



Montana Department of
ENVIRONMENTAL **Q**UALITY

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February 28, 2012

Joe Aline
Shumaker Trucking and Excavating Contractors, Inc.
P.O. Box 1279
Great Falls, Montana 59403

Dear Mr. Aline:

Montana Air Quality Permit #2605-03 is deemed final as of February 28, 2012, by the Department of Environmental Quality (Department). This permit is for a non-metallic mineral processing operation and associated equipment. 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

Doug Kuenzli
Environmental Science Specialist
Air Resources Management Bureau
(406) 444-4267

VW:DCK
Enclosure

Montana Department of Environmental Quality
Permitting and Compliance Division

Montana Air Quality Permit #2605-03

Shumaker Trucking and Excavating Contractors, Inc.
P.O. Box 1279
Great Falls, Montana 59403

February 28, 2012



MONTANA AIR QUALITY PERMIT

Issued To: Shumaker Trucking and Excavating
Contractors, Inc.
P.O. Box 1279
Great Falls, Montana 59403

MAQP: #2605-03
Administrative Amendment (AA) Request
Received: 01/17/2012
Department's Decision on AA: 02/10/2012
Permit Final: 02/28/2012
AFS #777-2605

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

SECTION I: Permitted Facilities

A. Plant Location

Shumaker operates a portable non-metallic mineral processing operation initially located in the SW ¼ of Section 30, Township 21 North, Range 4 East, in Cascade County, Montana. However, MAQP #2605-03 applies while operating at any location in Montana, except those areas having a Montana 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 (PM₁₀) 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 PM₁₀ nonattainment areas. A complete list of the permitted equipment is contained in Section I.A of the permit analysis.

B. Current Permit Action

On January 17, 2012, the Department received a request to administratively amend MAQP #2605-03 to change existing federally enforceable limits. Shumaker's request was made as part of a project undertaken by the Department to address those sources with existing federally enforceable permit limits that were established to keep potential emissions below the 100 ton per year major source Title V Operating Permit thresholds. The Department encouraged synthetic minor sources to take new permit limits to further reduce emissions from just below 100 tons per year to just below 80 tons per year. The permit limit change will consequently alter the oversight category for this facility to a level that is only subject to the State Compliance Monitoring Strategy. This permitting action amends MAQP #2605-03 to further limit hours of operation to maintain potential emissions below 80 tpy. In addition, this permit action updates rule references, permit format, and the emissions inventory.

SECTION II: Conditions and Limitations

A. Emission Limitations

1. 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).

2. All visible emissions from any Standards of Performance for New Stationary Source (NSPS)-affected crusher shall not exhibit an opacity in excess of the following averaged over 6 consecutive minutes (ARM 17.8.340 and 40 CFR 60, Subpart OOO):
 - For crushers that commence construction, modification, or reconstruction on or after April 22, 2008: 12% opacity
 - For crushers that commence construction, modification, or reconstruction after August 31, 1983, but before April 22, 2008: 15% opacity
3. All visible emissions from any NSPS-affected equipment, other than a crusher (such as screens and conveyors), shall not exhibit an opacity in excess of the following averaged over 6 consecutive minutes (ARM 17.8.340 and 40 CFR 60, Subpart OOO):
 - For equipment that commences construction, modification, or reconstruction on or after April 22, 2008: 7% opacity
 - For equipment that commences construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008: 10% opacity
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. Shumaker 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. Shumaker 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. Shumaker shall not operate more than four (4) crushers at any given time and the combined maximum rated design capacity of the crushers shall not exceed 1,500 tons per hour (TPH) (ARM 17.8.749).
8. Shumaker shall not operate more than six (6) screens at any given time and the combined maximum rated design capacity of the screens shall not exceed 2,500 TPH (ARM 17.8.749).
9. Shumaker shall not operate more than six (6) diesel-fired engines at any given time, and the maximum combined rated design capacity of the engines shall not exceed 2,200 hp (ARM 17.8.749).
10. Combined hours of operation of the diesel-fired engines shall not exceed a sum total of 5.1 million horsepower-hours (MMhp-hr) during any rolling 12-month time period, as shown by the following equation (ARM 17.8.749 and ARM 17.8.1204):

$$\text{Total MMhp-hrs} = (E_1 \text{ hp} \times H) + (E_2 \text{ hp} \times H) + (E_3 \text{ hp} \times H) + (E_4 \text{ hp} \times H) + (E_5 \text{ hp} \times H) + (E_6 \text{ hp} \times H)$$

E, Diesel-Fired Equipment Engine or Generator Engine
 H, Engine hours of operation
 hp, Horsepower rating of engine

11. If the permitted equipment is used in conjunction with any other equipment owned or operated by Shumaker 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).
12. Shumaker 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).
13. Shumaker shall comply with any 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. All compliance source tests shall conform to the requirements of the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
2. The Department may require testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. If this portable crushing/screening plant is moved to another location, an Intent to Transfer Form must be sent to the Department's Air Resources Management Bureau 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. Shumaker 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 Shumaker 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 17.8.74 9).
3. Shumaker 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).

4. Shumaker 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).
5. Shumaker shall document, by month, the sum total MMhp-hrs of operation of the diesel-fired engines associated with MAQP #2605-03. By the 25th day of each month, Shumaker shall calculate the MMhp-hrs of operation for all of the diesel-fired engines for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.10. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
6. Shumaker shall annually certify that its emissions are less than those that would require the facility to obtain an air quality operating permit as required by ARM 17.8.1204(3)(b). The annual certification shall comply with the certification requirements of ARM 17.8.1207. The annual certification shall be submitted along with the annual emissions inventory information (ARM 17.8.749 and ARM 17.8.1204).

SECTION III: General Conditions

- A. Inspection – Shumaker shall allow the Department’s representatives access to the source at all reasonable times for the purpose of making inspections or surveys, collecting samples, obtaining data, auditing any monitoring equipment (Continuous Emission Monitoring Systems (CEMS), Continuous Emission Rate Monitoring Systems (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 Shumaker fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations - Nothing in this permit shall be construed as relieving Shumaker of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.740, *et seq.* (ARM 17.8.756).
- D. Enforcement - Violations of limitations, conditions, and requirements contained herein may constitute grounds for permit revocation, penalties, or other enforcement as specified in Section 75-2-401, *et seq.*, MCA.
- E. Appeals - Any person or persons jointly or severally adversely affected by the Department's decision may request, within 15 days after the Department renders its decision, upon affidavit setting forth the grounds therefore, a hearing before the Board of Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The filing of a request for a hearing does not stay the Department’s decision, unless the Board issues a stay upon receipt of a petition and a finding that a stay is appropriate under Section 75-2-211(11)(b), MCA. The

issuance of a stay on a permit by the Board postpones the effective date of the Department's decision until conclusion of the hearing and issuance of a final decision by the Board. If a stay is not issued, 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. Construction Commencement - 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 be revoked.
- H. Air Quality Operation Fees - Pursuant to Section 75-2-220, MCA, as amended by the 1991 Legislature, failure to pay the annual operation fee by Shumaker may be grounds for revocation of this permit, as required by that section and rules adopted thereunder by the Board.
- I. The Department may modify the conditions of this permit based on local conditions of any future site. These factors may include, but are not limited to, local terrain, meteorological conditions, proximity to residences, etc.
- J. Shumaker shall comply with the conditions contained in this permit while operating at any location in Montana, except within those areas having a Department-approved permitting program or areas considered tribal lands.

Montana Air Quality Permit (MAQP) Analysis
Shumaker Trucking and Excavating Contractors, Inc.
MAQP #2605-03

I. Introduction/Process Description

Shumaker Trucking and Excavating Contractors, Inc. (Shumaker) owns and operates a portable non-metallic mineral processing operation with a maximum rated design capacity of 1,500 tons per hour (TPH) crushing production and 2,500 TPH of screening production. The facility is powered by a combination of direct-drive diesel engine/equipment packages and diesel-fired generator sets. The combined allowable output rating of the diesel engines is 2,200 horsepower (hp).

A. Permitted Equipment

Equipment permitted under this action consists of the following:

- Four (4) crushers with a combined throughput capacity of 1,500 TPH
- Six (6) screen plants with a combined throughput capacity of 2,500 TPH
- Six (6) diesel-fired engines with a combined rated capacity up to 2,200 hp
- Associated material handling equipment (conveyors/stackers, bin feeders, etc.)

B. Source Description

Shumaker proposes to use this crushing/screening plant and associated equipment to crush sand and gravel materials for use in various construction operations. For a typical operational setup, materials are loaded into the crushing/screening plant by a feeder, transferred by conveyor, and passed through the crushers. Materials are crushed by the crusher and sent to the screens. Materials are screened, separated, and sent to stockpile for sale and use in construction operations.

The designated home-pit is identified as the SW ¼ of Section 30, Township 21 North, Range 4 East, in Cascade County, Montana.

C. Permit History

On September 19, 1989, Shumaker was issued a permit to operate a portable 1980 Humboldt Wedag Horizontal Impact crusher (up to 250 TPH), a 1986 EL Russ 2-deck Splitting screen (up to 250 TPH), a diesel generator (up to 350 kW), and associated equipment. This permit was assigned **MAQP #2605-00**.

On December 3, 2003, Shumaker submitted a complete permit application for the addition of a portable 2001 Cedar Rapids Jaw crusher (maximum capacity up to 800 TPH) with an attached diesel engine (150 hp) and associated equipment to MAQP #2605-00. In addition, Shumaker requested the permit be written de minimis friendly. MAQP #2605-00 will also be updated to reflect the current permit languages and rule references used by the Department of Environmental Quality (Department). **MAQP #2605-01** replaced MAQP #2605-00.

On February 19, 2008, Shumaker submitted an application to modify MAQP #2605-01 to allow for additional equipment as necessary for future portable crushing operations. The application was deemed complete on March 17, 2008, when the Department received additional requested information. Specifically, Shumaker requested that the permit be modified to include up to four crushers with a combined capacity of 1,500 TPH, up to six screening plants with a combined capacity of 2,500 TPH, and up to four diesel engine

powered generators with a combined engine capacity of 2,000-hp. Subsequent conversations clarified that Shumaker could also have up to two additional diesel-fired engines, that total approximately 200 hp, in various crushers and screening units. In addition, Shumaker requested the permit be written in a de minimis friendly manner. The permit will also be updated to reflect the current permit languages and rule references used by the Department. **MAQP #2605-02** replaced MAQP #2605-01.

D. Current Permit Action

On January 17, 2012, the Department received a request to administratively amend MAQP #2605-03 to change existing federally enforceable limits. Shumaker's request was made as part of a project undertaken by the Department to address those sources with existing federally enforceable permit limits that were established to keep potential emissions below the 100 ton per year major source Title V Operating Permit thresholds. The Department encouraged synthetic minor sources to take new permit limits to further reduce emissions from just below 100 tons per year to just below 80 tons per year. The permit limit change will consequently alter the oversight category for this facility to a level that is only subject to the State Compliance Monitoring Strategy. This permitting action amends MAQP #2605-03 to further limit hours of operation to maintain potential emissions below 80 tpy. In addition, this permit action updates rule references, permit format, and the emissions inventory. **MAQP #2605-03** replaces MAQP #2605-02

E. Additional Information

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

II. Applicable Rules and Regulations

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

Shumaker 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 in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant that would otherwise violate an air pollution control regulation. (2) No equipment that may produce emissions shall be operated or maintained in such a manner as to create a public nuisance.

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

1. ARM 17.8.204 Ambient Air Monitoring
2. ARM 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide (SO₂)
3. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide (NO₂)
4. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide (CO)
5. ARM 17.8.213 Ambient Air Quality Standards for Ozone (O₃)
6. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter (PM)
7. ARM 17.8.221 Ambient Air Quality Standard for Visibility
8. ARM 17.8.223 Ambient Air Quality Standard for Particulate Matter with an Aerodynamic Diameter of Ten Microns or Less (PM₁₀)

Shumaker 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 are taken to control emissions of airborne particulate matter. (2) Under this rule, Shumaker 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 rule.
4. ARM 17.8.310 Particulate Matter, Industrial Processes. This rule requires that no person shall cause or allow to be discharged into the atmosphere particulate matter in excess of the amount set forth in this rule.

5. ARM 17.8.322 Sulfur Oxide Emissions--Sulfur in Fuel. This rule requires that no person shall burn liquid, solid, or gaseous fuel in excess of the amount set forth in this rule.
6. ARM 17.8.324 Hydrocarbon Emissions--Petroleum Products. (3) No person shall load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank truck or trailer is equipped with a vapor loss control device as described in (1) of this rule.
7. ARM 17.8.340 Standards of Performance for New Stationary Sources. This rule incorporates, by reference, 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS). Shumaker is considered an NSPS affected facility under this standard 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, indicates that NSPS requirements apply to portable crushing/screening facilities with capacities greater than 150 tons per hour and that were constructed after August 31, 1983. Based on the information submitted by Shumaker, the portable crushing equipment to be used under this air quality permit is subject to this subpart because it meets the definition of an affected facility and has been constructed or modified after August 31, 1983.
 - c. 40 CFR 60, Subpart IIII, Standards of Performance for Stationary Compression Ignition (CI) Internal Combustion Engines (ICE). Owners and operators of stationary CI ICE that commence construction after July 11, 2005, where the stationary CI ICE are manufactured after April 1, 2006, and are not fire pump engines, or are manufactured as a certified National Fire Protection Association (NFPA) fire pump engine after July 1, 2006, and owners and operators of stationary CI ICE that modify or reconstruct their stationary CI ICE after July 11, 2005, are subject to this part. As this permit is written in a de minimis friendly manner, operational flexibility is afforded to this facility. Therefore applicability to this subpart is dependent upon the equipment utilized and the location and nature of operation of the equipment..
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 (NESHAPs) for Source Categories. Based on the information submitted by Summit the associated diesel engines are applicable to NESHAP (40 CFR 63), as follows:
 - a. 40 CFR 63, Subpart A – General Provisions apply to all equipment or facilities subject to an NESHAPs Subpart as listed below:
 - b. 40 CFR 63, Subpart ZZZZ - National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE). As an area source, the diesel RICE at Shumaker will be subject to this rule. Although diesel RICE engines are an affected source, per 40 CFR 63.5490(b)(3), they do not have any requirements unless they are new or

reconstructed after June 12, 2006. As Shumaker is considered an area source of HAP emissions and operates RICE equipment the engine(s) are potentially subject to this subpart.

D. ARM 17.8, Subchapter 5 - Air Quality Permit Application, Operation, and Open Burning Fees, including, but not limited to:

1. ARM 17.8.504 Air Quality Permit Application Fees. This rule requires the 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 alteration to construct, alter, or use any asphalt plant, crusher, or screen that has the Potential to Emit (PTE) greater than 15 tpy of any pollutant. Shumaker has a PTE greater than 15 tpy of PM, PM₁₀, and oxides of nitrogen (NO_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 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, alteration, or use of a source. A permit application was not required for the current permit action because the permit change is considered an administrative permit change. (7) This rule requires that the applicant notify the

public by means of legal publication in a newspaper of general circulation in the area affected by the application for a permit. An Affidavit of publication of public notice was not required for the current permit action because the permit change is considered an administrative permit change.

6. ARM 17.8.749 Conditions for Issuance or Denial of Permit. This rule requires that the permits issued by the Department must authorize the construction and operation of the facility or emitting unit subject to the conditions in the permit and the requirements of this subchapter. This rule also requires that the permit must contain any conditions necessary to assure compliance with the Federal Clean Air Act (FCAA), the Clean Air Act of Montana, and rules adopted under those acts.
7. ARM 17.8.752 Emission Control Requirements. This rule requires a source to install the maximum air pollution control capability that is technically practicable and economically feasible, except that BACT shall be utilized. The required BACT analysis is included in Section III of this permit analysis.
8. ARM 17.8.755 Inspection of Permit. This rule requires that air quality permits shall be made available for inspection by the Department at the location of the source.
9. ARM 17.8.756 Compliance with Other Requirements. This rule states that nothing in the permit shall be construed as relieving Shumaker 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. The owner or operator of a facility may not increase the facility's emissions beyond permit limits unless the increase meets the criteria in ARM 17.8.745 for a de minimis change not requiring a permit, or unless the owner or operator applies for and receives another permit in accordance with ARM 17.8.748, ARM 17.8.749, ARM 17.8.752, ARM 17.8.755, and ARM 17.8.756, and with all applicable requirements in ARM Title 17, Chapter 8, Subchapters 8, 9, and 10.

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

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

1. ARM 17.8.801 Definitions. This rule is a list of applicable definitions used in this subchapter.
2. ARM 17.8.818 Review of Major Stationary Sources and Major Modifications-- Source Applicability and Exemptions. The requirements contained in ARM 17.8.819 through ARM 17.8.827 shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the FCAA that it would emit, except as this subchapter would otherwise allow.

This facility is not a major stationary source since it is not a listed source and the facility's PTE is less than 250 tpy (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 tpy of any pollutant;
 - b. PTE > 10 tpy of any single Hazardous Air Pollutant (HAP), PTE > 25 tpy of any combination of HAPs, or a lesser quantity as the Department may establish by rule; or
 - c. PTE > 70 tpy of PM₁₀ in a serious PM₁₀ nonattainment area.
2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204(1), obtain a Title V Operating Permit. In reviewing and issuing MAQP #2605-03 for the Shumaker facility, the following conclusions were made:
 - a. Shumaker has requested that federally-enforceable permit operating limits be established to maintain the facility's PTE to less than the major source threshold.
 - b. The facility's PTE is less than 10 tons/year of any one HAP and less than 25 tons/year of all HAPs.
 - c. This source is not located in a serious PM₁₀ nonattainment area.
 - d. This facility is potentially subject to a current NESHAP standard (40 CFR 63, Subpart ZZZZ).

- e. This facility is subject to a current NSPS standards (40 CFR 60, Subpart OOO and Subpart IIII (potentially)).
- 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.
- h. ARM 17.8.1204(3). The Department may exempt a source from the requirement to obtain an air quality operating permit by establishing federally enforceable limitations which limit that source's PTE.
 - i. In applying for an exemption under this section the owner or operator of the facility shall certify to the Department that the source's PTE does not require the source to obtain an air quality operating permit.
 - ii. Any source that obtains a federally enforceable limit on PTE shall annually certify that its actual emissions are less than those that would require the source to obtain an air quality operating permit.

Shumaker requested federally-enforceable permit limitations to remain a minor source of emissions with respect to Title V. Based on these limitations, the Department determined that this facility is not subject to the Title V Operating Permit Program. However, in the event that the EPA makes minor sources that are subject to NSPS obtain a Title V Operating Permit; this source will be subject to the Title V Operating Permit Program.

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

III. BACT Determination

A BACT determination is required for any new or altered source. Shumaker shall install on the new or altered source the maximum air pollution control capability that is technically practicable and economically feasible, except that BACT shall be used.

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

IV. Emission Inventory

Emission Source	Emissions Tons/Year [PTE] (a)/(b)							
	PM	PM ₁₀	PM _{2.5}	PM _{cond}	CO	NO _x	SO ₂	VOC
Primary Crusher [1,500 TPH]	7.88	3.55	0.66	--	--	--	--	--
Primary Deck Screen [2,500 TPH]	24.09	8.10	0.55	--	--	--	--	--
Material Handling	92.75	41.48	7.01	--	--	--	--	--
Diesel Engines [2,200 hp]	5.61	5.61	0.99	0.14	17.03	79.05	5.23	6.41
Unpaved Roadways (Haul Roads)	5.49	1.51	0.15	--	--	--	--	--
TOTAL EMISSIONS ►	135.82	60.26	9.36	0.14	17.03	79.05	5.23	6.41

(a) Emission Inventory reflects enforceable limits on hours of operation of the diesel-fired engines to keep allowable NO_x emissions below the Title V threshold [100 tpy] and the SM Source threshold [80 tpy].

(b) PM emissions presented in the table represent the sum of the filterable and condensable particulate matter (CPM) fractions. All CPM is considered to be PM_{2.5}.

CO, carbon monoxide
 hp, horsepower
 MMhp-hrs, million horsepower-hours
 MMBtu, million British Thermal Units
 NO_x, oxides of nitrogen
 PTE, Potential To Emit
 PM, particulate matter
 PM_{COND}, condensable particulate matter
 PM₁₀, particulate matter with an aerodynamic diameter of 10 microns or less
 PM_{2.5}, particulate matter with an aerodynamic diameter of 2.5 microns or less [Sum of condensable and filterable]
 SO₂, sulfur dioxide
 TPH, tons per hour
 TPY, tons per year
 VOC, volatile organic compounds

Non-Metallic Mineral Processing Operation

Production Rate:

Crushers (4): 1,500 tons/hour (Maximum) 13,140,000 tons/year (Maximum)

Deck Screen (6): 2,500 tons/hour (Maximum) 21,900,000 tons/year (Maximum)

Allowable Hours of Operation: 8760 hours/year [Material Processing]
 5.1 MMhp-hrs/year [Diesel Engine(s)]

Power Source: (6) Diesel-Fire Engines up to 2,200 hp which includes

Material Processing:

Aggregate Crushers [SCC 3-05-020-01]

Process Rate: 1500 tons/hour

Operating Hours: 8760 hours/year

Particulate Emissions (controlled):

PM Emissions:

Emission Factor 0.0012 lbs/ton processed [AP-42 Table 11.19.2-2, 8/04]
 Calculations (0.0012 lbs/ton) * (1500 tons/hr) = 1.80 lbs/hr
 (1.8 lbs/hr) * (8760 hrs/yr) * (0.0005 tons/lb) = 7.88 TPY

PM₁₀ Emissions:

Emission Factor 0.00054 lbs/ton processed [AP-42 Table 11.19.2-2, 8/04]
 Calculations (0.00054 lbs/ton) * (1500 tons/hr) = 0.81 lbs/hr
 (0.81 lbs/hr) * (8760 hrs/yr) * (0.0005 tons/lb) = 3.55 TPY

PM_{2.5} Emissions:

Emission Factor	0.0001 lbs/ton processed	[AP-42 Table 11.19.2-2, 8/04]
Calculations	$(0.0001 \text{ lbs/ton}) * (1500 \text{ tons/hr}) =$	0.15 lbs/hr
	$(0.15 \text{ lbs/hr}) * (8760 \text{ hrs/yr}) * (0.0005 \text{ tons/lb}) =$	0.66 TPY

Aggregate Cold Screens [SCC 3-05-020-02]

Process Rate: 2500 tons/hour
 Operating Hours: 8760 hours/year

Particulate Emissions (controlled):

PM Emissions:

Emission Factor	0.0022 lbs/ton processed	[AP-42 Table 11.19.2-2, 8/04]
Calculations	$(0.0022 \text{ lbs/ton}) * (2500 \text{ tons/hr}) =$	5.50 lbs/hr
	$(5.5 \text{ lbs/hr}) * (8760 \text{ hrs/yr}) * (0.0005 \text{ tons/lb}) =$	24.09 TPY

PM₁₀ Emissions:

Emission Factor	0.00074 lbs/ton processed	[AP-42 Table 11.19.2-2, 8/04]
Calculations	$(0.00074 \text{ lbs/ton}) * (2500 \text{ tons/hr}) =$	1.85 lbs/hr
	$(1.85 \text{ lbs/hr}) * (8760 \text{ hrs/yr}) * (0.0005 \text{ tons/lb}) =$	8.10 TPY

PM_{2.5} Emissions:

Emission Factor	0.00005 lbs/ton processed	[AP-42 Table 11.19.2-2, 8/04]
Calculations	$(0.00005 \text{ lbs/ton}) * (2500 \text{ tons/hr}) =$	0.13 lbs/hr
	$(0.125 \text{ lbs/hr}) * (8760 \text{ hrs/yr}) * (0.0005 \text{ tons/lb}) =$	0.55 TPY

Material Handling:

Fragmented Stone Load-In ► Ground Storage [SCC 3-05-020-31]

Process Rate: 1500 tons/hour [Crusher Capacity→Facility Capacity]
 Operating Hours: 8760 hours/year

Particulate Emissions (uncontrolled):

PM Emissions:

Emission Factor	0.000031 lbs/ton [PM = PM ₁₀ /0.51 ► AP-42 Appendix B.2 - Table B.2.2, Category 3, 1/95]
Calculations	$(0.000031 \text{ lbs/ton}) * (1500 \text{ tons/hr}) =$ 0.05 lbs/hr
	$(0.0465 \text{ lbs/hr}) * (8760 \text{ hrs/yr}) * (0.0005 \text{ tons/lb}) =$ 0.20 TPY

PM₁₀ Emissions:

Emission Factor	0.00002 lbs/ton processed	[AP-42 Table 11.19.2-2, 8/04]
Calculations	$(0.000016 \text{ lbs/ton}) * (1500 \text{ tons/hr}) =$	0.02 lbs/hr
	$(0.024 \text{ lbs/hr}) * (8760 \text{ hrs/yr}) * (0.0005 \text{ tons/lb}) =$	0.11 TPY

PM_{2.5} Emissions:

Emission Factor	0.000005 lbs/ton [PM = PM ₁₀ *0.15 ► AP-42 Appendix B.2 - Table B.2.2, Category 3, 1/95]
Calculations	$(0.00000465 \text{ lbs/ton}) * (1500 \text{ tons/hr}) =$ 0.01 lbs/hr
	$(0.006975 \text{ lbs/hr}) * (8760 \text{ hrs/yr}) * (0.0005 \text{ tons/lb}) =$ 0.03 TPY

Conveyor Transfer Points [SCC 3-05-020-06]

Process Rate: 1500 tons/hour [Facility Capacity]
 Operating Hours: 8760 hours/year
 Total Transfers: 18 Transfers [Based on Process Flow Diagram]

Particulate Emissions (controlled):

PM Emissions (controlled):

Emission Factor 0.00014 lbs/ton processed [AP-42 Table 11.19.2-2, 8/04]
 Calculations (0.00014 lbs/ton) * (1500 tons/hr) * (18 Transfers) = 3.78 lbs/hr
 (3.78 lbs/hr) * (8760 hrs/yr) * (0.0005 tons/lb) = 16.56 TPY

PM₁₀ Emissions (controlled):

Emission Factor 0.000046 lbs/ton processed [AP-42 Table 11.19.2-2, 8/04]
 Calculations (0.000046 lbs/ton) * (1500 tons/hr) * (18 Transfers) = 1.24 lbs/hr
 (1.242 lbs/hr) * (8760 hrs/yr) * (0.0005 tons/lb) = 5.44 TPY

PM_{2.5} Emissions(controlled):

Emission Factor 0.000013 lbs/ton processed [AP-42 Table 11.19.2-2, 8/04]
 Calculations (0.000013 lbs/ton) * (1500 tons/hr) * (18 Transfers) = 0.35 lbs/hr
 (0.351 lbs/hr) * (8760 hrs/yr) * (0.0005 tons/lb) = 1.54 TPY

Storage Pile Load-In & Load-Out

Process Rate: 1500 tons/hour [Facility Capacity]
 Operating Hours: 8760 hours/year
 Pile Transfers: 3 [Material Load-In → Pile Formation → Pile Load-Out to Trucks]

Particulate Emissions (uncontrolled):

Emission Factor $EF = k (0.0032) * [(U/5)^{1.3} / (M / 2)^{1.4}]$ [AP-42 13.2.4, 11/06]

where: EF, Emission Factor = lbs Emitted / ton Processed

k, Dimensionless Particle Size Multiplier PM = 0.74 [AP-42 13.2.4, 11/06]
 k, Dimensionless Particle Size Multiplier PM₁₀ = 0.35 [AP-42 13.2.4, 11/06]
 k, Dimensionless Particle Size Multiplier PM_{2.5} = 0.053 [AP-42 13.2.4, 11/06]
 U, Mean Wind Speed (mph) = 9.33 [ASOS/AWOS - MT 10 yr. Ave.]
 M, Material Moisture Content (%) = 2.52 [AP-42 13.2.4.3, 11/06]

PM Emissions:

Emission Factor $EF = 0.74 * (0.0032) * [(9.33/5)^{1.3} / (2.52/ 2)^{1.4}] = 0.0039$ lbs/ton
 Calculations (0.0039 lbs/ton) * (1500 tons/hr) * (3 pile transfers) = 17.35 lbs/hr
 (17.35 lbs/hr) * (8760 hours/yr) * (0.0005 tons/lb) = 75.99 TPY

PM₁₀ Emissions:

Emission Factor $EF = 0.35 * (0.0032) * [(9.33/5)^{1.3} / (2.52/ 2)^{1.4}] = 0.0018$ lbs/ton
 Calculations (0.0018 lbs/ton) * (1500 tons/hr) * (3 piles) = 8.21 lbs/hr
 (8.21 lbs/hr) * (8760 hours/yr) * (0.0005 tons/lb) = 35.94 TPY

PM_{2.5} Emissions:

Emission Factor $EF = 0.053 * (0.0032) * [(9.33/5)^{1.3} / (2.52/ 2)^{1.4}] = 0.00028$ lbs/ton
 Calculations (0.0003 lbs/ton) * (1500 tons/hr) * (3 piles) = 1.24 lbs/hr
 (1.24 lbs/hr) * (8760 hours/yr) * (0.0005 tons/lb) = 5.44 TPY

Diesel-Fired Engines:

Engine Rating: 2200 hp [Maximum Combined Engine Output]
 Fuel Input: 15.40 MMBtu/hr [Estimated] **
 112.4 gallons/hour [Estimated]
 5.1 MMhp-hrs

** Basis: average brake-specific fuel consumption of 7,000 lb/MMBtu [AP-42 3.3-1 notation (a), 10/96]

Particulate Emissions (uncontrolled):

PM Emissions:

Emission Factor	0.0022 lb/hp-hr	[AP-42 3.3-1, 10/96]	
Calculations	(0.0022 lb/hp-hr) * (5.1 MMhp-hrs) =		11220.00 lbs/year
	(11,220.00 lbs/year) * (0.0005 tons/lb) =		5.61 TPY

PM₁₀ Emissions:

Emission Factor	0.0022 lb/hp-hr	[AP-42 3.3-1, 10/96]	
Calculations	(0.0022 lb/hp-hr) * (5.1 MMhp-hrs) =		11220.00 lbs/year
	(11,220.00 lbs/year) * (0.0005 tons/lb) =		5.61 TPY

PM_{2.5} Emissions (filterable):

Emission Factor	0.0479 lb/MMBtu	[AP-42 3.4-2, 10/96]	
Calculations	(0.0479 lb/MMBtu) * (7000 Btu/hp-hr **) =		0.000335 lbs/hp-hr
	(0.0003353 lb/hp-hr) * (5.1 MMhp-hrs) =		1710.03 lbs/year
	(1,710.03 lbs/year) * (0.0005 tons/lb) =		0.86 TPY

PM_{2.5} Emissions (condensable):

Emission Factor	0.0077 lb/MMBtu	[AP-42 3.4-2, 10/96]	
Calculations	(0.0077 lb/MMBtu) * (7000 Btu/hp-hr **) =		0.000054 lbs/hp-hr
	(0.0000539 lb/hp-hr) * (5.1 MMhp-hrs) =		274.89 lbs/year
	(274.89 lbs/year) * (0.0005 tons/lb) =		0.14 TPY

CO Emissions (uncontrolled):

Emission Factor	0.00668 lb/hp-hr	[AP-42 3.3-1, 10/96]	
Calculations	(0.00668 lb/hp-hr) * (5.1 hp-hrs) =		34068.00 lbs/hp-hr
	(34,068.00 lbs/year) * (0.0005 tons/lb) =		17.03 TPY

NO_x Emissions (uncontrolled):

Emission Factor	0.031 lb/hp-hr	[AP-42 3.3-1, 10/96]	
Calculations	(0.031 lb/hp-hr) * (5.1 hp-hrs) =		158100.00 lbs/hp-hr
	(158,100.00 lbs/year) * (0.0005 tons/lb) =		79.05 TPY

SO₂ Emissions (uncontrolled):

Emission Factor	0.00205 lb/hp-hr	[AP-42 3.3-1, 10/96]	
Calculations	(0.00205 lb/hp-hr) * (5.1 hp-hrs) =		10455.00 lbs/hp-hr
	(10,455.00 lbs/year) * (0.0005 tons/lb) =		5.23 TPY

VOC Emissions (uncontrolled):

Emission Factor	0.002514 lb/hp-hr	[AP-42 3.3-1, 10/96]	
Calculations	(0.002514 lb/hp-hr) * (5.1 hp-hrs) =		12821.91 lbs/hr
	(12,821.91 lbs/year) * (0.0005 tons/lb) =		6.41 TPY

Unpaved Roadways (Haul Roads)

Miles Travelled: 5 Miles/Day [Estimate]
 Vehicle Weight: 50 Tons [Mean Vehicle Weight]
 Control Method: Water Application
 Control Efficiency (C_e): 50%

Particulate Emissions (controlled):

Emission Factor	$EF = k(s/12)^a * (W/3)^b$	[AP-42 13.2.2.2, 11/06]
	where: EF, Emission Factor = lbs Emitted Per Vehicle Mile Traveled (VMT)	
	k, Empirical Constant PM =	4.9 [AP-42 Table 13.2.2-2, 11/06]
	k, Empirical Constant PM ₁₀ =	1.5 [AP-42 Table 13.2.2-2, 11/06]
	k, Empirical Constant PM _{2.5} =	0.15 [AP-42 Table 13.2.2-2, 11/06]
	s, Surface Material Silt Content (%) =	7.1 [AP-42 Table 13.2.2-1, 11/06]
	W, Mean Vehicle Weight (tons) =	50 [Applicant Provided Data]
	a, Empirical Constant PM =	0.7 [AP-42 Table 13.2.2-2, 11/06]
	a, Empirical Constant PM ₁₀ /PM _{2.5} =	0.9 [AP-42 Table 13.2.2-2, 11/06]
	b, Empirical Constant PM - PM _{2.5} =	0.45 [AP-42 Table 13.2.2-2, 11/06]

PM Emissions:

Emission Factor	$EF = 4.9 * (7.1/12)^{0.7} * (50/3)^{0.45} =$	12.04 lbs/VMT
Calculations	$(12.04 \text{ lbs/VMT}) * (5 \text{ miles/day}) * (1 - 0.5 \text{ Ce}) =$	30.09 lbs/day
	$(30.09 \text{ lbs/day}) * (365 \text{ days/yr}) * (0.0005 \text{ tons/lb}) =$	5.49 TPY

PM₁₀ Emissions:

Emission Factor	$EF = 1.5 * (7.1/12)^{0.9} * (50/3)^{0.45} =$	3.32 lbs/VMT
Calculations	$(3.32 \text{ lbs/VMT}) * (5 \text{ miles/day}) * (1 - 0.5 \text{ Ce}) =$	8.29 lbs/day
	$(8.29 \text{ lbs/day}) * (365 \text{ days/yr}) * (0.0005 \text{ tons/lb}) =$	1.51 TPY

PM_{2.5} Emissions:

Emission Factor	$EF = 0.15 * (7.1/12)^{0.9} * (50/3)^{0.45} =$	0.33 lbs/VMT
Calculations	$(0.33 \text{ lbs/VMT}) * (5 \text{ miles/day}) * (1 - 0.5 \text{ Ce}) =$	0.83 lbs/day
	$(0.83 \text{ lbs/day}) * (365 \text{ days/yr}) * (0.0005 \text{ tons/lb}) =$	0.15 TPY

V. Existing Air Quality

Permit #2605-03 will cover the operations of this portable crushing/screening plant while operating at the initial site location, the SW ¼ of Section 30, Township 21 North, Range 4 East, in Cascade County, Montana. The initial site location has been designated as unclassified/attainment with federal ambient air quality standards.

VI. Air Quality Impacts

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. Ambient Air Impact Analysis

Based on information provided and the conditions established in MAQP #2605-03, the Department determined that there will be no impact from this permitting action.

VIII. Taking or Damaging Analysis

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

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

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

IX. Environmental Assessment

An environmental assessment, required by the Montana Environmental Policy Act, was completed for this project. A copy is attached.

Analysis prepared by: D. Kuenzli
Date: February 2, 2012