



Montana Department of  
**ENVIRONMENTAL QUALITY**

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May 23, 2014

Tyler Smith  
Rock Solid Materials, Inc.  
PO Box 2416  
Havre, MT 59501

Dear Mr. Smith:

Montana Air Quality Permit #4199-01 is deemed final as of May 23, 2014, 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 A. Merkel  
Air Permitting Supervisor  
Air Resources Management Bureau  
(406) 444-3626

Deanne Fischer, P.E.  
Environmental Engineer  
Air Resources Management Bureau  
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JM:DF  
Enclosure

Montana Department of Environmental Quality  
Permitting and Compliance Division

Montana Air Quality Permit #4199-01

Rock Solid Materials, Inc.  
PO Box 2416  
Havre, MT 59501

May 23, 2014



## MONTANA AIR QUALITY PERMIT

Issued To: Rock Solid Materials, Inc.  
P.O. Box 2416  
Havre, Montana 59501

MAQP #4199-01  
Administrative Amendment (AA) Request:  
Received: 04/11/2014  
Department's Decision on AA: 05/07/2014  
Permit Final: 05/23/2014  
AFS #777-4199

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

### SECTION I: Permitted Facilities

#### A. Plant Location

Rock operates a portable crushing/screening facility initially located in the S ½ Section 26, Township 33 North, Range 16 East, in Hill County, Montana. MAQP #4199-01 applies while operating at any location in 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 (PM<sub>10</sub>) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* An addendum will be required for locations in or within 10 km of certain PM<sub>10</sub> nonattainment areas. A complete list of the permitted equipment is included in Section I.A of the permit analysis.

#### B. Current Permit Action

On April 11, 2014, the Department received a request to transfer ownership from Rock Solid Enterprises, Inc. to Rock Solid Materials, Inc. The current permit action is an administrative amendment pursuant to ARM 17.8.764 that changes the permittee name as requested. In addition to accounting for this transfer of ownership, the permit updates the rule references and permit format

### SECTION II: Conditions and Limitations

#### A. Emission Limitations

1. All visible emissions from any Standards of Performance for New Stationary Sources (NSPS) – affected crusher shall not exhibit an opacity in excess of the following averaged over 6 consecutive minutes (ARM 17.8.340 and 40 CFR 60, Subpart OOO):
  - For crushers that commence construction, modification, or reconstruction on or after April 22, 2008: 12% opacity
  - For crushers that commence construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008: 15% opacity
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 six consecutive minutes (ARM 17.8.340 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).
  4. Water and water spray bars shall be available on-site at all times and operated as necessary to maintain compliance with the opacity limitations in Sections II.A.1, II.A.2, and II.A.3 (ARM 17.8.749).
  5. Rock shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter (ARM 17.8.308).
  6. Rock shall treat all unpaved portions of haul roads, access roads, parking lots, or the general plant area with water and/or chemical dust suppressant as necessary to maintain compliance with the reasonable precautions limitation in Section II.A.5 (ARM 17.8.749).
  7. Rock shall not operate more than two crushers at any given time and the maximum total rated design capacity shall not exceed 1,100 tons per hour (TPH) (ARM 17.8.749).
  8. Crusher production from the facility shall be limited to 9,636,000 tons during any rolling 12-month time period (ARM 17.8.749).
  9. Rock shall not operate more than one screen at any given time and the maximum rated design capacity shall not exceed 600 TPH (ARM 17.8.749).
  10. Screen production from the facility shall be limited to 5,256,000 tons during any rolling 12-month time period (ARM 17.8.749).
  11. Rock shall not operate more than one diesel generator at any given time and the maximum rated design capacity of the engine shall not exceed 604 horsepower (hp) (ARM 17.8.749).
  12. If the permitted equipment is used in conjunction with any other equipment owned or operated by Rock, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons during any rolling 12-month time period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.749).
  13. Rock shall comply with all applicable standards and limitations, and the reporting, recordkeeping, testing, and notification requirements contained in 40 CFR 60, Subpart OOO, *Standards of Performance for Nonmetallic Mineral Processing Plants* (ARM 17.8.340 and 40 CFR 60, Subpart OOO).

14. Rock shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 60, Subpart III, *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines*, and 40 CFR 63, Subpart ZZZZ, *National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*, for any applicable diesel engine (ARM 17.8.340, 40 CFR 60, Subpart III, ARM 17.8.342 and 40 CFR 63, Subpart ZZZZ).

B. Testing Requirements

1. Within 60 days after achieving maximum production, but no later than 180 days after initial start-up, an Environmental Protection Agency (EPA) Method 9 opacity test and/or other methods and procedures, as specified in 40 CFR Part 60.675, must be performed on all 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 OOO).
2. All compliance source tests shall conform to the requirements of the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
3. The Department may require further testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. If this crushing/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. Rock shall maintain on-site records showing daily hours of operation and daily production rates for the last 12 months. The records compiled in accordance with this permit shall be maintained by Rock as a permanent business record for at least five years following the date of the measurement, must be available at the plant site for inspection by the Department, and must be submitted to the Department upon request (ARM 17.8.749).
3. Rock shall supply the Department with annual production information for all emissions points, as required by the Department in the annual emissions inventory request. The request will include, but is not limited to, all sources of emissions identified in the emissions inventory 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 the units required by the Department. This information may be used for calculating operating fees, and/or to verify compliance with permit limitations (ARM 17.8.505).

4. Rock shall notify the Department of any construction or improvement project conducted, pursuant to ARM 17.8.745(1), 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. Rock shall document, by month, the total crushing production from the facility. By the 25<sup>th</sup> day of each month, Rock shall total the crushing production from the facility for 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).
6. Rock shall document, by month, the screening production from the facility. By the 25<sup>th</sup> day of each month, Rock shall total the screening production from the facility for the previous month. The monthly information will be used to demonstrate compliance with the rolling 12-month limitation in Section II.A.10. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).

### SECTION III: General Conditions

- A. Inspection – Rock 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)) 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 Rock fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving Rock 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 action 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. Air Quality Operation Fees – Pursuant to Section 75-2-220, MCA, failure to pay the annual operation fee by Rock 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. Rock 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  
Rock Solid Materials, Inc.  
MAQP #4199-01

I. Introduction/Process Description

A. Permitted Equipment

Rock Solid Materials, Inc. (Rock) owns and operates a portable crushing/screening facility consisting of a portable jaw crusher (up to 500 tons per hour (TPH)), cone crusher (up to 600 TPH), 3-deck screen (up to 600 TPH), a diesel generator (up to 604 horsepower (hp)), and associated equipment.

B. Source Description

Rock proposes to use this crushing/screening plant to crush and sort sand and gravel materials for use in various construction operations. For a typical operational setup, unprocessed materials are loaded into the crushing/screening plant by a hopper and transferred by conveyor and passed through the crusher, where the material is crushed. Materials are crushed and sent to the screen, where materials are separated and conveyed to stockpile.

Rock currently operates a diesel generator associated with this crusher plant that is rated at 320 kilowatt (kW), which converts to 487 horsepower (hp) power output. However, Rock operates a wash plant that has a permitted diesel generator rated at 387 kW (519 hp output), which was estimated to be equivalent to an engine size of 604 hp based on an assumed 15% efficiency loss. In order to keep the crusher permit de minimis-friendly, since the wash plant's diesel generator may be used with the crusher in case the primary engine goes down, this permit authorizes use of an engine up to the size of the wash plant engine.

The location for the facility under this permit is in the S ½ Section 26, Township 33 North, Range 16 East, in Hill County, Montana. MAQP #4199-01 will apply 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 (PM<sub>10</sub>) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* An addendum to this air quality permit will be required if Rock intends to locate in or within 10 kilometers (km) of certain PM<sub>10</sub> nonattainment areas.

C. Permit History

This portable crushing/screening facility was previously permitted in a different location under MAQP #3254-00. The facility moved from the original permitted location and operated in this location for more than one year. Pursuant to Administrative Rules of Montana (ARM) 17.8.765, once a portable facility moves from the original location it can only operate in the new location for less than one year. In an effort to avoid potential on-going compliance issues, the facility requested the Department of Environmental Quality (Department) revoke the original permit, and Rock applied for a new permit in the new location (home pit).



On January 28, 2008, Rock submitted a completed permit application to operate the crushing/screening plant, to be operated in various locations throughout the state of Montana. On April 10, 2008, the Department issued **MAQP #4199-00**.

D. Current Permit Action

On April 11, 2014, the Department received a request to transfer ownership from Rock Solid Enterprises, Inc. to Rock Solid Materials, Inc. The current permit action is an administrative amendment pursuant to the Administrative Rules of Montana (ARM) 17.8.764 that transfers ownership as requested. In addition to accounting for this transfer of ownership, the permit includes calculation details for the emissions inventory, and updates the rule references and the permit format. **MAQP #4199-01** replaces MAQP #4199-00.

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 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 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).

Rock 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 four hours.
5. ARM 17.8.111 Circumvention. (1) No person shall cause or permit the installation or use of any device or any means which, 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 PM<sub>10</sub>

Rock 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, Rock 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 Processes. 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 and Emission Guidelines for Existing Sources. This rule incorporates, by reference, 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS). Rock is considered an NSPS affected facility under 40 CFR Part 60 and is subject to the requirements of the following subparts:
  - 40 CFR 60, Subpart A – General Provisions apply to all equipment or facilities subject to an NSPS Subpart as listed below:
  
  - 40 CFR 60, Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants - In order for a crushing/screening plant to be subject to the requirements of 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants, 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 Rock, the crushing/screening equipment to be used under MAQP #4199-01 is subject to this subpart.
  
  - 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 permit is written to allow Rock to operate any diesel generator up to 604 hp, this regulation could apply in the future. Since the reciprocating internal combustion engine (RICE) is intended to be portable, Rock is not required to comply with the applicable emission limitations and operating limitations of 40 CFR 60, Subpart IIII. This subpart would become applicable if a RICE remains in a location for more than 12 months.
  
8. ARM 17.8.341 Emission Standards for Hazardous Air Pollutants. This source shall comply with the standards and provisions of 40 CFR Part 61, as appropriate.
  - 40 CFR 61, Subpart A – General Provisions apply to all equipment or facilities subject to an NESHAP Subpart as listed below:
  
9. 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. Rock is considered a NESHAP-affected facility under 40 CFR Part 63 and may be subject to the requirements of the following subparts.
  - 40 CFR 63, Subpart A – General Provisions apply to all equipment or facilities subject to a NESHAPs Subpart as listed below.

- 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. Based on the information submitted by Rock, the RICE equipment to be used under MAQP #4199-01 may be subject to this subpart because they operate at an area source of HAP emissions and the engine may remain at its home pit for more than 12 consecutive 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. 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 person to obtain an air quality permit or permit modification if they construct, modify, or use any concrete plant, crusher, or screen that has the potential to emit (PTE) greater than 15 tons per year of any pollutant. Rock has a PTE greater than 15 tons per year of total PM, particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>), oxides of nitrogen (NO<sub>x</sub>), 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.
5. ARM 17.8.748 New or Modified Emitting Units--Permit Application Requirements. 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 Rock of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.740, *et seq.*
10. ARM 17.8.759 Review of Permit Applications. This rule describes the Department's responsibilities for processing permit applications and making permit decisions on those permit applications that do not require the preparation of an environmental impact statement.
11. ARM 17.8.762 Duration of Permit. An air quality permit shall be valid until revoked or modified, as provided in this subchapter, except that a permit issued prior to construction of a new or modified source may contain a condition providing that the permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than one year after the permit is issued.

12. ARM 17.8.763 Revocation of Permit. An air quality permit may be revoked upon written request of the permittee, or for violations of any requirement of the Clean Air Act of Montana, rules adopted under the Clean Air Act of Montana, the FCAA, rules adopted under the FCAA, or any applicable requirement contained in the Montana State Implementation Plan (SIP).
13. ARM 17.8.764 Administrative Amendment to Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack that do not result in an increase of emissions as a result of those changed conditions. The owner or operator of a facility may not increase the facility's emissions beyond permit limits, unless the increase meets the criteria in ARM 17.8.745 for a de minimis change not requiring a permit, or unless the owner or operator applies for and receives another permit in accordance with ARM 17.8.748, ARM 17.8.749, ARM 17.8.752, ARM 17.8.755, and ARM 17.8.756, and with all applicable requirements in ARM Title 17, Chapter 8, subchapters 8, 9, and, 10.
14. ARM 17.8.765 Transfer of Permit. (1) This rule states that an air quality permit may be transferred from one location to another if the Department receives a complete notice of intent to transfer location, the facility will operate in the new location for less than one 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 the facility's PTE is less 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 PM<sub>10</sub> in a serious PM<sub>10</sub> nonattainment area.
2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204(1), obtain a Title V Operating Permit. In reviewing and issuing MAQP #4199-01 for Rock, the following conclusions were made:
- a. The facility's PTE is less than 100 tons/year for any pollutant.
  - b. The facility's PTE is less than 10 tons/year for any one HAP and less than 25 tons/year of all HAPs.
  - c. This source is not located in a serious PM<sub>10</sub> nonattainment area.
  - d. This facility is potentially subject to a current NESHAP standard (40 CFR 63, Subpart ZZZZ).
  - e. This facility is subject to current NSPS standards (40 CFR 60, Subpart A General Provisions, and Subpart OOO, Non-Metallic Mineral Processing Plants OOO) and may be subject to 40 CFR 60, Subpart IIII.
  - 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 Environmental Protection Agency (EPA) designated Title V source.

Based on these facts, the Department determined that the crushing/screening plant will be a minor source of emissions as defined under Title V. If minor sources subject to NSPS are required to obtain a Title V Operating Permit, Rock will be required to obtain a Title V Operating Permit.

However, the diesel engine powered generator associated with this MAQP may be operated with other emitting units owned and/or operated by Rock, located on contiguous or adjacent property. If this engine is used in conjunction with other equipment under the same two-digit Standard Industrial Classification (SIC) Code, or as support equipment for another Rock facility, then the potential emissions must be considered in aggregate. There is a potential for this source, as well as the source(s) of emissions that the generator engine is being used with, to have an aggregated PTE greater than the 100 tons per year threshold for the Title V operating permit program. If this situation arises, Rock shall modify their permit(s) so that federally enforceable permit limits can be included to keep the potential emissions below major source permitting thresholds or to apply for and receive a Title V operating permit.

III. BACT Determination

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

IV. Emission Inventory

Source	Tons/Year						
	PM	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	CO	VOC	SO <sub>2</sub>
2000 JCI Cone Crusher (up to 600 TPH)	3.15	1.42	0.26				
Universal Primary Jaw Crusher (up to 500 TPH)	2.63	1.18	0.22				
2000 JCI (6'x20') 3-deck screen (up to 600 TPH)	5.78	1.94	0.13				
Truck Unloading	0.13	0.13	0.13				
Material Transfer (Conveyor)	2.21	0.73	0.20				
Pile Forming	21.87	10.34	1.57				
Bulk Loading	0.04	0.04	0.04				
Diesel Engine (up to 604 hp)	5.82	5.82	5.82	82.01	17.67	6.65	5.42
Haul Roads	11.37	3.13	0.31				
<b>Total</b>	<b>53.00</b>	<b>24.74</b>	<b>8.69</b>	<b>82.01</b>	<b>17.67</b>	<b>6.65</b>	<b>5.42</b>

**2000 JCI Cone Crusher (600 TPH)**

Process Rate 600 ton/hr

**PM Emissions: (AP 42, Table 11.19.2-2, 8/04, controlled)**

Emission Factor 0.0012 lb/ton

Calculation: (600 ton/hr) \* (8760 hrs/yr) \* (0.0012 lb/ton) \* (ton/2000 lb) **3.15** ton/yr

**PM<sub>10</sub> Emissions:**

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

Calculation: (600 ton/hr) \* (8760 hrs/yr) \* (0.00054 lb/ton) \* (ton/2000 lb) **1.42** ton/yr

**PM<sub>2.5</sub> Emissions:**

Emission Factor: (AP 42, Table 11.19.2-2, 8/04, controlled) 0.0001 lb/ton

Calculation: (600 ton/hr) \* (8760 hrs/yr) \* (0.0001 lb/ton) \* (ton/2000 lb) **0.26** ton/yr

**Universal Primary Jaw Crusher (500 TPH)**

**Hours of Operation** 8,760 hrs/yr

Process Rate 500 ton/hr

**PM Emissions: (AP 42, Table 11.19.2-2, 8/04, controlled)**

Emission Factor 0.0012 lb/ton

Calculation: (600 ton/hr) \* (8760 hrs/yr) \* (0.0012 lb/ton) \* (ton/2000 lb) **2.63** ton/yr

**PM<sub>10</sub> Emissions:**

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

Calculation: (600 ton/hr) \* (8760 hrs/yr) \* (0.00054 lb/ton) \* (ton/2000 lb) **1.18** ton/yr

**PM<sub>2.5</sub> Emissions:**

Emission Factor: (AP 42, Table 11.19.2-2, 8/04, controlled) 0.0001 lb/ton

Calculation: (600 ton/hr) \* (8760 hrs/yr) \* (0.0001 lb/ton) \* (ton/2000 lb) **0.22** ton/yr



**Screening (controlled) - (SCC 3-05-020-02, 03)**

**2000 JCI 3 deck screen**

Hours of Operation 8,760 hrs/yr

Process Rate 600 ton/hr

**Total PM Emissions:**

Emission Factor (AP 42, Table 11.19.2-2, 8/04) 0.0022 lb/ton

Calculation: (600 ton/hr) \* (8760 hrs/yr) \* (0.0022 lb/ton) \* (ton/2000 lb) **5.78** ton/yr

**Total PM<sub>10</sub> Emissions:**

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

Calculation: (600 ton/hr) \* (8760 hrs/yr) \* (0.00074 lb/ton) \* (ton/2000 lb) **1.94** ton/yr

**Total PM<sub>2.5</sub> Emissions:**

Emission Factor (AP 42, Table 11.19.2-2, 8/04) 0.00005 lb/ton

Calculation: (600 ton/hr) \* (8760 hrs/yr) \* (0.00005 lb/ton) \* (ton/2000 lb) **0.13** ton/yr

**Truck unloading**

Process Rate 600 ton/hr

Hours of Operation 8,760 hrs/yr

Number of Loads 3 load

**PM Emissions: Assuming PM = PM<sub>10</sub> = PM<sub>2.5</sub>**

Emission Factor: (AP 42, Sec. 11.19.2-2, 8/2004) 1.60E-05 lb/ton

Control Efficiency 0 %

Calculation: (600 ton/hr) \* (8760 hrs/yr) \* (0.00002 lb/ton) \* (ton/2000 lb) \* (3 load) = 0.13 ton/yr

**PM<sub>10</sub> Emissions:**

Emission Factor: (AP 42, Sec. 11.19.2-2, 8/2004) 1.60E-05 lb/ton

Control Efficiency 0 %

Calculation: (600 ton/hr) \* (8760 hrs/yr) \* (0.00002 lb/ton) \* (ton/2000 lb) \* (3 load) = 0.13 ton/yr

**PM<sub>2.5</sub> Emissions:**

Emission Factor: (AP 42, Sec. 11.19.2-2, 8/2004) 1.60E-05 lb/ton

Control Efficiency 0 %

Calculation: (600 ton/hr) \* (8760 hrs/yr) \* (0.00002 lb/ton) \* (ton/2000 lb) \* (3 load) = 0.13 ton/yr

**Conveyor Transfer Points (6)**

Process Rate 600 ton/hr

Hours of Operation 8,760 hrs/yr

Number of Transfers 6 transfer

**Total PM Emissions:**

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

Calculation: (600 ton/hr) \* (8760 hrs/yr) \* (0.00014 lb/ton) \* (ton/2000 lb) \* (6 transfer) = **2.21** ton/yr

**Total PM<sub>10</sub> Emissions:**

Emission Factor (AP 42, Table 11.19.2-2, 8/04) 4.60E-05 lb/ton

Calculation:  $(600 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.000046 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (6 \text{ transfer}) =$  **0.73** ton/yr

**Total PM<sub>2.5</sub> Emissions:**

Emission Factor (AP 42, Table 11.19.2-2, 8/04) 1.30E-05 lb/ton

Calculation:  $(600 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.000013 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (6 \text{ transfer}) =$  **0.20** ton/yr

**Pile Forming**

Process Rate 600 ton/hr  
 Hours of Operation 8,760 hrs/yr  
 Number of Piles 3 piles

**PM Emissions:**

Emission Factor =  $k (0.0032) * (U/5)^{1.3} * (M / 2)^{-1.4} =$  0.00277 lb/ton

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

U = mean wind speed (Average 1995-present, Havre, MT; wundergroun.com) 10 mph

M = material moisture content (AP42 13.2..4-1, Exposed ground) 3.40 %

Control Efficiency 0 %

Calculation:  $(600 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.00277 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (3 \text{ piles}) =$  21.87 ton/yr

**PM<sub>10</sub> Emissions:**

Emission Factor =  $k (0.0032) * (U/5)^{1.3} * (M / 2)^{-1.4} =$  0.00131 lb/ton

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

U = mean wind speed 10 mph

M = material moisture content 3.40 %

Control Efficiency 0 %

Calculation:  $(600 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.00131 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (3 \text{ piles}) =$  10.34 ton/yr

**PM<sub>2.5</sub> Emissions:**

Emission Factor =  $k (0.0032) * (U/5)^{1.3} * (M / 2)^{-1.4} =$  0.00020 lb/ton

Where: k = particle size multiplier (Value for PM < 2.5 microns per AP 42, Sec. 13.2.4.3, 11/06) 0.053

U = mean wind speed 10 mph

M = material moisture content 3.40 %

Control Efficiency 0 %

Calculation:  $(600 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.00020 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (3 \text{ piles}) =$  1.57 ton/yr

**Bulk Loading**

Process Rate 600 ton/hr  
 Hours of Operation 8,760 hrs/yr  
 Number of Loads 1 load

**PM Emissions: Assuming PM= PM10 = PM2.5**

Emission Factor: (AP 42, Sec. 11.19.2-2, 8/2004) 1.60E-05 lb/ton

Control Efficiency 0 %

Calculation:  $(600 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.00002 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (3 \text{ load}) =$  0.04 ton/yr

**PM<sub>10</sub> Emissions:**

Emission Factor: (AP 42, Sec. 11.19.2-2, 8/2004) 1.60E-05 lb/ton

Control Efficiency	0	%
Calculation: $(600 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.00002 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (3 \text{ load}) =$	0.04	ton/yr

**PM<sub>2.5</sub> Emissions:**

Emission Factor: (AP 42, Sec. 11.19.2-2, 8/2004)	1.60E-05	lb/ton
Control Efficiency	0	%
Calculation: $(600 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.00002 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (3 \text{ load}) =$	0.04	ton/yr

**604 bhp diesel engine generator**

Operational Capacity of Engine = 604 hp	<b>604</b>	<b>hp</b>
Hours of Operation = 8,760 hours/yr	<b>8,760</b>	<b>hours/yr</b>

AP-42, Table 3.3-1, b. PM-10 = particulate matter less than or equal to 10 μm aerodynamic diameter. All particulate is assumed to be < 1 μm in size

**PM Emissions:**

(AP-42, Sec. 3.3, Table 3.3-1, 10/96) Emission Factor =	2.20E-03	lbs/hp-hr
Calculation: $(11,640.29 \text{ lbs/yr}) * (\text{ton}/2000 \text{ lb}) =$	<b>5.82</b>	ton/yr
Calculation: $(604 \text{ hp}) * (8,760 \text{ hours/yr}) * (0.0022 \text{ lbs/hp-hr}) =$	11,640.29	lbs/yr

**PM10 Emissions:**

(AP-42, Sec. 3.3, Table 3.3-1, 10/96) Emission Factor =	2.20E-03	lbs/hp-hr
Calculation: $(604 \text{ hp}) * (8,760 \text{ hours/yr}) * (0.0022 \text{ lbs/hp-hr}) * (\text{ton}/2000 \text{ lb}) =$	<b>5.82</b>	ton/yr
Calculation: $(604 \text{ hp}) * (8,760 \text{ hours/yr}) * (0.0022 \text{ lbs/hp-hr}) =$	<b>11,640.29</b>	lbs/yr

**PM2.5 Emissions:**

(AP-42, Sec. 3.3, Table 3.3-1, 10/96) Emission Factor =	2.20E-03	lbs/hp-hr
Calculation: $(604 \text{ hp}) * (8,760 \text{ hours/yr}) * (0.0022 \text{ lbs/hp-hr}) * (\text{ton}/2000 \text{ lb}) =$	<b>5.82</b>	ton/yr
Calculation: $(604 \text{ hp}) * (8,760 \text{ hours/yr}) * (0.0022 \text{ lbs/hp-hr}) =$	<b>11,640.29</b>	lbs/yr

**NOx Emissions:**

(AP-42, Sec. 3.3, Table 3.3-1, 10/96) Emission Factor =	3.10E-02	lbs/hp-hr
Calculation: $(604 \text{ hp}) * (8,760 \text{ hours/yr}) * (0.0310 \text{ lbs/hp-hr}) * (\text{ton}/2000 \text{ lb}) =$	<b>82.01</b>	ton/yr
Calculation: $(604 \text{ hp}) * (8,760 \text{ hours/yr}) * (0.0310 \text{ lbs/hp-hr}) =$	<b>164,022.24</b>	lbs/yr

**CO Emissions:**

(AP-42, Sec. 3.3, Table 3.3-1, 10/96) Emission Factor =	6.68E-03	lbs/hp-hr
Calculation: $(604 \text{ hp}) * (8,760 \text{ hours/yr}) * (0.00668 \text{ lbs/hp-hr}) * (\text{ton}/2000 \text{ lb}) =$	<b>17.67</b>	ton/yr
Calculation: $(604 \text{ hp}) * (8,760 \text{ hours/yr}) * (0.00668 \text{ lbs/hp-hr}) =$	<b>35,344.15</b>	lbs/yr

**VOC Emissions:**

(AP-42, Sec. 3.3, Table 3.3-1, TOC, Exhaust + Crankcase, 10/96) Emission Factor =	2.51E-03	lbs/hp-hr
Calculation: $(604 \text{ hp}) * (8,760 \text{ hours/yr}) * (0.00251 \text{ lbs/hp-hr}) * (\text{ton}/2000 \text{ lb}) =$	<b>6.65</b>	ton/yr
Calculation: $(604 \text{ hp}) * (8,760 \text{ hours/yr}) * (0.00251 \text{ lbs/hp-hr}) =$	<b>13,302.20</b>	lbs/yr

**SOx Emissions:**

(AP-42, Sec. 3.3, Table 3.3-1, 10/96) Emission Factor =	2.05E-03	lbs/hp-hr
Calculation: $(604 \text{ hp}) * (8,760 \text{ hours/yr}) * (0.00205 \text{ lbs/hp-hr}) * (\text{ton}/2000 \text{ lb}) =$	<b>5.42</b>	ton/yr
Calculation: $(604 \text{ hp}) * (8,760 \text{ hours/yr}) * (0.00205 \text{ lbs/hp-hr}) =$	<b>10,846.63</b>	lbs/yr

**Haul Roads**

Vehicle Miles Traveled (Estimated)	5	VMT/day
VMT per Hour	0.21	VMT/hr
Hours of Operation	8,760	hrs/yr
	365	days/yr

**PM Emissions:**

Emission Factor = $k * (s / 12)^a * (W / 3)^b = 12.46$ lb/VMT	12.46	lb/VMT
Where: k = constant (Value for PM10, AP 42, Table 13.2.2-2, 11/06)	4.9	lbs/VMT
s = surface silt content (sand/gravel processing, material storage area, Table 13.2.2-1)	7.1	%
W = mean vehicle weight (1994 average loaded/unloaded or a 40 ton truck)	54	tons
a = constant (Value for PM30/TSP, Table 13.2.2-2)	0.7	
b = constant (Value for PM30/TSP, Table 13.2.2-2)	0.45	
Control Efficiency	0	%
Calculation: (8760 hrs/yr) * (0.21 VMT/hr) * (12.46 lb/VMT) * (ton/2000 lb) =	11.37	tons/yr

**PM<sub>10</sub> Emissions:**

Emission Factor = $k * (s / 12)^a * (W / 3)^b = 3.43$ lb/VMT	3.43	lb/VMT
Where: k = constant (Value for PM10, AP 42, Table 13.2.2-2, 11/06)	1.5	lbs/VMT
s = surface silt content (sand/gravel processing, material storage area, Table 13.2.2-1)	7.1	%
W = mean vehicle weight (1994 average loaded/unloaded or a 40 ton truck)	54	tons
a = constant (Value for PM30/TSP, Table 13.2.2-2)	0.9	
b = constant (Value for PM30/TSP, Table 13.2.2-2)	0.45	
Control Efficiency	0	%
Calculation: (8760 hrs/yr) * (0.21 VMT/hr) * (3.43 lb/VMT) * (ton/2000 lb) = 3.13 tons/yr	3.13	tons/yr

**PM<sub>2.5</sub> Emissions: (AP 42, Ch. 13.2.2, 11/06)**

Emission Factor = $k * (s / 12)^a * (W / 3)^b = 0.34$ lb/VMT	0.34	lb/VMT
Where: k = constant (Value for PM10, AP 42, Table 13.2.2-2, 11/06)	0.15	lbs/VMT
s = surface silt content (sand/gravel processing, material storage area, Table 13.2.2-1)	7.1	%
W = mean vehicle weight (1994 average loaded/unloaded or a 40 ton truck)	54	tons
a = constant (Value for PM30/TSP, Table 13.2.2-2)	0.9	
b = constant (Value for PM30/TSP, Table 13.2.2-2)	0.45	
Control Efficiency	0	%
Calculation: (8760 hrs/yr) * (0.21 VMT/hr) * (0.34 lb/VMT) * (ton/2000 lb) = 0.31 tons/yr	0.31	tons/yr

**V. Existing Air Quality**

MAQP #4199-01 is issued for the operation of a portable crushing/screening plant to be initially located in the S ½ Section 26, Township 33 North, Range 16 East, in Hill County, and in those areas for which this facility is permitted to operate, have been designated unclassified/attainment with all ambient air quality standards, and where there are no major air pollution sources in the surrounding area. Also, this facility is a portable source that would operate on an intermittent and temporary basis and any effects to air quality will be minor and short-lived.

**VI. Air Quality Impacts**

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

VII. Ambient Air Impact Analysis

Based on the information provided and the conditions established in MAQP #4199-01, the Department determined that there will be no impacts from this permitting action. The Department believes it will not cause or contribute to a violation of any ambient air quality standard.

VIII. Taking or Damaging Implication Analysis

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

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

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

IX. 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: April 25, 2014