



# Request for Coverage under the General Air Quality Permit for New or Modified Minor Source Concrete Batch Plants in Indian Country

## Technical Support Document

**Permittee:** Wheeler Rock Products  
P.O. Box 99  
Wapato, Washington 98951

**Project Name:** Wheeler Rock Products Concrete Batch Plant

**Location:** 250 Cowin Lane, Wapato, Washington 98951

**Source Contact:** Beth Hodgson, (509) 328-7500, beth@springenvironmental.com

**Date:** May 3, 2022

**Permit #:** R10TNSR00501 (replaces R10TNSR00500)<sup>1</sup>

## Background

In early 2022, Region 10 initiated a review of past General Permit Approvals of Coverage, to make corrections of errors, where needed. The original August 11, 2017, approval of this project was found to be addressed incorrectly and the intended source contact was not properly specified. The May 3, 2022 update of the Approval provides the corrected addressee (Ms. Trina Wheeler, President), the corrected source contact as originally indicated in the application (Beth Hodgson of Spring Environmental). Also, the EPA contact information has been updated.

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. Unlike states, Indian tribes are not required to develop CAA new source review (NSR) permitting programs. See, e.g., Indian Tribes: Air Quality Planning and Management, 63 Fed. Reg. 7253 (Feb. 12, 1998) (also known as the Tribal Authority Rule). In the absence of an adequately implemented EPA-approved NSR program, in 2011, the EPA finalized the Tribal 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. 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. 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 Concrete Batch Plants

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<sup>1</sup> The approval was administratively revised, effective May 3, 2022.

(CBP General Permit) in Indian Country effective November 16, 2016 (81 Fed. Reg. 70944 (October 14, 2016)). 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 CBP General Permit if their potential to emit 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 Permits. Sources seeking coverage under this General Permit must also demonstrate that they meet certain additional eligibility criteria.

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

On February 1, 2017, Region 10 received an initial Request for Coverage under the CBP General Permit from Wheeler Rock Products (Wheeler) to operate as a synthetic minor source for their pre-existing facility in Wapato, Washington. The project for which CBP General Permit coverage is sought is the continued operation of a pre-existing concrete batch plant, which will entail operation of the pre-existing equipment at the Wheeler Pit site in Wapato, Washington (the Project).

Wheeler is considered the “Applicant” and the “Permittee” for the Project. 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.

The Project is located at the Wheeler Pit at 250 Cowin Lane, Wapato, Washington, 98951, at an existing quarry within the Yakama Indian Reservation.

The geographic area where the Project will be located is designated attainment or attainment/unclassifiable under the CAA for all National Ambient Air Quality Standards (NAAQS) pollutants.

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

Based on a review of, and in 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 meets all the criteria for coverage under the CBP General Permit and is approving the Request for Coverage for the Project. Region 10’s review with respect to the criteria is discussed in more detail below.

## Equipment Description

Table 1. List of Affected Emission Units Covered by this Approval of Request for CBP General Permit Coverage

<b>ID #</b>	<b>Description of Affected Emission Units &amp; Capacity</b>	<b>Control Technology</b>	<b>Date of Manufacture</b>
B1	Aggregate Storage Bin-59BBL; 9 tons per hour capacity	Water Spray	06/01/2015
B2	Cement I Storage Silo-970 BBL; 145 tons per hour capacity	Dust Collector	06/01/2015
B3	Cement II Storage Silo-565 BBL; 85 tons per hour capacity	Dust Collector	06/01/2015
C1	CON-E-CO Conveyor 1; 241 tons per hour capacity	Water Spray	06/01/2015
C2	CON-E-CO Conveyor 2; 241 tons per hour capacity	Water Spray	06/01/2015
C3	CON-E-CO Conveyor 3; 241 tons per hour capacity	Water Spray	06/01/2015
WH	CON-E-CO Weigh Hopper; 241 tons per hour capacity	Baghouse	06/01/2015

Region 10's Approval of Request for Coverage for the Project is based in part on representations by Wheeler in the Request for Coverage that there will be no stationary source engines powering the equipment at the concrete batch plant. In addition, the permittee has not indicated whether nonroad (mobile) engines will operate at the site, even though nonroad engines may be operated at the site identified above for a period of less than one year (see nonroad engine definition at 40 CFR § 89.2). However, Region 10 notes that if nonroad engines are intended to be utilized at the site for the concrete batch plant at the Wheeler facility for a period of at least one calendar year (or for a shorter time, if operations are conducted on a seasonal basis for consecutive seasons), or are actually utilized for this length of time, the engines would be considered stationary sources and subject to further requirements under the CBP General Permit. Accordingly, the Project would not be eligible for coverage based on the current Request for Coverage, which does not indicate that stationary engines will be utilized for the Project. To operate stationary engines at the Wheeler Pit site would require an additional request for coverage and approval under the CBP General Permit and compliance with this General Permit's requirements for stationary engines, or, alternatively, approval under an individual permit issued pursuant to the Tribal NSR Program or other applicable NSR Program implemented by Region 10 depending on the magnitude of the source's potential emissions.

Wheeler has not proposed to operate a degreaser, so the list of affected emission units covered does not include a degreaser, and operation of a degreaser at the Project is not authorized by this approval.

### Eligibility Criteria

Based upon our review of the Request for Coverage, Region 10 has determined the Project qualifies for the CBP General Permit because it meets the following criteria:

- The Project is for a synthetic minor source concrete batch plant.
- The Permittee has agreed to comply with Condition 15 of the CBP General Permit to produce less than 2,000,000 cubic yards of concrete per year based on a 12-month rolling total.
- As discussed further below, the Applicant has met the eligibility criteria related to listed species and historic properties.

**Potential to Emit (in tons/year)**

Potential to emit (PTE) means the maximum capacity of a stationary source to emit an air pollutant under its physical and operational design. The CBP General Permit includes enforceable physical or operational limitations on the maximum capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation and/or on the type or amount of material combusted, stored, or processed. PTE is meant to be a worst-case emissions calculation and is used in many cases to determine the applicability of federal CAA requirements. Actual emissions are typically lower than PTE. Our evaluation of whether the Project qualifies for the CBP General Permit included consideration of the limitations on PTE in the CBP General Permit.

The Tribal NSR Rule establishes specific PTE thresholds for new or modified stationary sources that trigger the requirement to obtain a preconstruction permit under the Tribal Minor NSR program. See Table 2.

Table 2. Tribal Minor NSR Permitting Thresholds (tons per year)

<b>Pollutant</b>	<b>Nonattainment Areas</b>	<b>Attainment Areas</b>
CO	5	10
Nox	5	10
SO2	5	10
VOC	2	5
PM	5	10
PM10	1	5
PM2.5	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

Projects at new or modified sources that must obtain Tribal Minor NSR program preconstruction permits based on PTE at or above these Tribal minor NSR thresholds may qualify for coverage under a Tribal

Minor NSR general permit in lieu of obtaining a site-specific permit. In order to qualify for the CBP General Permit, the new or modified source must have a PTE below the major NSR source thresholds and meet criteria related to the size of equipment and maximum production rates at the source and other eligibility criteria. If a new or modified source does not meet the specified criteria, the source does not qualify for coverage under the CBP General Permit and must apply for a site-specific Tribal NSR permit or other applicable NSR permit.

In this case, Wheeler determined that the Project triggered the preconstruction permit requirements under the Tribal Minor NSR Rule and is seeking to obtain coverage under the CBP General Permit in lieu of obtaining a site-specific permit. As such, Region 10 has taken into account the enforceable limitations under the CBP General Permit in determining the PTE for the Project, whether it is a major source, and whether it is eligible for the CBP General Permit.

The Project’s PTE does not exceed the applicable CAA NSR major source thresholds in attainment areas (250 tons per year for each pollutant) based on a maximum throughput limited by the CBP General Permit of 2,000,000 cubic yards per year. The emissions contained in Table 3 below were calculated using the EPA’s Potential to Emit Calculator for Concrete Batch Plants in Indian Country (Final) (XLS)(1 pg, 252 K, 07/01/16) obtained at <https://www.epa.gov/tribal-air/6-source-categories-concrete-batch-plants-final-action>. Accordingly, the Project’s potential emissions are at a level that qualifies it for coverage under the CBP General Permit.

Table 3. Concrete Batch Plant Potential to Emit Summary (includes controls)

Process	Pollutant (tons/year)						
	PM	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>2</sub>	NO <sub>x</sub>	CO	VOC
Concrete Batch Plant	45.52	16.08	2.09	-	-	-	-

This Project will be co-located at the same site as a stone quarrying, crushing, and screening operation that is owned and operated by Wheeler. Wheeler has applied to obtain coverage under the EPA’s SQCS General Permit for the co-located stone quarrying, crushing and screening operation. The CBP and SQCS general permits will allow each of these operations to avoid being classified as major sources for air quality permitting purposes. Major source means any stationary source, or group of stationary sources, that are located on one or more contiguous or adjacent properties, are under common control and belong to the same Standard Industrial Classification major group. If determined to be parts of the same major source, the emissions from the SQCS and CBP operations would be combined to determine whether the aggregated stationary source is major. The individual and aggregated potential to emit from the two operations is presented in Table 4 below.

Table 4. Concrete Batch Plant and SQCS combined Potential to Emit Summary (includes controls)

Process	Pollutant (tons/year)						
	PM	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>2</sub>	NO <sub>x</sub>	CO	VOC
Concrete Batch Plant	45.52	16.08	2.09	-	-	-	-

Process	Pollutant (tons/year)						
	PM	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>2</sub>	NO <sub>x</sub>	CO	VOC
SQCS Facility	4.52	1.87	0.13	-	-	-	-
Combined Operations	50.04	17.95	2.22	-	-	-	-

Because the aggregated emissions are below the major source threshold, there is no need to formally determine whether the two operations are a single stationary source and Region 10 has not made that determination. For more information concerning Region 10's issuance of a General Permit covering Wheeler's CBP please see <https://www.epa.gov/caa-permitting/air-permits-issued-epa-region-10#general-permit-coverage>.

### 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 CBP General Permit. Appendix A to the Request for Coverage form for the CBP 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 Request for Coverage states that the Project meets Criterion B of Appendix A with respect to listed species protection. The Request for Coverage attached the relevant documentation pertaining to the Project and supporting their selection of Criterion B of Appendix A. Based on habitat requirements and an analysis of the available habitat within the boundaries of the proposed Project and the action area, the documentation shows that listed species could exist in the Project's action area. However, in a report dated January 8, 2015, the Yakama Nation Wildlife Resource Management Program reviewed the potential listed species that could occur in the Project's action area and found "No habitat exists for any of these species within the proposed project area and the project is anticipated to have no effect on these species or their habitat." In an email, dated March 7, 2017, Region 10 provided a copy of this report and requested the input of the U.S. Fish and Wildlife Service (FWS) regarding any concerns they may have on listed species and/or critical habitat in the Project area. In an email, dated March 13, 2017, FWS responded that based on the information provided the FWS does not disagree with the finding of the Yakama Nation's 2015 report. The documentation in our record demonstrates that the construction and operation of the Project are not likely to cause any adverse effects to the listed threatened or endangered species or their critical habitat. After review and consideration of this information and documentation, Region 10 agrees that the Applicant has completed the species-related screening procedures and has demonstrated, providing appropriate documentation, that the proposed Project meets Criterion A, and not Criterion B, of the listed species-related eligibility criteria for coverage under the CBP General Permit. Per Appendix A of the Request for Coverage, this facility would meet Criterion A because the FWS has not indicated that there are any listed species and/or critical habitat that could exist within the specific action area of the Project.

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

The EPA developed the screening process in Appendix B of the Request for Coverage form 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 and, if applicable, determine whether actions can be taken to mitigate any such impacts. To be eligible for coverage under the CBP 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 source is an existing quarry and prior earth disturbances preclude the existence of historic properties in the area, both in the quarry and on the access roads. The Request for Coverage also included a search of the National Register of Historic Places which did not indicate any historic sites in or around the Project.

Region 10 has concluded that the Applicant has demonstrated that it has satisfactorily completed the historic property-related screening procedures and that the Project meets one of the historic property-related eligibility criteria -- in this case, "no historic properties affected" -- and that the Applicant has provided sufficient documentation supporting the criterion selected. Region 10 has concluded that the Project is consistent with the historic property-related eligibility criterion for coverage under the CBP General Permit, based on the documentation provided in the Request for Coverage.

## **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 CBP 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 CBP General Permit (See 81 Fed. Reg. 70994).

For coverage of a particular source under the CBP General Permit, the EPA is required to provide the public an opportunity to comment on whether the source meets the criteria for coverage under the general permit. Region 10 accomplishes this by posting the request for coverage of a particular source on Region 10's air permits website prior to the issuance of any decision to approve or deny the request for coverage. Also, Region 10 confirms that the applicant sent a copy of the request for coverage to the appropriate Tribal air pollution authority impacted by the Project. Region 10's air permits website can be found at: <https://www.epa.gov/caa-permitting/air-permits-issued-epa-region-10>.

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 CBP General Permit (see 40 CFR 49.156(e)(6)). Any petition for review of this approval action must be filed with the EPA's Environmental Appeals Board (EAB) pursuant to 40 CFR 49.159(d) within 30 days after the service of notice announcing this final agency decision.