

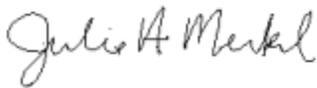
July 11, 2019

Dicki Peterson  
Permit Coordinator  
Westmoreland Rosebud Mining, LLC.  
P.O. Box 99  
Colstrip, MT 59323

Dear Ms. Peterson:

Montana Air Quality Permit #4436-01 is deemed final as of July 6, 2019, by the Department of Environmental Quality (Department). This permit is for a Portable Crushing Facility. 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,



Julie A. Merkel  
Permitting Services Section Supervisor  
Air Quality Bureau  
(406) 444-3626



John P. Proulx  
Air Quality Specialist  
Air Quality Bureau  
(406) 444-5391

JM:JPP  
Enclosure

Montana Department of Environmental Quality  
Air, Energy & Mining Division

Montana Air Quality Permit #4436-01

Westmoreland Rosebud Mining, LLC  
P.O. Box 99  
Colstrip, MT 59262

July 6, 2019



## MONTANA AIR QUALITY PERMIT

Issued To: Westmoreland Rosebud Mining, LLC.      MAQP: #4436-01  
138 Rosebud Lane      Administrative Amendment (AA)  
P.O. Box 99      Request Received: 4/24/2019  
Colstrip, MT 59323      Department's Decision on AA: 6/19/2019  
Permit Final: 7/6/2019

A Montana Air Quality Permit (MAQP), with conditions, is hereby granted to Westmoreland Rosebud Mining, LLC. (WRM) 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

WRM operates a portable crushing facility, which will initially be located in the East ½ of Section 33, Township 2 North, Range 40 East, Rosebud County, Montana. However, MAQP #4436-01 applies while operating at any location in Montana, except those areas having a Department of Environmental Quality (Department)-approved permitting program, areas considered tribal lands, or areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* An addendum will be required for locations in or within 10 km of certain PM<sub>10</sub> nonattainment areas.

#### B. Current Permit Action

On April 24, 2019, the Montana Department of Environmental Quality (Department) received a request from Westmoreland Rosebud Mining, LLC for an administrative amendment to change the mine name from Western Energy Company to Westmoreland Rosebud Mining, LLC. The current permit action updates the permit to reflect the above cited name change as well as updates the permit language.

### SECTION II: Conditions and Limitations

#### A. Emission Limitations

1. All visible emissions from any Standards of Performance for New Stationary Source (NSPS)-affected crusher shall not exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.340 and 40 CFR 60, Subpart OOO).
2. All visible emissions from any other NSPS-affected equipment, such as screens or conveyor transfers, shall not exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.340 and 40 CFR 60, Subpart OOO).

3. All visible emissions from any non-NSPS affected equipment shall not exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304).
4. Water and spray bars shall be available on site at all times and operated as necessary to maintain compliance with the opacity limitations in Sections II.A.1, II.A.2, and II.A.3 (ARM 17.8.749).
5. WRM 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. WRM 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. WRM shall not operate more than one crusher at any given time and the maximum throughput of that crusher shall not exceed 650 tons per hour (TPH) (ARM 17.8.749).
8. Crushing production is limited to 5,694,000 tons during any rolling 12-month time period (ARM 17.8.749).
9. WRM shall not operate more than one diesel fuel-fired engine/generator at any given time and the minimum rated design capacity of the engine/generator shall not be below 600 horsepower (hp) and the maximum rated design capacity of the engine/generator shall not exceed 947 hp (ARM 17.8.749).
10. If the permitted equipment is used in conjunction with any other equipment owned or operated by WRM, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons during any rolling 12-month period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.749).
11. WRM 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).
12. WRM 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 maximum production, but no later than 180 days after initial start-up, an Environmental Protection Agency (EPA) Method 9 opacity test and/or other methods and procedures as specified in 40 CFR 60.675 must be performed on all NSPS affected equipment to demonstrate compliance with the emission limitations contained in Section II.A.1 and II.A.2 (ARM 17.8.340 and 40 CFR 60, Subpart A and Subpart OOO).
2. All compliance source tests shall conform to the requirements of the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
3. The Department may require further testing (ARM 17.8.105).

## C. Operational Reporting Requirements

1. If this crushing facility is moved to another location, an Intent to Transfer form must be sent to the Department and a Public Notice Form for Change of Location must be published in a newspaper of general circulation in the area to which the transfer is to be made, at least 15 days prior to the move. The proof of publication (affidavit) of the Public Notice Form for Change of Location must be submitted to the Department prior to the move. These forms are available from the Department (ARM 17.8.749 and ARM 17.8.765).
2. WRM shall supply the Department with annual production information for all emission points, as required by the Department in the annual emission inventory request. The request will include, but not be limited to, all sources of emissions identified in the emission inventory contained in the permit analysis.

Production information shall be gathered on a calendar-year basis and submitted to the Department by the date required in the emission inventory request. Information shall be in the units required by the Department. This information may be used for calculating operating fees, based on actual emissions from the facility, and/or to verify compliance with permit limitations (ARM 17.8.505).

3. WRM shall notify the Department of any construction or improvement project conducted, pursuant to ARM 17.8.745, that would include ***the addition of a new emissions unit***, change in control equipment, stack height, stack diameter, stack flow, stack gas temperature, source location, or fuel specifications, or would result in an increase in source capacity above its permitted operation. The notice must be submitted to the Department, in writing, 10 days prior to startup or use of the proposed de minimis change, or as soon as reasonably practicable in the event of an unanticipated circumstance causing the de minimis change, and must include the information requested in ARM 17.8.745(l)(d) (ARM 17.8.745).

4. WRM shall maintain on-site records showing daily hours of operation and daily production rates for the last 12 months. The records compiled in accordance with this permit shall be maintained by WRM as a permanent business record for at least 5 years following the date of the measurement, must be available at the plant site for inspection by the Department, and must be submitted to the Department upon request (ARM 17.8.749).
5. WRM shall document, by month, the crushing production from the facility. By the 25<sup>th</sup> day of each month, WRM shall calculate the crushing production from the facility for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.8. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).

D. Notification

1. Within 30 days of commencement of construction of any NSPS-affected equipment, WRM shall notify the Department of the date of commencement of construction of the affected equipment (ARM 17.8.340 and 40 CFR 60, Subpart A and Subpart OOO).
2. Within 15 days of the actual start-up date of any NSPS-affected equipment, WRM shall submit written notification to the Department of the initial start-up date of the affected equipment (ARM 17.8.340 and 40 CFR 60, Subpart A and Subpart OOO).
3. Within 15 days of the actual start-up date of any non-NSPS-affected equipment, WRM shall submit written notification to the Department of the initial start-up date of the affected equipment (ARM 17.8.749).

SECTION III: General Conditions

- A. Inspection – WRM 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 WRM fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving WRM 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 WRM 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. WRM 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  
Westmoreland Rosebud Mining, LLC.  
MAQP #4436-01

I. Introduction/Process Description

Westmoreland Rosebud Mining, LLC. (WRM) owns and operates a portable crushing facility.

A. Permitted Equipment

Permitted equipment at the facility consists of a portable jaw crusher with a maximum design capacity of up to 650 ton per hour (TPH); a diesel engine/generator with a minimum rated design capacity of 600 horsepower (hp) and a maximum rated design capacity of up to 947 hp; and associated conveyors and equipment.

B. Source Description

WRM owns and operates a crushing facility used to crush rock into specific sized gravel for use on mine roads. The hopper, grizzly, reject belt and jaw crusher are all contained as one unit on a trailer. A radial stacker capable of stacking product up to 60 feet is also mounted on the trailer. For a typical operational setup, unprocessed material is loaded into a hopper to then pass through a grizzly used to screen out oversized material. The remaining material is crushed to the designated size and routed to the finished material conveyor and then deposited onto finished material stock piles.

WRM will utilize a portable electrical generator powered by diesel engine to supply electricity to the plant. The diesel engine/generator will have a minimum design capacity of 600 hp and a maximum design capacity of up to 947 hp. The maximum combined plant throughput is expected to be 650 TPH.

C. Permit History

**MAQP #4436-00** was issued on August 13, 2009 to Western Energy Company for the operation of a portable crushing facility.

D. Current Permit Action

On April 24, 2019, the Montana Department of Environmental Quality (Department) received a request from Westmoreland Rosebud Mining, LLC for an administrative amendment to change the mine name from Western Energy Company to Westmoreland Rosebud Mining, LLC. The current permit action updates the permit to reflect the above cited name change as well as updates the permit language. **MAQP #4436-01** replaces MAQP #4436-00.

## II. Applicable Rules and Regulations

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

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

1. ARM 17.8.101 Definitions. This rule includes a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
2. ARM 17.8.105 Testing Requirements. Any person or persons responsible for the emission of any air contaminant into the outdoor atmosphere shall, upon written request of the Department, provide the facilities and necessary equipment (including instruments and sensing devices) and shall conduct tests, emission or ambient, for such periods of time as may be necessary using methods approved by the Department.
3. ARM 17.8.106 Source Testing Protocol. The requirements of this rule apply to any emission source testing conducted by the Department, any source, or other entity as required by any rule in this chapter, or any permit or order issued pursuant to this chapter, or the provisions of the Clean Air Act of Montana, 75-2-101, *et seq.*, Montana Code Annotated (MCA).

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

4. ARM 17.8.110 Malfunctions. (2) The Department must be notified promptly by telephone whenever a malfunction occurs that can be expected to create emissions in excess of any applicable emission limitation or to continue for a period greater than 4 hours.
5. ARM 17.8.111 Circumvention. (1) No person shall cause or permit the installation or use of any device or any means that, without resulting in reduction of the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant that would otherwise violate an air pollution control regulation. (2) No equipment that may produce emissions shall be operated or maintained in such a manner as to create a public nuisance.

### B. ARM 17.8, Subchapter 2 – Ambient Air Quality, including, but not limited to:

1. ARM 17.8.204 Ambient Air Monitoring
2. ARM 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide
3. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
4. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide

5. ARM 17.8.213 Ambient Air Quality Standard for Ozone
6. ARM 17.8.214 Ambient Air Quality Standard for Hydrogen Sulfide
7. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
8. ARM 17.8.221 Ambient Air Quality Standard for Visibility
9. ARM 17.8.222 Ambient Air Quality Standard for Lead
10. ARM 17.8.223 Ambient Air Quality Standard for PM<sub>10</sub>
11. ARM 17.8.230 Fluoride in Forage

WRM must maintain compliance with the applicable ambient air quality standards.

C. ARM 17.8, Subchapter 3 – Emission Standards, including, but not limited to:

1. ARM 17.8.304 Visible Air Contaminants. This rule requires that no person may cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes.
2. ARM 17.8.308 Particulate Matter, Airborne. (1) This rule requires an opacity limitation of less than 20% for all fugitive emission sources and that reasonable precautions be taken to control emissions of airborne particulate matter. (2) Under this rule, WRM shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.
3. ARM 17.8.309 Particulate Matter, Fuel Burning Equipment. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter caused by the combustion of fuel in excess of the amount determined by this section.
4. ARM 17.8.310 Particulate Matter, Industrial Process. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter in excess of the amount set forth in this section.
5. ARM 17.8.322 Sulfur Oxide Emissions--Sulfur in Fuel. This rule requires that no person shall burn liquid, solid, or gaseous fuel in excess of the amount set forth in this section.
6. ARM 17.8.324 Hydrocarbon Emissions--Petroleum Products. (3) No person shall load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank truck or trailer is equipped with a vapor loss control device as described in (1) of this rule.
7. ARM 17.8.340 Standard of Performance for New Stationary Sources. This rule incorporates, by reference, 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS). WRM 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 WRM, the portable crushing equipment to be used under MAQP #4436-01 is subject to this Subpart because the facility meets the definition of an affected facility and was constructed or reconstructed after August 31, 1983.
- c. 40 CFR 60, Subpart IIII, Standards of Performance for Stationary Compression Ignition (CI) Internal Combustion Engines (ICE), indicates that NSPS requirements apply to owners or operators of stationary CI ICE that commence construction, modification, or reconstruction after July 11, 2005, where the stationary CI ICE is manufactured after April 1, 2006, and is not a fire pump engine. Furthermore, CI ICE will be subject to this NSPS standard only if the engine remains or will remain at the permitted location for more than 12 months, or a shorter period of time for an engine located at a seasonal source. A seasonal source remains at a single location on a permanent basis (at least 2 years) and operates 3 months or more each year.

The 947-hp diesel fired engine proposed at this facility is a CI ICE manufactured before April 1, 2006, and is not a fire pump engine; therefore this engine is not subject to NSPS. However, because this permit is written in a de minimis-friendly manner, should the proposed diesel engine be replaced with an engine manufactured after April 1, 2006, NSPS requirements would apply to that engine.

- 8. ARM 17.8.342 Emission Standards for Hazardous Air Pollutants for Source Categories. This rule incorporates, by reference, 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants (NESHAP). The affected sources, as defined and applied in 40 CFR Part 63, shall comply with the requirements of 40 CFR Part 63, as described below.
  - a. 40 CFR 63, Subpart A – General Provisions apply to all equipment or facilities subject to a NESHAP Subpart as listed below:
  - b. 40 CFR 63, Subpart ZZZZ National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. As an area source, any diesel RICE engine operated by WRM that is new or reconstructed after June 12, 2006, will be subject to this MACT standard if the engine remains or will remain at the permitted location for more than 12 months, or a shorter period of time for an engine located at a seasonal source. A seasonal source remains at a single location on a permanent basis (at least 2 years) and operates 3 months or more each year.

The proposed 947-hp diesel generator engine is a CI ICE manufactured before June 12, 2006. Therefore, MACT requirements do not apply to this particular engine. However, since this permit is written in a de minimis-friendly manner, MACT requirements may apply to future engines.

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 an applicant submit an air quality permit application fee concurrent with the submittal of an air quality permit application.

A permit application is incomplete until the proper application fee is paid to the Department. A permit fee is not required for the current permit action because the permit action is considered an administrative permit change.

2. ARM 17.8.505 Air Quality Operation Fees. An annual air quality operation fee must, as a condition of continued operation, be submitted to the Department by each source of air contaminants holding an air quality permit, excluding an open burning permit, issued by the Department; the air quality operation fee is based on the actual or estimated actual amount of air pollutants emitted during the previous calendar year.

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

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

1. ARM 17.8.740 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
2. ARM 17.8.743 Montana Air Quality Permits--When Required. This rule requires a person to obtain an air quality permit or permit modification to construct, modify, or use any asphalt plant, crusher or screen that has the potential to emit (PTE) greater than 15 tons per year of any pollutant. WRM has the potential to emit more than 15 tons per year of particulate matter (PM), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), and sulfur dioxide (SO<sub>2</sub>); therefore, a permit is required.
3. ARM 17.8.744 Montana Air Quality Permits--General Exclusions. This rule identifies the activities that are not subject to the Montana Air Quality Permit program.
4. ARM 17.8.745 Montana Air Quality Permits--Exclusion for De Minimis Changes. This rule identifies the de minimis changes at permitted facilities that do not require a permit under the Montana Air Quality Permit Program.

5. ARM 17.8.748 New or Modified Emitting Units--Permit Application Requirements. (1) This rule requires that a permit application be submitted prior to installation, modification, or use of a source. A permit application was not required for the current permit action because the permit change is considered an administrative permit change. (7) This rule requires that the applicant notify the public by means of legal publication in a newspaper of general circulation in the area affected by the application for a permit. An Affidavit of publication of public notice was not required for the current permit action because the permit change is considered an administrative amendment.
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.
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 WRM of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.740, *et seq.*
10. ARM 17.8.759 Review of Permit Applications. This rule describes the Department's responsibilities for processing permit applications and making permit decisions on those permit applications that do not require the preparation of an environmental impact statement.
11. ARM 17.8.762 Duration of Permit. An air quality permit shall be valid until revoked or modified, as provided in this subchapter, except that a permit issued prior to construction of a new or modified source may contain a condition providing that the permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than 1 year after the permit is issued.
12. ARM 17.8.763 Revocation of Permit. An air quality permit may be revoked upon written request of the permittee, or for violations of any requirement of the Clean Air Act of Montana, rules adopted under the Clean Air Act of Montana, the FCAA, rules adopted under the FCAA, or any applicable requirement contained in the Montana State Implementation Plan (SIP).

13. ARM 17.8.764 Administrative Amendment to Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack that do not result in an increase of emissions as a result of those changed conditions.

The owner or operator of a facility may not increase the facility's emissions beyond permit limits unless the increase meets the criteria in ARM 17.8.745 for a de minimis change not requiring a permit, or unless the owner or operator applies for and receives another permit in accordance with ARM 17.8.748, ARM 17.8.749, ARM 17.8.752, ARM 17.8.755, and ARM 17.8.756, and with all applicable requirements in ARM Title 17, Chapter 8, Subchapters 8, 9, and 10.

14. ARM 17.8.765 Transfer of Permit. (1) This rule states that an air quality permit may be transferred from one location to another if the Department receives a complete notice of intent to transfer location, the facility will operate in the new location for less than 1 year, the facility will comply with the FCAA and the Clean Air Act of Montana, and the facility complies with other applicable rules. (2) This rule states that an air quality permit may be transferred from one person to another if written notice of intent to transfer, including the names of the transferor and the transferee, is sent to the Department.

F. ARM 17.8, Subchapter 8 – Prevention of Significant Deterioration of Air Quality, including, but not limited to:

1. ARM 17.8.801 Definitions. This rule is a list of applicable definitions used in this subchapter.
2. ARM 17.8.818 Review of Major Stationary Sources and Major 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 of any pollutant (excluding fugitive emissions).

G. ARM 17.8, Subchapter 12 – Operating Permit Program Applicability, including, but not limited to:

1. ARM 17.8.1201 Definitions. (23) Major Source under Section 7412 of the FCAA is defined as any stationary source having:
  - a. PTE > 100 tons/year of any pollutant;
  - b. PTE > 10 tons/year of any one hazardous air pollutant (HAP), PTE > 25 tons/year of a combination of all HAPs, or lesser quantity as the Department may establish by rule; or

- c. PTE > 70 tons/year of particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>) in a serious PM<sub>10</sub> 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 #4436-01 for WRM, the following conclusions were made:
- a. The facility's PTE is less than 100 tons/year for any pollutant.
  - b. The facility's PTE is less than 10 tons/year for any one HAP and less than 25 tons/year of all HAPs.
  - c. This source is not located in a serious PM<sub>10</sub> nonattainment area.
  - d. This facility is subject to a current NSPS (40 CFR 60, Subpart OOO and potentially Subpart IIII).
  - e. This facility is not subject to any current NESHAP standards.
  - f. This source is not a Title IV affected source.
  - g. This source is not a solid waste combustion unit.
  - h. This source is not an EPA designated Title V source.

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

### III. BACT Determination

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

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

### IV. Emission Inventory

Source	Tons/Year					
	PM	PM <sub>10</sub>	NO <sub>x</sub>	VOC	CO	SO <sub>x</sub>
Jaw Crusher (up to 650 TPH)	3.42	1.54				
Truck Unloading	0.05	0.05				
Material Transfer	1.20	0.39				
Storage Piles	4.69	2.22				
Haul Roads	5.68	1.57				

Diesel Engine (up to 947 hp)	2.90	2.90	99.55	2.92	22.81	33.56
Total	17.94	8.67	99.55	2.92	22.81	33.56

### **Crushing [Jaw Crusher] (SCC 3-05-020-05)**

Maximum Process Rate = 650 ton/hr (Application information)

Maximum Hours of Operation = 8,760 hr/yr

#### **PM Emissions:**

Emission Factor = 0.0012 lb/ton (crushing, AP 42, Table 11.19.2-2, 8/04)

Control Efficiency = 0%

Calculation: (650 ton/hr) \* (8760 hr/yr) \* (0.0012 lb/ton) \* (ton/2000 lb) = 3.42 ton/yr

Calculation: (650 ton/hr) \* (8760 hr/yr) \* (0.0012 lb/ton) \* (ton/2000 lb) \* (1 - 0/100) =

**3.42 ton/yr**

#### **PM10 Emissions:**

Emission Factor = 0.00054 lb/ton (crushing, AP 42, Table 11.19.2-2, 8/04)

Control Efficiency = 0%

Calculation: (650 ton/hr) \* (8760 hr/yr) \* (0.00054 lb/ton) \* (ton/2000 lb) = 1.54 ton/yr

Calculation: (650 ton/hr) \* (8760 hr/yr) \* (0.00054 lb/ton) \* (ton/2000 lb) \* (1 - 0/100) =

**1.54 ton/yr**

### **Truck Unloading (SCC-3-05-020-31)**

Maximum Process Rate = 650 ton/hr (Maximum plant process rate)

Maximum Hours of Operation = 8,760 hr/yr

Number of Loads = 1 load (Company Information)

#### **Total PM Emissions:**

Emission Factor = 0.000016 lb/ton (AP 42, Table 11.19.2-2, 8/04)

Control Efficiency = 0%

Calculation: (650 ton/hr) \* (8760 hr/yr) \* (0.000016 lb/ton) \* (ton/2000 lb) \* (1 load) = 0.05 ton/yr

Calculation: (650 ton/hr) \* (8760 hr/yr) \* (0.000016 lb/ton) \* (ton/2000 lb) \* (1 load) \* (1 - 0/100) = **0.05 ton/yr**

#### **Total PM10 Emissions:**

Emission Factor = 0.000016 lb/ton (0.00110 uncontrolled, 0.000046 controlled, AP 42, Table 11.19.2-2, 8/04)

Control Efficiency = 0%

Calculation: (650 ton/hr) \* (8760 hr/yr) \* (0.000016 lb/ton) \* (ton/2000 lb) \* (1 load) = 0.05 ton/yr

Calculation: (650 ton/hr) \* (8760 hr/yr) \* (0.000016 lb/ton) \* (ton/2000 lb) \* (1 load) \* (1 - 0/100) = **0.05 ton/yr**

### **Conveyor Transfer Point (SCC 3-05-020-06)**

Maximum Process Rate = 650 ton/hr (Maximum plant process rate)

Maximum Hours of Operation = 8,760 hr/yr

Number of Transfers = 3 transfers (Company Information)

**Total PM Emissions:**

Emission Factor = 0.00014 lb/ton (0.0030 uncontrolled, 0.00014 controlled, AP 42, Table 11.19.2-2, 8/04)

Control Efficiency = 0%

Calculation:  $(650 \text{ ton/hr}) * (8760 \text{ hr/yr}) * (0.00014 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (3 \text{ transfer}) = 1.20 \text{ ton/yr}$

Calculation:  $(650 \text{ ton/hr}) * (8760 \text{ hr/yr}) * (0.00014 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (3 \text{ transfer}) * (1 - 0/100) = \mathbf{1.20 \text{ ton/yr}}$

**Total PM10 Emissions:**

Emission Factor = 0.000046 lb/ton (0.00110 uncontrolled, 0.000046 controlled, AP 42, Table 11.19.2-2, 8/04)

Control Efficiency = 0%

Calculation:  $(650 \text{ ton/hr}) * (8760 \text{ hr/yr}) * (0.000046 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (3 \text{ transfer}) = 0.39 \text{ ton/yr}$

Calculation:  $(650 \text{ ton/hr}) * (8760 \text{ hr/yr}) * (0.000046 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (3 \text{ transfer}) * (1 - 0/100) = \mathbf{0.39 \text{ ton/yr}}$

**Aggregate Storage Piles**

Maximum Process Rate = 650 ton/hr (Maximum plant process rate)

Maximum Hours of Operation = 8,760 hr/yr

Number of Piles = 1 piles

**PM Emissions:**

Predictive equation for emission factor provided per AP 42, Sec. 13.2.4.3, 11/06.

Emission Factor =  $k (0.0032) * (U/5)^{1.3} * (M / 2)^{-1.4} = 0.00330 \text{ lb/ton}$

Where: k = particle size multiplier = 0.74 (Value for PM < 30 microns per AP 42, Sec. 13.2.4.3, 11/06)

U = mean wind speed = 8.2 mph (Average from values provided in AP 42, Sec. 13.2.4.3, 11/06)

M = material moisture content = 2.5% (Average from values provided in AP 42, Sec. 13.2.4.3, 11/06)

Control Efficiency = 50% (Water or chemical spray)

Calculation:  $(650 \text{ ton/hr}) * (8760 \text{ hr/yr}) * (0.00330 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (1 \text{ piles}) = 9.38 \text{ ton/yr}$

Calculation:  $(650 \text{ ton/hr}) * (8760 \text{ hr/yr}) * (0.00330 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (1 \text{ piles}) * (1 - 50/100) = \mathbf{4.69 \text{ ton/yr}}$

**PM10 Emissions:**

Predictive equation for emission factor provided per AP 42, Sec. 13.2.4.3, 11/06.

Emission Factor =  $k (0.0032) * (U/5)^{1.3} * (M / 2)^{-1.4} = 0.00156 \text{ lb/ton}$

Where: k = particle size multiplier = 0.35 (Value for PM < 10 microns per AP 42, Sec. 13.2.4.3, 11/06)

U = mean wind speed = 8.2 mph (Average from values provided in AP 42, Sec. 13.2.4.3, 11/06)

M = material moisture content = 2.5% (Average from values provided in AP 42, Sec. 13.2.4.3, 11/06)

Control Efficiency = 50% (Water or chemical spray)

Calculation:  $(650 \text{ ton/hr}) * (8760 \text{ hr/yr}) * (0.00156 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (1 \text{ piles}) = 4.44 \text{ ton/yr}$

Calculation:  $(650 \text{ ton/hr}) * (8760 \text{ hr/yr}) * (0.00156 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (1 \text{ piles}) * (1 - 50/100) = \mathbf{2.22 \text{ ton/yr}}$

### Haul Roads

Vehicle Miles Traveled (VMT) per Day = 5 VMT/day (Estimate)

VMT per hour =  $(5 \text{ VMT/day}) * (\text{day}/24 \text{ hrs}) = 0.21 \text{ VMT/hr}$

Hours of Operation = 8,760 hr/yr

#### **PM Emissions:**

Predictive equation for emission factor for unpaved roads at industrial sites provided per AP 42, Ch. 13.2.2, 11/06.

Emission Factor =  $k * (s / 12)^a * (W / 3)^b = 12.46 \text{ lb/VMT}$

Where:  $k = \text{constant} = 4.9 \text{ lbs/VMT}$  (Value for PM30/TSP, AP 42, Table 13.2.2-2, 11/06)

$s = \text{surface silt content} = 7.1 \%$  (Mean value, sand/gravel processing, material storage area, AP 42, Table 13.2.2-1, 11/06)

$W = \text{mean vehicle weight} = 54 \text{ tons}$  (1994 average loaded/unloaded or a 40 ton truck)

$a = \text{constant} = 0.7$  (Value for PM30/TSP, AP 42, Table 13.2.2-2, 11/06)

$b = \text{constant} = 0.45$  (Value for PM30/TSP, AP 42, Table 13.2.2-2, 11/06)

Control Efficiency = 50% (Water spray or chemical dust suppressant)

Calculation:  $(8760 \text{ hr/yr}) * (0.21 \text{ VMT/hr}) * (12.46 \text{ lb/VMT}) * (\text{ton}/2000 \text{ lb}) = 11.37 \text{ ton/yr}$  (Uncontrolled Emissions)

Calculation:  $(8760 \text{ hr/yr}) * (0.21 \text{ VMT/hr}) * (12.46 \text{ lb/VMT}) * (\text{ton}/2000 \text{ lb}) * (1 - 50/100) = \mathbf{5.68 \text{ tons/yr}}$  (Apply 50% control efficiency)

#### **PM10 Emissions:**

Predictive equation for emission factor for unpaved roads at industrial sites provided per AP 42, Ch. 13.2.2, 11/06.

Emission Factor =  $k * (s / 12)^a * (W / 3)^b = 3.43 \text{ lb/VMT}$

Where:  $k = \text{constant} = 1.5 \text{ lbs/VMT}$  (Value for PM10, AP 42, Table 13.2.2-2, 11/06)

$s = \text{surface silt content} = 7.1 \%$  (Mean value, sand/gravel processing, material storage area, AP 42, Table 13.2.2-1, 11/06)

$W = \text{mean vehicle weight} = 54 \text{ tons}$  (1994 average loaded/unloaded or a 40 ton truck)

$a = \text{constant} = 0.9$  (Value for PM10, AP 42, Table 13.2.2-2, 11/06)

$b = \text{constant} = 0.45$  (Value for PM10, AP 42, Table 13.2.2-2, 11/06)

Control Efficiency = 50% (Water spray or chemical dust suppressant)

Calculation:  $(8760 \text{ hr/yr}) * (0.21 \text{ VMT/hr}) * (3.43 \text{ lb/VMT}) * (\text{ton}/2000 \text{ lb}) = 3.13 \text{ ton/yr}$  (Uncontrolled Emissions)

Calculation:  $(8760 \text{ hr/yr}) * (0.21 \text{ VMT/hr}) * (3.43 \text{ lb/VMT}) * (\text{ton}/2000 \text{ lb}) * (1 - 50/100) = \mathbf{1.57 \text{ ton/yr}}$  (Apply 50% control efficiency)

### Diesel Engine

Note: Emissions are based on the power output of the engine (947 hp).

Operational Capacity of Engine = 947 hp

Hours of Operation = 8,760.00 hours

**PM Emissions:**

PM Emissions = **2.90 ton/yr** (Assume PM = PM10)

PM Emissions = 5,807.00 lb/yr (Assume PM = PM10)

**PM-10 Emissions:**

Emission Factor = 0.0007 lbs/hp-hr (AP-42, Sec. 3.4, Table 3.4-1, 10/96)

Calculation: (8,760 hours) \* (947 hp) \* (0.0007 lbs/hp-hr) \* (ton/2000 lb) = **2.90 ton/yr**

Calculation: (8,760 hours) \* (947 hp) \* (0.0007 lbs/hp-hr) = 5,807.00 lb/yr

**NOx Emissions:**

Emission Factor = 0.024 lbs/hp-hr (AP-42, Sec. 3.4, Table 3.4-1, 10/96)

Calculation: (8,760 hours) \* (947 hp) \* (0.024 lbs/hp-hr) \* (ton/2000 lb) = **99.55 ton/yr**

Calculation: (8,760 hours) \* (947 hp) \* (0.024 lbs/hp-hr) = 199,097.28 lb/yr

**CO Emissions:**

Emission Factor = 0.0055 lbs/hp-hr (AP-42, Sec. 3.4, Table 3.4-1, 10/96)

Calculation: (8,760 hours) \* (947 hp) \* (0.0055 lbs/hp-hr) \* (ton/2000 lb) = **22.81 ton/yr**

Calculation: (8,760 hours) \* (947 hp) \* (0.0055 lbs/hp-hr) = 45,626.46 lb/yr

**VOC Emissions:**

Emission Factor = 0.000705 lbs/hp-hr (AP-42, Sec. 3.4, Table 3.4-1, TOC, 10/96)

Calculation: (8,760 hours) \* (947 hp) \* (0.000705 lbs/hp-hr) \* (ton/2000 lb) = **2.92 ton/yr**

Calculation: (8,760 hours) \* (947 hp) \* (0.000705 lbs/hp-hr) = 5,848.48 lb/yr

**SOx Emissions:**

Emission Factor = 0.00809 lbs/hp-hr (AP-42, Sec. 3.4, Table 3.4-1, 10/96)

Calculation: (8,760 hours) \* (947 hp) \* (0.00809 lbs/hp-hr) \* (ton/2000 lb) = **33.556 ton/yr**

Calculation: (8,760 hours) \* (947 hp) \* (0.00809 lbs/hp-hr) = 67,112.37 lb/yr

V. Existing Air Quality

This permit is for a portable crushing facility to be located at various locations around Montana. This permit contains operational conditions and limitations that would protect air quality for this site and the surrounding area. Also, this facility is a portable source that would operate on an intermittent and temporary basis, so any effects to air quality will be minor and short-lived. The current permit action does not affect emissions at the facility; therefore, existing air quality in the area will not be affected by the current permit action.

VI. Ambient Air Impact Analysis

The Department determined that there will be no impacts from this permitting action because this permitting action is considered an administrative action. Therefore, the Department believes this action will not cause or contribute to a violation of any ambient air quality standard.

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

This permitting action will not result in an increase of emissions from the facility and is considered an administrative amendment; therefore, an Environmental Assessment is not required.

Analysis Prepared By: John P. Proulx  
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