



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

APR 18 2018

Ms. Tressia Contreras  
FNF Construction, Inc.  
115 South 48<sup>th</sup> Street  
Tempe, Arizona 85252

**Re: Approval of Request for Coverage for a Portable Concrete Batch Plant in Indian Country;  
Facility ID # 31; Application # 2018-004-GP**

Dear Ms. Contreras:

This letter provides the U.S. Environmental Protection Agency (EPA), Region 9's determination in response to the Request for Coverage under the General Air Quality Permit for New or Modified Minor Source Cement Batch Plants in Indian Country (Concrete Batch Plants General Permit) that the EPA received from FNF Construction Inc. (FNF) pursuant to the Clean Air Act (CAA) Tribal Minor New Source Review (NSR) Program. The project for which Concrete Batch Plants General Permit coverage is sought by FNF is the construction and operation of a portable concrete batch plant (Project) located at the Window Rock Airport within the Navajo Nation tribal land in Window Rock, Apache County, Arizona. The Project is for the reconstruction of the existing Runway 2-20 (7,000 feet by 75 feet), and would include all necessary pavement markings and limited shoulder regrading and seeding.

**Permittee:** FNF Construction, Inc., 115 South 48<sup>th</sup> Street, Tempe, Arizona 85282

**Location(s):** Window Rock Airport, Window Rock, Apache County, Arizona

**Determination**

The EPA has carefully reviewed FNF's Request for Coverage, as specifically defined in our Technical Support Document (TSD) for this action, and other relevant information to determine whether the Project meets the criteria to qualify for coverage under the Concrete Batch Plants General Permit. Based on our review of, and in reliance on, the information and representations provided in the Request for Coverage, the EPA has determined that the Project meets all such criteria and is eligible for coverage under the Concrete Batch Plants General Permit. Accordingly, pursuant to 40 CFR 49.156(e), the EPA is hereby approving the Request for Coverage for the Project. Our analysis and basis for our determination is discussed in more detail in our TSD for this action.

This Approval of the Request for Coverage authorizes the Permittee to construct and operate the permitted source only at the facility location(s) listed above, and in accordance with FNF's Request for Coverage. All notifications and reports under this Approval of Request for Coverage under the Concrete Batch Plants General Permit shall be sent to the addresses identified in the TSD. The Permittee is subject

to Version 1.0 of the aforementioned Concrete Batch Plants General Permit, a copy of which is enclosed with this Approval of Request for Coverage.<sup>1</sup>

This Approval of Request for Coverage must be posted prominently at the current site location, and each affected emissions unit must be labeled with the applicable identification number listed below:

**List of Affected Emission Units**

<b>ID #</b>	<b>Equipment Name</b>	<b>Control Technology</b>	<b>Year of Construction</b>
1	Concrete Silo	Baghouse	1986
2	Aggregate Hopper	Moisture in Material	1986
3	Mixer Pugmill	Wet Enclosed	1986
4	Concrete Feeder	Baghouse	1986
5	Water Tank	--	1986
6	Conveyor	Wet Material	1986
7	Dump Hopper	Wet Material	1986
8	Concrete Baghouse	Baghouse	1986
9	Engine	--	1986

**Applicable Permit Conditions**

Your permitted source is generally subject to all terms and conditions in the Concrete Batch Plants General Permit. However, the requirements for permitted sources located in nonattainment areas do not apply to your source. Your source will be located in an area that is currently designated as attainment for all NAAQS pollutants. Your source is therefore subject to the emission limits for sources in attainment areas.

**Additional Information**

You are reminded that you must construct and/or modify and operate the affected emissions units, and any associated air pollution control technologies, in compliance with the Concrete Batch Plants General Permit and all other applicable federal air quality regulations and in a manner consistent with all the representations made in your Request for Coverage.

---

<sup>1</sup> The Concrete Batch Plants General Permit is also available at <http://www.epa.gov/air/tribal/tribalnsr.html>, and a copy of this Approval will be posted on Region 9's website at <http://www.epa.gov/caa-permitting/tribal-nsr-permits-region-9>.

You must comply with all applicable provisions of the General Permit, including those set forth in the attachments and emission limitations that apply to the affected emissions units at the permitted source. Noncompliance with any permit provision is a violation of the permit and may constitute a violation of the CAA; is grounds for an enforcement action; and is grounds for the EPA to revoke the Approval of the Request for Coverage and terminate your source's coverage under this General Permit. You may be subject to enforcement action for failure to obtain a preconstruction permit if you construct your source under this Approval of Request for Coverage and your source is later determined not to qualify for the conditions and terms of the Concrete Batch Plants General Permit.

Pursuant to 40 CFR 49.156(e)(8), this Approval of Request for Coverage under the Concrete Batch Plants General Permit will become invalid if you do not commence construction within 18 months after the date when this Approval of Request for Coverage becomes effective, if you discontinue construction for a period of 18 months or more, or if you do not complete construction within a reasonable time, unless the EPA extends the 18-month period upon a satisfactory showing that an extension is justified.

The EPA's Approval of Request for Coverage for the Project is a final agency action for purposes of judicial review only for the issue of whether the Project qualifies for coverage under the Concrete Batch Plants General Permit. See 40 CFR 49.156(e)(6). Any petition for review of this approval action must be filed in the United States Court of Appeals for the appropriate circuit pursuant to CAA section 307(b).

If you have any questions, please contact Shaheerah Kelly at (415) 947-4156 or [Kelly.Shaheerah@epa.gov](mailto:Kelly.Shaheerah@epa.gov).

Sincerely,



Elizabeth Adams  
Acting Director, Air Division

Enclosures (2):

- (1) Concrete Batch Plants General Permit Version 1.0
- (2) Technical Support Document

cc (w/ enclosures):

Dr. Donald Benn, Executive Director, Navajo Nation Environmental Protection Agency  
Eugenia Quintana, Navajo Nation Environmental Protection Agency  
Tennille Begay, Navajo Nation Environmental Protection Agency