



Montana Department of
ENVIRONMENTAL QUALITY

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February 13, 2013

Cale Fisher
Riverside Contracting, Inc.
5571 Alloy South
Missoula, MT 59808-8413

Dear Mr. Fisher:

Montana Air Quality Permit #3371-01 is deemed final as of February 13, 2013, by the Department of Environmental Quality (Department). This permit is for a portable crushing/screening facility. All conditions of the Department's Decision remain the same. Enclosed is a copy of your permit with the final date indicated.

For the Department,

Julie Merkel
Air Permitting Supervisor
Air Resources Management Bureau
(406) 444-3626

Deanne Fischer
Environmental Engineer
Air Resources Management Bureau
(406) 444-3403

JM:DF
Enclosure

Montana Department of Environmental Quality
Permitting and Compliance Division

Montana Air Quality Permit #3371-01

Riverside Contracting, Inc.
5571 Alloy South
Missoula, MT 59808-8413

February 13, 2013



MONTANA AIR QUALITY PERMIT

Issued To: Riverside Contracting, Inc.
5571 Alloy South
Missoula, MT 59808-8413

MAQP #3371-01
Administrative Amendment (AA)
Request Received: December 27, 2012
Department's Decision on AA: 01/28/2013
Permit Final: 02/13/2013
AFS #777-3371

A Montana Air Quality Permit (MAQP), with conditions, is hereby granted to Riverside Contracting, Inc. (Riverside) 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

Riverside operates a portable crushing/screening facility with an initial location of the plant in the SW¹/₄ of Section 26, Township 28 North, Range 41 East, in Valley County, Montana. Riverside will operate the portable crushing/screening facility at various locations throughout the state of Montana. MAQP #3371-01 applies while operating at any location in Montana, except those areas having a Department of Environmental Quality (Department)-approved permitting program, areas considered tribal lands, or areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (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.

B. Current Permit Action

On December 27, 2012, the Department received a request to administratively amend MAQP #3371-00 to change the cumulative maximum rated design capacity of the two engines/generators from 2,325 horsepower (hp) to 1,953 kilowatt (kW). In addition, Riverside also requested that the associated hours of operation of the engines/generators be increased to allow the 1,825 kW engine/generator to operate up to 2,400 hours/year (hr/yr) and the 128 kW engine/generator to operate up to 3,000 hr/yr. The current permit action is an administrative amendment pursuant to ARM 17.8.764 that clarifies the cumulative maximum rated design capacity for the diesel engine/generators and adjusts the associated hours of operation without increasing potential emissions of pollutants.

Section II: Conditions and Limitations

A. Operational Limitations and Conditions

1. 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, ARM 17.8.752, and 40 Code of Federal Regulations (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

2. All visible emissions from any other NSPS-affected equipment (such as screens and conveyors) shall not exhibit an opacity in excess of the following averaged over 6 consecutive minutes (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, Subpart OOO):
 - For equipment that commence construction, modification, or reconstruction on or after April 22, 2008: 7% opacity
 - For equipment that commence construction, modification, or reconstruction after August 31, 1983, but before April 22, 2008: 10% opacity
3. All visible emissions from any non-NSPS affected equipment shall not exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304 and ARM 17.8.752).
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 and ARM 17.8.752).
5. Riverside shall not cause or authorize the use of any street, road or parking lot without taking reasonable precautions to control emissions of airborne particulate matter (ARM 17.8.308 and ARM 17.8.752).
6. Riverside shall treat all unpaved portions of the haul roads, access roads, parking lots, or 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. Riverside shall not operate more than four crushers at any given time. Total crushing production is limited to 2,557,920 tons during any rolling 12-month time period (ARM 17.8.749 and ARM 17.8.1204).
8. Riverside shall not operate more than five screening units at any given time. Total screening production is limited to 3,197,400 tons during any rolling 12-month time period (ARM 17.8.749 and ARM 17.8.1204).
9. Riverside shall not operate or have on site more than two diesel engines/generators at any given time and the cumulative maximum rated design capacity of the engines/generators shall not exceed 1,953 kW (ARM 17.8.749).
10. The hours of operation for the engine/generator with a maximum rated design capacity of up to 128 kW shall not exceed 3,000 hours during any rolling 12-month time period (ARM 17.8.749 and ARM 17.8.1204).
11. The hours of operation for the engine/generator with a maximum rated design capacity of up to 1,825 kW shall not exceed 2,400 hours during any rolling 12-month time period (ARM 17.8.749 and ARM 17.8.1204).
12. If the permitted equipment is used in conjunction with any other equipment owned or operated by Riverside, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons of emissions during any rolling 12-month time period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.749).

13. Riverside shall comply with all applicable standards and limitations, and the reporting, recordkeeping, testing, and notification requirements contained in 40 CFR 60, Subpart 000 *Standards of Performance for Nonmetallic Mineral Processing Plants* for the crushing/screening operation and associated equipment (ARM 17.8.340 and 40 CFR 60, Subpart 000).

B. Testing Requirements

1. Within 60 days after achieving the maximum production rate, but no later than 180 days after initial startup, an Environmental Protection Agency (EPA) Method 9 opacity test and/or other methods and procedures, as specified in 40 CFR Part 60.675, must be performed on any NSPS affected equipment to demonstrate compliance with the emissions limitations contained in Sections II.A.1 and II.A.2 (ARM 17.8.340, 40 CFR Part 60, Subpart A and Subpart 000).
2. All compliance source tests shall conform to the requirements of the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
3. The Department may require further testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. If this crushing/screening plant is moved to another location, an intent to transfer form must be sent to the Department and a Public Notice form for change of location must be published in a newspaper of general circulation in the area to which the transfer is to be made, at least 15 days prior to the move. The proof of publication (affidavit) of the Public Notice Form for Change of Location must be submitted to the Department prior to the move. These forms are available from the Department (ARM 17.8.749 and ARM 17.8.765).
2. Riverside shall maintain on-site records showing daily hours of operation and daily production rates for the last 12-months. All records compiled in accordance with this permit shall be maintained by Riverside 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 plant site for inspection by the Department (ARM 17.8.749).
3. Riverside 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 most recent emission inventory report and sources identified in Section I.A of the Permit Analysis.

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

4. Riverside 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(1)(d) (ARM 17.8.745).

5. Riverside shall document, by month, the amount of material crushed by each crusher. By the 25th day of each month, Riverside shall calculate the total amount of material crushed during the previous month. The monthly information will be used to demonstrate compliance with the rolling 12-month limitation in Section II.A.7. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
6. Riverside shall document, by month, the amount of material screened by each screen. By the 25th day of each month, Riverside shall calculate the total amount of material screened during the previous month. The monthly information will be used to demonstrate compliance with the rolling 12-month limitation in Section II.A.8. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
7. Riverside shall document, by month, the amount of hours that the two diesel engines/generators operate. By the 25th day of each month, Riverside shall calculate the total hours of operation of the two diesel engines/generators during the previous month. The monthly information will be used to demonstrate compliance with the rolling 12-month limitations in Section II.A.10 and II.A.11. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
8. Riverside shall annually certify that its actual emissions are less than those that would require the source 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 with the annual emissions inventory information (ARM 17.8.749 and ARM 17.8.1204).

Section III: General Conditions

- A. Inspection - Riverside 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 system (CEMS) or continuous emissions rate monitoring system (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 Riverside fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations - Nothing in this permit shall be construed as relieving Riverside 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 it’s 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. Air Quality Operation Fees - Pursuant to Section 75-2-220, MCA, failure to pay the annual operation fee by Riverside 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. Riverside 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
Riverside Contracting, Inc.
MAQP #3371-01

I. Introduction/Process Description

Riverside Contracting, Inc. (Riverside) owns and operates a portable crushing/screening facility.

A. Permitted Equipment

Equipment used at the facility includes, but is not limited to the following:

- 2003 Nordberg jaw crusher (up to 500 tons per hour (TPH)),
- (2) 2004 Nordberg cone crushers (up to 700 TPH),
- 1996 Barmac VSI crusher (up to 700 TPH),
- (4) 2004 Deister (8;x20') 3-deck horizontal screens (up to 800 TPH),
- 2004 Kolberg-Pioneer (4'x6') scalping screen (up to 250 TPH),
- diesel engine/generator (up to 1825 kilowatts (kW)),
- diesel engine/generator (up to 128 kW),
- feeder trap (1500 TPH),
- auxiliary feeder (up to 450 TPH), and
- associated equipment.

B. Source Description

Riverside operates a portable crushing/screening facility that will initially locate at the SW¼ of Section 26, Township 28 North, Range 41 East, in Valley County, Montana. MAQP #3371-01 applies to the source while operating at any location in Montana, except within those areas having a Department of Environmental Quality (Department) approved permitting program, those areas considered tribal lands, or those 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.* Riverside will be required to obtain an addendum to this air quality permit to operate at locations in or within 10 km of certain PM₁₀ nonattainment areas.

Riverside operates 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 crushers and sent to the screens. Materials are then screened, separated, and sent to stockpile for sale and use in construction operations.

C. Permit History

On February 23, 2005, **MAQP #3371-00** was issued to Riverside for the operation a portable crushing/screening plant and associated equipment including four portable crushers (one with a capacity of no greater than 500 TPH, three with a capacity of no greater than 700 TPH each), five portable screens (one with a capacity of no greater than 275 TPH, and four with a capacity of no greater than 800 TPH each), two diesel engine/generators (one with a capacity of no greater than 500 kW and one with a capacity of no greater than 1,825 kW), a feeder trap, auxiliary feeder and associated equipment. The permit allowed operation at various locations throughout the state of Montana.

D. Current Permit Action

On December 27, 2012, the Department received a request to administratively amend MAQP#3371-00 to change the cumulative maximum rated design capacity of the engines/generators from 2,325 horsepower (hp) to 1,953 kilowatt (kW). In addition, Riverside also requested that the associated hours of operation of the engines/generators be increased to allow the 1,825 kW engine/generator to operate up to 2,400 hours/year (hr/yr) and the 128 kW engine/generator to operate up to 3,000 hr/yr. The current permit action is an administrative amendment that changes the cumulative maximum rated design capacity of the two engines/generators and associated hours of operation, and updates the rule references, permit format, and the emissions inventory. **MAQP #3371-01** replaces MAQP #3371-00.

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 locations of complete copies of all applicable rules and regulations 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 subchapter, 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).

Riverside 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 17.8.210 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 17.8.222 Ambient Air Quality Standard for Lead
7. ARM 17.8.223 Ambient Air Quality Standard for PM₁₀

Riverside 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 (PM). (2) Under this rule, Riverside shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne PM.
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 PM caused by the combustion of fuel in excess of the amount determined by this section.
4. ARM 17.8.310 Particulate Matter, Industrial Processes. This rule requires that no person shall cause or authorize to be discharged into the atmosphere PM 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 section.

7. ARM 17.8.340 Standard of Performance for New Stationary Sources and Emission Guidelines for Existing Sources. This rule incorporates, by reference, 40 Code of Federal Regulations (CFR) 60, Standards of Performance for New Stationary Sources (NSPS). Riverside is considered an NSPS affected facility under 40 CFR Part 60 and is subject to the requirements of the following subparts:
 - a. 40 CFR 60, Subpart A – General Provisions apply to all equipment or facilities subject to an NSPS Subpart as listed below:

 - b. 40 CFR 60, Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants. In order for a crushing plant to be subject to this subpart, the facility must meet the definition of an affected facility and, the affected equipment must have been constructed, reconstructed, or modified after August 31, 1983. Based on the information submitted by Riverside in the original application, the portable crushing equipment to be used under MAQP #3371-01 is subject to this subpart because it meets the definition of an affected facility and was constructed or modified after August 31, 1983.

 - c. 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. Based on the information submitted by Riverside, the CI ICE equipment to be used under MAQP #3371-01 is not subject to this subpart because the engines were manufactured before April 1, 2006. As this permit is written in a de minimis friendly manner, future engines may be subject to this subpart.

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. Riverside is considered a NESHAP-affected facility under 40 CFR Part 63 and is 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 an existing, new or reconstructed 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 diesel RICE engine operated by

Riverside will be subject to this Maximum Available Control Technology (MACT) standard as a stationary source if the engine remains or will remain at the permitted location for more than 12 months, or a shorter period of time for an engine located at a seasonal source. A seasonal source remains at a single location on a permanent basis (at least 2 years) and operates 3 months or more each year. Since the permit is written in a de minimis friendly manner, area source provisions of the MACT requirements may apply to the facility engines.

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

1. ARM 17.8.504 Air Quality Permit Application Fees. This rule requires that an applicant submit an air quality permit application fee concurrent with the submittal of an air quality permit application. A permit application is incomplete until the proper application fee is paid to the Department. A permit fee is not required for the current permit action because the permit action is considered an administrative permit change.
2. ARM 17.8.505 Air Quality Operation Fees. An annual air quality operation fee must, as a condition of continued operation, be submitted to the Department by each source of air contaminants holding an air quality permit, excluding an open burning permit, issued by the Department.

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

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

1. ARM 17.8.740 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
2. ARM 17.8.743 Montana Air Quality Permits--When Required. This rule requires a facility to obtain an air quality permit or permit modification to construct, modify, or use any asphalt plant, crusher, or screen that has the potential to emit (PTE) greater than 15 tons per year of any pollutant. Riverside has a PTE greater than 15 tons per year of total PM, PM₁₀, oxides of nitrogen (NO_x), and carbon monoxide (CO); 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.

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.

5. 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.
6. 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 Best Available Control Technology (BACT) shall be utilized. The required BACT analysis is included in Section IV of this permit analysis.
7. 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.
8. ARM 17.8.756 Compliance with Other Requirements. This rule states that nothing in the permit shall be construed as relieving Riverside 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.*
9. 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.
10. ARM 17.8.762 Duration of Permit. An air quality permit shall be valid until revoked or modified, as provided in this subchapter, except that a permit issued prior to construction of a new or modified source may contain a condition providing that the permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than 1 year after the permit is issued.
11. ARM 17.8.763 Revocation of Permit. An air quality permit may be revoked upon written request of Riverside, 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).
12. 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.

13. ARM 17.8.765 Transfer of Permit. (1) This rule states that an MAQP 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 because it is not a listed source and does not have a PTE greater than 250 tons per year (excluding fugitive emissions) of any air pollutant.

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

1. ARM 17.8.1201 Definitions. (23) Major Source under Section 7412 of the FCAA is defined as any stationary source having:
 - a. PTE > 100 tons/year of any pollutant;
 - b. PTE > 10 tons/year of any one hazardous air pollutant (HAP), PTE > 25 tons/year of a combination of all HAPs, or lesser quantity as the Department may establish by rule; or,
 - c. PTE > 70 tons/year of PM₁₀ in a serious PM₁₀ nonattainment area.
2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (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 #3371-01 for the Riverside facility, the following conclusions were made:

- a. The facility's permitted PTE is less than 100 tons/year for any pollutant.
- b. The facility's PTE is less than 10 tons/year for any one HAP and less than 25 tons/year of all HAPs.
- c. This source is not located in a serious PM₁₀ nonattainment area.
- d. This facility is not subject to any current NESHAP standards.
- e. The facility is currently subject to NSPS standards (40 CFR 60, Subpart A, General Provisions and Subpart OOO, Non-Metallic Mineral Processing Plants).
- f. This source is not a Title IV affected source
- g. This source is not a solid waste combustion unit.
- h. This source is not an EPA designated Title V source.

Riverside 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.

- i. 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.

- 3. ARM 17.8.1207 Certification of Truth, Accuracy, and Completeness. The compliance certification submittal required 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 each new or modified source. Riverside shall install on the new or modified source the maximum air pollution control capability which is technologically 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

CONTROLLED Emission Source	tons/year					
	PM	PM10	NOx	CO	VOC	SO2
Diesel Engine Generator (128 kW)	0.57	0.57	7.98	1.72	0.65	0.53
Diesel Engine Generator (1,825 kW)	6.46	6.46	90.97	19.60	7.38	6.02
Jaw Crusher (1)	0.38	0.17	--	--	--	--
Cone Crushers (3)	1.15	0.52	--	--	--	--
Three Deck Screens (5)	5.76	1.18	--	--	--	--
Pile forming	10.54	4.98	--	--	--	--
Material Handling/Conveyors	1.61	0.53	--	--	--	--
Bulk Loading (LoadOut)	5.27	2.49	--	--	--	--
Haul Roads / Vehicle Traffic	4.36	1.20	--	--	--	--
Total Emissions	42.96	19.31	98.95	21.32	8.02	6.54

- The Emission Inventory for MAQP #3371-01 was updated to incorporate revised emissions factors from AP-42 *Compilation of Air Pollutant Emission Factors*. The production rate for the crushers and the screens, the material handling, piles, and the load out rate was limited to 639,480 TPY each (73 TPH). Hours of operation for the 128 kW (172 bhp) diesel generator/engine was limited to 3,000 hours per rolling 12-month time period and the 1,825 kW (2,446 bhp) diesel generator/engine was limited to 2,400 hours per rolling 12-month time period.

Diesel Engine Generator (128 kW)

Generator size = 128 kW

Calculated Operational Capacity of Engine = 172 hp (128 kW x 1.34 kW/hp = 172 hp)

Hours of Operation = 3,000 hours (permit limit)

Total PM/PM₁₀/PM_{2.5} Emissions:

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

Calculation: (3,000 hours) * (172 hp) * (0.0022 lbs/hp-hr) * (ton/2000 lb) = **0.57 ton/yr**

NOx Emissions:

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

Calculation: (3,000 hours) * (172 hp) * (0.031 lbs/hp-hr) * (ton/2000 lb) = **7.98 ton/yr**

CO Emissions:

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

Calculation: (3,000 hours) * (172 hp) * (0.00668 lbs/hp-hr) * (ton/2000 lb) = **1.72 ton/yr**

VOC Emissions:

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

Calculation: (3,000 hours) * (172 hp) * (0.0025141 lbs/hp-hr) * (ton/2000 lb) = **0.65 ton/yr**

SO₂ Emissions:

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

Calculation: (3,000 hours) * (172 hp) * (0.00205 lbs/hp-hr) * (ton/2000 lb) = **0.53 ton/yr**

Diesel Engine Generator (1,825 kW)

Generator size = 1,825 kW

Calculated Operational Capacity of Engine = 2,446 hp (1,825 kW x 1.34 hp/kw = 2,446 hp)

Hours of Operation = 2,400 hours (permit limit)

Total PM/PM₁₀/PM_{2.5} Emissions:

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

Calculation: (2,400 hours) * (2,446 hp) * (0.0022 lbs/hp-hr) * (ton/2000 lb) = **6.46 ton/yr**

NOx Emissions:

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

Calculation: (2,400 hours) * (2,446 hp) * (0.031 lbs/hp-hr) * (ton/2000 lb) = **90.97 ton/yr****CO Emissions:**

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

Calculation: (2,400 hours) * (2,446 hp) * (0.00668 lbs/hp-hr) * (ton/2000 lb) = **19.60 ton/yr****VOC Emissions:**

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

Calculation: (2,400 hours) * (2,446 hp) * (0.0025141 lbs/hp-hr) * (ton/2000 lb) = **7.38 ton/yr****SOx Emissions:**

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

Calculation: (2,400 hours) * (2,446 hp) * (0.00205 lbs/hp-hr) * (ton/2000 lb) = **6.02 ton/yr****(1) Jaw Crusher (SCC 3-05-020-03)**

Maximum Process Rate = 73 ton/hr (permit limit)

Maximum Hours of Operation = 8,760 hrs/yr

Limited Process Rate = 639,480 ton/yr each (Company Information)

PM Emissions:

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

Calculation: (73 ton/hr) * (8760 hrs/yr) * (0.0012 lb/ton) * (ton/2000 lb) = **0.38 ton/yr****PM₁₀ Emissions:**

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

Calculation: (73 ton/hr) * (8760 hrs/yr) * (0.00054 lb/ton) * (ton/2000 lb) = **0.17 ton/yr****(3) Cone Crushers (SCC 3-05-020-03)**

Maximum Process Rate = 73 ton/hr (permit limit)

Maximum Hours of Operation = 8,760 hrs/yr

Limited Process Rate = 639,480 ton/yr each (Company Information)

PM Emissions:*Based on AP-42*

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

Calculation: (73 ton/hr) * (8760 hrs/yr) * (3 Crushers) * (0.0012 lb/ton) * (ton/2000 lb) = **1.15 ton/yr****PM₁₀ Emissions:***Based on AP-42*

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

Calculation: (73 ton/hr) * (8760 hrs/yr) * (3 Crushers) * (0.00054 lb/ton) * (ton/2000 lb) = **0.52 ton/yr****(5) Screens (SCC 3-05-020-02, 03) (existing)**

Adjusted Process Rate = 73 ton/hr (permit limit)

Maximum Hours of Operation = 8,760 hrs/yr

Limited Process Rate = 639,480 ton/yr each (Company Information)

Total PM Emissions:

Emission Factor = 0.0036 lb/ton (0.025 uncontrolled, 0.0022 controlled, AP 42, Table 11.19.2-2, 8/04)

Calculation: (73 ton/hr) * (8760 hrs/yr) * (5 screens) * (0.0036 lb/ton) * (ton/2000 lb) * = 5.76 ton/yr

Total PM₁₀ Emissions:

Emission Factor = 0.00074 lb/ton (0.0087 uncontrolled, 0.00074 controlled, AP 42, Table 11.19.2-2, 8/04)

Calculation: (73 ton/hr) * (8760 hrs/yr) * (5 screens) * (0.00074 lb/ton) * (ton/2000 lb) * = **1.18 ton/yr**

Storage Piles

Adjusted Process Rate = 73 ton/hr

Maximum Hours of Operation = 8,760 hrs/yr

Number of Piles = 20 piles

PM Emissions:

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

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

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

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

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

Control Efficiency = 50% (Water or chemical spray)

Calculation: (73 ton/hr) * (8760 hrs/yr) * (0.00330 lb/ton) * (ton/2000 lb) * (20 piles) = 21.08 ton/yr

Calculation: (73 ton/hr) * (8760 hrs/yr) * (0.00330 lb/ton) * (ton/2000 lb) * (20 piles) * (1 - 50/100) = **10.54 ton/yr**

PM₁₀ Emissions:

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

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

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

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

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

Control Efficiency = 50% (Water or chemical spray)

Calculation: (73 ton/hr) * (8760 hrs/yr) * (0.00156 lb/ton) * (ton/2000 lb) * (20 piles) = 9.97 ton/yr

Calculation: (73 ton/hr) * (8760 hrs/yr) * (0.00156 lb/ton) * (ton/2000 lb) * (20 piles) * (1 - 50/100) = **4.98 ton/yr**

Conveyor Transfer Point (SCC 3-05-020-06) (exist)

Adjusted Process Rate = 73 ton/hr

Maximum Hours of Operation = 8,760 hrs/yr

Number of Transfers = 36 transfer (Company Information)

Total PM Emissions:

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

Calculation: (73 ton/hr) * (8760 hrs/yr) * (0.00014 lb/ton) * (ton/2000 lb) * (36 transfer) = **1.61 ton/yr**

Total PM₁₀ Emissions:

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

Calculation: (73 ton/hr) * (8760 hrs/yr) * (0.000046 lb/ton) * (ton/2000 lb) * (36 transfer) = **0.53 ton/yr**

Load out

Maximum Process Rate = 73 ton/hr

Maximum Hours of Operation = 8,760 hrs/yr

Number of Piles = 10 piles

PM Emissions:

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

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

Where: k = particle size multiplier = 0.74 (Value for PM < 30 microns per AP 42, Sec. 13.2.4.3, 11/06)
 U = mean wind speed = 8.2 mph (Average from values provided in AP 42, Sec. 13.2.4.3, 11/06)
 M = material moisture content = 2.5% (Average from values provided in AP 42, Sec. 13.2.4.3, 11/06)

Control Efficiency = 50% (Water or chemical spray)

$$\text{Calculation: } (73 \text{ ton/hr}) * (10 \text{ piles}) * (0.00330 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (8760 \text{ hrs/yr}) = 10.54 \text{ ton/yr}$$

$$\text{Calculation: } (73 \text{ ton/hr}) * (10 \text{ piles}) * (0.00330 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (8760 \text{ hrs/yr}) * (1 - 50/100) = \mathbf{5.27 \text{ ton/yr}}$$

PM₁₀ Emissions:

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

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

Where: k = particle size multiplier = 0.35 (Value for PM < 10 microns per AP 42, Sec. 13.2.4.3, 11/06)
 U = mean wind speed = 8.2 mph (Average from values provided in AP 42, Sec. 13.2.4.3, 11/06)
 M = material moisture content = 2.5% (Average from values provided in AP 42, Sec. 13.2.4.3, 11/06)

Control Efficiency = 50% (Water or chemical spray)

$$\text{Calculation: } (73 \text{ ton/hr}) * (10 \text{ piles}) * (0.00156 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (8760 \text{ hrs/yr}) = 4.98 \text{ ton/yr}$$

$$\text{Calculation: } (73 \text{ ton/hr}) * (10 \text{ piles}) * (0.00156 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (8760 \text{ hrs/yr}) * (1 - 50/100) = \mathbf{2.49 \text{ ton/yr}}$$

Haul Roads

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

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

Hours of Operation = 8,760 hrs/yr

PM Emissions:

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

$$\text{Emission Factor} = k * (s / 12)^a * (W / 3)^b = 9.56 \text{ lb/VMT}$$

Where: k = constant = 4.9 lbs/VMT (Value for PM₃₀/TSP,)
 s = surface silt content = 7.1 % (Mean value, sand/gravel processing, material storage area,)
 W = mean vehicle weight = 30 tons (U.S. Dept. of Transportation Comp.Truck Size and Weight Study,)
 a = constant = 0.7 (Value for PM₃₀/TSP,)
 b = constant = 0.45 (Value for PM₃₀/TSP,)

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

$$\text{Calculation: } (8760 \text{ hrs/yr}) * (0.21 \text{ VMT/hr}) * (9.56 \text{ lb/VMT}) * (\text{ton}/2000 \text{ lb}) = 8.73 \text{ tons/yr (Uncontrolled Emissions)}$$

$$\text{Calculation: } (8760 \text{ hrs/yr}) * (0.21 \text{ VMT/hr}) * (9.56 \text{ lb/VMT}) * (\text{ton}/2000 \text{ lb}) * (1-50/100) = \mathbf{4.36 \text{ tons/yr (50\% control)}}$$

PM₁₀ Emissions:

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

$$\text{Emission Factor} = k * (s / 12)^a * (W / 3)^b = 2.64 \text{ lb/VMT}$$

Where: k = constant = 1.5 lbs/VMT (Value for PM₁₀,)
 s = surface silt content = 7.1 % (Mean value, sand/gravel processing, material storage area,)
 W = mean vehicle weight = 30 tons (U.S. Dept. of Transportation Comp Truck Size and Weight Study,)
 a = constant = 0.9 (Value for PM₁₀,)
 b = constant = 0.45 (Value for PM₁₀,)

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

$$\text{Calculation: } (8760 \text{ hrs/yr}) * (0.21 \text{ VMT/hr}) * (2.64 \text{ lb/VMT}) * (\text{ton}/2000 \text{ lb}) = 2.41 \text{ tons/yr (Uncontrolled Emissions)}$$

$$\text{Calculation: } (8760 \text{ hrs/yr}) * (0.21 \text{ VMT/hr}) * (2.64 \text{ lb/VMT}) * (\text{ton}/2000 \text{ lb}) * (1-50/100) = \mathbf{1.20 \text{ tons/yr (50\% control)}}$$

V. Existing Air Quality

MAQP #3371-01 is issued for the operation of a portable crushing/screening facility to operate at various locations throughout the state of Montana. This facility would be allowed to operate at any area designated as attainment or unclassified for all National Ambient Air Quality Standards (NAAQS); excluding those counties that have a Department approved permitting program, those areas considered Tribal Lands, or those areas in or within 10 km of certain PM₁₀ nonattainment areas. *A Missoula County air quality permit would be required for locations within Missoula County, Montana.* Riverside will be required to obtain an addendum to this air quality permit to operate at locations in or within 10 km of certain PM₁₀ nonattainment areas.

VI. Air Quality Impacts

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

VII. Taking or Damaging Implication Analysis

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

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

VIII. Environmental Assessment

This 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: Deanne Fischer
Date: January 7, 2013