

**MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
OPERATING PERMIT TECHNICAL REVIEW DOCUMENT**

**Air, Energy & Mining Division  
1520 E. Sixth Avenue  
P.O. Box 200901  
Helena, Montana 59620-0901**

Sun Mountain Lumber Company  
Deer Lodge Sawmill  
SW ¼ of Section 4, Township 7 North, Range 9 West, Powell County  
181 Greenhouse Road  
P.O. Box 389  
Deer Lodge, Montana 59722

The following table summarizes the air quality programs testing, monitoring, and reporting requirements applicable to this facility.

<b>Facility Compliance Requirements</b>	Yes	No	Comments
Source Tests Required	X		Method 9 and Method 5
Ambient Monitoring Required		X	
COMS Required		X	
CEMS Required		X	
Schedule of Compliance Required		X	
Annual Compliance Certification and Semiannual Reporting Required	X		
Monthly Reporting Required		X	
Quarterly Reporting Required		X	
<b>Applicable Air Quality Programs</b>	Yes	No	Comments
ARM Subchapter 7 Montana Air Quality Permit	X		MAQP #2634-09
New Source Performance Standards (NSPS)		X	
National Emissions Standards for Hazardous Air Pollutants (NESHAPS)	X		Subpart M
Maximum Achievable Control Technology (MACT)	X		40 CFR 63, Subpart JJJJJ
Major New Source Review (NSR) – includes Prevention of Significant Deterioration (PSD) and/or Non-attainment Area (NAA) NSR		X	
Risk Management Plan Required (RMP)		X	
Acid Rain Title IV		X	
Compliance Assurance Monitoring (CAM)		X	
State Implementation Plan (SIP)	X		General SIP

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## SECTION I. GENERAL INFORMATION

### A. Purpose

This document establishes the basis for the decisions made regarding the applicable requirements, monitoring plan, and compliance status of emissions units affected by the operating permit proposed for this facility. The document is intended for reference during review of the proposed permit by the U.S. Environmental Protection Agency (EPA) and the public. It is also intended to provide background information not included in the operating permit and to document issues that may become important during modifications or renewals of the permit. Conclusions in this document are based on information provided in the original application submitted by Sun Mountain Lumber Company (Sun Mountain), as Louisiana Pacific Corporation (LP) on June 12, 1996, additional submittals received on February 2, March 11, May 17, 1999, and February 23, 2001; the application submitted on February 21, 2001, for Operating Permit #OP2634-01; the application submitted on January 8, 2003, and an additional submittal on August 28, 2003, the Title V Renewal Application submitted on December 13, 2006, additional submittals on January 25, 2007, and April 2, 2007, Title V Renewal Application submitted on May 10, 2012, and the Title V Renewal Application submitted on October 2, 2017.

### B. Facility Location

Sun Mountain's sawmill is located in the SW ¼ of Section 4, Township 7 North, Range 9 West, in Powell County, Montana. The physical address of the mill is 181 Greenhouse Road, Deer Lodge, Montana, 59722. The mill is located approximately 33 miles northwest of the Anaconda-Pintler Wilderness, and rests at an elevation near 4530 feet above sea level.

### C. Facility Background Information

#### Montana Air Quality Permit (MAQP)

**MAQP #2195** was issued to LP on December 11, 1985, for the installation and operation of a Hurst Hog fuel boiler.

MAQP #2634-00 was issued for the construction and operation of an Olivine silo-type wood waste burner, and also covered all existing sources of air pollution at the Deer Lodge sawmill, including cyclones on pneumatic transfer systems, two natural gas boilers, kilns, and other fugitive emissions from mill operations. The Olivine burner replaced a previously existing conical waste burner. On April 3, 1992, **MAQP #2634-00** replaced MAQP #2195.

MAQP #2634-01 was issued to LP to remove the source testing requirements for particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>), carbon monoxide (CO), and volatile organic compounds (VOC) on the Hurst hog fuel boiler. The monitoring and reporting requirements on the York-Shipley boiler, which was removed from service, were also removed. **MAQP #2634-01** replaced MAQP #2634-00 on September 27, 1995.

MAQP #2634-02 allowed the replacement of a multiclone on the Hurst boiler. **MAQP #2634-02** replaced MAQP #2634-01 on July 31, 1996.

MAQP #2634-03 removed the Olivine wood waste burner and all of its associated permit conditions and recognized several de minimis changes that occurred at the facility that affected the emissions inventory. **MAQP #2634-03** replaced MAQP 2634-02 on August 21, 1999. On December 5, 2000, the Department of Environmental Quality (Department) received a complete permit application for the alteration of MAQP #2634-03. The permit action involved the following changes to the facility:

- Installation of two additional lumber dry kilns
- Upgrading of log deck and log processing equipment
- Upgrading the sawmill re-saw
- Upgrading the planer mill with optimizer trimmer, sorter, and stacker, including replacement of the existing shavings cyclone with a newer and more efficient unit
- Installation of a double length infeed

The above projects were expected to proceed over the following 3 years as available funding allowed. The permitted allowable production at the plant was increased from 140-million board feet (MMbf) per year to 200 MMbf per year. To ensure that potential emissions from the facility remained below the New Source Review (NSR) Prevention of Significant Deterioration (PSD) program permitting threshold, LP proposed a maximum production limit of 200 MMbf per year. Finally, the Department updated the equipment list contained in Section I.A of the permit analysis to accurately portray permitted emissions sources at the facility. **MAQP #2634-04** replaced MAQP #2634-03 on February 15, 2001.

On February 27, 2001, the Department received a request from LP for an administrative change to MAQP #2634-04. In the application submitted for MAQP #2634-04, LP requested a production limit on the planer and sawmill of 200 MMbf per year. The language in Section II.A.5 of MAQP #2634-04, as issued, stated “Mill production shall be limited to a maximum of 200 MMbf during any rolling 12-month time period.” LP contended that the term “mill” production could be interpreted to include production from the fingerjoint operation as well as the sawmill. Emissions from the fingerjoint operation are estimated based on the airflow and operating hours of the pneumatic collection system and cyclone and are not dependent on fingerjoint production. Therefore, the production limit stated in the permit was clarified to include only sawmill production.

To ensure that there was no confusion, the Department modified the language in Section III.A.5 to read “*Sawmill* production shall be limited to a maximum of 200 MMbf during any rolling 12-month time period.” In addition, the language in Section II.C.3 was changed to state “LP shall document, by month, the total *sawmill* production in MMbf.”

Further, LP requested that the Department change the reporting requirement contained in Section II.C.1. Section II.C.1, as issued in MAQP #2634-04, required that LP submit information including steam production for the Hurst boiler and hours of operation and airflow of the chip surge bin cyclone that was removed from the facility. LP felt that this information was not necessary for the Department to make a compliance determination or for preparation of the annual emissions inventory.

The Department concurred and modified the language contained in Section II.C.1 to indicate generic language similar to that used in the LP Belgrade mill (MAQP #2809-03) and other similar sources recently permitted by the Department. Further, because the chip surge bin cyclone was removed from the facility, any requirements pertaining to that cyclone were removed. On April 19, 2001, **MAQP #2634-05** replaced MAQP #2634-04.

On June 28, 2001, the Department received a de minimis determination request, from LP, for the installation and operation of a ventilation system in the sawmill building. The system is used for worker safety and industrial hygiene purposes and consists of a blower, various pick-up points, and a 10 feet long cone cyclone. Nominal airflow for the system is 22,000 actual cubic feet per minute (ACFM).

Indoor particulate emissions from various processes at the plant, as described in the de minimis determination request letter, have been previously permitted and the proposed system does not increase emissions from any source. Therefore, because the project did not increase the facility's potential to emit, the project was accomplished in accordance with the Administrative Rules of Montana (ARM) 17.8.745. On September 7, 2001, **MAQP #2634-06** replaced MAQP #2634-05.

On August 29, 2002, the Department received a de minimis change notification from LP for the installation and operation of a new saw to be used for cutting bundles of finished lumber for the purpose of squaring-up the ends of the finished product. Because potential Particulate Matter (PM) emissions resulting from the proposed saw were less than the de minimis threshold of 15 tons per year, the permit action was conducted in accordance with the de minimis rule. An Emissions Inventory demonstrating compliance with the de minimis rule was included in Section III of the Permit Analysis for the permit. On October 12, 2002, **MAQP #2634-07** replaced MAQP #2634-06.

On January 8, 2003, the Department received a complete application from LP for proposed changes to MAQP #2634-07. Specifically, LP requested an increase in allowable PM emissions from the Hurst hog fuel-fired boiler from the currently permitted rate of 0.15 pounds per million British thermal unit (lb/MMBtu) heat input to a proposed emissions rate of 0.30 lb/MMBtu. After review of other similar source emissions limits included in the EPA's RACT/BACT/LAER Clearinghouse, the Department determined that the proposed PM emissions limit of 0.30 lb/MMBtu constitutes Best Available Control Technology (BACT) for the Hurst hog fuel-fired boiler and that the emissions limit of 0.15 lb/MMBtu was inappropriately applied at the time of original permit issuance because LP proposed the limit as BACT.

In addition, on December 6, 2002, the Department received a request from LP for a permit determination under the provisions of the de minimis rule. Specifically, LP proposed the installation and operation of a new rip saw to be housed in the existing finger-joint building. Because potential uncontrolled PM (and all other regulated pollutants) emissions from the proposed rip saw were less than the de minimis threshold of 15 tons per year, the saw was added to the permitted facility in accordance with the de minimis rule. An Emissions Inventory, showing the proposed increase in allowable PM emissions from the Hurst hog fuel-fired boiler and demonstrating that potential uncontrolled emissions from the rip saw were less than the de minimis threshold, was included in Section III of the Permit Analysis to the permit. On March 15, 2003, **MAQP #2634-08** replaced MAQP #2634-07.

On April 5, 2004, the Department received a letter from LP requesting an administrative amendment to MAQP #2634-08 to change the corporate name on the permit from LP to Sun Mountain. MAQP #2634-09 changed the corporate name on the permit and updated the permit to reflect current permit language and rule references used by the Department. On July 30, 2004, **MAQP #2634-09** replaced MAQP #2634-08.

#### Title V Operating Permit

On March 17, 2001, LP was issued final and effective Title V **Operating Permit #OP2634-00** for the operation of a lumber sawmill and associated equipment.

On February 23, 2001, LP submitted a permit application for the modification of Title V Operating Permit #OP2634-00. The modification included applicable changes made to LP's MAQP since issuance of the facility's Title V Operating Permit #OP2634-00.

Changes to LP's MAQP increased allowable sawmill production from 140 MMBf per year to 200 MMBf per year. The sawmill production limit of 200 MMBf per year was incorporated into the operating permit requirements for Log Sawing (EU08). In addition, the increase in production and material throughput resulted in the following emissions units, previously designated as insignificant emitting units (IEU), becoming significant emitting units (EU): Debarking fugitives (EU10), Shavings Truck Loading (EU11), Sawdust Truck Loading (EU12), Bark Loading (EU13), and the Sawdust Bin Target Box (EU14).

Further, because the Sawmill Surge Bin Cyclone (3140 cubic feet per minute (cfm)) (IEU17) is no longer in use at the facility it was removed from the insignificant emitting unit list in the operating permit. In addition, because emissions from the Sawdust Truck Bin Vent (IEU18) and the Shavings Truck Bin Vent (IEU21) are accounted for through EU14 and EU06, respectively, these IEU's were removed from the insignificant emitting unit list in the operating permit.

In addition, the particulate matter testing schedule for the Hurst Hog Fuel Fired Boiler in Title V Operating Permit #OP2634-00 was changed from testing on an every-4-year basis to testing on an every-5-year basis to be consistent with the MAQP and Department testing schedule guidance.

Finally, on March 18, 2002, during the proposed permit stage of the Title V permitting process for significant modifications, LP submitted a letter indicating a required change in the responsible official at the Deer Lodge Mill. The Department considers a change in the responsible official to be an administrative permit amendment not requiring a re-draft of the permit. Therefore, prior to issuance of the Department decision on Title V Operating Permit #OP2634-01, as requested, the Department changed the responsible official from Bruce Mallory to Robert W. Nix, the current plant manager and facility contact. On June 14, 2002, Title V **Operating Permit #OP2634-01** replaced Title V Operating Permit #OP2634-00.

On January 8, 2003, the Department received an application for proposed changes to Title V Operating Permit #OP2634-01. Specifically, LP requested an increase in allowable PM emissions from the Hurst hog-fuel-fired boiler from the currently permitted rate of 0.15 lb/MMBtu heat input to a proposed emissions rate limit of 0.30 lb/MMBtu. After review of other similar source emissions limits included in the U.S. EPA's RACT/BACT/LAER Clearinghouse, the Department determined that the proposed PM emissions limit of 0.30

lb/MMBtu constituted BACT for the Hurst hog fuel-fired boiler and that the emissions limit of 0.15 lb/MMBtu was inappropriately applied as BACT at the time of original permit issuance, because LP proposed the limit as BACT.

In addition, on December 6, 2002, the Department received a request for a permit determination for a proposed insignificant emitting unit at the facility. Specifically, LP proposed the installation and operation of a new rip saw to be housed in the existing finger-joint building. Because potential uncontrolled PM (and all other regulated pollutants) emissions from the proposed rip saw are less than the insignificant emitting unit threshold of 5 tons per year, the saw, and associated equipment, was added to the insignificant emitting unit list. The rip-saw, and associated equipment, has been added to the list of insignificant emitting units under IEU20.

Also, past correspondence from LP indicated that an insignificant emitting unit had been inadvertently left out of the permit. Specifically, the Bark Hog, which feeds the Hurst Boiler (EU01), has been added to the list of insignificant emitting units under IEU19. On October 7, 2003, Title V **Operating Permit #OP2634-02** replaced Title V Operating Permit #OP2634-01.

On April 5, 2004, the Department received an administrative amendment request for the transfer of ownership for the Deer Lodge sawmill from LP to Sun Mountain. On June 5, 2004, **Operating Permit #OP2634-03** replaced Operating Permit #OP2634-02.

On December 13, 2006, the Department received a Title V Operating Permit Renewal Application from Sun Mountain. The application was deemed technically complete on January 29, 2007 upon Sun Mountain's submittal of additional information that was requested by the Department.

In addition, this permit action incorporated the addition of a new insignificant emitting unit (Bundle-Saw (IEU21)) submitted on April 29, 2003, and the addition of a new significant emitting unit (new 35-inch log debarker) submitted April 27, 2004. The Department determined that a new EU identification was not required for the 35-inch log debarker because applicable requirements would be included in more general headings included in Section III.E (Material Handling Cyclones) and Section III.I (Fugitive Emissions).

The draft and proposed versions of the permitting action were incorrectly identified as Operating Permit #OP2634-03. However, Operating Permit #OP2634-03 was already issued in 2004 as an administrative amendment. Therefore, the Department corrected the permit numbering by incrementing the permit number of the current action from OP2634-03 to OP2634-04. On November 10, 2007, Title V **Operating Permit #OP2634-04** replaced Title V Operating Permit #OP2634-03.

On May 10, 2012, the Department received a Title V Operating Permit Renewal Application from Sun Mountain. The application was deemed administratively and technically complete on May 10, 2012. The permit action added 40 CFR 63, Subpart DDDDD to the list of non-applicable requirements, and added conditions to Section III.B of #OP2634-05 requiring Sun Mountain to comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR Part 63, Subpart JJJJJJ - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources for the Hurst Hog Fueled Boiler. 40 CFR 63, Subpart JJJJJJ was finalized on March 3, 2011. The permit action renewed the Title V Operating Permit. Title V **Operating Permit #OP2634-05** replaced Title V Operating Permit #OP2634-04.

#### D. Current Permit Action

On October 2, 2017, the Department received a Title V Operating Permit Renewal Application from Sun Mountain. The application was deemed administratively and technically complete on October 2, 2017. The permit action renews the Title V Operating Permit. There were no substantial changes to the permit as part of this renewal. Title V **Operating Permit #OP2634-06** replaces Title V Operating Permit #OP2634-05.

#### E. Taking and Damaging Analysis

HB 311, the Montana Private Property Assessment Act, requires analysis of every proposed state agency administrative rule, policy, permit condition or permit denial, pertaining to an environmental matter, to determine whether the state action constitutes a taking or damaging of private real property that requires compensation under the Montana or U.S. Constitution. As part of issuing an operating permit, the Department is required to complete a Taking and Damaging Checklist. As required by 2-10-101 through 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)].
	X	5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?
	X	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.

## **F. Compliance Designation**

The facility was last inspected on June 28, 2017. The facility was cited for five (5) violations; 1) violation of Title 40 Code of Federal Regulations (CFR) Part 63, Subpart JJJJJJ, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Area Sources: Industrial, Commercial, and Institutional Boilers (Subpart JJJJJJ) for failing to perform a boiler tune-up per the Subpart JJJJJJ requirements; 2) failing to perform opacity observations as required by the Operating Permit; 3) incomplete certifications as required by the Operating Permit; 4) late report submittals as required by the Operating Permit; and 5) failing to provide DEQ notification of the multi-clone replacement on the Hurst Hog Fuel-Fired boiler in 2014 without providing DEQ the information and notice at least 10 days prior to start-up or use as required by the MAQP, Operating Permit, and the Administrative Rules of Montana (ARM).

On September 8, 2017, Sun Mountain submitted a written response addressing all five (5) violations.

On May 18, 2018, the Department submitted Violation Letter (VL) #20170821-00254 regarding the five (5) violations. The Department accepted Sun Mountain's responses that are detailed in the VL#20170821-00254 and no further action was required.

As of May 18, 2018, the facility is in compliance with the limits and conditions in MAQP #2634-09 and Title V Operation Permit #OP2634-05.

## SECTION II. SUMMARY OF EMISSION UNITS

### A. Facility Process Description

The facility receives raw logs that are sorted and stored prior to being debarked and cut to length. The logs are then processed through various saws into the proper dimension. The rough lumber is then dried in the kilns, followed by planing to produce the finished product. Culled lumber (and short lumber) is sent to the finger-jointer lines for the manufacture of finger-joint studs.

Steam production for the facility is accomplished by the Hurst hog fuel boiler, rated at 32-MMBtu/hr capacity. Sun Mountain also uses a Cleaver-Brooks natural gas boiler, rated at 16.7-MMBtu/hr capacity, for steam backup and for peak use periods.

By products and waste from this mill include:

- Bark, which is separated into hog fuel (consumed on site) and beauty bark (sold off site)
- Sawdust, which is collected via cyclone and loaded onto trucks for outside sale
- Shavings from the planers and jointers are collected via cyclones and sold for off-site use
- Chips, which are collected and sold off site

### B. Emission Units and Pollution Control Device Identification

The emission units regulated by this permit are the following (ARM 17.8.1211).

Emission Unit ID	Emissions Unit Description	Pollution Control Device or Practice
EU01	Hurst Hog Fuel (Wood Waste) Boiler	Multiclone
EU02	Cleaver-Brooks Natural Gas Boiler	None
EU03	Dry Kiln (3ea)	None
EU04	Sawdust-Fingerjoint Cyclone (28,000 CFM)	Cyclone
EU05	Hog Blower Cyclone (13,200 CFM)	Cyclone
EU06	Shavings-Planer Cyclone (8,760 CFM)	Cyclone
EU07	Chip Bin Target Box	None
EU08	Log Sawing	None
EU09	Vehicles, Trucks, and Equipment Fugitives	Water or Chemical Dust Suppressants
EU10	De-Barking Fugitives	None
EU11	Shavings Truck Loading Fugitives	None
EU12	Sawdust Truck Loading Fugitives	None
EU13	Bark Loading Fugitives	None
EU14	Sawdust Bin Target Box	None

### C. Categorically Insignificant Sources/Activities

The following table of insignificant sources and/or activities was provided by the permittee. Because there are no requirements to update such a list, the emissions units and/or activities may change from those specified in the table.

<b>Emissions Unit ID</b>	<b>Description</b>
IEU01	Antifreeze Storage and Handling
IEU02	Ash Handling
IEU03	Beauty Bark Handling & Loading
IEU04	Chipping Fugitives
IEU05	Diesel Storage and Handling
IEU06	Fingerjointing Adhesive Curing Emissions
IEU07	Gasoline Storage and Handling
IEU08	Honing Oil Storage and Handling (<260 gallons)
IEU09	Kerosene Storage and Handling
IEU10	Knife Sharpening Operation (Babbit Smelting)
IEU11	Lumber Stenciling
IEU12	Motor Oil Storage and Handling (<260 gallons)
IEU13	Rail Car Loading w/ Chips
IEU14	Repair and Maintenance Activities
IEU15	Chip Screening
IEU16	Space Heaters
IEU17	Transmission Fluid Storage and Handling
IEU18	Used Oil Storage and Handling
IEU19	Bark Hog
IEU20	Rip-Saw and Associated Equipment
IEU21	Bundle-Saw

## SECTION III. PERMIT CONDITIONS

### A. Emissions Limits and Standards

The current permit action does not change, remove, or add any emissions limits. There are no emissions limits or standards identified in this permit that were not previously applicable to the facility. All emissions limits are listed in the operating permit along with the applicable rule citation for each limit.

### B. Monitoring Requirements

ARM 17.8.1212(1) requires that all monitoring and analysis procedures or test methods required under applicable requirements are contained in operating permits. In addition, when the applicable requirement does not require periodic testing or monitoring, periodic monitoring must be prescribed that is sufficient to yield reliable data from the relevant time period that is representative of the source's compliance with the permit.

The requirements for testing, monitoring, recordkeeping, reporting, and compliance certification sufficient to assure compliance do not require the permit to impose the same level of rigor for all emissions units. Furthermore, they do not require extensive testing or monitoring to assure compliance with the applicable requirements for emission units that do not have significant potential to violate emissions limitations or other requirements under normal operating conditions. When compliance with the underlying applicable requirement for an insignificant emissions unit is not threatened by lack of regular monitoring and when periodic testing or monitoring is not otherwise required by the applicable requirement, the status quo (**i.e., no monitoring**) will meet the requirements of ARM 17.8.1212(1). Therefore, the permit does not include monitoring for insignificant emission units.

The permit includes periodic monitoring or recordkeeping for each applicable requirement. The information obtained from the monitoring and recordkeeping will be used by the permittee to periodically certify compliance with the emissions limits and standards. However, the Department may request additional testing to determine compliance with the emissions limits and standards.

### C. Test Methods and Procedures

The operating permit may not require testing for all sources if routine monitoring is used to determine compliance, but the Department has the authority to require testing if deemed necessary to determine compliance with an emissions limit or standard. In addition, the permittee may elect to voluntarily conduct compliance testing to confirm its compliance status.

### D. Recordkeeping Requirements

The permittee is required to keep all records listed in the operating permit as a permanent business record for at least five years following the date of the generation of the record.

### E. Reporting Requirements

Reporting requirements are included in the permit for each emissions unit and Section V of the operating permit "General Conditions" explains the reporting requirements.

However, the permittee is required to submit semiannual and annual monitoring reports to the Department and to annually certify compliance with the applicable requirements contained in the permit. The reports must include a list of all emissions limit and monitoring deviations, the reason for any deviation, and the corrective action taken as a result of any deviation.

**F. Public Notice**

In accordance with ARM 17.8.1232, a public notice was published in the *Silver State Post* newspaper on or before August 29, 2018. The Department provided a 30-day public comment period on the draft operating permit from August 31, 2018, to October 1, 2018. ARM 17.8.1232 requires the Department to keep a record of both comments and issues raised during the public participation process. The comments and issues received by October 1, 2018, will be summarized, along with the Department's responses, in this technical review document. All comments received during the public comment period will be promptly forwarded to Sun Mountain so they may have an opportunity to respond to these comments as well.

**Summary of Public Comments**

Person/Group Commenting	Comment	Department Response
<b>No Public Comments Submitted</b>		

**G. Draft Permit Comments**

**Summary of Permittee Comments**

Permit Reference	Permittee Comment	Department Response
<b>No Permittee Comments Submitted</b>		

**Summary of EPA Comments**

Permit Reference	EPA Comment	Department Response

#### **SECTION IV. NON-APPLICABLE REQUIREMENT ANALYSIS**

Section IV of the operating permit discussing “Non-applicable Requirements” contains the requirements that Sun Mountain identified as non-applicable and for which the Department concurred. Pursuant to ARM 17.8.1214, Sun Mountain did not request a permit shield for all non-applicable regulatory requirements and regulatory orders when renewing the Operating Permit.

## SECTION V. FUTURE PERMIT CONSIDERATIONS

### A. MACT Standards (Part 63)

As of the issuance date of Title V Operating Permit #OP2634-06 the Department is not aware of any other future MACT that may be promulgated during the permit term that would be applicable to the facility.

### B. NESHAP Standards (Part 61)

As of the issuance date of Title V Operating Permit #OP2634-06, the only National Emissions Standards for Hazardous Air Pollutants (NESHAP) standard that this facility is subject to is 40 CFR 61, Subpart M, "National Emissions Standards for Hazardous Air Pollutants for Demolition and Renovation;" this standard is applicable to any asbestos project. The Department is unaware of any future NESHAP that may be promulgated during the permit term that would be applicable to the facility.

### C. NSPS Standards

The Department is unaware of any applicable Standards of Performance for New Stationary Sources (NSPS) provisions that would affect this facility. The Cleaver-Brooks Natural Gas Boiler has been in operation since before the Subpart Dc applicability date of June 9, 1989. Similarly, the Hurst Hog Fuel Boiler was constructed prior to the applicability date for Subpart Dc.

### D. Risk Management Plan

As of the issuance date of Title V Operating Permit #OP2634-06, this facility does not exceed the minimum threshold quantities for any regulated substance listed in 40 CFR Part 68.115 for any facility process. Consequently, this facility is not required to submit a Risk Management Plan.

If a facility has more than a threshold quantity of a regulated substance in a process, the facility must comply with 40 CFR 68 requirements no later than 3 years after the date on which a regulated substance is first listed under 40 CFR 68.130; or the date on which a regulated substance is first present in more than a threshold quantity in a process, whichever is later.

### E. CAM Applicability

An emitting unit located at a Title V facility that meets the following criteria listed in ARM 17.8.1503 is subject to Subchapter 15 and must develop a CAM Plan for that unit:

- The emitting unit is subject to an emissions limitation or standard for the applicable regulated air pollutant (unless the limitation or standard that is exempt under ARM 17.8.1503(2));
- The emitting unit uses a control device to achieve compliance with such limit; and

- The emitting unit has potential pre-control device emissions of the applicable regulated air pollutant that is greater than major source thresholds.

The Hurst Hog Fuel Boiler does not have the potential pre-control device emissions greater than 100 TPY; therefore, this boiler is not currently subject to CAM requirements.

## **F. PSD and Title V Greenhouse Gas Tailoring Rule**

On May 7, 2010, EPA published the “light duty vehicle rule” (Docket # EPA-HQ-OAR- 2009-0472, 75 FR 25324) controlling greenhouse gas (GHG) emissions from mobile sources, whereby GHG became a pollutant subject to regulation under the Federal and Montana Clean Air Act(s). On June 3, 2010, EPA promulgated the GHG “Tailoring Rule” (Docket # EPA-HQ-OAR-2009-0517, 75 FR 31514) which modified 40 CFR Parts 51, 52, 70, and 71 to specify which facilities are subject to GHG permitting requirements and when such facilities become subject to regulation for GHG under the PSD and Title V programs.

Under the Tailoring Rule, any PSD action (either a new major stationary source or a major modification at a major stationary source) taken for a pollutant or pollutants other than GHG that would become final on or after January 2, 2011 would be subject to PSD permitting requirements for GHG if the GHG increases associated with that action were at or above 75,000 TPY of carbon dioxide equivalent (CO<sub>2e</sub>) and greater than 0 TPY on a mass basis. Similarly, if such action were taken, any resulting requirements would be subject to inclusion in the Title V Operating Permit. Facilities which hold Title V permits due to criteria pollutant emissions over 100 TPY would need to incorporate any GHG applicable requirements into their operating permits for any Title V action that would have a final decision occurring on or after January 2, 2011.

Starting on July 1, 2011, PSD permitting requirements would be triggered for modifications that were determined to be major under PSD based on GHG emissions alone, even if no other pollutant triggered a major modification. In addition, sources that are not considered PSD major sources based on criteria pollutant emissions would become subject to PSD review if their facility-wide potential emissions equaled or exceeded 100,000 TPY of CO<sub>2e</sub> and 100 or 250 TPY of GHG on a mass basis depending on their listed status in ARM 17.8.801(22) and they undertook a permitting action with increases of 75,000 TPY or more of CO<sub>2e</sub> and greater than 0 TPY of GHG on a mass basis. With respect to Title V, sources not currently holding a Title V permit that have potential facility-wide emissions equal to or exceeding 100,000 TPY of CO<sub>2e</sub> and 100 TPY of GHG on a mass basis would be required to obtain a Title V Operating Permit.

The Supreme Court of the United States (SCOTUS), in its *Utility Air Regulatory Group v. EPA* decision on June 23, 2014, ruled that the Clean Air Act neither compels nor permits EPA to require a source to obtain a PSD or Title V permit on the sole basis of its potential emissions of GHG. SCOTUS also ruled that EPA lacked the authority to tailor the Clean Air Act’s unambiguous numerical thresholds of 100 or 250 TPY to accommodate a CO<sub>2e</sub> threshold of 100,000 TPY. SCOTUS upheld that EPA reasonably interpreted the Clean Air Act to require sources that would need PSD permits based on their emission of conventional pollutants to comply with BACT for GHG. As such, the Tailoring Rule has been rendered invalid and sources cannot become subject to PSD or Title V regulations based on GHG emissions alone. Sources that must undergo PSD permitting due to pollutant emissions other than GHG may still be required to comply with BACT for GHG emissions.