

AIR QUALITY

Subchapter 18

Standards and Requirements for Sand and Gravel, Concrete, and Asphalt

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|------|-----------|--|
| Rule | 17.8.1801 | Definitions |
| | 17.8.1802 | Applicability |
| | | Rules 17.8.1803 and 17.8.1804 reserved |
| Rule | 17.8.1805 | Registration Process and Information |
| | 17.8.1806 | General Operating Requirements |
| | 17.8.1807 | Notice of Location |
| | | Rules 17.8.1808 and 17.8.1809 reserved |
| | 17.8.1810 | Deregistration |
| | 17.8.1811 | Recordkeeping and Reporting |
| | 17.8.1812 | Requirements for Concrete Batch Plants |
| | | Rules 17.8.1813 and 17.8.1814 reserved |
| | 17.8.1815 | Requirements for Asphalt Plants |

Subchapter 18

Standards and Requirements for Sand and Gravel, Concrete, and Asphalt

17.8.1801 DEFINITIONS For the purposes of this subchapter, the following definitions apply:

- (1) "Asphalt plant" means a facility used to manufacture asphalt by heating and drying aggregate and mixing it with asphalt cement.
- (2) "Concrete batch plant" means a facility that combines various ingredients, such as sand, water, aggregate, fly ash, potash, cement, and cement additives, to form concrete.
- (3) "Deregister" means to revoke a registration.
- (4) "Drop point" means a location at which air emissions are generated from the transfer of materials, such as loading raw materials into a hopper or transferring materials between conveyers.
- (5) "Dust suppression control" means the use of water, water spray bars, chemical dust suppression, wind fences, enclosures, or other dust control techniques.
- (6) "Facility" means any real or personal property that is either portable or stationary and is located on one or more contiguous or adjacent properties under the control of the same owner or operator and that emits or has the potential to emit any air pollutant subject to regulation under the Clean Air Act of Montana or the Federal Clean Air Act and that has the same two-digit standard industrial classification code. A facility may consist of one or more emitting units.
- (7) "Nonmetallic mineral" has the meaning given in 40 CFR Part 60, subpart 000.
- (8) "Nonmetallic mineral processing plant" means a facility consisting of equipment that is used to crush, grind, or screen nonmetallic minerals and associated material-handling equipment and transfer points. The term does not include facilities in underground mines or at other stationary sources subject to Montana air quality permitting.
- (9) "Permanent location" means a physical location at which a registered facility may remain or does remain for more than 12 months.
- (10) "Registered facility" means a facility that has been registered in accordance with this subchapter.
- (11) "Registration" means the submission to the department of the completed registration notification under ARM 17.8.1805.
- (12) "Temporary location" means a physical location at which a registered facility remains for no more than 12 months. (History: 75-2-111, 75-2-234, MCA; IMP, 75-2-234, MCA; NEW, 2019 MAR p. 425, Eff. 4/27/19.)

17.8.1802 APPLICABILITY (1) This subchapter applies to the following facilities:

(a) Nonmetallic mineral processing plants with annual production of less than 8,000,000 tons as a rolling 12-month total.

(b) Concrete batch plants with annual production of less than 1,000,000 cubic yards as a rolling 12-month total.

(c) Asphalt plants that:

(i) combust natural gas, propane, distillate fuel, waste oil, diesel, or biodiesel; and

(ii) have annual production of less than:

(A) 996,000 tons as a rolling 12-month total for drum mix plants; or

(B) 324,000 tons as a rolling 12-month total for batch mix plants.

(d) Engines, such as power generators and other internal combustion engines, associated with any facility described in (a) through (c).

(2) An owner or operator of a facility that is not listed in (1) shall comply with the applicable application and permitting requirements of this chapter. (History: 75-2-111, 75-2-234, MCA; IMP, 75-2-234, MCA; NEW, 2019 MAR p. 425, Eff. 4/27/19.)

Rules 17.8.1803 and 17.8.1804 reserved

17.8.1805 REGISTRATION PROCESS AND INFORMATION (1) Except as provided in (3), the owner or operator of a facility that meets the applicability criteria of ARM 17.8.1802 and that commences operation after April 27, 2019 shall:

(a) register the facility with the department prior to beginning initial operations; or

(b) register the facility with the department and request revocation of the associated Montana air quality permit (MAQP), if the owner or operator holds a valid MAQP for the facility.

(2) Except as provided in (3), the owner or operator of a facility that meets the applicability criteria of ARM 17.8.1802 and that commenced operation prior to April 27, 2019 shall:

(a) register the facility with the department no later than December 31, 2019; and

(b) request revocation of the associated MAQP, if the owner or operator holds a valid MAQP for the facility.

(3) An engine that meets the applicability criteria of ARM 17.8.1802 is exempt from the registration requirement if the engine will be located at temporary locations only.

(4) To register, the owner or operator shall submit a complete registration notification to the department on the form provided by the department. The notification information must include the following:

(a) Company name and mailing address;

(b) Owner or operator's name, mailing address, telephone number, and email address;

(c) Contact person's name, mailing address, telephone number, and email address;

(d) Physical location(s) of known permanent location(s), initial temporary location(s) if no permanent location is proposed, or business location if no in-state location of operation has been identified (legal description to the nearest 1/4 section);

(e) Physical location(s) of each permanent or temporary location not included in (d) of an existing facility for which the owner or operator holds a valid MAQP;

(f) Equipment-specific information, as applicable, including:

(i) Unit type;

(ii) Manufacturer's name;

(iii) Date of manufacture; and

(iv) Horsepower.

(g) Acknowledgement of the owner or operator's duty to comply with this subchapter;

(h) Other information required by the department.

(5) A facility is considered registered upon the department's receipt of the notification required in (4).

(6) Within 15 calendar days after registration, the department shall publish acknowledgment of the registration on the department's website at <http://deq.mt.gov/Air/PublicEngagement>.

(7) An owner or operator of a registered facility may not operate for the first 15 calendar days following the date of registration, unless the owner or operator holds a valid MAQP for the facility at the time of registration. Registration does not supersede any other local, state, or federal requirements associated with the operation of registered facilities.

(8) An owner or operator of a registered facility shall provide notification to the department, in a manner prescribed by the department, of any change(s) to the equipment-specific information required in (4)(f) by March 15th of each calendar year.

(9) If the owner or operator of a registered facility changes, the new owner or operator shall, prior to operating the facility, register with the department by submitting the notification required in (4).

(10) An owner or operator of a registered facility shall update the registration information by submitting notification to the department, in a manner prescribed by the department, to identify a location as a permanent location in advance of remaining at the location for longer than 12 months.

(11) Registration under this subchapter is valid provided the registered facility continues to meet the applicability criteria in ARM 17.8.1802. (History: 75-2-111, 75-2-234, MCA; IMP, 75-2-234, MCA; NEW, 2019 MAR p. 425, Eff. 4/27/19.)

17.8.1806 GENERAL OPERATING REQUIREMENTS (1) Registration of a facility under this subchapter does not relieve an owner or operator of the responsibility to comply with:

- (a) applicable federal, state, or local statutes, rules, or orders; and
- (b) control strategies contained in the Montana State Implementation Plan.

(2) The department may require an owner or operator to conduct a test, emission or ambient, under ARM 17.8.105. Emission source testing must comply with ARM 17.8.106.

(3) An owner or operator of a facility required to be registered under this subchapter:

(a) shall install, operate, and maintain all equipment to provide the maximum air pollution control for which it was designed;

(b) shall employ dust suppression control that is installed, maintained, and operated to ensure that the facility complies with this chapter. Dust suppression control for crushing, screening, and/or conveyor transfer points consisting of water spray bars and/or chemical dust suppression must be operating if any visible emissions equal to or greater than 10 percent opacity averaged over six consecutive minutes are present;

(c) shall allow the department's representatives access to the operations at any facility at all reasonable times to inspect or conduct surveys, collect samples, obtain data, audit any monitoring equipment or observe any monitoring or testing, and otherwise conduct all necessary functions related to the administration of this chapter; and

(d) may not operate an engine that is subject to the requirements of this subchapter at any permanent location when the combined horsepower hours of those sources exceed the following limits:

- (i) 6,000,000 horsepower-hours per rolling 12-month period; or
- (ii) 3,500,000 horsepower-hours per rolling 12-month period, if an asphalt plant is also located at the permanent location. (History: 75-2-111, 75-2-234, MCA; IMP, 75-2-234, MCA; NEW, 2019 MAR p. 425, Eff. 4/27/19.)

17.8.1807 NOTICE OF LOCATION (1) Unless the owner or operator of a facility required to be registered under this subchapter has previously submitted the location of a facility under ARM 17.8.1805(4), the owner or operator shall submit to the department a notice of location for each facility, on a form provided by the department. The owner or operator shall submit the form at least 15 calendar days before commencing operation of the facility.

(2) If there is more than one type of facility listed in ARM 17.8.1802 at the same location, the owner or operator shall submit a notice of location for each facility type.

(3) Upon receipt of a complete notice of location, the department shall publish notification on the department's website at <http://deq.mt.gov/Air/PublicEngagement>.

(4) The owner or operator shall confirm the location, in a manner prescribed by the department, within 10 calendar days after commencing operation at the location.

(5) The owner or operator shall notify the department, in a manner prescribed by the department, within 10 calendar days after removing all equipment of a single type from the location. Following such notification, the owner or operator shall comply with (1) through (4) prior to operating equipment of that type at the location again.

(6) An owner or operator may transfer equipment between any locations that have been identified under (1) and (2), unless the owner or operator has notified the department under (5) that all equipment of the same type has been removed from the location.

(7) A registered facility may not remain at a temporary location for more than twelve months. Before twelve months have elapsed, the owner or operator of the registered facility shall either:

(a) remove all equipment from the temporary location, according to the applicable requirements in this rule; or

(b) register the location as a permanent location. (History: 75-2-111, 75-2-234, MCA; IMP, 75-2-234, MCA; NEW, 2019 MAR p. 425, Eff. 4/27/19.)

Rules 17.8.1808 and 17.8.1809 reserved

17.8.1810 DEREGISTRATION (1) The department may deregister a facility:

- (a) on written request of the owner or operator, or
- (b) for a violation of this chapter.

(2) To deregister a facility under (1)(b), the department shall notify the owner or operator in writing of its intent to deregister by certified mail, return receipt requested, to the owner or operator's last known address. The department shall advise the owner or operator of the right to request a hearing before the board under 75-2-211, MCA.

(3) If the department does not receive a return receipt for the notice of intent to deregister in (2), the department may give notice to the owner or operator by publishing the notice of intent to deregister. The publication must occur once each week for three consecutive weeks in a newspaper published in the county where the owner or operator's mailing address set forth in the registration is located. If no newspaper is published in that county, then the notice may be published in a newspaper having a general circulation in that county.

(4) When the department has published notice under (3), the owner or operator is deemed to have received the notice on the date the last notice was published.

(5) A hearing request must be in writing and must be filed with the board within 15 days after receipt of the department's notice of intent to deregister. Filing a hearing request postpones the effective date of the department's decision until issuance of a final decision by the board.

(6) If no hearing request is filed, the department's decision to deregister a facility is final when 15 days have elapsed from the date the owner or operator received notice.

(7) A hearing under this subchapter is governed by the contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, MCA. (History: 75-2-111, 75-2-234, MCA; IMP, 75-2-234, MCA; NEW, 2019 MAR p. 425, Eff. 4/27/19.)

17.8.1811 RECORDKEEPING AND REPORTING (1) An owner or operator of a facility required to be registered under this subchapter shall make records that include:

- (a) the location at which the facility was operated;
- (b) daily production rates and rolling 12-month total production in the units used in ARM 17.8.1802(1);
- (c) daily pressure drop readings, including daily water input rate or pressure, if applicable;
- (d) daily horsepower hours of engines and rolling 12-month total horsepower hours, if applicable; and
- (e) a log of required facility inspections, repairs, and maintenance.

(2) The owner or operator shall maintain the records in (1) for at least five years following the date the record was created.

(3) The owner or operator shall maintain the records in (1) at the facility location or at another convenient location. The owner or operator shall make the records available to the department for inspection and submit the records to the department upon request. (History: 75-2-111, 75-2-234, MCA; IMP, 75-2-234, MCA; NEW, 2019 MAR p. 425, Eff. 4/27/19.)

17.8.1812 REQUIREMENTS FOR CONCRETE BATCH PLANTS

(1) Except as provided in (2), an owner or operator of a concrete batch plant required to be registered under this subchapter shall control particulate emissions from the facility at all times during operation using:

- (a) a fabric filter dust collector or equivalent on each cement silo, cement storage silo, or similarly enclosed storage bin or weigh hopper; and
- (b) a particulate containment boot or equivalent on every product loadout opening.

(2) If a concrete batch plant required to register under this subchapter that commenced operation prior to April 27, 2019 does not have the control equipment in (1) installed at the time of registration, the owner or operator of the facility shall install the equipment no later than twelve months after registration.

(3) In addition to the general requirements in ARM 17.8.1811, the owner or operator shall conduct a monthly inspection of each operating facility for fugitive dust. If visible emissions from the fabric filter are present, the inspection must include an inspection of the fabric filter for evidence of leaking, damaged, or missing filters. The owner or operator shall take appropriate corrective actions to restore the filter system to proper operation before resuming normal operations. (History: 75-2-111, 75-2-234, MCA; IMP, 75-2-234, MCA; NEW, 2019 MAR p. 425, Eff. 4/27/19.)

Rules 17.8.1813 and 17.8.1814 reserved

17.8.1815 REQUIREMENTS FOR ASPHALT PLANTS (1) An owner or operator of an asphalt plant required to register under this subchapter:

- (a) shall limit particulate matter emissions to no more than:
 - (i) 0.04 grains per dry standard cubic foot; or
 - (ii) 0.10 grains per dry standard cubic foot, for a facility that holds a valid MAQP containing this limit at the time of registration;
- (b) shall control emissions from each dryer or mixer at all times during operation using control equipment capable of achieving the applicable emission limit;
- (c) shall shut down an emitting unit using a baghouse control device needing a bag replacement until the replacement bag is installed;
- (d) shall install and maintain a device to measure the pressure drop on the control device, such as a magnehelic gauge or manometer. The pressure drop must be measured in inches of water and recorded daily; and
- (e) shall install and maintain temperature indicators at the control device inlet and outlet; and
- (f) may not allow the asphalt production rate to exceed the average production rate during the last source test demonstrating compliance. The owner or operator may retest at a higher production rate at any time.

(2) Records made and maintained under ARM 17.8.1811 must include daily pressure drop readings from the control device and the daily water input rate or the water input pressure, if applicable. (History: 75-2-111, 75-2-234, MCA; IMP, 75-2-234, MCA; NEW, 2019 MAR p. 425, Eff. 4/27/19.)