



# Request for Coverage under the General Air Quality Permit for New or Modified Minor Source Hot Mix Asphalt Plants in Indian Country

## Technical Support Document

**Permittee:** Central Manufacturing, Inc.  
P.O. Box 939  
Moses Lake, Washington 99220

**Project Name:** Central Manufacturing Hot Mix Asphalt Plant – Wapato Pit

**Location:** Wapato Pit  
250 Cowin Lane (across the road), Wapato, Washington  
Yakima County  
Yakama Reservation  
Latitude: 46.471° N; Longitude: 120.513° W

**Source Contact:** Tyson Morris, Territory Manager  
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**Date:** May 21, 2019

**Permit #:** R10TNSR01900

## Background

The Clean Air Act (CAA) provides the U.S. Environmental Protection Agency (EPA) with broad authority to protect air resources throughout the nation, including air resources in Indian Country. In 2011, the EPA finalized the Tribal New Source Review (NSR Rule), codified at 40 CFR Part 49, as part of a Federal Implementation Plan in order to protect tribal air resources from impacts due to the construction of new or modified stationary sources of air pollutants where there is no EPA-approved NSR program. 76 Fed. Reg. 38748 (July 1, 2011). Among other requirements, the Tribal NSR Rule set forth procedures and terms under which the Agency would administer a minor NSR permitting program in Indian Country.

As part of the Tribal NSR Rule, the EPA adopted the option of developing general permits for certain categories of minor sources to which the Tribal NSR Rule would apply. See 40 CFR 49.156. The purpose of a general permit is to provide for the protection of air quality while simplifying the permit issuance process for similar facilities in order to minimize the burden on the reviewing authority and the regulated sources. The EPA finalized the General Air Quality Permit for New or Modified Minor Source Hot Mix Asphalt Plants (HMA General Permit) in Indian Country effective June 1, 2015 (80 Fed. Reg. 25068 (May 1, 2015)). New and modified minor sources that are true minor sources or major sources seeking to become synthetic minor sources may apply for coverage under the HMA General Permit if the emission increase for new, modified, and existing units is below major source thresholds and the source can meet the throughput limits and other terms and conditions set forth in the General Permit. Sources seeking coverage under this General Permit must also demonstrate that they meet certain additional eligibility criteria.

This Technical Support Document (TSD) describes Region 10's analysis of the Applicant's Request for Coverage for the Project and our determinations concerning this request.

### **Request for Coverage under HMA General Permit**

On March 21, 2019, Region 10 received an initial Request for Coverage under the HMA General Permit from Central Manufacturing to construct and operate a hot mix asphalt (HMA) plant synthetic minor source on the Yakama Reservation (the Project). The request included one location, the Wapato Pit, which is within the exterior boundaries of the Yakama Reservation in Washington state. Additional information was received on March 20, 2019. Additional information was requested by Region 10 on April 19, 2019, and received on April 20, 2019.

Central Manufacturing plans to co-locate the HMA plant with a stone quarrying, crushing and screening plant (SQCS). The SQCS approval was processed as a separate Region 10 action, as explained below. Central Manufacturing is considered the "Applicant" and the "Permittee" for the Project.

### **Approval of Request for General Permit Coverage**

Based on a review of and reliance on all of the information and representations provided in the Request for Coverage and other relevant information, Region 10 has determined that the Project qualifies for coverage under the HMA General Permit because it meets all of the required criteria. In particular, and as further described below:

- The Project is for a synthetic minor (drum) HMA plant that only produces hot mix asphalt and is located within Indian Country.
- The Project is located in an attainment, unclassifiable or attainment/unclassifiable area for all National Ambient Air Quality Standards (NAAQS) pollutants.
- The plant will only use distillate fuel oil (a type of diesel) fuel in the dryer/mixer.
- The dryer mixer is controlled by a baghouse.
- Only electric auxiliary heaters will be used.
- No stationary engines or generators will be used.
- Each asphalt and fuel storage tank has a capacity less than 39,890 gallons.
- The Project will be co-located with a SQCS plant and will comply with conditions 17 and 20.b of the HMA General Permit to limit combined emissions of regulated NSR-regulated pollutants to less than 100 tons per year.
- The Applicant has met the eligibility criteria related to federally-listed species and has completed the screening process for historic properties.

This Approval and the HMA General Permit authorize the Permittee to operate the Project within the exterior boundaries of the Yakama Reservation at the location described on page 1 of this TSD (Wapato Pit is across the road and to the west from the office at 250 Cowin Lane).

### **Project Description**

The Wapato Pit (Parcel # 18110199990) is an active quarry owned by Wheeler Rock Products (note that Wheeler refers to the quarry as Wheeler Pit). Central Manufacturing proposes to construct (locate) and operate a portable HMA plant as a stationary source at the Wapato Pit. The HMA plant has a design capacity of 250 tons per hour of hot mix.

Wheeler operates a rock crushing operation and a concrete batch plant at the quarry. Both of Wheeler's operations have been approved for coverage under EPA's general permits: the rock crushing operation is

under the SQCS General Permit (Permit # R10TNSR00600) and the concrete batch plant is under Concrete Batch Plant (CBP) General Permit (Permit # R10TNSR00500). Wheeler’s concrete batch plant operates independent of Central Manufacturing’s HMA plant. Wheeler’s rock crushing operation supplies aggregate for Wheeler’s concrete batch plant and Central Manufacturing’s HMA plant. Central Manufacturing and Wheeler do not share ownership and are not owned by a common company. Central Manufacturing has requested to be subject to the co-location requirements in the HMA General Permit.

**Central Manufacturing HMA Plant: Affected Emission Units Covered by this Approval**

ID #	Description of Affected Emission Units	Controls
1	<b>HMA Drum Dryer/Mixer:</b> PVM9-EMS (CMI-250); portable/stationary, parallel-flow design drum; 250 tons/hour capacity; RAP capability; 96.8 mmBtu/hr burner, fueled with distillate fuel oil; manufactured 1990	CMI Model RA3-18P Baghouse
2	<b>Aggregate Handling:</b> aggregate to piles via trucks; from piles to drum dryer via loader; 250 tons/hour capacity; constructed 2018	Water spray in loader area
3	<b>RAP Handling:</b> recycled asphalt to piles via trucks; to drum dryer via loader and Recycle Feed Conveyor; 250 tons/hour RAP capacity; constructed 2018	None
4	<b>Silo Filling:</b> asphalt to silo from drum dryer via Drag Conveyor; 250 tons/hour capacity; constructed 2018	None
5	<b>Truck Loading and Fumes:</b> asphalt load-out from silos to trucks and fumes from loaded truck bed while in plant; 250 tons/hour capacity; constructed 2018	Water application
6	<b>Vehicle Traffic:</b> asphalt, aggregate and RAP trucks; diesel tanker trucks; loader for aggregate and RAP handling; passenger vehicles	Water application
7	<b>Aggregate Storage Piles and Open Areas</b>	None
8	<b>Asphalt Oil Storage Tank:</b> 30,000 gallons asphalt oil; electrically heated; installed April 2018	None
9	<b>Asphalt Oil Storage Tank:</b> 12,000 gallons asphalt oil; electrically heated; installed April 2018	None
10	<b>Diesel Storage Tank:</b> 10,000 gallons distillate fuel oil; installed April 2018	None
11	<b>Diesel Storage Tank:</b> 8,000 gallons distillate fuel oil; installed April 2018	None

**Ambient Air Quality**

The geographic area where the Project will be located is designated attainment or attainment/unclassifiable under the CAA for all NAAQS pollutants. The area experiences high ambient fine particulate matter (PM2.5) levels, approaching the ambient standard of 35 micrograms per cubic meter (ug/m3), caused primarily by wood stove use during wintertime inversions. During the road construction season (March through November), with the exception of wildfire events, daily PM2.5 levels measured in Toppenish and Yakama, the nearest monitoring locations, rarely exceed 20 ug/m3 and are typically around 10 ug/m3 or less. The HMA General Permit contains limits on emissions and operations sufficient to ensure that the HMA plant is not a major source and to ensure that emissions would not cause or contribute to a violation of any NAAQS. 80 Fed. Reg. at 25085. The HMA General Permit contains requirements that limit PM2.5 emissions. The SQCS and CBP General Permits that apply to Wheeler’s operations also contain requirements that limit PM2.5 emissions. Region 10 does not have reason to be concerned that operation of the operations in compliance with the general permits

would cause or contribute to a NAAQS or PSD increment violation. Region 10 therefore believes that the HMA General Permit is appropriately protective of the NAAQS.

Regarding high PM<sub>2.5</sub> ambient pollution levels caused by wildfires during the road construction season, NAAQS violations attributed to wildfires may qualify as exceptional events and be excluded in determining attainment of the NAAQS under EPA’s Exceptional Event Rule (40 CFR 50.14).

Nonetheless, the EPA has the authority to address emissions detrimental to public health and welfare under the Federal Air Rules for Reservations (FARR) and under the CAA. Under 40 CFR 49.137, if the EPA determines that air pollutants are approaching, or have reached, levels that could lead to a threat to human health, the agency is authorized to declare air pollution alerts, warnings or emergencies. During an air pollution warning or air pollution emergency, the EPA may issue an order to any air pollution source requiring such source to curtail or eliminate the emissions. The agency also has the authority to issue an order pursuant to Section 303 of the CAA to require an owner or operator to immediately reduce or cease the emission of air pollutants that are presenting an imminent and substantial endangerment to public health or welfare or to the environment.

### Emissions

A source in an attainment area must obtain a major source construction permit if its emissions of regulated NSR pollutants will be greater than 100 tons per year for listed source categories and 250 tons per year for non-listed categories. A source in an attainment area must obtain a major source operating permit if its emissions will be greater than 100 tons per year for regulated pollutants and 250 tons per year for PM. A source must obtain a minor NSR permit if its emissions are less than the major source construction permitting thresholds, but more than the minor NSR permitting thresholds in the table below. Permit limitations, also called synthetic minor limits, are considered in determining whether a source will be a major source.

**Tribal Minor NSR Permitting Thresholds (tons per year)**

<b>Pollutant</b>	<b>Nonattainment Areas</b>	<b>Attainment Areas</b>
CO	5	10
NO <sub>x</sub>	5	10
SO <sub>2</sub>	5	10
VOC	2	5
PM	5	10
PM <sub>10</sub>	1	5
PM <sub>2.5</sub>	0.6	3
Lead	0.1	0.1
Fluorides	NA	1
Sulfuric acid mist	NA	2
Hydrogen sulfide	NA	2
Total reduced sulfur	NA	2
Reduced sulfur compounds	NA	2

A new or modified source that is required to obtain a minor NSR permit may qualify for coverage under a minor NSR general permit in lieu of obtaining a site-specific permit. To qualify for the General

Permit, the new or modified source must meet the eligibility criteria in the Request for Approval (see the Approval of Request for General Permit Coverage section above) and be able to comply with the limitations in the General Permit. If a new or modified source does not meet the specified criteria or cannot comply with the limitations in the General Permit, the source does not qualify for coverage under the General Permit and must apply for a site-specific minor NSR permit or other applicable NSR permit.

The HMA General Permit includes enforceable physical or operational limitations on the maximum capacity of the source to emit air pollutants, including air pollution control equipment and restrictions on the type or amount of material combusted, stored, or processed. The permit is designed to ensure emissions remain below the major source construction and operating permit thresholds.

The SQCS General Permit also includes restrictions designed to limit emissions below the major source permitting thresholds. When an HMA plant is co-located (two operations functioning as one source at the same location) with a SQCS facility, emissions from both sources must be totaled to determine the applicable permitting program. Both general permits include special limitations that apply to co-located sources to ensure that the total emissions from both operations are less than the major source permitting thresholds.

The potential emissions contained in the table below are based on the material throughput limits and fuel consumption limitations for co-located HMA plants and SQCS plants that are specified in the respective general permits and assume compliance with those limitations. For more information about how these emissions were calculated, please see the [Background Document: General Air Quality Permit for New or Modified Minor Source Hot Mix Asphalt Plants in Indian Country \(Final\) \(PDF\)\(25 pp, 857 K, 03/23/15\)](https://www.epa.gov/sites/production/files/2016-03/23/15) at <https://www.epa.gov/sites/production/files/2016-05/documents/hotmixasphaltbackgrounddocument.pdf>.

**HMA Plant (Controlled) Potential to Emit Summary**

Process	Pollutant (tons/year)						
	PM	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>2</sub>	NO <sub>x</sub>	CO	VOC
Co-located HMA Plant and SQCS Plant	86	63	30	18	90	78	27

Our evaluation of whether the Project qualifies for coverage under the HMA General Permit included consideration of past compliance records and available emission testing results. In September 2018, the emissions from the drum mixer (CO, NO<sub>x</sub>, VOC, SO<sub>2</sub>, PM and opacity) were tested. The measured emissions were below the NO<sub>x</sub>, PM and opacity limits in the HMA General Permit (there are no VOC or SO<sub>2</sub> emission limits in the General Permit). The measured CO emissions were above the limit in the HMA General Permit. Based on original manufacturer specifications, Central Manufacturing believes the drum mixer burner can be tuned to meet the CO emission limit and has agreed to tune the burner on the first day of operations at Wapato Pit (projected to be May 23, 2019). Immediately following the tune up, Central Manufacturing plans to retest the CO and NO<sub>x</sub> emissions from the drum dryer burner to confirm that the tune up adequately lowered the CO emissions to below the emission limit and did not cause an increase in NO<sub>x</sub> emissions above the NO<sub>x</sub> emission limit in the permit. For combustion systems in general, when CO emissions go down, NO<sub>x</sub> emissions go up and vice versa, so it is essential that the burner be retested for both CO and NO<sub>x</sub> to establish that that the unit qualifies for coverage under the HMA General Permit. At the permittee’s request, the effective date of this approval will be May 22, 2019, to allow equipment setup on the day before beginning operations and tuning and testing to ensure compliance with the CO and NO<sub>x</sub> limits on the first day of operation at Wapato Pit.

No other compliance records indicate that the source cannot comply with the limitations in the HMA General Permit. Accordingly, assuming source testing on May 23, 2019, demonstrates that the Project's emissions will meet the emission limits in the HMA General Permit, the source is eligible for coverage under the HMA General Permit.

### **Listed Species-Related Eligibility Criteria**

The EPA developed eligibility criteria related to species that are listed as endangered or threatened under the federal Endangered Species Act that applicants must satisfy to qualify for coverage under the HMA General Permit. Appendix A to the Request for Coverage form for the HMA General Permit provides detailed screening procedures for applicants to follow to assess the potential impacts of their sources on federally-listed species and their critical habitat. To be eligible for coverage under a General Permit, sources must demonstrate that they have satisfactorily completed the screening procedures and that they meet one of the species-related eligibility criteria, provide sufficient documentation supporting the criterion selected and obtain confirmation from the EPA that they have done so.

The Applicant's Request for Coverage states that the Project meets Criterion D of Appendix A with respect to listed species protection, noting that the quarry has been previously approved for rock crushing and concrete batch plant operations associated with the Wheeler operations. The Request for Coverage included a map of the Project location showing the property boundaries associated with the Project. This information indicates that the Project is located in an agricultural area and is an active rock quarry.

The previous approvals of coverage for the Wheeler operations stated that those projects met Criterion A because the FWS had not indicated that there are any listed species and/or critical habitat that could exist within the specific action area of the Project. For this Project, Region 10 requested input from the U.S. Fish and Wildlife Service and National Marine Fisheries Service. Both organizations confirmed that they had no concerns with this approval.

After review and consideration of this information, Region 10 agrees that the Applicant has completed the species-related screening procedures and has demonstrated by providing the appropriate information and documentation that the proposed Project meets Criterion D of the listed species-related eligibility criteria for coverage under the HMA General Permit. Per Appendix A of the Request for Coverage, this HMA plant would meet Criterion D because the quarry has been approved in the past and informal consultation with federal agencies has confirmed there are no new concerns about the Project, as well as Criterion A because no listed species and/or critical habitats are likely to occur within action area of the Project.

### **Historic Properties-Related Eligibility Criteria**

EPA engaged in the National Historic Preservation Act (NHPA) Section 106 process when the General Permit was issued. Requests for approval under the General Permit are not subject to NHPA Section 106, but are subject to the NHPA screening requirements in Appendix B of the Request for Coverage. The EPA developed the screening process in Appendix B of the Request for Coverage to enable source owners/operators to appropriately consider the potential impacts, if any, resulting from the construction, modification, and/or operation of a new or modified emission source on historic properties that are either listed on or eligible for listing on the National Register of Historic Places and, if applicable, determine whether actions can be taken to mitigate any such impacts. To be eligible for coverage under the HMA General Permit, sources must demonstrate that they have satisfactorily completed the screening procedures and that they meet one of the historic property-related eligibility criteria, provide sufficient

documentation supporting the criterion selected and obtain confirmation from the EPA that they have done so.

With respect to the Project, the Applicant indicated in the Request for Coverage that the screening process in Appendix B of the Request for Coverage form had been completed to determine if the construction, modification or operation of the Project has the potential to cause effects to historic properties. The Request for Coverage indicated that no historic properties would be affected by the Project. This conclusion was based on the fact that the impact area is an existing quarry and prior earth disturbances on part of the site have diminished the likelihood that historic properties exist on the Wapato Pit site. Wheeler's existing operations at the site received approval from EPA in 2017.

On the Yakama Reservation, the Tribal Historic Preservation Officer (THPO) is the lead for the historical preservation program. Region 10 contacted the THPO for input on the proposed site location regarding historic properties and cultural issues. After reviewing the information available and the proposed site location, the THPO concluded in an email on April 26, 2019, that she had no comments because the work will be occurring in a site that had prior approval and had been heavily disturbed.

Region 10 has concluded that the Project meets the historic property-related eligibility criteria "no historic properties affected" and that the Project is consistent with the historic property-related eligibility criterion for coverage under the HMA General Permit.

### **Environmental Justice**

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations in the United States.

The EPA believes the human health or environmental risk associated with this action will not have disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations. The EPA's primary goal in developing the HMA General Permit was to ensure that air resources in Indian Country will be protected in the manner intended by the CAA. The HMA General Permit will limit adverse impacts by restricting operations and emissions. In addition, the HMA General Permit is part of a flexible preconstruction permitting program for minor sources in Indian Country that is comparable to similar programs in neighboring states in order to create a more level regulatory playing field for owners and operators within and outside of Indian Country. The HMA General Permit reduces an existing disparity by filling the regulatory gap.

As explained above, the general permit was designed to be protective of the NAAQS, and Region 10 therefore believes that the HMA General Permit, in conjunction with Wheeler's general permits, is appropriately protective of the NAAQS with respect to the Project. Compliance with the NAAQS is emblematic of achieving a level of public health protection that demonstrates that a proposed facility will not have a disproportionately high and adverse human health or environmental effects on minorities or low-income populations. See, e.g., *In re Shell Offshore Inc.*, 13 E.A.D. 357, 404-5 (EAB 2007).

### **Tribal Consultation**

The applicant sent an electronic copy of the HMA application and supporting information to the Yakama Nation environmental staff on March 19, 2019. Region 10 forwarded the application to the Yakama Nation THPO on March 22, 2019. Additional information was shared with the tribal staff as it

was received. On April 23, 2019, tribal environmental staff informed Region 10 that they had no air quality concerns about the project. Region 10 sent a letter to the Chairman of the Yakama Nation on March 25, 2018, offering consultation on this EPA permitting action. EPA did not receive a request for formal consultation associated with this Project.

### **Public Participation**

As described in 40 CFR 49.157, issuance of general permits pursuant to the Tribal NSR Rule must meet public participation requirements. Before issuing a permit under the Tribal NSR program, the EPA must prepare a draft permit and must provide adequate public notice to ensure that the affected community and the general public have access to the draft permit information. The public notice must provide an opportunity for a 30-day public comment period and notice of a public hearing, if any, on the draft permit. Consistent with these requirements, during the development of the proposed HMA General Permit, the EPA followed the applicable public participation process and received numerous comments. The EPA considered and addressed these comments in its issuance of the final HMA General Permit (See 80 Fed. Reg. 25068 (May 1, 2015)).

In contrast, a 30-day public comment period under 40 CFR 49.157 is not required for an approval of a request for coverage of a particular source under a General Permit. Region 10 posted the request for coverage on its website on about March 25, 2019, prior to the issuance of any decision to approve or deny the request for coverage and requested the public to submit any concerns about the applicant's eligibility to construct under the General Permit. Region 10's air permits website can be found at: <https://www.epa.gov/caa-permitting/caa-permitting-epas-pacific-northwest-region>.

Region 10's Approval of the Request for Coverage for the Project is a final agency action for purposes of judicial review only for the issue of whether the Project is eligible for coverage under the HMA 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).