



May 11, 2015

Bonnie Kostelecky
Fisher Sand & Gravel Company
P. O. Box 1034
Dickinson, ND 58602-1034

Dear Ms. Kostelecky:

Montana Air Quality Permit #3198-03 is deemed final as of May 9, 2015, by the Department of Environmental Quality (Department). This permit is for a Fisher Sand & Gravel Company. 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,

A handwritten signature in black ink that reads "Julie A. Merkel".

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

A handwritten signature in black ink that reads "John P. Proulx".

John P. Proulx
Environmental Science Specialist
Air Quality Bureau
(406) 444-1277

JM:JP
Enclosure

Montana Department of Environmental Quality
Permitting and Compliance Division

Montana Air Quality Permit #3198-03

Fisher Sand & Gravel Co.
P.O. Box 1034
Dickinson, ND 58602-1034

May 9, 2015



MONTANA AIR QUALITY PERMIT

Issued To: Fisher Sand & Gravel Co.
P.O. Box 1034
Dickinson, ND 58602- 1034

Montana Air Quality Permit #3198-03
Administrative Amendment (AA)
Request Received: 04/07/2015
Department Decision on AA: 04/23/2015
Permit Final: 05/09/2015
AFS #: 777-2971

A Montana Air Quality Permit (MAQP), with conditions, is hereby granted to Fisher Sand & Gravel Company (Fisher), 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

Fisher owns and operates a portable diesel-fired generator set at various locations throughout Montana. MAQP #3198-03 applies while operating at any location within Montana, except within 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 (PM₁₀) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County.* An addendum will be required for locations in or within 10 km of certain PM₁₀ nonattainment areas. A list of the permitted equipment is contained in Section I.A of the MAQP Analysis.

B. Current Permit Action

The Department received a letter requesting an Administrative Action, on April 7, 2015, from Fisher stating that Fisher Sand & Gravel Co. would be willing to accept an hourly operational limit change of 4300 hours per year on permit #3198-03, in order to remain consistent with the Department's S source project, indicating Fisher's participation in the program as described within the MAQP Analysis Section I.C Permit History for MAQP #3198-02. Fisher's MAQP was amended to update limits and conditions to maintain permit allowable emissions below 80 tons per year (TPY) and reflect the correct generator engine capacity. In addition, the permit updates the rule references, permit format, and the emissions inventory.

SECTION II: Conditions and Limitations

A. Emission Limitations

1. All visible emissions from the diesel-fired generator may not exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304).

2. Fisher 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).
3. Fisher 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.2 (ARM 17.8.749).
4. Fisher shall not operate or have on site more than one (1) diesel-fired generator set at a site at any given time. The maximum rated design capacity of the diesel-fired generator operated under this permit shall not exceed 1,186 horsepower (hp) (ARM 17.8.749 and ARM 17.8.1204).
5. Operation of the diesel-fired generator shall not exceed 4300 hours during any rolling 12-month period (ARM 17.8.749 and ARM 17.8.1204).
6. If the permitted equipment is used in conjunction with any other equipment owned or operated by Fisher, 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).
7. Fisher 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-fired engine (ARM 17.8.340; 40 CFR 60, Subpart IIII; ARM 17.8.342 and 40 CFR 63, Subpart ZZZZ).

B. Testing Requirements

1. The Department may require testing (ARM 17.8.105).
2. All compliance source tests shall conform to the requirements of the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).

C. Operational Reporting Requirements

1. If the diesel-fired generator set 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 17.8.765).
2. Fisher shall maintain on-site records showing daily hours of operation for the last 12 months. The records compiled in accordance with this permit shall be maintained by Fisher as a permanent business record for at least 5 years following

the date of the measurement, must be submitted to the Department upon request, and must be available at the site for inspection by the Department (ARM 17.8.749).

3. Fisher shall supply the Department with annual production information for all emission points, as required by the Department in the annual emission inventory request. The request will include, but is not limited to, all sources of emissions identified in the emission inventory contained in the permit analysis and all sources of emissions identified in the most recent emission inventory report.

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. Fisher 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).
5. Fisher shall document, by month, the hours of operation of the diesel-fired generator engine. By the 25th day of each month, Fisher shall calculate the hours of operation of the diesel-fired generator engine for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.6. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
6. Fisher 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 –Fisher 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 Emissions Monitoring Systems (CEMS) or Continuous Emissions 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 Fisher fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving Fisher 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 Fisher 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. Fisher 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
Fisher Sand & Gravel Company
MAQP #3198-03

I. Introduction/Process Description

A. Permitted Equipment

Fisher Sand & Gravel Company (Fisher) owns and operates a portable diesel-fired generator engine with a maximum rated capacity of 1186 brake-horsepower (bhp). The facility is allowed to move to various locations throughout Montana, except those areas with a Department of Environmental Quality (Department) approved permitting program. *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 kilometer (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment areas.

B. Source Description

Fisher operates this portable diesel-fired generator set at various locations throughout the state of Montana. Typically, the diesel-fired generator supplies electrical power to support other Fisher-owned portable process equipment (i.e. aggregate screens, crushers, asphalt plants, concrete batch plants, etc.). The aforementioned process equipment would be permitted separately from the diesel-fired generator.

This unit is based in North Dakota and does not have a designated home location in Montana.

C. Permit History

On August 9, 2002, the Department issued Fisher **MAQP #3198-00** for the operation of one diesel-fired generator engine of up to 635 kW.

On April 24, 2006, the Department received a request from Fisher to change the size of the diesel-fired generator in permit #3198-00 from 635 kW to 725 kW. The Department increased the size of the generator, as requested, and updated the permit to reflect current rule references. **MAQP #3198-01** replaced MAQP #3198-00.

On April 16, 2012, the Department received a request to amend Fisher's MAQP #3198-01 to incorporate limits which maintain potential emissions below 80 tons per year (TPY). This request was made as part of a project created by the Department to address those sources with existing federally enforceable permit limits established to keep potential emissions below major source permitting thresholds. The project encouraged these sources to further reduce emissions to avoid additional monitoring and increased inspections required under the Compliance Monitoring Strategy (CMS) in connection with the U.S. Environmental Protection Agency (EPA). This permitting action amended MAQP #3198-01 to incorporate limits and conditions to maintain potential emissions below 80 TPY. In addition, the Department updated the rule references, permit format, and the emissions inventory. **MAQP #3198-02** replaced MAQP #3198-01.

D. Current Permit Action

During the review of Fisher's 2014 annual emissions inventory submission for this permit, the Department noted that the horsepower rating provided for the 725 kW generator was inconsistent with the language in the MAQP. Upon further review, it was noted that the Department had incorrectly converted the generator set electrical rating directly into an equivalent engine horsepower rating rather than using the actual engine nameplate capacity. In order to address this error, the Department asked Fisher if they were willing to accept reduced annual hourly operational limits in order to maintain similar emission levels based on the actual engine size. The Department received a letter requesting an Administrative Action on April 7, 2015, from Fisher stating they would be willing to accept an hourly operational limit change to 4300 hours per year in order to remain consistent with the Department's S source project, indicating Fisher's participation in the program as described within the MAQP Analysis Section I.C Permit History for MAQP #3198-02. Fisher's MAQP was amended to incorporate limits and conditions to maintain permit allowable emissions below 80 tons per year (TPY) and reflect the correct generator engine capacity. In addition, the permit updates the rule references, permit format, and the emissions inventory. **MAQP #3198-03** replaces MAQP #3198-02.

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).

Fisher 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 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide
2. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
3. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
4. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
5. ARM 17.8.221 Ambient Air Quality Standard for Visibility
6. ARM 17.8.223 Ambient Air Quality Standard for PM₁₀

Fisher 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, Fisher 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 Code of Federal Regulations (CFR) Part 60, Standards of Performance for New Stationary Sources (NSPS). Based on the information submitted by Fisher, the equipment in MAQP #3198-03 is potentially subject to NSPS (40 CFR 60) as follows;
 - 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 IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (CI 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, and owners and operators of stationary CI ICE that modify or reconstruct their stationary CI ICE after July 11, 2005, are subject to this subpart. Since the CI ICE to be used under MAQP #3198-03 is intended to be portable and was manufactured prior to the applicability date, Fisher is not required to comply with the applicable emission limitations and operating limitations of 40 CFR 60, Subpart IIII. However, this subpart could become applicable if Fisher operated a replacement engine that met the applicability criteria for manufacture date and it is operated at a single location for more than 12 months.
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. Fisher is considered a NESHAP-affected facility under 40 CFR Part 63 and is potentially subject to the requirements of the following subparts.
 - a. 40 CFR 63, Subpart A – General Provisions apply to all equipment or facilities subject to a NESHAPs Subpart as listed below.
 - b. 40 CFR 63, Subpart ZZZZ - National Emissions Standards for Hazardous Air Pollutants (HAPs) for Stationary Reciprocating Internal Combustion Engines (RICE). An owner or operator of a stationary reciprocating internal combustion engine (RICE) at a major or area source of HAP emissions is subject to this rule except if the stationary RICE is being tested at a stationary RICE test cell/stand. An area source of HAP emissions is a source that is not a major source. A RICE is considered stationary if it 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. Fisher is an area source of HAP emissions. Since the RICE to be used under MAQP #3198-03 is intended to be portable, Fisher is not required to comply with the applicable emission limitations and operating limitations of 40 CFR 63, Subpart ZZZZ. However, this subpart would become applicable if Fisher operated it at a single location for more than 12 months.

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. Because this permitting action was considered an administrative action pursuant to ARM 17.8.764, no fee was required.
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 a Montana 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 (TPY) of any pollutant. Fisher has a PTE greater than 15 TPY of particulate matter (PM); therefore, a Montana 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, 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 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 Fisher 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. A Montana 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. A Montana 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. A Montana 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 a Montana 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 a Montana 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 TPY 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 TPY of any pollutant;
 - b. PTE > 10 TPY 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 TPY of particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) in a serious PM₁₀ nonattainment area.
 2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204 (1), obtain a Title V Operating Permit. In reviewing and issuing MAQP #2971-02 for Fisher, the following conclusions were made:
 - a. The facility's PTE is less than 100 TPY for any pollutant.
 - b. The facility's PTE is less than 10 TPY for any one HAP and less than 25 tons/year of all HAPs.
 - c. This source is not located in a serious PM₁₀ nonattainment area.
 - d. This facility is potentially subject to NSPS (A and IIII).
 - e. This facility is potentially subject to NESHAP (A and ZZZZ).
 - f. This source is not a Title IV affected source or a solid waste combustion unit.
 - g. This source is not an EPA designated Title V source.

3. 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. Fisher 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.
 - a. 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.
4. ARM 17.8.1207 Certification of Truth, Accuracy, and Completeness. The compliance certification submittal required by ARM 17.8.1204(3)(a) 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 each new or modified source. Fisher 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 determination was not required for the current permit action because the permit change is considered an administrative permit change.

IV. Emission Inventory

Tons Per Year (TPY)

Emission Source	PM	PM ₁₀	PM _{2.5}	NO _x	CO	VOC	SO ₂
Diesel-fired Generator (1186 hp)	5.61	5.61	5.61	79.04	17.03	6.41	5.22

Calculations:

Diesel-fired Generator

Operational Capacity of Engine=1,186 hp

Operational Capacity of Engine=4,300 hours

Total PM/PM₁₀/PM_{2.5} Emissions:

Emission Factor=0.0022 lbs/hr*hp (All PM < 1 mm, AP-42, Sec. 3.3, Table 3.3-1, 10/96)

Calculation: (4,300 hours) * (1,186 hp) * (0.0022 lbs/hr*hp) * (ton/2000 lb) = 5.61 ton/yr

Calculation: (4,300 hours) * (1,186 hp) * (5.60978 ton/yr) = 11,219.56 lbs/yr

NO_x Emissions:

Emission Factor=0.031 lbs/hr*hp (AP-42, Sec. 3.3, Table 3.3-1, 10/96)

Calculation: (4,300 hours) * (1,186 hp) * (0.031 lbs/hr*hp) * (ton/2000 lb) = 79.05 ton/yr

Calculation: (4,300 hours) * (1,186 hp) * (79.0469 ton/yr) = 158,093.80 lbs/yr

CO Emissions:

Emission Factor=0.00668 lbs/hr*hp (AP-42, Sec. 3.3, Table 3.3-1, 10/96)

Calculation: (4,300 hours) * (1,186 hp) * (0.00668 lbs/hr*hp) * (ton/2000 lb) = 17.03 ton/yr

Calculation: (4,300 hours) * (1,186 hp) * (17.033332 ton/yr) = 34,066.66 lbs/yr

VOC Emissions:

Emission Factor=0.0025141 lbs/hr*hp (AP-42, Sec. 3.3, Table 3.3-1, TOC, Exhaust & Crankcase, 10/96)

Calculation: (4,300 hours) * (1,186 hp) * (0.0025141 lbs/hr*hp) * (ton/2000 lb) = 6.41 ton/yr

Calculation: (4,300 hours) * (1,186 hp) * (6.41070359 ton/yr) = 12,821.41 lbs/yr

SO_x Emissions:

Emission Factor=0.00205 lbs/hr*hp (AP-42, Sec. 3.3, Table 3.3-1, 10/96)

Calculation: (4,300 hours) * (1,186 hp) * (0.00205 lbs/hr*hp) * (ton/2000 lb) = 5.23 ton/yr

Calculation: (4,300 hours) * (1,186 hp) * (5.227295 ton/yr) = 10,454.59 lbs/yr

CO₂ Emissions:

Emission Factor=1.15 lbs/hr*hp (AP-42, Sec. 3.3, Table 3.3-1, 10/96)

Calculation: (4,300 hours) * (1,186 hp) * (1.15 lbs/hr*hp) * (ton/2000 lb) = 2,932.39 ton/yr

Calculation: (4,300 hours) * (1,186 hp) * (2932.385 ton/yr) = 5,864,770.00 lbs/yr

V. Existing Air Quality

MAQP #3198-03 will cover the operation of the diesel-fired generator while operating at any site under the jurisdiction of the Department that is designated as attainment/unclassified with federal air quality standards. An addendum would be required for locations in or within 10 km of certain PM₁₀ nonattainment areas.

VI. Air Quality Impacts

The Department determined that there will be no negative impacts from this permitting action because this permitting action is considered an administrative action. Furthermore, the Department believes that the amount of emissions generated by this project will not exceed any set ambient standard.

VII. Taking or Damaging Implication Analysis

As required by 2-10-101 through 105, MCA, the Department conducted the following private property taking and damaging assessment.

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

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

VIII. Environmental Assessment

The permitting action will not result in an increase of emissions from the facility and is considered an administrative action; therefore, an environmental assessment is not required.

Analysis Prepared By: John P. Proulx

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