is low enough that it does not negatively impact the ambient air quality in Butte. MAQP #3268-02 applies while operating at any location within Montana, except within those areas having a Department-approved permitting program or tribal lands. *A Missoula County air quality permit will be required for locations within Missoula County.* Further, Addendum 2 and MAQP #3268-02 apply to the CCA facility while operating at any location in or within 10 km of any PM₁₀ nonattainment area during the summer months (April through September).

VI. Ambient Air Quality Impact Analysis

MAQP #3268-02 applies while operating at any location within Montana, except within those areas having a Department-approved permitting program or tribal lands. *A Missoula County air quality permit will be required for locations within Missoula County.* Further, Addendum 2 and

MAQP #3268-02 apply to the CCA facility while operating at any location in or within 10 km of any PM₁₀ nonattainment area during the summer months (April through September). Addendum 2 does not allow CCA to operate at any location in or within 10 km of any PM₁₀ nonattainment area during the winter months (October through March). Addendum 2 includes more stringent conditions and limits that are protective of the PM₁₀ nonattainment areas. In the view of the Department, the amount of controlled emissions (Permitted Allowable Emissions) generated by this facility will not exceed any set ambient standard in any given area of operations.

VII. 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

The current permit action is considered an administrative action and does not require the preparation of an environmental assessment.

Permit Analysis Prepared By: Deanne Fischer
Date: October 15, 2010

Addendum 2
Copper City Asphalt LLC
Montana Air Quality Permit (MAQP) #3268-02

An addendum to MAQP #3268-02 is hereby granted to Copper City Asphalt LLC (CCA) pursuant to Sections 75-2-204 and 211 of the Montana Code Annotated (MCA), as amended, and Administrative Rules of Montana (ARM) 17.8.765, as amended, for the following:

I. Permitted Equipment:

CCA owns and operates a portable 1968 Barber Green hot mix asphalt plant (120 tons per hour (TPH)), a diesel engine/generator (up to 400 horsepower (hp)) and associated equipment. Particulate emissions from the batch mix asphalt plant are controlled by a dry cyclone and wet scrubber.

II. Seasonal and Site Restrictions – **Winter and Summer Seasons**

Addendum 2 applies to the CCA facility while operating at any location in or within 10 kilometer (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment areas. Additionally, seasonal and site restrictions apply to the facility as follows:

- A. During the winter season (October 1-March 31), CCA is not allowed to operate in or within 10 km of certain PM₁₀ nonattainment areas, including, but not limited to Libby, Kalispell, Columbia Falls, Whitefish, Thompson Falls, and Butte.
- B. During the summer season (April 1-September 30), CCA may operate at any location in or within 10 km of the Libby, Thompson Falls, Kalispell, Whitefish, Columbia Falls, and Butte PM₁₀ nonattainment areas.
- C. CCA shall comply with the limitations and conditions contained in Addendum 2 to MAQP #3268-02 while operating in or within 10 km of any of the previously listed PM₁₀ nonattainment areas. Addendum 2 shall be valid until revoked or modified. The Department reserves the authority to modify Addendum 2 at any time based on local conditions of any future site. These conditions may include, but are not limited to, local terrain, meteorological conditions, proximity to residences or other businesses, etc.

III. Limitations and Conditions

A. Operational Limitations and Conditions – Summer Season Conditions

- 1. Asphalt plant particulate matter emissions shall be limited to 0.10 grains per dry standard cubic feet (gr/dscf) (ARM 17.8.752).
- 2. All visible emissions from the asphalt plant stack shall not exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749).
- 3. CCA shall not cause or authorize to be discharged into the atmosphere from any equipment, such as systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems, any visible emissions that exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.749).

4. CCA shall not cause or authorize to be discharged into the atmosphere from haul roads, access roads, parking lots, or the general plant property any visible fugitive emissions that exhibit an opacity of 10% or greater (ARM 17.8.749).
5. CCA shall treat all unpaved portions of the haul roads, access roads, parking lots, and general plant area with water and/or chemical dust suppressant, as necessary to maintain compliance with the 10% opacity limitation (ARM 17.8.749).
6. Asphalt plant production shall not exceed 2,880 tons per day (ARM 17.8.749).

B. Operational Reporting Requirements

1. If this asphalt plant is moved to another nonattainment 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. Production information for the sites covered by this addendum must be maintained for five years and submitted to the Department upon request. The information must include (ARM 17.8.749):
 - a. Daily tons of asphalt produced. CCA shall document, by day, the total asphalt production. CCA shall sum the total asphalt production for the previous day to demonstrate compliance with the limitations in Section III.A.7.
 - b. Daily hours of operation;
 - c. Daily hours of operation and the hp for each engine at each site.
 - d. Fugitive dust information consisting of the daily total miles driven on unpaved roads within the operating site for all plant vehicles.

Addendum 2 Analysis
Copper City Asphalt LLC
Montana Air Quality Permit (MAQP) #3268-02

I. Permitted Equipment

Copper City Asphalt LLC (CCA) owns and operates a portable asphalt plant (maximum capacity 120 tons per hour (TPH)). Equipment used at the facility includes, but is not limited to the following:

- a. A 120 TPH Barber Green hot mix dryer (batch mix) with dry cyclone and wet scrubber (fired on natural gas, diesel fuel oil, or waste oil),
- b. A 1.8 Million British Thermal Units per hour (MMBTU)/hour asphalt heater (fired on natural gas, diesel fuel oil, or waste oil),
- c. A 400-horsepower (hp) diesel generator, and
- d. Associated equipment (elevator, screens, bins, mixer, conveyors, etc.).

II. Source Description

For a typical operational setup, the hot mix asphalt plant begins by loading the aggregate into the bin feeder. The aggregate is conveyed to the asphalt plant drum dryer for drying, then conveyed to a batch tower, where it is screened and sorted into hoppers. The material is dropped onto a weigh hopper and released into a pugmill, where aggregate is mixed with a controlled amount of hot oil to create asphalt. Hot asphalt is loaded into trucks for transport to project sites.

III. 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.

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

- A. ARM 17.8.749 Conditions for Issuance 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.
- B. 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. A source may not increase its emissions beyond those found in its permit unless the source applies for and receives another permit.

- C. ARM 17.8.765 Transfer of Permit. An air quality permit may be transferred from one location to another if:
1. Written notice of intent to transfer location and proof of public notice are sent to the Department;
 2. The source will operate in the new location for a period of less than 1 year; and
 3. The source will not have any significant impact on any nonattainment area or any Class I area.

IV. Emission Inventory

Emitting Unit	pounds/day					
	PM	PM ₁₀	NO _x	CO	VOC	SO _x
1968 Barber Green Batch Mix Asphalt Plant	153.49	122.79	97.46	230.37	56.71	102.78
Elevators, Screens, Bins, and Mixer	66.45	53.16	0.00	0.00	0.00	0.00
Cold Aggregate Handling	88.60	70.88	0.00	0.00	0.00	0.00
Asphalt Heater	0.00	0.00	3.23	0.00	0.06	0.01
400 hp Diesel Generator	13.00	13.00	183.11	39.46	14.85	12.11
Haul Roads	15.00	6.75	0.00	0.00	0.00	0.00
Total Emissions	336.54	266.58	283.80	269.83	71.62	114.90
A complete emission inventory for Addendum 2 to MAQP #3268-02 is on file with the Department						
1. MAQP#3268-02 changes the diesel generator from a 400 kw to 400 hp unit. Emission calculations have been modified accordingly						

V. Existing Air Quality

On July 1, 1987, the Environmental Protection Agency (EPA) promulgated new National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀). Due to exceedances of the national standards for PM₁₀, the cities of Kalispell (and the nearby Evergreen area), Columbia Falls, Butte, Whitefish, Libby, Missoula, and Thompson Falls were designated by EPA as nonattainment for PM₁₀. As a result of this designation, the EPA required the Department and the City-County Health Departments to submit PM₁₀ State Implementation Plans (SIP). The SIPs consisted of emission control plans that controlled fugitive dust emissions from roads, parking lots, construction, and demolition, since technical studies identified these sources to be the major contributors to PM₁₀ emissions.

Addendum 2 to MAQP #3268-02 is for a portable asphalt plant that will locate at sites in or within 10 kilometers (km) of certain PM₁₀ nonattainment areas during the summer season (April through September). The more stringent operating conditions contained in the addendum will minimize any potential impact on the nonattainment areas and will protect the national ambient air quality standards. Also, this facility is a portable source that would be expected to operate on an intermittent and temporary basis and any effects on air quality would be expected to be minor and short-lived.

VI. Air Quality Impacts

MAQP #3268-02 and Addendum 2 will cover the operations of this portable asphalt plant while operating at any location within Montana, excluding those counties that have a Department approved permitting program and those areas that are tribal lands.

Addendum 2 will cover the operations of this portable asphalt plant, while operating in or within 10 km of PM₁₀ nonattainment areas during the summer months (April 1 through September 30).

VII. Taking or Damaging Implication Analysis

As required by 2-10-101 through 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

The current permit action is an administrative amendment and does not constitute a state action; therefore, an environmental assessment is not required for the proposed project.

Addendum Analysis Prepared By: Deanne Fischer, PE

Date: October 15, 2010